Women living under muslim laws
النساء في ظل قوانين المسلمين
Femmes sous lois musulmanes

International solidarity network
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Special Bulletin
on
Fundamentalism and Secularism in South Asia

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## Special Bulletin on Fundamentalism and Secularism in South Asia

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### Introduction

Over the past decade or so South Asia has seen a notable growth in the activities and influence of religiously orthodox groups, many of which have direct and indirect backing of the State and governments.

This development has had a profound impact on the region's women, their struggle for rights and their involvement in the development process.

The present WLUM Special Bulletin, with its focus on the South Asian countries of Bangladesh, India and Pakistan, outlines the history behind this development; points to the impact on women and society in general; traces the challenges facing religion in South Asia, especially Islam; and includes theoretical debates on alternative strategies for women.

Above all, the articles and papers included in the Special Bulletin illustrate the complexity of the social, political and economic factors involved in the growth in South Asia of what is frequently termed 'fundamentalism'. But as the writers also argue, the term is understood differently by different people. Moreover, secularism, as so far practised in the region, has proved largely unsatisfactory and has failed to solve women's problems.
Women living under muslim laws

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Women Living Under Muslim Laws

is a network of women whose lives are shaped, conditioned or governed by laws, both written and unwritten, drawn from interpretations of the Koran tied up with local traditions.

Generally speaking, men and the State use these against women, and they have done so under various political regimes.

Women Living Under Muslim Laws

addresses itself

to women living where Islam is the religion of the State, as well as to women who belong to Muslim communities ruled by minority religious laws.

to women in secular states where Islam is rapidly expanding and where fundamentalists demand a minority religious law, as well as to women from immigrant Muslim communities in Europe and the Americas,

and to non-Muslim women, either nationals or foreigners, living in Muslim countries and communities, where Muslim laws are applied to them and to their children.

Women Living Under Muslim Laws

was formed in response to situations which required urgent action, during the years 1984-85.

The case of three feminists arrested and jailed without trial, kept incommunicado for seven months, in Algeria, for having discussed with other women the project of law known as "Family Code", which was highly unfavorable to women.

The case of an Indian Sunni woman who filled a petition in the Supreme Court arguing that the Muslim minority law applied to her in her divorce denied her the rights otherwise guaranteed by the Constitution of India to all citizens, and called for support.

The case of a woman in Abu Dhabi, charged with adultery and sentenced to be stoned to death after delivering and feeding her child for two months.

The case of the "Mothers of Algiers" who fought for custody of their children after divorce.

amongst others...

The campaigns that have been launched on these occasions received full support both from women within Muslim countries and communities, and from progressive and feminists groups abroad.

Taking the opportunity of meeting at the international feminist gathering "Tribunal on Reproductive Rights" held in Amsterdam, Holland, in July 1984, nine women from Muslim countries and communities: Algeria, Morocco, Sudan, Iran, Mauritius, Tanzania, Bangladesh and Pakistan, came together and formed the Action Committee of Women Living Under Muslim Laws, in support of women's struggles in the concerned contexts.

This Committee later evolved into the present network.

The objectives of Women Living Under Muslim Laws are

• to create links amongst women and women's groups (including those prevented from organising or facing repression if they attempt to do so) within Muslim countries and communities,
• to increase women's knowledge about both their common and diverse situations in various contexts,
• to strengthen their struggles and to create the means to support them internationally from within the Muslim world and outside.

In each of these countries till now women have been waging their struggle in isolation.

Women Living Under Muslim Laws aims at

• providing information for women and women's groups from Muslim countries and communities
• disseminating this information to other women from Muslim countries and communities
• supporting their struggles from within the Muslim countries and communities, and make them known outside,
• providing a channel of communication amongst women from Muslim countries and communities.

These objectives are fulfilled through

• building a network of information and solidarity
• disseminating information through "Dossiers"
• facilitating interaction and contact between women from Muslim countries and communities, and between them and progressive and feminists groups at large.
• facilitating exchanges of women from one geographical area to another in the Muslim world.
ISLAMIC VALUES AND MODERNISM
Professor Karrar Hussain

1. Al-Din-ul-Qayyim and Qalb

I begin my paper with the Quranic concept of Al-Din-ul-Qayyim. Al-Din is, of course, 'the Way', 'the Law', 'the Religion' and Qayyim conveys the sense of something that is standing, established, perennial, straight, powerful, universal. So this term has been translated as 'established religion', 'right religion', 'true religion', 'supreme law', 'standard religion'.

(12:40): "He has commanded that you worship none but Him alone. This is the Din-ul-Qayyim but most people know (it) not." (30:30): "So set thy face to the religion, O man of pure and perfect faith; the principal order of God's creation, upon which He created man. This is the Din-ul-Qayyim but most people know it not."

Thus Al-Din-ul-Qayyim is worshipping none but God which implies following or imitating, in utmost purity and in the spirit of exclusive devotion, the original basic pattern of God's creation upon which man has been moulded.

Now for some comments:

1. Fitrat is the structural principle or original pattern subsumed in all creation. Fitrat is not be identified with what is usually called 'nature', nor fitratulah with the 'laws of nature'. For though pursuit of scientific knowledge is good, a part of hikmat, identification would land us into scientism, a deviation into which great men have fallen. The macrocosm or the universe is the creation of God and microcosm, the man, is the creation of God and fitrat is the tie of affinity between the two, because it defines all creation. Let us now seek out some of attributes that shape the creation of God.

a) (46:3) On the cosmic level, we are told that everything that God has created He has created in Truth. This is one of the very frequently repeated verses in the Holy Book. Truth or haq has the sense of (1) accordance, correspondence, congruity; (2) something that is established in its own right; (3) something which is because it must be. Truth is truth not because it corresponds with anything else. Other things are true only because and insofar as they correspond with Truth. Another attribute of creation is beauty or excellence. God has made everything that He has created beautiful; (32:7). Yet another attribute is that everything that God has created He has created in just measure and in just balance and proportion. We may thus define all creation by saying that its substance is Truth, its form is Beauty and its measure is Just.

b) Rising from the cosmic level to the moral level, khaliq refers to the outer form of man, khulq is the inner pattern-desires, likes and dislikes, judging and willing. Taking value in the ordinary sense of what makes something desirable or what makes our reactions and actions good or righteous or beautiful or just or honourable is their conformity to the nature of the universe and the nature of man structured by God. Values are thus not a matter of opinion but of knowledge; they are objective, well grounded in the fitratullah, the original pattern of God's creation. A thing is good or bad not because you and I think it is so but because it is so, the world being what it is and man being what he is. Values are absolute, not relative, though in their application they are conditioned by the particular situation. "There is no change in the creation of God." Imperatively, no change is to be made in the divine pattern of creation. Man is free in that he is free to choose the divine law of his nature that will enable him to become what he is created and fashioned to be; to realize his destiny in which alone lies his happiness and his freedom.

c) On the spiritual level, man is made of clay and God has breathed of His spirit in him and the progeny of Adam, in the primordial stage testified upon themselves to the overall lordship of
God and every object in existence bears the divine touch and sings the glories of God: (62:1)

2. Thus we conclude that all creation is spiritual in nature, everything turns to God. Divine attributes like Truth, Beauty and Justice are reflected as ground principles of all creation and man is innately disposed towards them. Out of this emerge the criterion (....) of good and evil, of light and darkness, of life and death. The tree of life also bears the fruit of knowledge for every soul is inspired with the knowledge of what is wrong for it and what is right for it.

This is the Din-ul-Qayym. It is this religion that has been revealed to all the Prophets in diverse forms and perspectives (42:14). It is Islam in its most essential, universal sense, submission to God, that is the only true religion with God. The concept of Din-ul-Qayym is the centre of the transcendent and the most essential and principal unity of all religion.

The faculty corresponding to Din-ul-Qayym is qalb. Qalb is the organ of the human soul. Our sufis associate it with the alam-e-amer ‘the world of command’ as distinguished from the alam-e-khaalq ‘the world of creation’ in which it is placed. It is qalb that makes religion possible. It converts things into divine signs and makes us God conscious in the world of eyes and ears and of human dealings. It enables us to decipher the meaning of Divine Signs in its own language and makes us akin to all that is.

The angel Gabriel brought down the Divine Revelation and poured it into the qalb of our Holy Prophet. The qalb is the seat of peace and certainty. It justifies belief and validates experience and Remembrance of God is its food.

Its functioning has been designated under various aspects in the Holy Book, aqala, fikara, fahima, faqaha, tafakkara, tadaburar: ‘reasoning’, ‘meditating’, ‘willing’, ‘intellecting’, ‘probing’, ‘penetrating’. It is receptive, creative, regulative of all other faculties, perceptions and thinking and feeling and imagination and intuition.

When the qalb is whole and healthy, the soul goes on progressing from state to state, from the carnal soul to the soul at peace, well pleased with its God and God well pleased with it. Where the qalb becomes diseased or crooked or goes blind and is sealed, the ears become blocked and the eyes are veiled and the understanding and all other faculties become vitiated and perverted.

II. The Islamic Perspective

(35:24): "Very surely we have sent thee with Truth, bearer of glad tidings and warner. And no community (ummah) there is but a warner has come unto it." (42:13): "And He ordained for you the din which He enjoined upon Noah and which we have revealed to you; and that we enjoined upon Abraham and Moses and Jesus saying; Establish the din and be not divided therein." (2:136): "We make no division between them (Prophets and apostles) to Him (God) we surrender." (5:48): "And we have sent down to Thee the Book confirming whatever of Book there was before it and protecting it. So judge between them according to what God has sent down and do not follow their caprices, forsaking the Truth that has come to thee. To everyone of you we have appointed a right way and an open road. If God had willed he would have made you one ummah; but that he may try you in what has come to you. So be you forward in good works; unto God is your return, all together and He will tell you of that wherein you were at variance."

From these texts we learn:

(1) Humanity is one but classed into diverse ummahs. (2) To every ummah a warner has been sent (In fact, it is the warner who builds and shapes the ummah). (3) The teachings of all the Prophets originate in Divine Revelation, or Revelation of the One, the Absolute Reality. (4) Every religion is a sacred tradition, starting in submission to God and growing in diverse perspectives along its own right way and open road also appointed by God. (5) Each tradition is one organic whole. The discipline is to be strictly followed. But every advance must be in the direction of goodness and goodness is reverence for God and kindness to His creatures.

These considerations land us into the intricate problem of the One and the many. Plato in
one of his books states two propositions: (1) the one is not a many and the many is not a one; and (2) yet it may be said that the one is a many and the many a one and then remarks - "these are wonderful propositions for whoever affirms either is very open to attack".

Humbly observing that one way to reconcile this eternal paradox is to hold that the one can be known only by its reflection into the units of many, we proceed on to explicate briefly the Islamic perspective of life and values.

1. God is the One, the Unique, the Absolute, Being, creating, sustaining, revealing Himself, on different levels of existence, through His Majesty, His Benevolence, His Providence, Mercy and Guidance and finally integrating all creation unto Himself. Anything and everything that is lower than God (and God is the Highest) and other than God and is set up for worship is an idol, be it an idol of stones, of self, of possessions, pleasure, profit, power, wealth, pride of blood and race and nation and institutions, secular or sacred. Worship of God starts with negation of idols.

2. Man is theomorphic, God-oriented, in deepest and closest relationship with God. God has breathed of His spirit in man and the soul of man, even in the primordial stage, has affirmed the all-lordship of God and entered into a covenant with Him. He is a being, creative and responsible for himself and for the world and accountable to God and is endowed with intelligence and freedom to enable him to bear this trust. Man is capable of approaching nearer and nearer to God and also of estranging himself from God through his own ignorance and transgression.

3. All guidance comes from God. He has appointed His messengers. He gives some the wisdom to believe in them and so in the last messenger, our Prophet Muhammad and submit to the discipline of Law that God revealed to the Prophets and to Him for the salvation of all mankind. Following this path, of right belief and right action, man is led by the grace of God to grow in knowledge and being and from the worldly life to get reborn into the godly life. Our Prophet, to whom Truth was revealed and The Book, which is the revelation of Truth in word, constitute our ever living Law, our Way, our guide to Truth.

4. Belief in God, in its social implication, means solidarity and equality among the human family and freedom from all but the internal and external discipline of God and it means respect for man as man, for his humanity and individuality that are of infinite value.

5. Ideally, the millat is characterised by a living vision of Truth and Justice, a positive attitude to human dignity, and readiness to sacrifice for the cause of Allah. Sooner or later, Allah bestows upon it dominion over earth as a reward and as a responsibility, if it perseveres in holding to Truth and is patient. Though God does not interfere in the shaping of history directly, it is the relationship which a millat establishes with its God that determines its shape and destiny.

6. Pursuit of the worldly life alienates man from his own self and his God. Yet the world is not to be rejected but accepted with gratefulness and with patience, though with a bit of detachment. For the world with all its attractions and temptations, with its sins and sufferings provides a man of faith with more opportunities than he can fully avail of, for attaining salvation and self-fulfilment and peace and joy. The man of faith does not deny or despise the mundane work-a-day life but seeks to impregnate and illumine it with the spirit of religion and sanctify it by evolving a higher spiritual and moral life out of it. Quantity has no value of its own but only as it promotes quality. The distinction between the sacred and the profane lies not in the things but in the attitude of mind towards things.

7. The teaching of Islam is (1) purification and integration of self, and pursuit of knowledge and wisdom as far as the self is concerned; and (2) abolishing all forms of false worship and iniquity, and establishing justice and benevolence as far as the society is concerned. To proceed along the straight path of Right-faith and Right-action and fight, with all moral and physical resources, against all obstacles, internal and external is Jihad, which synthesises contemplation and action and is the Muslim philosophy of life.
8. Conquest of nature, inner and outer, is man's destiny. But power which is not animated by the spirit of goodness is self-destructive. Vicegerency of God cannot be the portion of those who may have mastered all the forces of nature but are slaves to their own passions and are blind to the meaning and purpose of life.

III. Modernism

It is the age of the West which is the reference of progress everywhere. We have yet to find our place in the comity of nations and history of man. Let us proceed to summarise some of its features as follows:

(i) A spirit of inquisitiveness and exploration; innovations and experiments; inventions; expansion of Knowledge; almost an unmanageable heap of information. (ii) Industrialisation, mass participation in economic life, specialisation, central management and coordination, interdependence; world markets. (iii) National sovereignty versus need of world order; governments becoming mammoth organisations; self-determination and self-assertion of smaller and smaller groups. (iv) A systematic application of technology and the use of new forms of energy to attain the highest degree of efficiency in production and destruction. (v) Emergence of individualism out of a breakdown of organic society; growth of personal gratification; what is called a 'rational' life style - pursuit of profit, power and pleasure; orientation towards change and becoming a cog in the machine and driven to form organisations based on interest for sheer survival; personal relationships determined by social role and contractual in nature; a society getting increasingly impersonal; living under constant pressure of mass media and advertisement which is also entertainment; getting impatient of economic and social pressures, slipping into violent excitement...

Let us now look to the other side of the picture.

1. In the west there is an active spirit of self criticism. Most of the 'evils' of the west that our dictators gloat over are those that Westerners themselves have identified as problems. If western civilisation is foredoomed to death, and the symptoms of decay are pretty obvious, it will at least be said that they went down with their eyes open.

2. Their religious thought instead of being locked into cold storage has progressed in conflict and compromises with living streams of science and philosophy.

3. Being in the midstream of global life, they are more conscious of the crises of the modern age; more considerate towards human rights and freedom, and haltingly, are moving towards an institutionalised idea of the oneness of the world.

4. They have gone through the full circle of affluence, and the few reflective souls among them are likely to realize the hollowness of a life based on quantitative values. They are increasingly turning to exploring ancient traditions and seeking perennial wisdom.

5. They have brought fresh light to bear on the meaning and significance of our own all-but-forgotten science, philosophy and traditions of sufi life and culture. And it is they who told us what a heavy debt Europe owes to mediaeval Islamic learning for ushering in their Renaissance and their modern age of science and secularism.

We have much to learn from the west. And learning is a pious duty, only next in merit to its complementary act of teaching.

IV. Islam in the modern world in the Pakistani context

1. A widespread disease among the Muslims is their romanticising about the past, perhaps a heritage of colonial experience. This attitude produces a certain uniqueness and aggressiveness but it also betrays a lack of self-confidence and shrinking of responsibility and blaming one's failures and frustrations on others and a mental obsession of fear and suspicion.

2. We may not, in our obsession with the past glories of Muslim conquests and our equating
them with the triumph of Islam and in our zeal to revive those glories, forget the primacy of faith in religious life. The parable in the Holy Book is that of a tree, the good life growing from the seed of faith: (14:24-25). The goodly tree grows by the grace of God. It has to be tended by man assiduously. Changing the metaphor, man builds up his vision under the inspired guidance of the Book and the Prophet’s traditions laid down by him and imbibed and lived by the Imams and Saints, and then follows that living and magnetising vision, ever heedful, through worship and prayer, through hope and fear and self-surrender. That is the ideal of Faith.

3- The Book tells us: (14:4): "And we have sent no messenger save with the language of this people that he might make all clear to them; then God leads astray whomsoever He will and He guides whomsoever He will and He is the All-mighty, All-wise. Language is an evergrowing, everchanging system of sounds, practices and patterns used by a group of people for communication. The patterns reflect the entire environment of the group: physical, social, mental. And in order to apprehend the meaning, the idea has to be gleaned from the language. This extraction of the universal from the particular is not a mechanical art. It is the fruit of deepest experience. The language of the Scripture is the language of power, stimulating attitudes leading to conviction and conversion; it is the language of knowledge awakening the consciousness of unseen truths and the allegiances and responsibilities to the world; and yet it is the language of the common man. It has to be symbolic. Its verses are called ayat, Signs, Signs of God, addressing the whole of man and demanding the exposure of the whole of man.

4. The more we internalise the Islamic vision of life through worship, meditation and remembrance, and the more we imbibe the traditions of life and learning from which we have become all but cut off, the more shall we be able to assimilate from western thought what is congenial to our genius and what will enrich and strengthen our identity. Islamic thought progressed through assimilation of so many intellectual and spiritual currents: Greek, Persian and Indian. Because the Islamic identity was strong it could make those foreign influences a part of itself. Today when our identity has grown weak we are swamped by the influences of the west - all the time cursing them and cursing even our own past for the ‘Ajamite influences’ and seeking shelter in the shell of puritanism and fundamentalism. The remedy does not lie in making the ludicrous attempt to similarise science and philosophy but to Islamise ourselves and learn science and philosophy without mental reservations and as science and philosophy come to us they will become automatically Islamised. Our Prophet asked the Muslims to seek learning even as far as China, not to Islamise Chinese learning, 'seek wisdom wherever you find it for wisdom is the lost property of the faithful'.

5- Looking to the general obsession with the concept of ideology let it be emphasised that
religion is not an ideology. An ideology, by its nature, is subjective, relative, exclusive. It deals with some aspect of external social reality, is based on empirical ideas and concepts, and is related to some place and time. Religion deals with the whole man and his ultimate destiny, is based on eternal truths and is absolute, objective and all inclusive. Nor do all the systems, into which religion is fragmented - the political and economic and social nizams hitched together - make up religion, just as all the limbs of the human body put together do not make the human body. In such operations, all life is pressed out of Islam and Islam is rationally reduced into a skeleton of anthropology or sociology.

6. The relation of religion and politics needs to be carefully revised. The role of religion in politics usually takes two forms. It is used by some politicians to make political gains and by some governments as a diversionary policy. The business of politics and economics is, by its very nature, secular. And I make a plea for secularism in order to save religion from exploitation and politics from confusion.

7. Secularism is opposed to fundamentalism. It does not negate religion. It restores to religion its integrity by freeing it from the prison house of dogma and ritualism and from bondage to the interest of the state, and allows it to work freely to reinterpret and reintroduce Islamic values in current society. Islam is the most secular of all religions, though ittehad in Islamic thought has been of a very straggling growth and its contribution to social progress has been almost nil. Fundamentalism is sticking to the letter of the law without caring for its spirit or considering its viability in the changed historical situation. It interprets religion in a dogmatic way leading to the imposition of an inquisition and attended by the twin evils of hypocrisy and fanaticism. Fundamentalism errs by ignoring the present reality and reversing the historical process through which the present reality has crystallised. The historical process is a creation of God and such an attempt is changing the creation of God, meddling with the basic law of creation. Such an attempt is not only futile; it gives rise to many forces of tyranny. 'Revile not time for God says (according to a tradition) I am time'.

8. Our society is very different from tribal Arab society in the days of the Prophet. Social relations and the position of women were very much determined by the nature and needs of that society. The socio-economic institution of slavery was very much a part of social organisation. The idea of the spoils of war as a source of revenue is unthinkable today. Their methods of production, commerce and trade and the resulting production relations were very different from today's. There would always be a fringe of poverty in that society while today there is no reason why poverty should be allowed to persist. The choice of a mode of government was very different for them. The world in those days was a collection of isolated, scattered communities and civilizations. Today the world tends towards one global village. Such was the form into which the Prophet breathed his divinely enlivening, transmuting breath. The choice for us is now Spirit or Form. In the words of A.N. Whitehead "You may preserve the life in a flux of form, or preserve the form amid an ebb of life, but you cannot enclose the same life in the same mould."

9. And what did the Holy Prophet do? (i) He did not abolish the tribe, but put this fact in its proper place: tribes are for identification, honour belongs to taqwa. Now in the days of growing individualism and an expanding world, the nation is our identification. Despite all diatribes against nationalism, the nation state has come to stay and must be built in a secular, rational way. And such quality of life is to be cultured within this framework as may bring honour to the millat and contribute some good to humanity. (ii) The Holy Prophet did not abolish slavery which would have, then, upset the social organisation and confounded the slaves themselves. He humanised the institution of slavery and for the first time the truth was declared that the slave was not a chattel; he is a human being, a creature of God, and as such has rights that must be respected -- a lesson that we need to relearn today, that human beings are not just figures, to be defined and treated according to their social role. Every problem, it may be economic or political, in time of war or peace has a human aspect and ignoring this aspect would be denying God. (iii) Spoils of war cannot be included among the sources of public revenue but jehad shall ever be the Islamic philosophy of life. Islam expects every Muslim to strive for refining and sublimating the
motive springs of his life by fighting against his basic nature and for articulating the ideals of Truth and Justice in society and be ready to sacrifice his all for the sake of preserving and promoting those ideals against external and internal enemies.

10-The strategy of forcing people, through government edict, to register their attendance at ritualistic prayers is the surest way of killing the spirit of religion, for religion is incompatible with compulsion. Establishment of prayers starts with exhorting people to pray and fulfils itself by impregnating the general atmosphere of everyday living with the spirit of prayer, that is, by abolishing the worship of different kinds of idols, and eliminating glaring inequalities and evolving unity based on common reverence for God and shared service to man and justice. Money is power and usury was abolished to emancipate the common people from the tyrannical use of that power. Which section of power, it may be asked, has been emancipated from which tyranny to justify our reform of interest into 'mark up'. And yet in our day there are many more forms in which money power is used to exploit people. If we sincerely mean to follow the injunctions about usury, there is no other way but to seek those forms of tyranny and abolish them. Life's problems cannot be solved by manipulating scholastical syllogisms.

11-Lastly religion operates on a higher level of consciousness, giving us new aims, new ways and new outlook. The Holy Book likens faith to the opening of the eyes and the ears and the awakening of the heart into a new life. With insights drawn from that level of being and guided by the principles and values enunciated in the teaching of the Book and demonstrated by the practice of the Prophet we shall be better able to tackle the problems of our age. But our problems in order to be real must grow from our life; they must be formulated on the economic and political planes to which they belong and discussed in the idiom which belongs to that plane.

It may be through the assimilation of inner experience and outer experiment, we may play a worthy part in that search for wisdom and light which is spread all over the world and we may succeed, by the Grace of God, in evolving a pattern of life which will be a blessing for us and not without some meaning and message to all mankind.


Is the ‘Shari’ah’ divine?
Riffat Hassan

For many contemporary Muslims, being a Muslim means following the Shari’ah of Islam, as pointed out by the well-known Iranian Muslim scholar, Seyyed Hossein Nasr, who says:

"The Shari’ah is the Divine law by virtue... Only he who accepts the injunctions of the Shari’ah as being upon him is a Muslim although he may not be able to realise all of its teachings or follow all of its commands in life. The Shari’ah is the ideal pattern for the individual’s life and the law which binds the Muslim people into a single community. It is the embodiment of the Divine will in terms of specific teachings whose acceptance and application guarantees man a harmonious life in this world and felicity in the hereafter... The Shari’ah is Divine Law, in the sense that it is the concrete embodiment of the Divine will according to which man should live in both his private and social life. In every religion Divine Will manifests itself in one way or another and the moral and spiritual injunctions of each religion are of Divine origin. But in Islam the embodiment of the Divine Will is not a set only of general teachings but of concrete ones. Not only is man told to be charitable, humble or just, but how to be so in particular instances of life... (it) is the blueprint of the ideal human life. It is a transcendent law which is at the same time applied in human society, but never fully realised because of the imperfections of all that is human. The Shari’ah corresponds to a reality that transcends time and history. Rather, each generation in Muslim society should seek to conform to its teachings and apply it anew to the conditions in which it finds itself. The creative process in each
generation is not to remake the law but to reform men and human society to conform to the Law." (The Ideals and Realities of Islam, London, 1975, pp. 93-96.)

There is much in this passage which is of crucial significance for modern Muslims. However, before reflecting on this, it may be useful to note that the term ‘Shari’ah’ comes from the root Shar‘ah which means ‘to open’, ‘to become clear’. E.V. Lane points out in his monumental Arabic-English Lexicon that, according to the authors of the authoritative Arabic lexicons, the Tai Al-Arus, the Tadheeb, and the Misbah, the Arabs do not apply the term ‘Shari’ah’ to “any but (a watering place) such as is permanent and apparent to the eye, like the water of a river, not water from which one draws with the well-ropes”. (London, Book I Part 4 p.15-35).

A modern lexicon, Lughat-ul-Qur’an states that the term ‘Shari’ah’ refers to a straight and clear path, and also to a watering place where both humans and animals come to drink water provided the source of water is a flowing stream or river. (Pervaz, G.A. Lahore, 1960. Vol II, pp.941-944). It is not a little ironic that the term ‘Shari’ah’, which has the idea of fluidity and mobility as part of its very structure, should have become the symbol of rigid and unchanging laws to so many Muslims.

That the Shari’ah’ has played a pivotal role in Islamic history as a means of bringing diverse groups of Muslims within a single legal-religious framework, is beyond dispute. However, the assertion that one is a Muslim only if one accepts the Shari’ah as binding upon oneself, and further, that the Shari’ah is divine, transcendent and eternal, can be seriously questioned. Here it is important to note that much confusion prevails in the minds of ‘average’ Muslims regarding the meaning of the term ‘Shari’ah’. Muslims in general are likely to refer to one or more of the following: the Qur’an, the Sunnah and Hadith, Fiqh, various Schools of Law, customs and traditions. If all of the above mentioned ‘sources’ of the Shari’ah formed a coherent, homogeneous body of knowledge or teachings one could use the term ‘Shari’ah’ as representing that which is normative for all Muslims. But this is very far from being the case. While it is an article of faith for Muslims that the Qur’an, as God’s word is free of contradictions or inconsistencies, careful study of the non-divine sources of the Shari’ah reveals that points of view which cannot be reconciled internally are to be found within them.

Being a Muslim is dependent essentially only upon one belief: belief in Allah, universal creator and sustainer who sends revelation for the guidance of humanity. Believing in Allah and Allah’s revelation to and through the Prophet Muhammad (peace be upon him) preserved in the Qur’an, is, however, not identical with accepting the Shari’ah as binding upon oneself. As Wilfred Cantwell Smith has remarked insightfully, “A true Muslim... is not a man who believes in Islam especially Islam in history; but one who believes in God and is committed to the revelation through his Prophet (peace be upon him)” (Islam in Modern History, Princeton, 1957, p.146).

Most Muslims regard the Shari’ah as a sort of umbrella that stretches over the length and breadth (and perhaps even the depth) of their lives and they feel secure under its cover. However, many of them do not know about the sociological process whereby the ‘divine’ Shari’ah came to be codified. Seyyed Hossein Nasr describes the process briefly in the following passage:
"In essence all of the Shari'ah is contained in the Qur'an. The Holy Book contains the Law potentially but not actually and explicitly, at least not all the different aspects of the Shari'ah. There was, therefore, a gradual process by which this law became promulgated in its external form and made applicable to all domains of human life. This process was completed in about three centuries during which the great books of law in both Sunni and Shi'ite Islam were written, although the exact process is somewhat different in the two cases. The principles of Law contained in the Qur'an were explained and amplified in the prophetic Hadith and Sunnah which together constitute the second basic source of Law. These in turn were understood with the aid of the consensus of the Islamic community (ijma'). Finally, these sources of Law were complemented by analogical reasoning (qiyas) where necessary. According to the traditional Islamic view, therefore, the sources of the Shari'ah are the Qur'an, Hadith, ijma' and qiyas, of which the first two are the most important and are accepted by all schools of law while the other two are either considered of lesser importance or rejected by some of the schools." (The Ideals and Realities of Islam, p.99).

It is to be noted that of the four sources of the Shari'ah mentioned in the above passage, three are human, and not divine, in origin and that two "are either considered of lesser importance or rejected by some of the schools". The author has also accepted that while the Qur'an contains the Law 'potentially', it does not do so "actually and explicitly." What this means is that while the Qur'an elucidates the essentials of Islam, the details of the code of rules and regulations pertaining to all aspects of a Muslim's life which is cumulatively referred to as the 'Shari'ah' cannot be regarded as divine _ as Seyyed Hossein Nasr and many other assert _ since the Qur'an categorically rules out the possibility of any human being (including the Prophets, the Imams of the Shi'as and the great scholars of Islam) being divine. Unless all of the Shari'ah can be shown to be of non-human origin _ as Muslims believe the Qur'an to be _ the claim that it is divine, transcendent, eternal or immutable cannot be validated logically or theologically.

Not only are the majority of the sources of the Shari'ah not divine in origin but they can also be regarded as problematic in other ways. For instance, as every scholar of Islam knows, Hadith literature, crucial as it is in the development of Islamic law and even doctrine, is surrounded by controversies. The question of the authenticity or otherwise of individual Ahadith as well as of the Hadith literature as a whole has occupied the attention of many scholars of Islam since the time of Ash-Shafi'i (died in A.H.204/ A.D.820). Regardless of the fact pointed out by many Muslim scholars that "a very large proportion of the Hadiths were judged to be spurious and forged by classical Muslim scholars themselves" (F. Rehman, Islam. New York 1968 p.64), Muslims in general continue to believe in the 'sacred' character of the Hadith literature. Furthermore, on the basis of a hadith which states, "My Community will never unite in an error", they also continue to believe that ijma' of the first three centuries of Islam (during which the four Madahib or Schools of Law accepted as equally 'orthodox' by Sunni Islam were established) is protected from error i.e., it is infallible, hence binding upon Muslims of all times. The theological point made by some modern Muslim thinkers and legal scholars that since infallibility belongs only to Allah, the ijma' of any place or period cannot be regarded as infallible and hence eternally binding, is disregarded _ even as the scholarly criticism of the Hadith literature by Muslim scholars is disregarded by a large number of Muslims who believe that the preservation of the 'sacred' nature of the Shari'ah is essential for the continuance and well-being of Islam.

In order to understand what amounts to a virtual deification of the Shari'ah by many Muslims as well as the strong impetus towards 'Islamisation' recently evident in a number of Muslim societies, it is necessary to know that of all challenges confronting the contemporary Muslim world, the greatest appears to be that of modernity. Shari'ah minded Muslims who consider themselves the caretakers of the 'Islamic way of life' are aware of the fact that viability in the modern technological age requires the adoption of a scientific outlook, which inevitably brings about major changes in thinking and behaviour. Unable to come to
terms with modernity as a whole, today’s Muslim societies make a sharp distinction between two aspects of it. The first - generally referred to as ‘modernisation’ - is largely identified with science, technology and a better standard of life; the second - generally referred to as ‘westernisation’ is largely identified with ‘mass’ western culture and moral degeneration and disintegration. While all Muslim societies of today desire ‘modernisation’ most of them reject ‘westernisation’, which is associated not only with the colonisation of Muslim people by western powers in the recent past, but also with what is perceived to be a continuing onslaught upon traditional Islam by Westerners as well as by westernised Muslims who want to apply modern methods of scholarship or analysis to the study of Islam.

In startling contrast to conservative Muslims who are deeply fearful of any form of creative thinking which might liberate Muslim masses from the straitjacket of traditionalism, is the refreshing voice of Muhammad Iqbal, modern Islam’s most outstanding visionary, who was a passionate advocate of *ijtihad* - the principle of independent reasoning - which he, perspectives called ‘the principle of movement in Islam’. In his lecture on *ijtihad*, Iqbal says:

"I know the Ulema of Islam claim finality for the popular schools of Muslim Law, though they never found it possible to deny the theoretical possibility of a complete Ijtihad... For fear of...disintegration, the conservative thinkers of Islam focused all their efforts on the one point of preserving a uniform social life for the people by a jealous exclusion of all innovations in the law of Shari’ah as expounded by the early doctors of Islam. Their leading idea was social order, and there is no doubt that they were partly right, because organisation does to a certain extent counteract the forces of decay. But they did not see, and our modern Ulema do not see, that the ultimate fate of a people does not depend so much on organisation as on the worth and power of individual men. In an over-organised society the individual is altogether crushed out of existence... The closing of the doors of *ijtihad* is pure fiction suggested partly by the crystallisation of legal thought in Islam, and partly by that intellectual laziness which, especially in a period of spiritual decay, turns great thinkers into idols. If some of the later doctors have upheld this fiction, modern Islam is not bound by this voluntary surrender of intellectual independence... Since the world of Islam is today confronted and affected by new forces set free by the extraordinary development of human thought, I see no reason why (the Ulema’s) attitude should be maintained any longer. Did the founders of our schools ever claim finality for their reasonings and interpretations? Never. The claim of the present generation of Muslim liberals to re-interpret the fundamental legal principles in the light of their own experience and altered conditions of modern life is, in my opinion, perfectly justified. The teaching of the Qur’an that life is a process of progressive creation necessitates that each generation, guided but unhampered by the work of its predecessors, should be permitted to solve its own problems." (The Reconstruction of Religious thought in Islam, Lahore, 1971 pp.151-168).

To me being a Muslim today means taking a stand against those who insist that being a Muslim means following the trodden path and sanctifying tradition without subjecting it to serious reflection or scrutiny. According to the Qur’an, Adam was elevated even over the celestial creatures on account of his capability to ‘name’ things, i.e. to form concepts or to exercise the rational faculty. And in one of the most significant passages of the Qur’an, we are told that Allah offered the ‘trust’ of freedom of will to all creation but only humanity accepted it. What this says to me is that it is not only a right of Muslims, but also their duty - and indeed their glory - to think and to choose. As Iqbal has pointed out, freedom is a pre-condition of goodness and a person who is totally determined (whether by tradition or anything else) cannot produce goodness.
Pakistan: The Politics of ‘Fundamentalism’
Abbas Rashid

The term ‘Fundamentalism’ suggests going back to the basic texts and reproducing in the closest possible approximation the laws and institutions found therein. It has also come to imply a dogmatic adherence to tradition and rejection of modern society, orthodoxy, inflexibility, rejection of intellectual innovations and the striving to recreate a ‘golden’ era. With few exceptions the term has been used in Western discourse to designate the moribund and hostile ‘other.’ What such an assessment frequently made about Third World Muslim societies lacks is an appreciation of the dynamic and populist element that can characterise such a political phenomenon (for religious piety is usually secondary) as in the case of Iran. Nor is there sufficient awareness of the lack of credibility in most of these societies of the ‘secular’ alternative that historically has often failed to deliver. To some extent the understanding of fundamentalism (or revivalist movements) in the West has been mediated by what governments see as dictates of national interest. The US government view of a threatening or unpredictable Iran on the one hand and an allied Saudi Arabia on the other has affected how Saudi Islam compared to the Iranian variety is viewed there, even though in terms of orthodoxy, inflexibility and the absence of any kind of a democratic framework Saudi Arabia would appear to be the more oppressive and ‘threatening’ -- at least for its own people.

Fundamentalism also suggests bypassing the clergy and going back to the original sources for guidance, and in the confusion engendered by modernization points to authenticity and rootedness. That all this is not enough for responding to the challenge of contemporary reality is another matter altogether. But its moving force is powerful and it can be extensive in its sweep. These were aspects that enabled the Khomeini led fundamentalists in Iran to acquire such enormous popular support. The anti Westernism, so evident in the Iranian context is a feature generally more central to the contemporary fundamentalist resurgence across the Muslim world.

Revivalism and Reconstruction

This anti-Westernism was not the main thrust of the Muslim revivalist movements over the last two centuries beginning with the Wahabi movement led by Ibn-Abd-al-Wahab in eighteenth century Arabia. While a similar dynamic for reform and regeneration within Islam was working itself out during the 19th century in Africa and the Indian sub-continent, another significant movement of ‘Islamic modernism’ arose in Turkey, Egypt and India which had been influenced by the encounter with Western ideas and its domination. The two trends had certain common characteristics: an impetus to transform Muslim society given its state of socio-moral degeneration and to do this by going back to original Islam. This was to be done, on the one hand by challenging the finality and the rigidity of the traditional schools of law through ‘Ijtihad’ - rethinking the meaning of the original message (Quran) by the learned in Islam and on the other by doing away with what were seen as the debilitating effects of corrupted sufi practices that had furthered laxity and dissipation in Muslim society. Jamaluddin Afghani extended this and perceived clearly not only the internal inadequacies but also the manner in which a feeble Muslim world was threatened by a powerful West. He was directly involved in agitational activities against British imperialism and his influence spanned India, Iran, the Arab world and Turkey. Significantly, he may have been "the first Muslim revivalist to use the concepts 'Islam' and the 'West' as connoting correlative -- and of course antagonistic -- historical phenomena."

But even when there is a genuine desire to go back to the source, circumstances and people's felt needs usually dictate the particular issues brought into focus. The Wahabi movement for example saw the need to rid Islam of sufi superstition but neither sought nor rediscovered that basic thrust of the Quran's message barring the economic exploitation of man by man. This aspect equally escaped the latter day movement of Islamic modernism.
In one sense pre-modernist revivalism was a liberating force in that it reaffirmed the right of Ijtihad. And yet it could make no significant contribution to a renaissance of Islam. One of the crucial aspects behind this was that the traditional educational system of Islam encouraged conservatism and caution rather than challenge and enquiry. The revivalists more or less limited themselves to the Quran and Hadith without developing any new methodology as to how these were to be taught and understood. Paring down the Madrasa syllabus to the fundamentals meant not so much getting rid of the corrupting influences of the intervening ages but being 'limited' to the fundamentals of the faith without understanding them in the context of contemporary reality.

The revivalist effort was constrained by a traditionalist intellectual framework also on a broader socio-political level in India, in the efforts of the Ulema of Deoband, who kept the doors of 'Ijtihad' firmly closed and emphasised rationalism confined within an orthodox intellectual framework. Its concern therefore with changing the material condition of Indian Muslims did not amount to much.

In India Islamic modernism or the reconstructionist enterprise got firmly under way after the war of independence of 1857 with the efforts of Syed Ahmad Khan, primarily a social reformer who sensed a need to address the issue of religion. Taking as his point of departure Waliullahi fundamentalism he sought a rationalist exposition of Islam that represented a qualitative change from the past into modernism. He invoked to this end the anti-traditionalist sources within Islamic history such as the views of the Mutizzila and of the Ikhwan al Safa (brethren of purity). He rejected the canonical traditions and the authority of the four accepted legal schools and brought out the Quran's relevance to the society of his day. In interpreting the Quran he brought the focus squarely back on principles (Usul) asserting that the details were not significant having to do with specific historical situations. Sir Syed emphasized Ijtihad as the right of every individual Muslim while rejecting Ijma in the classical sense i.e., confined to the Ulema. Though Sir Syed's approach to Islam and the Quran did not gain currency at the popular level (just as that of the Ulema did not) he did lay the ground work for others who came later to interpret Islam from a liberal standpoint. However, his success was more immediate and visible in the field of education. The Mohammedan Anglo Oriental College that he founded at Aligarh had a profound impact on the Muslim middle class of North India which was to play such a crucial role in the politics of Indian Muslims subsequently.

Mohammad Iqbal, poet, philosopher and political thinker, asserted that the Quran provides an essentially dynamic world view for Muslims and he points to 'Ijtihad' as proof of this assertion. As a source of law, he argued Ijtihad could not remain the prerogative of individual representatives of the classical schools of law. Nor could Ijma only among them suffice. Both functions he maintained could now be usefully performed at the level of a Muslim Legislative Assembly where Ijtihad by elected representative i.e., those having the confidence of the community, can then take the form of Ijma among the various sects. While Iqbal conceded the need for some representation in the Assembly for the Ulema his emphasis on representative democracy within the framework of Islam is evident. From a pre-occupation with Pan Islamism Iqbal slowly gravitated towards the idea of a separate homeland for the Indian Muslims. He rejected the idea of a polity on Indian national lines " in which the religious attitude is not permitted to play any part ... if it means the displacement of the Islamic principles of solidarity." Muslim or Islamic?

The creation of an Islamic state, Pakistan, was not the work of clerics and religious divines but the result of the efforts of a liberal Westernized leadership that successfully articulated the aspiration of the Muslims in different parts of India in the form of an independent state where they could hope for substantially improved material conditions and an absence of Hindu economic and cultural domination. The motive force for Pakistan came largely from the middle class Muslims of North India, many of whom had been educated at Aligarh and at some level
identified with the ideas of Syed Ahmad Khan and Mohammad Iqbal. The leaders of the Muslim League including Mohammad Ali Jinnah, the founding father, may have thought sincerely about the application of Islamic principles but they certainly did not regard the movement for Pakistan as an effort to recreate some kind of a ‘golden age’ in Islam or reestablish Wahabism. Nor did the large number of Muslims who opted in favour of the somewhat ‘secular’ leadership of the Muslim league thereby reject Islam.

Thus in 1947 the Muslim League leadership found itself with a nation state on its hands and a people who sought to order their lives according to Islam in a broad sense but with very little agreement on what Islam required of them. For the great majority this was not a pressing issue. Yet it was a situation that provided the Ulema, who having with very few exceptions opposed the demand for Pakistan now migrated in great numbers from India, seeing an opportunity to establish themselves in the newly formed state, that all said and done, had been acquired in the name of Islam.

From the start they managed to put the leadership on the defensive on the issue of the Islamic nature of the Pakistani state. Even Jinnah while emphasizing the broad principles set forth by Islam had to concede its centrality: "Islam is not only a set of rituals, traditions and spiritual doctrines, Islam is a code for every Muslim which regulates his life and his conduct in all aspects, social, political, economic, etc. But the social approach to Islam, as distinct from religion (and religiosity), was also emphatically stated in his speech to the Constituent Assembly.

The League leadership allowed the debate on the kind of state Pakistan was going to be to shift significantly in favour of the ‘Islamist’ lobby. It introduced in the Constituent Assembly a resolution defining the ‘Objectives’ of the new state only two years later in 1949. The Resolution affirmed that ‘sovereignty over the entire universe belongs to God Almighty alone,’ that therefore the people of Pakistan were to exercise power only ‘within the limits prescribed by Him’ and that Muslims would be enabled to order their lives "in the individual and the collective spheres in accord with the teachings and requirements of Islam as set out in the Holy Quran and Sunnah." With some modifications the Objectives Resolution is now a substantive part of the Constitution. While the resolution reaffirmed democratic principles, the very fact that it was passed bolstered the Islamists claim to being a significant component in the new setup. Indeed Maududi’s Jamaat-i-Islami claimed that the Resolution was a result of their efforts.

Maududi’s narrow, though logically coherent interpretation of the Sharia and his theory of the Islamic state held a certain kind of appeal for a section of middle class and lower middle class Muslims. Underlying his elaboration of what an Islamic state should be was the premise that Islam was engaged in a broad conflict with the West and modernization as dictated by the West meant also a surrender of Muslim identity and culture. Hence genuine improvement of the Muslim’s lot meant less rather then more Westernization which had become, erroneously, a synonym for modernity. As against the modernizers Maududi sought to extend the areas of activity governed by a strict code of Islamic rules and laws and to transform Islam from a faith into a ‘system’.

The political implication of Maududi’s formulation is that those capable of understanding and interpreting the Quran and the Sharia should command the obedience of the people in an Islamic state. He proposes that the, elected, head of state should be the supreme head of legislature, executive and judiciary, alike. Opposition in the form of political parties and cliques in the legislative assemblies should not be allowed. Non-Muslims would not be eligible for key posts and could exercise the right to vote only under a system of separate electorates. Women could not become head of state. Apart from Maududi’s puritanical creed and a somewhat suspect commitment to democratic norms, the JJ’s limited popular support also owed something to the proto-fascist tactics it employed, particularly on campuses.
The secular response to ‘Islamist’ politics

The leadership that had assumed control of the new state though committed in broad terms to Islam was largely Westernized and secular in outlook. To a great extent they had represented the emerging Muslim bourgeoisie and the feudal elite (along with the salariat) which had internalized the ideals of Western secularism. Initially they treated efforts by the Jamaat-i-Islami and other Islamist parties with their base among the petite bourgeoisie and sections of the middle class as something of a nuisance to whom occasional concessions had to be made while they ordered as they saw fit. intelligentsia that it was only before the forces and secular completely such elements in failed to "Liberal itself a faith, a conviction. It foundations, intellectual; its and heroes and history; and its Some expect it itself so soon as circumscribed or glib." Not Western liberal was constantly the fact that professed it were content to leave system that worst excesses of an unjust social order.

Less than six years after Pakistan’s inception the Islamists were able to put up a remarkable show of strength -- and expose the weakness of the government and the modernist liberals. Starting in March 1953, almost for a month and a half, widespread disturbances in the Punjab resulted from the rejection by Khwaja Nazimuddin of an ultimatum demanding that Qadiani Ahmadis be declared a non Muslim minority and the foreign minister of Pakistan along with other Ahmadis occupying key posts be removed from their offices within a month. Eventually, the military had to be called in and martial Law was proclaimed in Lahore, which remained in force till the middle of May.

The 1953 disturbances highlighted a number of important points. First there was no response at the level of civil society from the powerful section of Westernized liberals. Second the Punjabi elite along with its Urdu speaking counterpart hit upon the idea of using Islam as a counterpoint to the rising trend of regional and ethnic identification among the Bengalis, Sindhis, Pashtun and Baluch. Third, the Islamist parties including the Jamaat-i-Islami which at the time had a membership of only 999 persons became keenly aware of the potential for agitational politics under the cover of sensitive religious issues and the bargaining power this gave them. Using the Islamic card suited not just the Islamist parties. The army’s perception of its pivotal role in sustaining civil authority was dramatically reinforced with grave implications for the balance between the civilian and the military establishment in the years to come.
Successive civilian governments sought the short cut of adopting an Islamic formalism to assuage what they saw as potentially disruptive forces in society. In the 1956 constitution the 'directive principles of state policy' among other things provided that the 'state shall endeavour...to make the teaching of the Holy Quran compulsory (for Muslims); to promote the unity and observance of Islamic moral standards.' This is not to say that there were no efforts at all to provide a liberal interpretation to Islamic injunctions. In 1955, for instance, a seven member Commission suggested liberal reforms in the existing laws of marriage, divorce and family maintenance in order to give women their due status as prescribed by Islam. There was also an attempt at a more institutionalized response to counter conservative religious influences, particularly that of Maulana Maududi and the Jamat-i-Islami as for instance the setting up of the Institute of Islamic Culture in 1954 — a year after the anti-Ahmadi agitation.26 But impact at the popular level was very limited not least because of the overt and seemingly obsequious deference to Western norms and judgement.

Work on a liberal Islamic interpretation was also carried on under the regime of Mohammad Ayub Khan by Fazal ur Rehman as director (1962-68) of the Islamic Research Institute. But as Fazal ur Rehman himself wrote he was unable to bridge the gap between 'tradition' and 'modernity'.27 Under pressure, the liberals have quickly yielded to the Islamist lobby for reasons of expediency and convenience; Fazal ur Rehman was eventually forced to resign from the institute which then effectively collapsed. The bourgeoisie and liberal intelligentsia felt no need to take a stand in his support.

In any case such efforts lacked credibility, stemming from an often cynical use of religion made by those who were seen as liberal and secular in outlook. The 'modernist' Ayub Khan credited with implementing the Family Laws Ordinance (1961) was not above recruiting the Ulema's help for his election campaign against Jinnah's sister Fatima Jinnah. He got together some obliging Ulema to issue a 'Fatwa' on the eve of the elections declaring that in an Islamic country a woman could not be head of state.

Similarly, while Zulfiqar Ali Bhutto with his powerful slogan of 'bread, clothing and shelter' pushed aside the Islamist parties in the 1970 elections, only four years later he presided over the declaration of the Ahmadiyya community's minority status, a decision that much more conservative political regimes in the face of much greater pressure had resisted. Toward the end of his rule, Bhutto was to try in a crude, mechanical fashion 'Islamicist' tactics such as declaring Friday to be the national holiday instead of Sunday, banning the consumption of alcohol, in a desperate bid to stay in power. But it is precisely the inability to deliver on the part of those who claim the mantle of modernity or radicalism that, by default, strengthens the 'Islamicist' enterprise.

The Islamist parties have equally shown themselves opportunist and suffering from a similar lack of credibility. The JI, for instance, supported Fatima Jinnah against Ayub Khan though it had earlier held that a woman could not be head of state. Again, much to popular disgust, it was quick to embrace the army dictatorship of General Zia-ul-Haq. More generally, the commitment of Islamist parties to socio-economic change is also perceived as lukewarm. But two factors have helped them along: their emphatically projected anti-Westernism and their exclusion from most areas of decision making rendering it possible for them to deny all responsibility for the grave problems besetting society including that of poverty and under-development.

**Politico-religious forces advance**

The assumption of power by General Zia-ul-Haq following a military coup in July 1977 represented a major step forward for the Islamist forces and a qualitative change. So far the dominant forces of society and state had viewed the religious establishment with considerable suspicion, using them when convenient or giving in to their demands as a matter of expediency. Now, General Zia-ul-Haq risen from the ranks of the petite bourgeoisie saw a certain kind of Islamic framework as the fulfillment of Pakistan's destiny as well as the answer to his regime's
struggle for legitimacy. It was for him, a happy convergence. After roughly an year and a half of neutralizing his regime's political opponents, he announced his intention to introduce an Islamic system in the country. He started with a series of 'reforms' designed to bring laws in conformity with the tenets of Islam. Many of the changes had the imprint of the Jamaat-e-Islami which soon provided its members for the Zia cabinet. Support for Zia’s 'Islamic' package limited as it may have been in terms of sheer numbers was nevertheless formidable, especially in Punjab, coming from the lower middle class in the urban centers, part of the bourgeoisie that had been disenchanted with Bhutto’s style of governance and policies such as nationalization of some of the major industries, as well as artisans, petty shop keepers and workers returning from the Middle East and elsewhere who had improved their economic standing but had remained socially and politically conservative. The Provincial Constitutional Order which Zia promulgated as Chief Martial Law Administrator in 1981 contained a number of provisions which unambiguously concentrated power in his hands (Article 4); Article 9 restricted the power of the High Court; Article 14 provided that with the exception of the Jamaat-e-Islami all political parties required the written permission of the Chief election commissioner (appointed by the President) in order to function. All judges were required to take a new oath of office swearing to abide by this 'Constitution Order' and a number of senior judges were dismissed for refusing to do so. In substance there was little in all such measures to distinguish Zia-ul-Haq and his regime from any other dictator.

Under the four ‘hadood’ ordinances promulgated by President Zia (that continue in force today as part of the constitution under the 8th amendment) adultery is punishable by stoning to death, theft by amputation of the right hand and left foot, drinking alcohol as well as perjury (false acquisition of adultery) with eighty lashes. It is interesting, however that while numerous instances of flogging and a number of executions were sanctioned by provisions of Martial Law, the rules of evidence under Islam being far too stringent to make conviction a simple matter, there were no cases of amputation or stoning carried out by a state agency. The Pakistan Medical Association (PMA) declared that its members would not comply in carrying out any surgery of this nature. Nevertheless such laws created an atmosphere along with public hangings and lashing that encouraged excesses in the name of Islam and a kind of vigilante mentality. There were some instances of stoning, including one of a child denounced as illegitimate outside a mosque in Karachi. Women were paraded around naked ‘to avenge family honor’ in the Punjab, the local maulvi and his minions giving veiled threats to those in the neighbourhood who were not seen in the mosque regularly. That the intent was to terrorise political opponents as well as potentially troublesome sections of society (such as lawyers, journalists, etc some of whom were jailed and whipped during the Zia regime) rather than ‘Islamize’ Pakistan became clear fairly early on. It is interesting as one observer has pointed out that punishments such as hand amputations and public lashings had been announced prior to the Islamization process, as part of the martial law setting.

A parallel system of Martial Law courts and tribunals was set up which impinged on the jurisdiction of the higher courts. At the same time the Islamization of the judiciary took the form of Sharia benches in each provincial high court followed by the setting up of a Federal Shariat Court (FSC) with the task of ensuring that laws were not repugnant to the Quran and Sunnah, despite existing provisions in the 1973 Constitution to this end. Appeals against the judgements of the Federal Shariat Court were to be heard by the Shariat Appellate bench of the Supreme Court.

Among the more vexing problems faced by regimes in contemporary Muslim societies that have tried to seek legitimacy by emphasising their commitment to Islam has been the issue of 'Riba' (usury). The elimination of usury according to most Islamist authorities extends to the institution of bank interest. However, not surprisingly, fiscal laws and other related matters were specifically excluded from the Jurisdiction of the Federal Shariat Court. But peripheral fiscal and economic measures were taken such as the cosmetic interest free banking. Then there was the compulsory levy of Zakat (the Islamic poor rate) in 1980. The strong Shia minority launched a sharp protest, contending that according to their 'fiqu' such charity does not go to the
state (Sunni, in effect). The government soon relented and Shias were exempted from paying Zakat to the state. Nevertheless the funds generated by Zakat and its distribution certainly helped to shore up support for Zia and his limited constituency. A substantial amount of it was distributed through the Madrassas. At the time of partition Pakistan had 137 Madrassas; in 1971 there were said to be at least 893 with a total of 3,186 teachers and 32,384 students. Given the funds put at the disposal of religious parties and organizations during the Zia years the number of students and teachers at such Madrassas must have now increased manifold.

Zia also called for revising the curriculum and textbooks starting from the primary level with the objective of making students more aware of the Islamic mainsprings of Pakistan’s creation, its ideology and more generally the history of Islam. In addition an Islamic university (largely funded by Saudi Arabia) was established at Islamabad with the objective of fusing ‘Islamic’ and ‘secular’ education — to meet the criticism that the learned in Din-e-Islam almost invariably lacked modern education and were hence disadvantaged in prescribing how today’s Muslims should order their lives. Also official recognition was given to degrees from traditional theological schools and colleges.

In all of this the two more immediately affected groups in society were women and minorities. Many women were sentenced under the Hadood Ordinances for the crime of Zina which made no distinction between voluntary sexual intercourse and rape. More generally their position was undermined through laws such as the Qanoon-e-Shahadat (Law of Evidence) which equated the testimony of one man to that of two women. Court rulings helped reduce the impact of such laws. A distinction was made for instance between rape and adultery in the course of a judgement by the FSC. Similarly protest demonstrations led by urban women’s groups such as the Women’s Action Forum led to modifications in proposals submitted by the advisory Islamic Ideology Council, and the discrimination between men and women under this law was limited to financial matters. However, a ruling by the FSC that there was nothing Islamic about ‘Rajam’ the punishment of death by stoning, in contrast to the government’s position, resulted in the court being rapidly reconstituted and the FSC promptly reversed its earlier decision. The FSC has upheld the position that a woman (or for that matter any number of women) are not competent to bear witness in a Zina case where ‘Hadd’ punishment has to be applied. In such cases, including rape, only the testimony of four male Muslim eye-witnesses ‘of good repute’ would be considered adequate.

Among the minorities the most affected was the Ahmadiyya community. Under Bhutto they had been officially given minority status but were more actively persecuted under Zia who by Ordinance made it a crime, for instance, for the Ahmadiyya to inscribe Quranic verse (Kalima) on their places of worship. They also became

Blood flows — sectarian battles in the Badshahi Mosque

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particular victims of the vigilante mentality that took hold under Zia. More generally, the separate electorates introduced by Zia in 1985 alienated the Christians, Hindus, Parsis, Ahmadis and other minorities from the political mainstream. During the decade 1978-88 probably more houses of worship of non-Muslims – and among Muslims, Shia 'Imam Baras' – were attacked and destroyed than ever before in Pakistan's history.

Leaving aside the Jamaat-e-Islami the more modern (as well as fundamentalist) and politicized in its approach, the Jama'at ul Ulema i Islam (JUI) and the Jama'at ul Ulama i Pakistan (JUP) representing the Deoband and the Barelvi schools of Ulema respectively have played a role as politico-religious parties of the more traditionalist variety through the institution of mosque and madrassa. Others such as the Ahl-e-Hadith, which disregards the classical schools of jurisprudence while emphasizing a return to the fundamentals of the Quran and Sunnah, have become politicised more recently. Ironically, the Zia regime with its emphasis on Islamization and notions of promoting a broader unity of Islamist parties saw new parties underlining sectarian differences such as the Tehrik i Nifaz e Fiqh i Jaffaria (TNFJ) which emerged as a result of the widespread perception among the Shia community that Pakistan was becoming an entirely Sunni, even Hanafi, state and that this called for an organized response. This was paralleled by the emergence of the Anjuman Sipah-e-Sahaba (ASS) which has enjoyed a close relationship with JUI, sometimes sharing office bearers, but has adopted a far more virulent and extremist stance then the latter, particularly by reference to the Shias. Both the ASS and TNFJ have seen party leaders assassinated while the same fate was suffered by the Consul General of Iran widely perceived by the non-Shia Islamist parties to have supported the TNFJ and its activities in Pakistan.

The Jamaat-e-Islami which had been the first political party in Pakistan, Islamist otherwise, to develop a properly organized and armed cadre of workers, particularly among students, continued to assert itself especially in the Punjab. During Zia's concluding years it had lost ground in some areas. It no longer enjoyed the kind of monopoly on campuses and was strongly challenged by the Muslim Students Federation (MSF), the ASS, and the Karachi-based Muhajir Qaumi Movement (MQM).

However, in Punjab and to an extent in the NWFP, partly due to the Afghan nexus it remains a force to be reckoned with. The external arms and money linkages developed by Islamist forces during the Zia years are a factor. The JJ's links with Saudi Arabia had been an open secret for many years, though the Jamaat's new leadership with its more radical pretensions has taken care to play these down. Conversely the Iran-Iraq war and then subsequent rifts within the Muslim world also made such patrons more amenable to doling out funds to their favorite Islamist party. The flow of funds to such parties from Saudi Arabia, Iran, Iraq and possibly Libya increased considerably during the 70's ('73 oil boom and '79 Iranian revolution). The JJ's position was bolstered not least by its cultivating an extremely close relationship with the Hizb-e-Islami of Gulbuddin Hikmatyar, the Peshawar based extremist Afghan group that through the Inter Services Intelligence (ISI) of Pakistan was the greatest single beneficiary of the massive covert arms supply to the Afghan resistance. It is almost certain that a small but significant minority of Afghans who became involved by now in legitimate trades as well as drug and gun running will not return to their country, leaving behind a pool of people who because of their own inclinations or because parties such as the JJ can provide them protection will be an 'asset' for extremist Islamist forces. The Jamaat-Ahl-Hadith was also a major beneficiary of external assistance from Arab countries, including Iraq.

In order to demonstrate broad social support for his Islamization enterprise Zia held a referendum on the issue linking it to his own continuation in office. That most independent observers pegged the turnout at a dismal 10% did not deter Zia from claiming that the referendum had been indicative of overwhelming popular support. However, the non party polls which he held subsequently elicited an impressive popular response, despite a boycott by the major political parties, barring Jamaat-e-Islami. These polls had very little to do with Islam as most candidates campaigned around local issues. A particularly unfortunate outcome of these polls was that in the absence of political parties ethnic, sectarian and biradri (clan) divisions were reinforced. Along with Zia's other efforts at depoliticization this was to have serious long term implications, particularly for Sindh.

Building on the Zia legacy

The drive for Islamization slowed down somewhat with the lifting of Martial Law and the induction of Prime Minister Junejo. Though the Enforcement of Sharia bill was tabled in
Parliament in 1985 it was not adopted by the Senate till about five years later, ironically under the Benazir government. In its approximately 20 months in office the PPP did show an inclination to 'roll back' the Ziaist Islamization but it was unable to make much headway. There was of course the hostile Senate. But the strength of the Ziaist legacy was best illustrated by the induction into office of President Ghulam Ishaq, an experienced bureaucrat and one of Zia-ul-Haq’s key advisors. Another telling feature was the continuation in office as Chief Minister Punjab (the country’s most populous province) of Nawaz Sharif – indebted to Prime Minister Punab (the country’s most populous province) of Nawaz Sharif – indebted to the General for his elevation and in the vanguard of opposition to the PPP.

The issue of the Shariat bill was taken up with gusto again when Nawaz Sharif became Prime Minister in 1990 in the wake of elections whose fairness was questionable. The reasons for the bill becoming a live issue again had to do with the Jamaat-e-Islami being a key coalition partner in the Nawaz Sharif led Islami Jamhoori Ittehad (IJI), his own desire to tap the Zia constituency and the fact of President Ghulam Ishaq’s identification with the bill and the Islamization project generally. It should be remembered that the 1973 constitution as amended by Zia confers in effect the powers of the chief executive on the President. Such powers have already been used twice to dismiss elected Assemblies in an arbitrary manner, once by Zia in ‘88 and once by Ishaq in ‘90.

Prime Minister Nawaz Sharif’s government passed (its own version of) the Shariat bill in 1991. It cannot, however, take effect without an ‘enabling’ constitutional amendment which has yet to be passed by Parliament. On most issues the bill remains vague, resembling a party manifesto more than an act of Parliament. For instance, it commits the state to take ‘steps’ for ‘Islamization of the economy’, and take ‘effective steps’ to Islamize education. Commissions have been appointed to make recommendations. The fact that no time limit has been set by which all this is to be accomplished is indicative. Meanwhile Clauses 18 and 19 of the Act specifically exempt Pakistan’s international financial dealings from the constraints of the Sharia till an "alternative economic system" is evolved. Fortunately the Act also protects the rights of women as guaranteed by the Constitution which would make it difficult for the Family Laws Ordinance to be challenged under this Act. There is considerable uncertainty, however, as to what may or may not be successfully challenged if the enabling constitutional amendment does make the Sharia, in an operative sense, ". . . the supreme Law of Pakistan." For this could make it possible for judges (appointed and removed by the President) to place their own interpretation (while following "recognized principles of interpretation... and the expositions and opinions of recognized jurists of Islam") above constitutional provisions. Technically then the Constitution would not remain the Supreme law of the land. Again with regard to the issue of interpretation the Act reaffirms the centrality of religious sects, a concept introduced in the Constitution of Pakistan for the first time in 1980 in the form of an explanation to Article 227 Clause 1 which reads "All existing laws shall be brought in conformity with the injunctions of Islam as laid down in the Holy Quran and Sunnah . . . and no law shall be enacted which is repugnant to such injunctions. In the explanation it has been spelled out that "in the application of the clause to the personal law of any Muslim sect the expression 'Quran and Sunnah' shall mean the Quran and Sunnah as interpreted by that sect". Clearly this reinforces existing divisions and makes consensus jurisprudence a more remote possibility.

Amidst all this there is great clarity regarding the extent to which the country is dependent on external sources of military and economic assistance. This was neatly illustrated in one brief sentence in Prime Minister Nawaz Sharif’s speech announcing the passage of the Shariat bill in the National Assembly (in translation) "I am not a fundamentalist." The dilemma for the government then is how to retain and maximize the power in its own hands, placate and use religious groups in this exercise and at the same time not to give away too much or appear threatening or ‘fundamentalist’ to much needed non Muslim (external) sources of support. Meanwhile, other laws based on traditionalist views of Islam are being brought on the statute books dangerously distorting the social balance. The Penal Code was amended to make murder into a compoundable offence under the new Qisas and Diyyat Law. Under this, the heirs of a murder victim can forgive the accused, without any consideration or after receiving blood money. In the event the court has no option but to set the killer free. There are fears that this provides the rich and powerful an opportunity to either frighten the victim’s family into granting forgiveness or buying their way out.

At the same time the ruling coalition continues to strengthen itself at the expense of the individual and the political opposition in more ‘secular’ ways through amendments in the 1973 constitution. Protection was given to all laws and Martial Law Orders passed during Zia’s rule,
while the numerous changes in the constitution invested the president with extraordinary powers that effectively turned a parliamentary system into a presidential one. Similarly the recent Twelfth amendment undermines fundamental rights and provincial autonomy by making the operation and verdicts of Special Courts more difficult to challenge in ordinary courts via normal judicial procedure.

While the ruling elites then, continue to employ a combination of 'Islamic' and 'secular' innovations and 'reforms' to maximize its own power, the purpose is not to alienate either the well-organized and potentially troublesome Islamist forces nor the even more powerful wing of the army, bureaucracy and the bourgeoisie which in important ways remains secular not least in its desire to emulate the West. The present set up can be seen as an alliance between the petite bourgeoisie represented by the Islamist parties and the bourgeoisie as well as the feudal. And yet it is a shaky alliance with neither side quite trusting the other. All of which leaves the army, with a growing component of the middle and lower middle classes, yet again in a position to play the role of arbitrator. Given the rapidly deteriorating economic conditions it is likely to strengthen its grip and assume an even more active role in running the country's affairs. As under Zia, however, it is less likely that it will take on the Islamist parties as long as these are willing to do its bidding.

More broadly the misuse of religion and the increasing propensity in various quarters to cover political ambitions in the guise of religion should not obscure the reality that for the ordinary men and women of Pakistan Islam does represent a set of cherished values that they will not see violated with equanimity. At the same time they are not easily swayed by religious slogans as is evident from the inability of the politico religious parties to form the government through a general election. Even otherwise their perception of Islam as a worldly or 'secular' religion makes it more likely for them to ignore narrow theological formulations. It is in fact mostly due to the failure of the liberal/secularist venture in Pakistan that politico-religious forces and the 'Islamist' establishment has been strengthened.

To the extent that most Muslims live with a loose and vaguely defined notion of the Ummah, events in other Muslim countries can have a major impact on popular consciousness. There was popular agitation against the Pakistan government's position on the 1956 Suez crisis, the burning of the US embassy in Islamabad in 1979, the anti Rushdie agitation in 1989. Most recently the savage destruction of Iraq at the hands of the US led coalition provided politico religious parties with an ideal opportunity to put themselves at the head of a wave of anti US and pro-Iraq sentiment in what came to be seen by the public as a Christian crusade against a lone defiant Muslim power. The 'secularists' linkages with the West and acceptance of the latter's hegemony i.e., not only material domination but also moral and intellectual leadership, often puts them out of step with popular response to developments such as those in Afghanistan and Kashmir, where fundamental rights have been violated and repression unleashed on a major scale. Whether the advantage taken by Islamist parties in such circumstances can be converted into long term, perhaps electoral, strength remains to be seen. But for the present the external dimension has a strong bearing on 'Islamist' politics in Pakistan.

Then there is the intensifying Iranian-Saudi rivalry to rope in Pakistan as part of broader post-Gulf War security arrangements. As a result politico religious parties in Pakistan are likely to be strengthened as the contest continues or as it already shows signs of doing, deteriorates into a low intensity proxy conflict -- extending into Afghanistan, as well. Once the situation in Afghanistan has stabilized there is also the prospect of Central Asia opening up as the Soviet Union slowly turns into a loosely integrated confederation. It is likely that politico religious parties in Pakistan will derive strength from this development in terms of extending their mutual support network to these regions.

Indirectly, the very 'secular' issue of Pakistan's nuclear program could have significant implications for 'Islamist' politics. For instance public perception that it is being jettisoned under pressure from the West could easily be presented in the religious language of a Christian conspiracy against Islam and strengthen those who posit the acquisition of maximum power as the only meaningful response in the continuing struggle with the demonstrably implacable enemies of Islamic civilization.

Conclusions

The Fundamentalist enterprise in Pakistan though well articulated by the Jamaat-e-Islami has lacked the emotional charge and credibility that could turn it into a popular movement. The
JI remains an important factor in Pakistan's politics not because of the numbers it commands but by virtue of its ability to strengthen or undermine governments through its hold among the petite bourgeoisie, presence in the civil and military bureaucracy and manipulation of certain trade unions, campuses, etc.

Similarly General Zia-ul-Haq’s ‘administrative’ and downward directed Islamic, ‘fundamentalist’ in its emphasis on debatably Islamic punishments, was seen at a popular level as little more than an exercise in the pursuit of power. Nevertheless Zia’s various measures certainly strengthened the religious establishment in Pakistan even as he aggravated the divisions among its various components, leading to a form of fundamentalism that would be more appropriately described as sectarian extremism. Similarly other politico religious groups (PMT of Maulana Tahirul Qadri or the Islami Tehrik of Maulana Israr) are a part of the Zia legacy and have made inroads into the bourgeoisie and have, as the JI, a certain degree of following among middle level civil and military bureaucrats. While all such politico religious groups remain unable, singly or collectively, to form a government by winning an election or to take on the state apparatus in a direct confrontation, it is clear that their impact on civil society as well as their bargaining position vis a vis the state has registered a substantial increase over the last decade.

Meanwhile the failure of the secular (rather than liberal) establishment to deliver is illustrated by Pakistan’s acute economic crisis, rampant corruption, the rise of a powerful army and drug mafia following Pakistan’s covert role in the Afghanistan war, and the inability of Pakistan’s ruling elite to formulate a development strategy. This failure is most dramatically illustrated in the parallel strain of extremism and divisiveness that has manifested itself along the (secular?) lines of ethnic reassertion in the country’s most industrial province Sindh and indeed its most modern urban centre, Karachi. While ethnic consciousness in Sindh is nothing new, it took Zia’s martial law to widen the gulf between the different ethnic groups to unprecedented proportions.

While in such a state of crisis, confusion and deeply felt uncertainty it is possible for a fundamentalist creed to gain acceptance at a national level, sectarian divisions and the lack of credible leadership make such a prospect unlikely. For the present it appears that essentially secular institutions such as the army along with powerful sections of the feudal and bourgeoisie elite will continue to call the tune and ‘Islamization’ in some form will continue as well, representing an ongoing process of negotiation and compromise between the politico religious forces and those representing the state and the modern sector, probably to the detriment of the spiritual ethos as well as the aspirations of the people for political freedom and material welfare.

Clearly none of this is heading in the direction of an authentic and indigenous liberalism which can become the vehicle for addressing the central issues of democracy and development in Pakistan. Only such an elaboration will make it possible for the universal values associated with liberalism to be appropriated and internalized rather than superficially accepted or adopted by an elite. The inspiration for a system that upholds democracy, and rationalism has to be derived not only by recourse to religion or faith but from that which the people perceive to be a part of their heritage and history - neither, in the case of Pakistan as indeed any other Muslim country, is exclusively ‘Islamic’ but it would be difficult to exclude Islam from either one. The separation of the notions of Westernization and modernization, fused in the colonial history of Muslim societies such as Pakistan, will have to accompany the elaboration of an indigenous liberalism.

NOTES

1. For an interesting discussion of Khomeini as a populist phenomenon, see Evrand Abrahamian, ‘Khomeini: Fundamentalist or Populist?’ New Left Review 186 (March/April, 1991
4. Ibid., p.317.
6. Ibid., p.49.
9. Ibid.
10. Ibid.
13. Ibid., p.42.
16. Ibid.
17. Ibid., p.160.
18. A major exception was Maulana Shabbir Ahmed Usmani who led a breakaway faction of the Jamiat-e-Ulema-Hind in support of Pakistan, subsequently Jamiat-e-Ulema-Islam.
29. Ibid., p.223.
30. Ibid., p.225.
33. Ibid., Clause 7.
34. Ibid., Clause 20.
35. Ibid., Clause 3.

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Gustakh-e-Rasool Cases Used Against Development Worker And Human Rights Activist

Mullahs say nursery rhyme insults Holy Prophet (PBUH)

A nursery rhyme written by Pakistan’s most eminent social worker and rural sociologist, Dr. Akhtar Hameed Khan, and published in a book by Oxford University Press three years ago could send the author to the gallows under Islamic Law.

A vicious campaign against Dr. Khan in the mosques of Orangi town in Karachi has ended up in the Courts. The ‘offending’ article is a nursery rhyme, “Sher aur Ahmaq” (The lion and Ahmaq) published by OUP as part of an Orangi Education Project. It concerns a
man who brings up a lion cub and calls it 'Sher-e-Dilair' (Brave Lion) and spoils it. The lion later turns against its master because it can't be bothered to go out into the jungle to hunt for itself.

"The tale is perfectly innocuous, unless one were to go about specially looking for an objectionable construction to it" says Asma Jahangir of the Human Rights Commission of Pakistan. But Mr. Ehteramul Haq Thanvi has alleged that it refers to the Holy Prophet (pbuh) and the fourth Caliph and therefore attracts the provisions of Islamic law.

Under section 295C of the Penal Code, punishment of death is to be provided for anyone who "by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet (pbuh)".

Dr. Akhtar Hameed Khan, a respected social worker who has won worldwide recognition for initiating and working on Karachi’s Orangi Pilot Project for the last 12 years, is the latest to be charged with the offence of “insulting the Holy Prophet”. Dr. Akhtar, who lives in Karachi, has applied for bail before arrest, and the first hearing is scheduled for the 19th of March.

According to the Human Rights Commission of Pakistan which has taken up his case, a campaign against Dr. Khan was begun as far back as 1988 by an employee at the OPP whose services were terminated by Dr. Khan. Initially, this employee claimed that Dr. Akhtar had given an interview to an Indian magazine in which he had insulted the Holy Prophet (pbuh). The ‘interview’ was reportedly never printed in any Indian magazine, but it did appear at that time in the Jamaat-i-Islami’s paper, Takbeer. Dr. Akhtar denied giving the interview. When he demanded to hear the tape, it was found to be garbled. Nevertheless, he gave a written apology in case anyone’s feelings had been hurt. Local maulvis accepted the apology and the matter was laid to rest.

Dr. Khan’s case is one of a number of cases of alleged ‘Gustakh-e-Rasool’ (Insult to the Holy Prophet) which have cropped up in the last year. In all the other cases, however, the accused has been a Christian.

At least three Christian men are currently facing trial for this offence. In all these cases, local maulvis are putting pressure on the law enforcing agencies and the courts to impose the death penalty. In two of these cases, human rights groups have found that ulterior, material motives rather than genuine religious fervour, are the like motivating factors in bringing the matter to the courts.

In the same fashion, claims the HRCP, there are ulterior motives behind the case lodged against Dr. Khan. The Orangi Pilot Project has brought a quiet revolution to Orangi Town. For example, it has organised loans to homes where craftsmen work; “this has hurt certain vested interests, weakened the hold of traditional authority, and popularised such unorthodox concepts as family planning” says a HRCP handout.

“Criminal cases have been registered against people under this section only to settle personal scores” says the HRCP, “we had repeatedly warned that provisions such as this one would be liable to gross abuse”. As the experience of the Christian men indicates, courts are reluctant to grant bail in these cases and a mere allegation can mean 2 years in jail for the accused while the trial is taking place.

Prior to Zia’s martial law, the only crimes falling under section 295 related to insult to religions in general, and carried relatively lenient penalties. In 1982 during Gen. Zia’s martial law, defiling or damaging a copy of the Holy Quran (s.295B) was made an offence, carrying a mandatory sentence of life imprisonment. In 1986, Apa Nisar Fatima of the Jamaat-i-Islami moved an amendment which is now s.295C. The offence initially carried a sentence of death or life imprisonment. The Federal Shariat Court last year removed the option of life imprisonment.

The HRCP is demanding that a law should be passed against making loose allegations of insult to the Holy Prophet (pbuh). Unlike the law against perjury which requires a private complaint, like section 295C this offence should be cognisable. "It is they who should be liable for such insult if they see disrespect where none exists" says the HRCP handout.

The Friday Times, 19.3.92.
Apa to seek remedy in Sharia Court

Islamabad: Apa Nisar Fatima, MNA, has said she is going to challenge in the Shariah Court the derogatory remarks used by so-called human rights and feminist worker, Asma Jilani, against the Holy Prophet (peace be upon him).

Talking to PPI here today, she said after the Speaker had recommended on behalf of the House, the Interior Minister should have got a case registered against Asma Jilani. It was not a good thing, she said, to ignore the recommendation of the House.

The lady MNA said the government must punish the people who were using derogatory language against the Holy Prophet (peace be upon him), being an Islamic State. To a question, Apa Nisar Fatima said such things started during PPP regime and now it had further increased and the concept of chadar aur chardeewari, was being spoiled. She said these feminists attempted to mislead the young generation through literature distributed in villages during the last few years.

PPI, 16.6.1986

Move denounced

The National Council for Civil Liberties, (NCCL), Punjab, has condemned the manner in which Ms Asma Jilani a human rights activist and advocate, is being vilified on the floor on the National Assembly.

The ugly incident is reminiscent of Mc Carthyism. A citizen has been condemned on the basis of insinuations without being afforded any opportunity to defend himself. It not only amounts to a gross abuse of parliamentary privilege but also violation of civil rights. The entire exercise is a crude attempt to muzzle the women’s rights movement in Pakistan, a NCCL statement issued here on Saturday said.

"The Speaker of the National Assembly, too, has unfortunately decided to become a party to it by allegedly directing the registration of a case. It is not clear under which law the Speaker derives such judicial jurisdiction."

The NCCL demand the immediate withdrawal of the directive because such a precedent will pave the way for members of Parliament to take revenge on any person or party whose political convictions they oppose.

Dawn, 7.6.1986

Obscurantism is also a Kalashnikov

S. Naem Bokhari

Asma said words to the effect that Islam does not admit of a clergy; it does not permit intermediaries between God and man; it was revealed to a prophet, (peace be on him), who was not a literate person himself. The symposium where these words were uttered was presided over by Justice (Retd.) Aftab Hussain, former Chief Justice of the Federal Shariat Court, and he saw no reason to protest. In fact, if these were the words actually uttered, there is no cause for protest at all.

The third tradition of the section Bad al-Wahil which forms the introductory chapter of Bukhari Sahih, the revelation of the first five verses or Surah al-Alakh (the germ cell) is described in the following terms:

“One night, the angel of revelation suddenly appeared to him and said, "Read". Mohammad at first thought that he was expected to read actual script which, being unlettered, he was unable to do; and so he answered. "I cannot read," whereupon, in his own words, the angel "seized me and pressed me to himself until all strength went out of me. Then he released me and said. "Read," I answered. "I cannot read." Then he seized me again and pressed me to himself until all strength went out of me: then he released me and said, "Read" - to which I (again) answered, "I cannot read." Then he seized me and pressed me to himself a third time. Then he released me and said. "Read in the name of thy Sustainer, who has created - created man out of a germ cell: read for the Sustainer is most bountiful one." “And so Muhammad understood, in sudden illumination, that he was called upon to “read”, that is, to receive and understand. God’s message to man”.

The Frontier Post, 9.6.1986
Confusion over ‘fundamentalism’
Zeno

Fundamentalism is a comparatively new term in the current political vocabulary. It started being used first around the end of the ’70s after the Islamic Revolution in Iran.

American officials and publicists were the first to use it as a kind of swearword against the irreconcilable Islamic revolutionaries of Iran. It was the first time that a religious reviveralist group in a Third World country had been so ferociously adamant in its opposition to Americans, or for that matter any other, imperialist power.

As a general rule the religious orthodoxy, or conservative and reviveralist religious groups everywhere, have always been dependable allies of imperialism. Since the First World War, and even earlier, imperialist countries have divided religious groups in Islamic countries into two categories — friendly or inimical. During the early 19th century, the British found the Faraizis of Bengal to be an anti-imperialist movement and did not hesitate to crush it most brutally. About that time the Wahabis (so-called) of Syed Ahmed Shaheed’s following started a jihad against the Sikh rulers of Punjab. The British did not oppose them; if anything, they provided direct and indirect assistance.

The jihad movement against the Sikhs did not get anywhere. But ‘Wahabi’ power in India did not come to an end. Around the rebellion of 1857 and after, the jihad centre in the Frontier continued to be active, this time against the British, and many of its devotees throughout India waged a clandestine struggle against the imperialist power. Hence the famous Patna trials of ‘Wahhabi maulvies’ many of whom were to spend life terms on the Andaman Islands.

Towards the end of the 19th century, a reviveralist movement in the Sudan, under the leadership of the Mahdi of the Sudan, fought and overthrew the British imperialists. In more recent times, the movement of Omar Mukhtar of Libya against the Italian imperialist rule was a religious reviveralist

Islamist parties in Pakistan - orthodoxy or revolution?

movement with a political anti-imperialist objective.

The pan-Islamic movement in the Islamic countries, initiated by Maulana Jamal-ud-Din Afghani was another such anti-imperialist religious movement. Jamiatul Ulema Hind, and the Khilafat and Hijrat movements around the First World War were also tinged with pan-Islamism and anti-imperialism. For a brief moment, we found its re-emergence in the form of the Lahore conference of Islamic countries in 1973, under the leadership of anti-imperialist Islamic leaders like Boumedien, Gaddafi, Hafiz Al Assad, Faisal of Saudi Arabia, Yasar Arafat of Palestine, and Zulfikar Ali Bhutto of Pakistan.

But it was the Islamic Revolution against
the Shahinshah of Iran which proved to be the most annoying religious orthodox movement for imperialism, especially American imperialism. No amount of pressure, or efforts at mollification helped re-establish friendly ties between Iran and the United States.

Prior to the Iranian people's revolutionary struggle, the word "Fundamentalism" was used in a specific sense — to denote "strict maintenance of traditional orthodox-protestant beliefs" inside Christendom. After it was applied to the Islamic Revolution it came to be applied generally to any kind of anti-imperialist religious movement. Later still, it came to be used among liberal elements for denoting movement within any religious community.

This was slightly different in meaning from the use of the term by the US publicists in reference to the Iranian Revolution. It came to be a vogue among the liberal sections of any community, even the leftists, to use the term fundamentalist to describe undesirable uses of religious orthodoxy in general.

For instance, the Akali movement among the Sikhs has been an orthodox movement from its very beginning. It has had its moderate phases, but mostly it has been an anti-imperialist movement. This was acceptable both to the Indian National Congress, and to the Communist Party of India. When some breakaway elements of the Akalis organised themselves under the leadership of Sant Bhindranwale, and opposed everyone else, including the Congress, the communists and the general run of Akalis, they were described as fundamentalist Sikhs by them. Similarly, the Hindu chauvinist movement of Bhartiya Janata Party, has been described as fundamentalist by liberals, the communists and the Congressites professing secularism.

Although misnomer, the term having gained currency in the world media was used by practically everybody in world politics. In our country, leftists and secularists have become particularly fond of using the term for religious elements who are opposed to them. At one time the swearword used by leftists, liberals and secularists against any of their religious minded opponents was "communalist". This resulted in all kinds of political and religious confusion.

The strict, hide-bound and orthodox Jamiatul Ulema (Hind), were allies of the Congress, and were hence designated as "Nationalist Muslims", and "non-communalists". At the same time modernists among Muslims like the Muslim Leaguers, e.g. Iqbal and Jinnah, and even such leftists as Daniyal Latifi, Mian Iftikhar-ud-Din, and Abdullah Malik, were dubbed as "communalists". Thus the orthodox ulema became acceptable to the Congress and the anti-orthodox modernists, and even socialists, were unacceptable.

Since 1947, the India nationalists in both India and Pakistan have continued to use the old terminology. By nationalist and non-communal they mean Indian nationalist, and by Pakistani nationalist they mean communalist and anti-nationalist. Things have come to such a pass that to be a Muslim is to be ipso facto a communalist.

This confusion can be relevant to the political climate in India. But has it any relevance in Pakistan? A Pakistani nationalist in Pakistan, whether he be a Hindu, a Christian, a Sikh or a Muslim can only be a nationalist, certainly not a community, unless he becomes so involved in the orthodox politics of his own religious denomination that he ceases to be a Pakistani nationalist. The orthodox elements in our society can be — indeed should be — considered communal elements. In so far as they emphasise this communal level of their personality and politics they can only be communalists, and not Pakistani nationalists.

Our civil and military bureaucrats, some of whom have been tinged by such communalism have been trying to promote what they call "Islamisation", and to create in Pakistan a religious Islamic state. Most of them are not themselves convinced that these terms are relevant in a modern nation-state. But since it is convenient to keep the religious orthodoxy on their side, they have been invoking the term Islamisation.

The correct politics for Pakistan was laid down by Quaid-i-Azam in his speeches and writings — most clearly and succinctly of all
in his inaugural address to the Constituent Assembly of Pakistan. It was a thoroughly democratic politics in all its aspects. It was not religious politics, nor was its objective the creation of a religious or theocratic state. Similarly, in Iqbal’s writings, we come across a concept of the state in Muslim countries which can only be a fully representative modern, national, democratic people’s state. In the utterances of both Iqbal and Jinnah — and even Liaquat Ali Khan — we also find a socialist dimension. (That is why the ulema of Jamiat ul Ulema (Hind), who were allies of the Congress, charged at one time that these Muslim Leaguers are Muslim in name; in fact they are socialists).

Our leftists and liberals and secularists have actually remained in their primitive political state ever since they came face to face with the Pakistani political situation. Their idea of a Muslim League remains that of a communal party, and their understanding of the Muslim League leadership — a group of modernist Muslims if there were any at the time — was likewise that of communalists.

On the contrary, their view of Indian Congress leaders was that of nationalists and secularists. Our leftists and liberal intellectuals have not been able to get out of those grooves.

Gradually, history has come to prove a very different idea. Above all we find that the greatest Muslim nationalist of the time, Maulana Abul Kalam Azad, has revealed how the highest level of the Congress leadership — Mahatma Gandhi, Sardar Patel and Jawaharlal Nehru — had remained Hindu communalists throughout their political careers, and it was their actions which led to the tragic happenings of the 1947 period.

Despite this our leftist and liberal intellectuals continue to harp on the same old tune. For them the basic political task is not a revolutionary struggle in Pakistan, but rather a nationalist movement to make an India of Pakistan. That is why they look for reactionary religious orthodoxy, whom they have named fundamentalist, in the wrong place.

There is a continuous campaign in our liberal and leftist circles to present everybody why was anybody in Pakistan — like Iqbal and Jinnah — (along with such reactionaries as Ashfaq Ahmed and Zia-ul-Haq) as fundamentalist, and hence condemnable. This is not a new campaign. Only its terms of reference have changed. Previously, these key figures in Pakistan’s politics were called communalists and anti-nationalists, now they are called fundamentalists.

I was shocked to learn from the lips of a leftist intellectual recently that Iqbal was the source of our orthodox reactionary politics. If that is the level of understanding of our liberals and leftist intellectuals, we can bid goodbye to any kind of genuine liberal or leftist politics in Pakistan.

Authority to define Islamic status of issues
Rafi Ullah Shehab

The most important requirement of Islamization of any society is to define the Islamic status of various issues. The question arises who will be competent to define any such issue. Every religio-political leader considers himself competent to define it. But they have not been able to define a Muslim so far. The Munir Inquiry Committee in the year 1953 had asked almost all the Ulema of the country to define a Muslim but their definitions differed.

Not to speak of defining a Muslim, they even can not differentiate between Islam and blasphemy. Almost all the Ulema in our country including Syed Abdul Ala Maududi and the Minister of Religious Affairs hold the belief that man is the vicegerent of Allah on this earth while the great Muslim authorities had unanimously declared that anyone who held this belief is a great sinner and transgressor. (Ahkam-ul-Sultanah by Allama Al-Mawardi, p.15). Imam Ibne Tamiiyah has dubbed such a person as a polytheist who is treated as the worst type of a non-Muslim. (Fatwa Al-Khubra, Vol:II, p.553).

Another important issue is their claim that Islam is a complete code of life; none of them have defined this code so far and appear unaware of its details. They, instead of demanding the enforcement of the financial system of Islam, consider the prevalent
capitalist system of economy as Islamic.

To make up this deficiency, the government established the Council of Islamic Ideology to define various Islamic issues. But as this Council consisted mostly of these very Ulema, it could contribute nothing. Instead of defining various Islamic issues its members tried to please the half-educated Ulema of the country.

For example the Muslim Family Laws were first codified by the prominent Ulema of Egypt and enforced there in 1929. Our Ulema greatly appreciated these laws. But when the same laws were enforced in Pakistan in 1961, they started opposing them due to their political differences with the government.

Equally family planning is an issue on which the great jurists who founded the various schools of Islamic jurisprudence totally agree. (Fatwa Misriah by Imam Ilne Tamiyia, p-431). But the Ulema due to their political differences with the government, opposed this humanitarian issue, and the Council supported them.

Last but not least is the verdict of the Council against the evidence of women. Strangely enough on the day the Council’s decision was published in the newspapers, another report was published according to which the police had accepted the evidence of sniffer dogs in a murder case. By opposing the evidence of women in such cases, the Council degraded women.

Another such institution is the Federal Shariat Court. It recently gave a historic decision about Riba but provided no proper definition. The Federal Finance Minister has complained that this has made it difficult for the government to eliminate this evil.

The judges of the Court give their decisions in the light of presentations by the Ulema. For example the major interest-bearing transaction is absentee landlordism. But as the Ulema did not refer to it in the case, so the court did not give its ruling about it.

A very effective solution to this problem is available but the government as well as the religio-political leaders are reluctant to adopt it. Through a number of articles in 1956 I demanded the government make Arabic language compulsory for law students. The government had to spend nothing as facilities for teaching Arabic were available in colleges. At that time the study of Arabic at graduate level was compulsory for students seeking admission in M.A. Islamic Studies. Instead, the Punjab University waived this condition. As a result, students who could not even translate a single verse of the Holy Quran passed this examination.

Dismayed by the attitude of the University, I contacted the prominent Ulema of almost all the sects. It shocked me when they refused to support my demand. They feared that if some intelligent students mastered the Arabic language, they would eclipse the Ulema who had only scatty knowledge of the language of their religion. This fear was no doubt correct.

Nearly one thousand law students graduate every year. If only two or three per cent of these intelligent students had mastered the Arabic language, they could study the classical books of Islamic law. This along with the study of the modern legal theories, would have made them competent authorities to define the Islamic status of any issue.

The Muslim, 24.2.1992
Move towards state sponsored Islamisation in Bangladesh

Sultana Kamal

On 7th June 1988, the members of the controversially elected parliament of Bangladesh passed the Constitution (8th Amendment) Bill imposing Islam as the state religion of the country which broke away from another religious-based country - Pakistan - only 17 years ago. The four pillars of the Constitution of Bangladesh originally were nationalism, democracy, secularism and socialism. Secularism and socialism were dropped from the Constitution in 1977 to be replaced by 'total faith in Allah' and 'social justice'. By having Islam as the state religion, the nation-state which was created through a war of independence fought by Hindus, Muslims, Bhuddists and Christians against communalism and religious fanaticism thus lost its original identity.

The main reason for declaring Islam the state religion has been said to be because of the statistical fact that there is an overwhelming majority of Muslims, and without Islam as the state religion the majority of the population was not able to establish its identity of nationhood, independence and sovereignty. It has also been said by government leaders that the move has been initiated with a view to curbing the alarming growth of fundamentalism, with particular reference to the politics of Jamaat-i-Islami which is a strong opposition party notable for its religious fanaticism. But, encouraged by the passing of the Bill, the anti-Bangladesh Islam-loving fundamentalist groups have quickly come out of their shells and have called for the declaration of Bangladesh as an Islamic Republic to complete their rehabilitation. In one of his public speeches right after passing the Bill, the President has very clearly declared that no law that is repugnant to the principles of the Quran and Hadis shall be effective any further in Bangladesh.

The government leaders insist that Islam is in danger in the hands of both the fundamentalists and the socialists, and hence it has to be saved. But in fact, Islam as the religion and creed of the majority has always been in a place of natural prominence and dominance in Bangladesh. Even in its secular days, Islam was the dominant religion in state functions. Today every state function is preceded by recitations from the Quran. Bangladesh television broadcasts Azan regularly and other Islamic rituals are also performed by government ministers and functionaries as public duties. Women announcers and news readers are made to cover their heads during the month of Ramazan. The President himself performs Haj every year using public funds as part of his state duties.

Even the first elected President of secular Bangladesh had on several occasions to insist that Bangladesh's secularism was not Godless atheism. It was he who had entered Bangladesh in the Organisation of Islamic Countries at its summit in 1973. His going to Rabat shows the strength of Islamic sentiment prevailing in newborn Bangladesh. The rajakars and al badars, the religious fanatic groups and killers of the Bengali intellectuals, students and freedom fighters were set free without trial by him. These facts establish the fact that Islam was never in danger in Bangladesh, and that pro-Islamic sentiment never disappeared from the country to give way to secularism. The capitalist imperialist forces which were defeated in the liberation war did not lose any time in reaping material benefits from the situation. By eliminating the pro-socialist and secular faction of the then ruling party - Awami League - they began the process of recapturing Bangladesh.

Bangladesh was liberated from Pakistan after 24 years of colonial relationship at a point of extreme violence on the part of the Pakistani military rulers and the religion traders. But even after liberation, secularism was not allowed to grow and take root in this country. The Islamisation process that had begun immediately after liberation was first given credibility by the post-1975 rulers as steps to regain national identity which they
alleged was lost in secularism and socialism. They did not even anticipate any protest from the people of Bangladesh when dropping these two pillars from the Constitution in 1977. It is interesting to note that in Bangladesh the pro-socialist government had to fall within four years to moderate right military forces which lasted for about seven years, only to fall to extreme right military rulers who have managed to stay in power for seven years with very faint indications of leaving soon. But this government had to face the severest opposition from the people of the country. Apparently this has been the most unpopular government, which has plunged Bangladesh into a chronic condition of total political instability, economic crisis, unprecedented lawlessness, corruption, violence, frustration, hopelessness and drug addiction among youth and no sense of direction for the future. In Bangladesh, the present government is faced with a situation which it is not able to control. The opposition parties which are essentially bourgeois in character have also failed so far to make any move that is even to their advantage. Very clearly, people have shown no confidence both in the ruling government and also in the system of bourgeois politics.

From the above it may be said that the main reasons for the continued crisis in Bangladesh are (a) inability on the part of the government to solve the problems of the people and (b) the absence of a political force able to replace or topple the present regime in a fruitful way.

In the rural areas the process of pauperisation is pushing more and more people below the poverty line. With practically no education, medical care, security and above all food, their situation is going out of control. The concessional treatment of World Bank prescribed land reforms and rural credit programmes is not able to help much. Due to its capitalist-patriarchal nature, women in all sectors are being pushed back despite the rhetoric of women's development being supported and sponsored by the government. But many of the women who had to come out to work after 1972 as the male earners in their families were killed during the war feel quite strongly about their rights in society. There are other women's groups working for women's liberation and for obvious reasons would not like to give in to this pressure. The international women's movement and the United Nations' support for women's demands have widened the scope for educated women to increase their organisational and bargaining power. The present capitalist military patriarchal government apprehends serious opposition from the women's groups and definitely senses a 'silent anger' in the masses.

Therefore religion has to be invoked in the interest of their own survival and preservation of dominance. The following summary of the nature of capitalist development in Bangladesh will make the picture clearer.

When Pakistan was created in 1947 there was no organised Bengali Muslim bourgeoisie in the country. The then Pakistan government encouraged the development of a free capitalist economy and the economy of the then East Pakistan was brought under the total control of the West wing. In the 1960s, mainly for political reasons, they took the initiative to create a Bengali bourgeoisie in East Pakistan. As a result a number of rich families were born. Their role in the nationalist movements was always oscillating. During the liberation war in 1971, most of them naturally took the role of silent spectators, many even cooperated with the Pakistani military junta.

Right after liberation, the development of this Bengali rich class was thwarted, mainly due to nationalism in the field of trade and industry. Some of the influential members of the then ruling Awami League never approved of secularism or socialism and, in collaboration with national and international capitalist forces, succeeded in weakening the pro-socialist elements in the party and set the Bangladesh economy to develop along capitalist lines. A group of people inside and outside the party was allowed to thrive through plunder and exploitation. Gradually this particular group took control of the country's economy as well as politics. And that is why it became so much easier for the capitalist-imperialist forces and their local agents to control and direct the situation to their advantage.

After the changeover in 1975 these were
the people who came into power. They were open supporters of a free economy and immediately after coming to power they started to nationalise all the nationalised industries. Later on, along with changes in policies from time to time, this process has only been intensified and expedited. The public sector was curtailed in order to foster the private sector. The effort to establish a free economy in the country still continues.

in the existing system. Therefore, Bangladesh is only creating a handful of new rich. On the other hand, because of continued despotic rule in Bangladesh, we experience formation of a military-civil-bureaucratic capital. The imperialist forces, the new big rich class and the military-civil-bureaucratic capital form a close relationship with each other and act as complementary forces for their own development. (M. M. Akash 44)

Because of the distinctive historical background of capitalist development in the country and also due to a very weak position in the world capitalist system, the development of capitalism in Bangladesh possesses a very special character. The features of its character may be described as follows:

a) The state performs a direct and principle role in fostering the development of a group of special favoured capitalists.

b) Imperialism plays a very significant role in this process through the state and through other agents such as multinationals, NGOs etc.

c) The process of capitalist development in this country is not similar to that of the classical Western development of capital.

By its very nature of being dependent on imperialism and the state, this type of capitalism does not bring any effective change

In fact, this is a unified process. The profit that is extorted by this exploiting class by direct or indirect imperialist assistance, state cooperation, exploitation of the people, hoarding, black marketeering, speculation, indenting and other business and trades, is not being invested in any productive sector. Some of it is being reinvested, mainly in unproductive sectors, and some in welfare activities. Most of the profit is smuggled out of the country and spent in luxurious consumption. In fact, parasitism is an essential characteristic of bureaucratic state capitalism. And the state here gradually comes under the direct control of those new monied classes who are by nature agents of imperialist interests. As a result, Bangladesh has become totally bankrupt and 90% of its budget must come from foreign aid.

This special trend of capitalist development in Bangladesh has intensified the crisis of the people. It has also
stretched neocolonial exploitation and has contained the pre-capitalist production relations from passing on to another stage. This in effect has created dissatisfaction in the minds of the faction of the bourgeoisie who are interested in productive investment.

The patriarchal-capitalist nature of the state continually pushes women of all classes to stand back and protest. Women are continually being pushed out of work and employment in the rural sector. In the urban areas in the name of culture and tradition, women are being discouraged from taking up jobs that are supposed to be meant for males. The state is not talking any responsibility for looking after children's development in any field. Rather, mothers are vigorously urged to give society worthy citizens and the technique suggested for that is strict birth control practices. More and more women are expressing their resentment at the existing system and women's movement workers are very clearly demanding a more egalitarian social structure. All these dynamics working together are pushing Bangladesh towards even greater disaster or social revolution.

Now this intensification of social conflict within the country has to be diverted as far as possible into a channel which is innocuous from the point of view of the vested interest groups. The stirring up of antagonism along communal, chauvinistic (favouring one religion over another and doing it through the state) lines is a convenient method of directing attention away from the genuine problems, from class struggle and women's struggle for an egalitarian social structure. The present government of Bangladesh has very cleverly held the line of Islamisation for its own survival. Introduction and implementation of Islamic laws will extend the power of the state to interfere with people's personal life and hence exercise more control over them. The family laws of Bangladesh will have sacrificed the 1961 Ordinance which brought at least some equality to women in marriage, divorce and in restricting polygamy. The facilities provided to women through the family courts will be taken away.

This perfectly suits the imperialist and neocolonial designs of the capitalist system. After the liberation of Bangladesh along secular and socialist lines and due to the Russian presence in Afghanistan, the American imperialist bloc maintained their links with this continent mainly through Pakistan via Saudi Arabia. After the changeover in 1975, they started channelling their aid and assistance of Bangladesh through Saudi Arabia and encouraged growth and strengthening of pro-Islamic feeling in order to regain and renew their influence in this territory. Fundamentalism seems on the surface a national phenomenon, but in fact it is very much related to imperialism and neocolonialism. Most of the people of Bangladesh feel that this country has a long cultural tradition of peaceful living together of people of different religions and that glorification of one's own religion against the others' only upsets the harmony. Islamisation of Bangladesh has been criticised as the government's way of using fundamentalism to suppress all progressive political movements. Fundamentalism has the power to glorify the past, to mystify the present, so that people forget to look for a future.

However, it appears that the government has received more wrath than praise from the people by declaring Islam the state religion. Had it been the long cherished hope of the majority they would have expressed it by welcoming the step. On the contrary: the leading student groups, progressive intellectuals, teachers, painters, doctors, lawyers, theatre artists and many other groups registered their protest immediately after the passing of the Bill. Women's groups have very strongly expressed their feelings against the Bill by organising processions, meetings and rallies and also by regular protests in newspapers and journals. United Women's Forum and Naripokkho organised protest rallies on the day the Bill was proposed. Naripokkho has also brought a writ petition challenging the Bill, but for obvious reasons the hearing is being delayed.

The most important thing is that people have expressed their dissatisfaction with the Bill and have repeatedly pledged to resist it.

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Feminism, fundamentalism and rights rhetoric in India

Ratna Kapur

The role of rights and law has formed a very central part in the feminist struggle for social change in India over the past decade. Feminists have struggled for, and to some extent achieved, legal reform of the rape and dowry laws and are still demanding reform in different personal laws, amniocentesis and sati. The demand for law reform and the pursuit of individual cases in court has been the main strategy for achieving women’s empowerment.

Yet the heavy reliance placed on rights strategies, has been pursued without sufficiently problematizing our understanding of rights. Rights have been approached as not having a dynamic quality. We need to take a different look at rights discourse, understand how it is linked to broader political struggle and the purpose it serves for mobilising women. At the same time, there are competing claims on rights, and anti-feminist groups have also used rights discourse to undermine the feminist agenda and further their visions of the world. This is exacerbated in the context of rising religious fundamentalism in India and the relationship between fundamentalists and the state. An analysis of some recent case law exemplifies the specific impact of this emerging alliance on women. The paradox is that religious fundamentalism has laid claims to rights at the same time as it threatens to undermine the very secular commitment to the discourse of rights. The dilemma then for feminists is if and how to continue to rely on rights.

I. On rights discourse

We need to look at how rights have helped women, and how rights have hurt women. This means looking at and critiquing the different existing approaches to law and rights.

a) Liberal Theory of Rights

A liberal understanding of human nature views the individual as existing outside of community and historical context. A liberal theory of law focuses on the individual and on the need to protect individual rights from the state. Although the approach taken by the women’s movement has secured formal rights for women, this liberal approach precludes any understanding or inquiry into the deeper relationships of oppression underlying and sustained by the law, particularly economic relationships that make people unequal, notwithstanding formal equal treatment.

Although we have secured reform of the dowry law, the demands for dowry, and dowry murders are on the increase. The act remains unworkable, primarily because the underlying factors responsible for dowry, the unequal economic relationships between men and women and the patriarchal relationships on which the family is based, have not been adequately challenged. (Kishwar, 1988 and 1989; Lakshmi, 1989, Palriwala, 1989)

Abandoning Rights

Some feminists have begun to rethink this reliance on rights in particular and law in general, and have begun to outright reject rights. In part, such a response flows from a liberal
understanding of rights as reified, as hindering or obstructing social change.

Others argue that rights are capable only of restricting state power, not conferring positive benefits. This view understands rights discourse as a notion representing the interests of the dominant class and therefore, can not represent the interests of disadvantaged and marginalized groups. Courts are elitist, conservative and undemocratic institutions, equipped by judges unable to transcend their predominantly male, middle-class, brahmin perspectives.

In Defence of Rights
Yet there is an argument for defending the role of rights in struggles for social change. Rights discourse can be important for people who have never had them. Most often those who critique reliance on rights in feminist struggles are often women who are already protected. For those who have never had the power, status, and privilege of being recognised as individual agents, with individual human dignity, individual rights are indeed very, very radical. Rights can be important in consciousness-raising as well as in mobilising marginalised and disempowered groups.

Dialectics of Rights and Politics
We need to reconceptualize the notion of rights, challenge the arbitrary distinction often made between law and politics, and locate rights within broader political strategies. There is a dialectical relationship between law and political struggle. The assertion of rights has a positive influence on political mobilisation of social movements. (Schneider, 1986)

At the same time mobilization around rights does not render such rights per se as progressive. Mobilization is important. But groups with opposing political agendas can and have used rights as a political symbol to mobilize opposition to the feminist agenda, as we have witnessed in the case of religious fundamentalists. (Smart, 1989)

Furthermore, to use rights strategies only to mobilize women, may hurt the women it is intended to benefit by encouraging them to see law and rights discourse as a solution to their problems. Lawyers and legal activists, then, come to set the agenda, rather than the women organized as a collective political force. Legal battles must be located within the larger political struggle. They must make sense in terms of the more general, less specifically legal objectives of such a struggle. Otherwise, our struggles will remain in the legal forum and may result in demobilization rather than mobilization. (Fudge, 1989).

II. The role of the state
In discussing the role of rights discourse in feminist political strategy, we need to look at the nature of the state and its relationship to religious fundamentalism.

In India today the legitimacy of the liberal democratic secular state is in crisis, partly because it has been unable to tackle the proliferation of movements for regional autonomy, competition for economic resources and decentralization of power, resulting from uneven regional development. (Chhachhi, 1988) It is no longer able to derive legitimacy from the anti-colonialist nationalism of the post-independence period. Its centralising tendency requires some new hegemonising ideology of nationalism for its legitimacy that religious fundamentalism has potential to provide. The extent to which the state is emphasising the importance of religion is directly linked to the state's continued legitimacy. And the increasing significance of religion is evidence in the recent elections where the Hindu fundamentalist Bharatiya Janata Party formed the single largest opposition party in Parliament.

It is in this context that we need to understand the state's response to the feminist struggle. Feminism has only been of limited importance as regards the continued legitimacy and existence of the state. Although the state has given certain rights to women, more recently, the feminist challenge to the social contract between religion and the state has been firmly opposed. The stress on the Manusmriti by organizations as the Vishwa Hindu Parishad make it virtually impossible for feminists to succeed in their demands for progressive personal laws, let alone a uniform personal law. (Aneja, 1990) Feminist demands for reform of the personal law, for a secular code, for property rights for women, have not only been resisted, but even secular rights we have already won are being threatened by the emerging communal ideology of the state. The erosion of secular rights to life and liberty was evidenced in the recent attacks on Sikh women in Chandigarh for not wearing salwar kameez and the non-intervention of the police, exemplifying the role of the state in legitimising the use of violence against women to preserve and foster
religious identity.

We need to think more about the links between patriarchal relations and the state. In the context of religious fundamentalism, it is not necessarily the case that women are just the victims of the state's quest for ideological legitimacy; it will get more legitimacy supporting a fundamentalist position on women than it will get supporting a liberal secular position on women. It is possible that the state is actively reinforcing patriarchal control over women for other possibly economic reasons. Or perhaps both of these.

**Fundamentalism in the courtrooms**

The judiciary, as an arm of the state, has also become implicated in the relationship being fostered between the state and religious fundamentalism. If we look at the actual results of litigation, we can see how religious fundamentalism has affected rights strategy. Today the agenda of religious fundamentalism is taking over the terrain of the courtroom and having a very specific impact on women's rights.

One example of the undermining of a secular law has been exposed in the area of control over women's reproduction. The Medical Termination of Pregnancy Act gives a woman the exclusive right to decide if she wants to terminate her pregnancy and does not require the consent of any other party. In a recent Delhi High Court case decided in 1983, a woman apparently terminated her pregnancy on two occasions. Her husband filed a petition for divorce under the Hindu Marriagge Act alleging that as his wife had terminated her pregnancies without seeking his consent this amounted to cruelty. The judge stated that the husband, his sister, and his parents were "always crazy to have a child in the family, but the appellant (wife) dashed their hopes by resorting to termination of pregnancy. This conduct of the appellant, to my mind, undoubtedly amounts to cruelty if not physical, mental at least and the respondent is well within his right to claim the decree of divorce on that ground...the deprivation (of a child) naturally affects his mental health. This is more so in the case in hand where the parties are Hindus. The Court has to attach due weight to the general principle underlying the Hindu law of marriage and sonship and the principle of spiritual benefit of having a son who can offer a funeral cake and libation of water to the manes of his ancestors." The position of the court is consistent with statements of Hindu fundamentalists concerning the right place of women. During the communal violence in Ahmedabad, Hindu fundamentalists condemned abortion as murder and advocated that women give up their jobs in favour of unemployed men. (Chatterjee, 1986).

The discussion at the same time exposes the paradox of religious fundamentalism. While appealing to the discourse of rights, that is claiming rights for itself and for its community, it undermines the very discourse in its attempt to delegitimize the secular ideology of the state.

**III. A strategy**

How do we respond to the formidable alliance that is emerging between the state and the religious fundamentalists. The way in which we communicate law and how it is subsequently used by us is critical to the future strategy of the movement.

We must begin to interrogate the legal literacy strategies we use. We must communicate the law in a way that enables women to challenge the state and not subjugate it to the state's ideological discourse. So much about the law is about the state's ideology. Legal literacy is about how to make the discourse about law and rights meaningful within women's lives. Today when secularism is being challenged by religious fundamentalism and when religious fundamentalism is providing meaningful discourse in participatory structures for women, this requires not only communicating the discourse but legitimating the discourse as secular. Meaningful participatory structures on a grassroots level must be developed to adequately compete with fundamentalism.

The dilemma is how to legitimate the discourse of liberalism. The secular state is essential if women are to be able to make any claims regarding their rights to equality and yet we also understanding that such claims are inherently limited, that is social reconstruction will not occur within the sphere of law alone. A secular state is perhaps a necessary but insufficient condition for social transformation. Legal literacy strategies have a role of legitimating at a grassroots level a commitment to secularism, but at the same time must also communicate the limits of the law and its role in social transformation.

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Legal reforms -- How far have they changed her life?

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The State, Religious Fundamentalism And Women Trends In South Asia

Amrita Chhachhi

One of the crucial issues affecting women in South Asia today has been the growth of state sponsored religious fundamentalism. This is occurring in the context of increasing evidence of violence against women - dowry murders, sexual harassment, rape often by the police and army, and the throwing of acid on women in the streets. As a result of campaigns and agitations by women's movements, these incidents have been highlighted and the governments have passed some preventative laws, albeit with many loopholes and limitations. However what is significant is that in recent years there has been a shift away from even the liberal rhetoric of equal rights for women and laws have been passed to withdraw the legal and political rights which women already had won. These developments are linked with the broader process of economic and political changes which have laid the basis for religious fundamentalist groups to grow, as well as for the support to these tendencies by the governments in these countries.

The emergence of fundamentalist groups is not specific to South Asia. Fundamentalist forces, often with state support have emerged in Sudan, Nigeria, Egypt, and Malaysia, with Iran offering the best example of what implications this has for women. Iranian women took an active part in the anti-imperialist struggle against the Shah, making the veil into a symbol of resistance only to find themselves pushed afterwards into the restricted roles of mothers and wives. The chaddar became a legally binding requirement, the age of marriage was reduced to 13 years and divorce became nearly impossible. (Haleh Afsar, 1985)

These trends can be seen also in developed capitalist countries, thus belying any link of this phenomenon with backwardness and underdevelopment. In the United States the Moral Majority, with close links with the extreme right, have initiated a reign of 'holy terror' with Senators opposing the Equal Rights Amendment on the grounds that it undermines the family and "deprives men of their right to come home from work to a fresh martini, cooked dinner and a cheerful and compliant wife". (Flo Conway & Jim Siegelman 1984)

In South Asia in recent years a number of developments show the increasing hold of religious fundamentalist forces in the region.

In 1986 the Indian Parliament passed a bill called the Muslim Women's Protection of the right of Divorce Bill, which withdrew Muslim women's right to appeal for maintenance under a special provision in the Criminal Procedure Code. This bill was passed after a period of mass demonstrations, strikes and petitions presented by Muslims and Hindus all over the country, as a reaction to a Supreme Court judgement to grant a 73 year old woman, Shad Bano, the paltry sum of Rs. 179 per month as maintenance from her husband. A simple issue of women's rights turned into an issue of minority vs majority community interests and led to a withdrawal of legal rights for Muslim women. In Pakistan, the Hadd Ordinance of 1979 sanctioned flogging for adultery and rape, with little to distinguish the two, a Law of Evidence reduced a woman's evidence to half that of a man, and a proposed Shariat Bill now seeks to deprive women of even more political and social rights, including their participation in politics. In Bangladesh, while there have not been specific changes in the law as yet, attempts are being made to assert "Islamic" codes of dress and conduct for women. Women announcers on television were told not to cover their heads and not to wear "bindis" on their foreheads. At the moment there is a bill being debated on making Islam the state religion.

These attempts to reverse the status of women and withdraw the rights which earlier generations of women had won, all in the name of preserving traditions and the fundamental tenets of a religion needs to be understood in relation to the role of the state. While this is clear in countries where a religion is the state religion, even in countries which purport to be secular, there seems to be support if not outright sponsorship of fundamentalism. Interestingly these trends go alongside government policies and programmes to integrate women into development. These can be seen as two sides of the same imperative to control and direct women's labour, fertility and sexuality to suit both capitalist and patriarchal interests.

More work needs to be done at a theoretical and empirical level on the relation between the state and women's subordination. This paper will look at one phenomenon - religious fundamentalism in the South Asian context. (i.e. Pakistan, India and Bangladesh) with a special
focus on India, and its relation to state ideology and women’s subordination.

The state and religious fundamentalism in South Asia

Post colonial states in South Asia have followed a capitalist path of development, notwithstanding the rhetoric of socialism, whether of the Indian or Islamic variety. There exist differences in the nature of the state, for instance, the specific constellation of class forces, the degree of dependence or independence from foreign capital, or the degree of repression and the right to assert democratic rights. However, development programmes in all these countries for agricultural and industrial growth, have resulted in structural changes in the ownership and control over productive assets, especially land which have furthered the process of class and sexual differentiation. One contribution the decade has made is the challenging of the notion that development policies are sex-neutral; today there is a wealth of empirical material which documents the differential effect of development policies on women and men. Technological changes, legislation, etc, interact with a pre-existing class and sexual division of labour, both within the community and within the household. This has resulted in a deepening of inequalities between women and men, in terms of their access and control over food, education, health care and productive resources. State intervention is today, explicitly restructuring not just the arena of the economic but also other arenas of civil society, those which concern the most ‘private’ areas of religious beliefs, reproductive choices and man-woman relationships.

Given this pattern of development, the continuous aggravation of inequalities of wealth, income distribution and uneven regional growth, have resulted in various forms of oppositional movements for land-rights, higher wages, regional autonomy and implementation of legal rights. These movements have usually been repressed by governments and power yielding groups, resulting in a tremendous increase in class, caste, communal and sexual violence since the mid-sixties. The inability of the governments to tackle the roots of these problems has resulted in a crippling crisis of legitimacy.

It is in this context that the ruling parties in all these countries are seeking to create an ideological unity through the sponsoring of religious fundamentalism. This is expressed openly in General Zia’s Islamization drives and in a more covert form in India and Bangladesh. In 1977, the secular principles of the Bangladesh constitution were reversed and since then, the government has been supporting the growth of Islamic institutions and linking up with Islamic state. In India, the succumbing to Muslim and Hindu fundamentalist pressures and the total lack of political will to solve increasing communal tension, have shattered the illusions of the secular ideology of the Indian state.

There are differences in the specific factors necessitating the use of religious fundamentalism to create an ideology unity. In India, the situation is more complex since it continues theoretically at least, to be a secular state. Rather than a direct projection of religious
fundamentalism as a state ideology, there is a more indirect sponsorship of fundamentalist forces. The emergence of state sponsored religious fundamentalism has to be seen in the broader context of the communalisation of Indian Society. "Communalism" as an ideology projects the "belief that because a group of people follow a particular religion, they have as a result, common social, political and economic interests." (Bipan Chandra, 1984) Analysis has shown that this assumption of a homogeneous identity ignores the real divisions of caste and class and that in fact, a "communal identity" has no natural basis but has to be created. The emergence of communalism as an ideology which leads to violence between groups who co-existed peacefully before has to be situated historically and in relation to the specific socio-economic and political factors leading to such developments.

**Communalism in the colonial period**

Historians have established that communalism in the Indian subcontinent, was a product of colonial underdevelopment, located most specifically amongst the middle classes. The breakdown of existing class identities and status systems, along with economic stagnation forced middle class Indians to compete with each other for the scarce resources. The ensuing frustration, combined with a sense of deprivation and fears of the loss of identity, created a volatile situation in which a religious issue could trigger off immediate violence and extreme brutality. Communal struggles were therefore over secular issues. The "purely religious or theological content of communalism has tended to be meagre" (Bipan Chandra, 1984).

In addition, from the end of the 19th Century, communalism became an important instrument of colonial policy in the effort to thwart the rising national movement. Communalists, especially the Muslim League were encouraged through the ready acceptance of their demands, official patronage etc. The Indian national movement itself, though secular in its objectives, also used communal consciousness. Many leaders used Hindu symbols, idioms and myths in their political speeches and writings.

The same divisions affected women in the early women's movement and national movements. As communal divisions intensified, Hindu feminists began to see purdah as a custom brought to India by Muslim invaders and a cause for the fall in women's high status in the Golden Age, and Muslim women, fearing that they would be swamped as a minority in a India ruled by a Hindu majority, began to defend passages in the Quran about female modesty. (Geraldine Forbes 1982)

This Hindu tinge in the national movement and the subsequent failure to foster the development of a national consciousness in the post independence period, left the space for communalism and casteism to grow inspite of a secular Constitution.

**Contemporary communalism and the Indian state**

In the decade between 1960-1960 communal incidents were few but since the 1960's there has been a tremendous increase in communal violence involving many more communities and creating new divisions. These incidents occurred mainly in urban areas, though recently, communal violence has spread to rural hinterlands as well.

Analysis of these incidents have shown that they were systematically planned with selective targets and were a disguised from of economic competition between the two communities. In many cases, the targets were Muslim artisans and small entrepreneurs who had achieved a degree of relative property and were cutting out the traders who happened, to be Hindus. This competition for scarce resources - markets or jobs has even led to the old caste conflicts being converted into communal struggles today. (A.R. Desai, 1985 Asghar Ali Engineer, 1985) Another significant factor behind these incidents of violence was the evidence of the complicity of the ruling party in either engineering these riots or not acting swiftly to prevent their occurrence.

Behind the specific 'riot' however, is the much more disturbing growth of communal ideology amongst large sections of people. Organizations like the Hindu Manch, Vishwa Hindu Parishad, Hindu Ekta Manch, along the older Rashtriya Swayamsewak Sangh, have initiated militant programmes to counter what they perceive as a threat to Hinduism. These organizations are highly authoritarian in structure, have paramilitary wings and an ideology of Hindu expansionism. Like fascist organizations elsewhere, these are all male dominated, if not exclusively male organizations.
The caftan is a version of the long dress with sleeves. The agbada maxi is available ready-made here in a loose style with embroidery below the front of the neckline. One variation is the bou bou which has rouching at the sides of the long, loose top. Our version in the photograph is in striped seersucker with bows below the rouching: the combination of blue and white seersucker trimmed with white broderie anglaise looks fresh and feminine. There is also a full length bou bou, another variation of the maxi, which is very generously cut.

Another practical style is the long skirt with tunic which can look smart. If the skirt is fitted, a pleat will give freedom of movement without showing the legs.

Then there is the tunic and trousers which is the traditional dress for Muslim women in Pakistan. The baggy trousers look very smart in black artificial silk and can be worn with any loose top which covers the hips down to about the knee. Anyone who has seen Pakistani women wearing traditional dress in silk and brocade knows it can be a beautiful outfit which is also practical and comfortable. In cotton it is suitable for playing sports or other forms of exercise.

Since the baggy trousers usually have a drawstring and are very wide at the waist they are also suitable for maternity wear with a loose top. So when your slim waistline is only a memory you can still look smart and conform to Islamic requirements.

Many women find the headscarf very practical and comfortable in the Nigerian climate. The cape for Salat is a good investment since you will wear it five times a day for prayer and it can also be worn outside the house. The advantage of wearing a cape for Salat is that it cannot slip off during prayers.

In our age of international travel and communications, when many women both urban and rural, are active in various occupations, we can adapt our traditional styles or borrow from any part of the Muslim world those dress styles that will suit our way of life.

All clothes shown in the photographs were made by the FOMWAN Hijab Industry, Minna, Niger State. These are just a few examples to show that hijab can be elegant. If any of our readers have found other solutions we would be glad to hear from them.

— Magazine of the Federation of Muslim Women's Associations in Nigeria, July 1988
This phase of communalism in India is significant in that it emerges in a context of rising religious fundamentalism. Communal tensions in earlier periods have not necessarily been accompanied by fundamentalist movements. The other significant factor is the role of the ruling party in supporting these religious fundamentalist forces, especially Hindu fundamentalists. In sharp contrast to its positions in the late 1960's and 70's, the ruling Congress Party has now shifted from its earlier public condemnation of communalism and of Hindu organizations and support to the victims of minority communities (in particular the Muslims) to a more generalized condemnation of communalism and the foreign hand in public pronouncements along with a series of concessions to communal demands, a refusal to indict individuals identified as being responsible for the violence, and a stifling of secular opinion, both, within, and outside the ruling party.

This shift was partly due to an electoral strategy to cash in on the 'Hindu vote', especially in North India. When this strategy did not result in large scale support in the 1986 by elections, there was a shift back to and a succumbing to Muslim fundamentalist demands by pushing through the Muslim Women's Bill. But there are far deeper factors at work which need further research and exploitation.

One such area would be to see how far the attempt to forge a national identity after the collapse of anti-colonial nationalism would take the form of a projection of a Hindu nationalism. Such an ideology has today ready recipients among the 'intermediate' or backward castes (Achin Vanaiik 1985) and the newly emerging rural kulaks. These developments are occurring in the context of a growing authoritarian state structure. Over the years there has been increased investment in the police, para-military forces and the army, along with the passing of laws like the National Security Ordinance, Terrorist Affected Areas (Special Courts Act, 1984) etc. which give wide powers to the police and the state apparatus over the lives of citizens.

State sponsorship and the emergence of fundamentalist organizations among Hindus, Sikhs, Muslims, and Christians along with an increasingly authoritarian state structure, has serious implications for the future of democracy in India. These trends in the South Asian region have also very specific and disturbing implications for women. Religious fundamentalism as a crucial component of communalism provides a lethal combination to prop up or resurrect patriarchal controls over women.

Religious fundamentalism and women

The terms fundamentalism, revivalism, obscurantism, are often used interchangeably and loosely. In this paper, religious fundamentalism is used rather than revivalism. Revivalism implies a "renewed attention to" or "interest in" while fundamentalism implies an adherence - often a strict and literal adherence to a set of basic principles. Commenting on the tendency to club together heterogeneous phenomena under the rubric of "fundamentalism", O. Roy makes distinctions between fundamentalism in Islam which could be:

"a return to strict religious practice, as we observe in many emigre milieus; return to the observance of the text (study of the Koran and the haditha), which is the fundamentalism of the madrassa; and return to the religious law, to the practise of the Shariat, which is the fundamentalism of the "ulema" ... (Oliver Roy, pg. 122, 1985).

Fundamentalism's 're-reading', 'return to the origins' can take many different forms (liberation theology in Latin America; right wing teleevangelists in the United States) and therefore is not in itself a political position. Similarly, religious fundamentalism does not always refer to the past. This is why it is problematic to call the recent occurrence of sati as a revival. In addition, the meanings that people give to these principles can also vary. For example, Iranian women who supported Khomeini, turning the veil into a symbol of solidarity and struggle, were not simply retreating to the past, but were asserting a certain positive conception of the future. (Azar Tabari & Nahid Yeganeh, 1982)

Fundamentalism then, can only be understood in relation to a specific historical context. It is crucial to identify when it emerges, which are the social groups initiating as well as constituting the support base of this phenomenon and what exactly is being projected as the basic principles of adherence.

One feature of fundamentalism is its selectivity in choosing what is the true and original teaching. This construction makes little distinction between what is textual and what may be local specific cultural practices. That contemporary construction of Hinduism (the same process
could be seen in other religions) has no need of either textual or historical verification was brought out very clearly in an interview with Ramanand Sagar, the producer of a television serial on the Ramayan recently. When asked about the historical sources for the film, he mentioned how during that period women did not cover their torsos but it was impossible for him to allow that on the screen since the image of Sita as a pure, chaste and ideal wife was so strong and important that showing her without a blouse would violate the moral message of the serial.

In Pakistan it seems that the criteria for selection and implementation of true Islam is the crucial area of man-woman relations rather than more general theological issues. A similar process of selectivity can be seen in the codification and implementation of personal laws in India. While a common criminal code exists for every Indian citizen, areas of marriage, inheritance, divorce etc. are governed by separate personal laws for Muslims, Christians, and Hindus. More studies need to be done on the process by which these personal laws were codified involving not only a specific interpretation of each religion but also the incorporation of the assumptions of colonial administrators and native representatives. (Lata Mani, 1986, 1988)

It is not accidental that issues of religious identity are tied so closely with the regulation of relations between men and women. All personal laws, including the reformed Hindu law have certain common features which reinforced the patriarchal, patrilineal and patrilocal family. This is the main family form in India, especially in the north, central and eastern parts of the country. Even where matrilineal forms have existed, as in the Taravad of Kerala, economic changes and colonial policy have invested defacto rights over property in the hands of men; government intervention through changes for example in laws on inheritance have tended to maintain this patriarchal authority. In situations of the breakdown and emergence of new class/caste/communal identities it is these elements of man-woman relations which become crucial markers of identity. Significantly there is now a demand for a separate personal law for Sikhs as well. All these features link patriarchal control to newly emerging class interests particularly the need to maintain and keep control over landed property by sections of the Punjab peasantry. It is also not accidental that while the ruling party ignored the other secular demands, this communal demand was being considered.

It is this linkage which needs to be explored to understand why religious fundamentalism has very specific implications for women. In this section we will look at two areas which illustrate this linkage - the emergence of fundamentalism as the result of a challenge to and breakdown of traditional patriarchal structures and the process of identity creation in situations of social and economic crisis.

Challenges to and breakdown of traditional patriarchal structures

"If fundamentalists are calling for the return to the veil, it must be because women have been taking off the veil" (Fatima Mernissi, pg.8, 1987)

There are two processes occurring within the South Asian context which are leading women to "take off the veil": the changing demand for women's labour as a result of capitalist developments in agriculture and industry and the challenge of a newly developed consciousness about the rights of women.

Broadly one can see that capitalist development, in agriculture and industry, has resulted in an increase in landleessness, increased dependence of women on wage work which is seasonal, low earnings and the increase as well as invisibilisation of their work in the unorganized sector. Generally, more women are being forced into looking for work and the work that is available is in the unorganized sector with a large section engaged in subcontracted home based production. The new export oriented industries are drawing in a new layer of younger women. Although studies of these industries show variations of age and marital status thus showing a deviation from the South East Asian model, many of these young girls are having to take over the traditional obligations of fathers and brothers for instance, to provide a dowry for their marriage and are now earning their own dowries. Studies of young women workers in the garment and electronic factories show a sizeable number who come, from disintegrating middle class to lower middle class families, who hope to earn enough to have a large dowry which is seen as the passport to marriage and an escape from factory work. However the bulk of their earnings were in fact going towards household expenses, as the families struggled to maintain an increasingly threatened middle class status.
The pressures of increasing poverty in the countryside as well as forcing a renegotiation of structures of authority. As women are moving out of the homestead in search of work and therefore away from the direct control of family patriarchs, they are entering 'male space' in search of wage labour. In addition there is the attempt to reassert control by regulating women's mobility and access to wage labour and product markets. Marty Chen describes such a process in rural Bangladesh: "...Patriarchal control over poor women's labour is operated not by the family patriarchs but by the village patriarchs. The village patriarchs, men from rich households, control the paid labour opportunities within the village and dictate the norms of purdah and status that discourage women from seeking wage employment or engaging in trade outside the village. Indeed to show their disapproval of women who break these norms, village patriarchs have been known to stop hiring these women to work in their households and to stop extending them credit or other forms of patron client service." (pg.221, 1986).

These material threatening patriarchal create conditions for support for stress women's. There has been documentation of demands of the and the emergence justify the exclusion women into the ideologies do not respond to the needs economic sense. fundamentalism as ideology in the cultural context of provide a similar controlling the and sexuality of communal started issuing statements about women.

Apart from the of women's work, which could lay the fundamentalist strength of the and a generalized awareness about women's rights in the region. There has been a rich tradition of women's struggle against patriarchal structures in the history of South Asia. The nature of these struggles has depended on the specific historical circumstances and options available for women during these periods. The early 20th century women's movement for example, did not question the sexual division of labour within the family, but did build independent organizations and fought militantly for equal rights, whether for the right to property which benefited few women, or for the vote, which (at least potentially) benefitted all women, as well as for higher wages, food and the right to organize which benefitted working class and peasant women. After independence there was a lull but in the late 1960's and early 1970's in India a new women's movement emerged.

The economic crisis of the sixties led to numerous working class and peasant movements all over the country, and in the early seventies, women's issue began to be taken up in the context of these general struggles. In urban areas, small women's groups emerged, constituted by women who were or had been linked with radical left groups as well as activists involved in development work. After the lifting of the Emergency in 1977, women's groups mushroomed in the larger cities of Bombay, Delhi, Hyderabad, Bangalore. What was new about these groups was the fact that these autonomous organizations (i.e. not linked to political parties), used different forms of organizing based more on the consciousness raising model rather than the mass recruitment
strategy followed by the party-linked women's organizations, with a stress on non-hierarchical internal organization structures.

There are two levels at which the issues of patriarchal control are being challenged. The first, and the dominant trend is to expose and agitate around the most extreme manifestations of women's subordination in India - dowry murders, police rape, abortion of female foetuses after amniocentesis, sati etc. This is done often within the terms of early social reform, condemning these as social evils and therefore mobilizing a much wider layer of public support. The second level is the less publicized work that women's groups particularly the women's centers in Bombay, Delhi and Bangalore are doing in connecting these extreme forms to the structural violence against women within the existing patriarchal family system. The issue of dowry murders is linked to the much more hidden and more widespread issue of violence within the family and the fact that women do not assert their right to property.

Such issues provide a far greater challenge to patriarchal authority and as a result provoke a more violent reaction from conservative sections of society. A case which has not received much publicity but which is a significant illustration of this second level is that of a 21 year old girl Asha who wanted to study and work rather than get married. A women's center took up her case, found her a room in the hostel and informed her family of her decision to study and live in a women's hostel. The men of her family arrived at the center; manhandled the volunteers and then filed a case of Habeus Corpus in the Supreme Court accusing the center of kidnapping and running a prostitution racket! After many dramatic incidents, the Supreme Court finally passed a judgement stating that a 21 year old was mature enough to make up her own mind and decide what to do with her life. This violent reaction which agitations against dowry murders have rarely provoked, was due to the recognition that this simple judgement was in fact eroding one of the pillars of patriarchal authority within the family and therefore had radical long term consequences.

Although many of these struggles are occurring in big cities and movement has yet to extend to the larger number of women in rural India, women are becoming aware of options that are available to them. This implies that they are no longer willing to submissively accept traditional patriarchal controls. Such a process is extremely threatening and it is natural that attempts will be made to reassert traditional controls. In this context religious fundamentalism could provide a ready ideology specially since the pre-existing structures of the patriarchal household with intra-household discrimination between male and female access to food, health care and other resources has often been justified in the name of religious traditions. The pre-existing culture of son-preference has already made the South Asian region significant in having a declining sex ratio i.e. the decline in the number of women relative to men in the population, while in most countries, developed and developing, women outnumber men. Although there are regional variations, studies have now established that this unusual sex ratio is due to higher female death rates which are a result of unequal access to food and health care within the household.
Numerous studies have by now established that son-preference is not linked to religion but has a close correlation with labour force participation of women. The practice of dowry for instance has spread in the last 30 years in India to entire communities and castes who had no tradition of this form of marriage payment.

Even in the predominantly Muslim countries of Pakistan and Bangladesh, the practice of dowry has increased and both countries have a Dowry Prohibition Law. While labour participation is an important variable, the increase in dowry practices do not always relate to the withdrawal of women from work outside the home. "Cost-benefit ratio" analysis (i.e. dowry as a form of compensation for the addition of a non-productive member and bride price as compensation for the loss of a productive member) is not only narrowly economic, but cannot account for the fact that large numbers of women have been earning their own dowries and continue to work after their marriage.

The increase in dowry has to be seen in the context of rising consumerism (commodities and bank loans openly for dowry), the competition to get men with jobs in the organized sector, which is also a form by which certain men are accumulating seed capital to set up new businesses or investments. There have been quite a few cases of men marrying two or three times, each time collecting a dowry and murdering the wife.

While further research has to be done in this area, it is also important to look at what kind of ideological belief system legitimizes these practices and its violent effects in dowry murders. Specific cultural practices can acquire a more widely embracing religious sanction and in a context of pre-existing son preference, religious fundamentalists could find support for asserting 'traditional' roles for women. It is significant that Hindu fundamentalists have not condemned the burning of Hindu brides though they have been vociferous over the issues of Muslim women's rights!

The challenges to patriarchal structures of authority, arising from the demands of the capitalist labour market and as a result of the confrontations by the women's movement, leads to attempts to reassert control and reimpose systems of domination. It is in this context that religious fundamentalism with its emphasis on circumscribed roles for women can find ready support. However, the significance of man-woman relations in understanding the emergence of fundamentalism also lie in the broader process of identity formation in the context of socio-economic changes.

Communal identity and control over women

In this section, some tentative links between notions of masculinity/femininity and the construction of communal identities are explored. This is an area which needs a lot of research as well as conceptual reflection since there is always the danger of a crude psychological reductionism.

Communal identities do not exist as fixed primordial essences but emerge in particular socio-economic contexts and are created identities, which attempt to homogenize other differences within the community. In this process of identity creation women figure in crucial ways.

The crux of the fundamentalist rhetoric, a call for a return to culture and tradition, is almost always a call first addressed to women. When western dress is rejected, no one demands that men stop wearing suits and ties. Once again the sex-selectivity of fundamentalism becomes obvious as women who "cut their hair, speak English, wear national dress without the chaddar..." are attacked for being western while "men do all these without their national or Muslim identity being challenged." (Farida Shaheed, 1985) Women are neither acknowledged nor allowed to be producers of theology, although they are the main practitioners of religion and hence the reproducers of culture and tradition.

The culture and tradition that is resurrected is, of course, a particular one. Along with the myth of a 'Golden Age' another common feature of fundamentalism seems to be the stress on a martial tradition with an emphasis on virility.

An area that needs further investigation is how the 'traditions' that were resurrected by different groups - social reformers, cultural critics and fundamentalists - during the anti-colonial struggle in India, were in many ways based on core values of colonial ideology. Colonial ideology itself was based on changes in man-woman relations and cultural models in Britain and its incorporation into oppositional nationalist ideology in India, simultaneously created a model of
"hypermasculinity" for men.' (Ashiah Nandy, 1987)

In the present period one can see a similar emphasis on the military model amongst fundamentalist groups. In Punjab, for instance the Sikh fundamentalists have drawn on the Jat culture and the warrior legacy of the tenth Guru Gobind Singh rather than the tradition of the first and earlier Gurus who emphasized peace and reflection.

The same process of selectivity occurs in the choice of the female symbol. The ideal of "Indian womanhood" - Sita - as the passive, chaste, faithful wife who worships her husband, is based not only on a choice between other known female figures like Draupadi or Radha, but is also a choice of a popular version of epic Ramayana written by Valmiki and Tulsidas as against other versions which show Sita as a more assertive person. (Romila Thapar, 1985, 1987, 1988).

The reiteration of the pati parameshwar (husband as god) model through the yearly performances of the Ramayana, in films and television has a clear function in ensuring that women had to be confined within the household and that 'tradition' sanctioned violence to ensure that women remained within these boundaries. It is this alternative tradition, especially amongst the adivasis (tribals) where women were independent and sexually uninhibited.

These symbolic representations of masculinity and femininity are crucial to the process of identity creation. Communal consciousness arises as we have seen in situations of insecurity and fear of the loss of social or economic status. Notions of izzat (honour) and biradari (brotherhood) are the main elements which link a family's honour with the conduct of women. A family's public position is lost if the honour of a family's woman is lost. These notions get generalized to the community having total control over their 'own women'. Communal propaganda is full of the fall from greatness in the past, challenge of foreign domination today, the need to prove strength, courage and manliness. What better way to prove manliness than by showing that your women are under your control. If the community is losing its economic status, its social status, at least it still has one form of property within its reach. The fact that women are raped during communal riots is an expression of the same principle. Rape of the other man's woman is a way to humiliate him and show access to his property. Many riots are sparked off by alleged acts of harassment of women of one community by men of the other community. Threats to or the loss of their women, in a situation of economic competitiveness, is seen as a direct threat to manhood. In the Jabalpur riots of 1961 for instance, the cause of the riot was the economic competition between a local Muslim bidi (cigarette) magnate and his Hindu competitors, but what sparked off the riot was the fact that the son of the Muslim owner had eloped with a Hindu girl. (Asghar Ali Engineer, 1984).

The imagery of communal riots is full of sexual stereotypes. "They captured beautiful Hindu women, forcibly converted them and used them as temporary partners of life. Hindu women were threatened, molested and compelled to run half naked for shelter to forests..." (Bipan Chandra, pg. 281, 1984)

In the communal image, a Muslim was/is a man of low morals and uncontrolled lust, who was/is ever ready to seduce, abduct, and assault Hindu women. The Hindus were seen as mild, docile and emasculated. These stereotypes have often been transferred to other communities without much change. The same stereotype as the Muslim now exists for the Sikh, or the adivasi or the dalits. During the caste riots in Ahmedabad in 1981, it was said "... the harijans do not really want reservations, they want our women. Once they could only come as far as our toilets. Then we felt sorry for them and let them come into our homes. But now they want our women. We must beat them and teach them a lesson." (Rehana Jhabvala, pg.12 1981)

The speeches of communalists are similarly peppered with references to the "violation of our sisters and mothers" and exhortations to take revenge and prove that the men of that particular community are still men. Whether it is an attempt to reassert traditional authority, or to create a certain identity in the context of economic dislocation, the symbolism of the community gets tied closely with a particular meaning of femininity and masculinity. This process of identity construction results in a series of measures which leads to increasing patriarchal control over women.

We have already discussed the trends towards controlling women's labour. This process can also have implications for women's right to birth control. The rhetoric of communalism is full of the increase in numbers of the other community, the excessive breeding of the Muslims, etc. For instance, the Vishwa Hindu Parishad has published a pamphlet which argues that due to polygamy, by the year 2000, Muslims will outnumber Hindus. In fact, studies reveal that the fertility rate of Muslims has been declining and anyway has no relation to polygamy. It is not too
far fetched to imagine that population policy, in a context of state-supported fundamentalism, could be directed not just on a class basis, as it has been so far, but also on a community basis like other countries in South-East Asia. On the other hand, the fears of a minority community can mean additional pressure to produce more and more children. In either case, women increasingly loose control over their own bodies.

Control over woman and the exercise of patriarchal authority has to be differentiated across classes as well as decomposed to allow for the variations that emerge if the control is over women’s labour, or sexuality or fertility. Given these differences, however, in South Asia today, this control is exercised by particular men (usually on the basis of kinship relations) i.e. it is fathers, brothers, maternal uncle or husbands who have rights over their daughters, sisters, nieces and wives. What is significant about state sponsored religious fundamentalism is that it not only gives further legitimacy to this control but, more importantly, shifts the right of control to all men.

The legitimacy given by the state to a particular religion means the street can stop anyone who does not conform and ‘proper’ role. This can be seen in countries where declared a mono religion, the bers of the party women on the or knives if they the chaddar. 1985) In a context, this right men of that Punjab mention that in the campaign by the extremists against liquor, meat and tobacco shops, women who wear saris, pluck their eyebrows and put on lipstick will face dire consequences?” There were reports of such control by Muslim fundamentalists when they shaved the head of Shabana of Perunthura and Zulaikha Bibi from Kerala who was given 101 lashes as punishment for the violation of Muslim personal law. (Imrana Qadeer, 1988) At the moment such incidents are few in South Asia but continued stated sponsorship of fundamentalism would intensify and sanction such acts of violence.

Given the context and background sketched above, the emergence of state supported religious fundamentalism clearly has very serious implications for women. The contradictory tendencies of government policies for women and development with the aim of drawing women into the labour market, and the attempts through legislation to restrict women’s access to the public world are part of one process by which the interests of patriarchy and capital are ensured. Religious fundamentalism as a state ideology thus provides the possibility of a coincidence of interests between patriarchy and the demands of the capitalist economy. This remains of course an uneasy coincidence but it would be a mistake to continue seeing the logic of the market as necessarily leading to a liberal ideology of women’s work. An ideology of restriction even though large numbers of women are being drawn into work outside the home and therefore competing with men, can be a viable ideology of legitimation.

There are however, other countervailing tendencies within South Asia which could reverse these trends. One of these are the growing social movements which are challenging and questioning the overall paths of development as well as specific issues of patriarchal control.

In India, for instance, feminists from the women’s movement and the democratic rights movements have entered the arena of general politics. Women’s groups have been one of the first to condemn communalism, have been actively involved in supporting victims of communal violence, and held special investigations into the situation of women during communal clashes. Most significantly, feminists have taken initiatives in supporting proposals for political solutions
for instance in Punjab and are engaged in a national discussion on the dangers of rising fundamentalism. At present, there is a debate on the issues of the demand for a uniform civil code. While all sections of the movement agree in principle to the demand, there are differences on strategies and implications, since this demand has also been put forward by Hindu communal groups, and as a result creates fear in the minds of minority groups. Some sections of the movement support a strategy of reform within separate personal laws while others have pushed for a uniform civil code.

In Pakistan, women groups have been fighting on the terrain of religion itself and have argued for improving the conditions for women within the Islamic structure. In Bangladesh, there are strong representations being made by minority groups and women's groups against the proposed bill to make Islam the State religion.

These developments have led women's groups to directly confront the ruling parties in their countries. This is a significant development since inspite of militant struggles and anti-government and anti-patriarchal slogans, most of the campaigns were directed towards changes in the laws and often demanded more intervention by state authorities in implementing these laws. In practice, the movement has operated with the assumption of a liberal state. Today, it is clear that even demands for legal changes are not going to be granted easily. This implies that women's groups will have to develop a fuller understanding of the State and State ideologies and evolve strategies which go beyond reflex actions. It would mean tackling the wider questions, not just of the relationship between patriarchal control and the socio-economic changes in the region, but also the problematic issue of cultural identity creation. Although the present constitution of communal identities is repressive for women, there are positive elements which lie behind the need for cultural identity in the present context. This has to do with the broader process of the failure of the creation of a national identity in post-colonial states as well as the restrictions in an identity based on caste, community or the family, especially for women.

In the discussions on what constitutes the basis for an alternative cultural identity, feminists in South Asia have taken different stands. Some have argued for the religious, or on the basis of tactical reasons to reach out to the vast majority of women who are believers. (Gabrielle Dietrich, 1986) Another view is to draw on the anti-brahmanical culture of the dalits and adivasis in India to build an oppositional culture. All this requires a reassessment from a feminist perspective, of what has been the content of nationalism and the process by which each 'nation state' was constituted in the region, the limitations of the present definition of secularism, the problems in trying to separate religion from culture and finally whether the women's movement, given its internal differentiation, can project an alternative culture for women in each country.

While these are crucial questions for future strategising, at a practical level a significant development in the last few years is the linkage and exchange between feminists in South Asia. These exchanges have had a tremendous emotional impact as women shared their common problems even as their governments prepared for war against each other. This process of sharing of common experience, the questioning of 'national' borders and restrictions on travel and visits and the identification of similar issues and struggles is creating the basis for the emergence of a regional perspective. Such a perspective is crucial since the link between the state and religious fundamentalism in each country is closely tied to the political dynamics of the South Asian region as a whole. The strengthening of such initiatives provides hope for a process of democratization and a redefinition of man-woman relations within the region.

NOTES
1. Reports from Bangladesh reveals a number of cases where women considered deviant, or willful by ex-husbands or lovers, have had acid thrown on their faces. (Women for Women, 1986).

2. "Bindis" are dots of colored powder put on the forehead. Originally these were fertility symbols or caste marks but now are used for cosmetic decoration by women of all religious communities. Although there is no evidence to prove that this is a specifically Hindu custom, in Bangladesh it is being seen as such. Similarly in newspaper in Pakistan there are regular discussions on whether the "sari" (a 5 to 6 yard cloth worn by women, draped in different ways) is a "Hindu" dress even though it is worn by women all over South Asia, including Sinhalese
women in Sri Lanka.

3. There is an ongoing debate on the relation of women and the state. Some have held the view that the state does not directly play a role in women’s subordination, but does so indirectly through supporting a specific form of the household i.e. the male breadwinner and dependent housewife model. (M. McIntosh 1978) The state is also seen as projecting an ideology which justifies this structure. Recent studies of the Scandinavian countries have emphasized that as a result of welfare policies, women today have shifted from a dependence on individual men (private dependence) to direct dependence on the state (public services). These discussions have pointed out the intended as well as unintended consequences of public policies on women’s position, thus showing the absurdity of the private/public dichotomy. (A.S. Showstack Sasson, 1987) While such work on analysis of government policies is valuable, we still do not have a conceptualization of the household as a constitutive structure of the state. Such a conceptualization would have significant implications for class analysis and the characterization of the state.

4. The term "communal" is used here with the connotations it has acquired in South Asia rather than the collectivist and positive meaning it has in the West.

5. Reports by the Peoples Union of Democratic Rights / Peoples Union for Civil Liberties. 1984.

6. Apart from the historical evidence which shows that sati was restricted to certain regions and caste groupings, descriptions of the Sati Sthal in Deorala and the daily ritual show the incorporation of modernized songs from the films and electoral slogans, none of which have anything to do with ‘tradition’ let alone Rajput traditions. (Romila Thapar 1988, Madhu Kishwar & Ruth Vanita (1987).

7. Interview on BBC Asian Programme, May 1st, 1988. The function of communal mythology is a deprive" the objective of which it speaks of all history.

Recently a number of studies have begun to explore the area of communal consciousness as well as the discourse on communalism. A lot more work needs to be done on the dimensions of sexuality and man woman relations as elements central to the constitution of these identities.

8. These observations are based on data collected by the author from electronic factories in Okhla Industrial Estate, Delhi, and from part of her Ph.D. research on the changing structure of women’s employment in India.

9. It is only in the last few years that research on women in peasant and working class movements is being published and gives a picture of rich and militant women’s struggles.


11. In Pakistan, there have been modifications in the practice of "haq-mehr" (the obligation of the husband to gift a certain amount of money to the wife, which is mutually agreed and recorded in the marriage contract). In tribal areas, the customary bride price is now called the mehr while in urban areas, marriage payments take the form of dowry. The "haq mehr" has been reduced to a paper formality. The formulations in the modern marriage license also distorts the principle of economic independence inherent in the "haq-mehr" by stating the marriage of (the bride) in exchange for X amount of haq-mehr to (the groom) has been agreed upon." (Farida Shaheed, 1985). In Bangladesh too, studies have shown the shift from "pon"
(bride price) which was restricted to richer farmers, to the widespread practise of dowry in rural areas. (Sultana Alam 1985). In a survey of violence against women in Bangladesh, in 1983-84, 54% of the murders in rural areas were due to dowry demands. In Pabna district in 1981-82, 182 women killed themselves due to domestic fights or the failure of parents to give dowry.

12. This report was printed in the Illustrated Weekly, Feb., 1987.


14. A number of workshops with South Asian women have been held in the last few years. 30 women spent a whole month in Koitta, a village near Dacca, Bangladesh in March 1986, debating and discussing issues of women and development. A number of collaborative projects as well as strong friendships emerged as a result of these interactions. Report PAWF/FAO is forthcoming in 1988.

WAF Statement on Gustakh-e-Rasool Cases

At its meeting on April 21, 1992, the General Body of Women's Action Forum, Lahore, categorically demanded a repeal of the blasphemy law included in the Penal Code of 1986, as well as the repeal of two changes in the Pakistan Penal Code recently passed by the National Assembly. Both of the recent changes are a direct consequence of the shift towards making Pakistan a theocratic state, and both reflect a narrow, one dimensional, and dictatorial world-view. WAF is convinced that these laws will lead to even greater violence, intolerance and to the further disintegration of society. In fact these very laws call into question the future of Pakistan as a just, humane and egalitarian society in which citizens will feel not only secure, but where they can be thinking, creative human beings.

Initially the 1986 Amendment awarded life imprisonment or death for blasphemy. This was amended a year ago as a result of a judgement of the Federal Shariat and the option of life imprisonment was removed. The law, as it is framed now under Section 295C of the Pakistan Penal Code carries a death sentence for anyone who "by words, either spoken or written, or by visual representation, or by any imputation, innuendo, or insinuation, directly or indirectly defiles the sacred name of the Holy Prophet (PBUH)", while changes in Section 123(a) means any person "within or without Pakistan" can get up to 10 years rigorous imprisonment who "with intent to influence or knowing it to be likely that he will influence, any person or the whole of any section of the public, in a manner likely to be prejudicial to the safety or ideology of Pakistan, or to endanger the sovereignty of Pakistan in respect of all or any territories
lying within its borders, shall by words spoken or written or by signs or visible representation, abuse Pakistan or condemn the creation of Pakistan by virtue of the partition of India which was effective on the 15th day of August 1947, or advocate the curtailing or abolition of the sovereignty of Pakistan in respect of all or any territories lying within its borders, whether by amalgamation with the territories of neighbouring states or otherwise..."

The above changes in the Penal Code not only call into question the integrity of all Pakistani citizens, and make suspects of us, but they undermine the basic tenets of human rights, that is the freedom to think, to question, and the freedom of expression. Quite apart from the fact that these legal changes were entirely unnecessary given that treason laws already existed, and given that citizens of Pakistan do not go round ‘defiling the sacred name of the Holy Prophet’, these laws are open to widespread interpretation since each one of us may have a different view on the ideology of Pakistan; and fortunately the Quran does not advocate a hierarchical priesthood in Islam which has the authority to interpret the religion for all believers. These laws thus not only make a mockery of the Pakistan that M.A. Jinnah and the original Muslim League envisaged; but makes a mockery of the egalitarianism envisaged in Islam. In fact under these laws those advocating them and voting for them should be the first convicted.

What makes these laws not only suspect but extremely sinister, is that both of them can be interpreted differently on different occasions by different people, and are therefore liable to be used, misused and abused by whomever happens to be in a position of power, be it the government, the judiciary, the police, or any individual with a vendetta, a grievance, or with a desire to get rid of someone who may be an impediment. No citizen of Pakistan can therefore be secure ‘within or without’ Pakistan, to utter a single thought since even raising questions on, for example, the water shortage can be interpreted as ‘abuse’ of Pakistan, while writing a nursery rhyme or wanting to teach in a village school can be interpreted as blasphemy. The case against Dr Akhtar Hameed Khan was registered under S. 295C, while Naimat Ahmer was killed by another fanatic on the pretext that he had used objectionable language against the Holy Prophet (PBUH). WAF condemns not only the laws that allow for such injustice, but condemns the government for creating an atmosphere in which such injustices and be perpetuated and in which any individual can harass or persecute another either through the institutions of the government as in the case of Dr Khan, or by taking the law into their own hands as in the case of Naimat Ahmer. WAF fears that these cases are only the beginning of the widespread misuse of these laws, particularly against minorities, women and political opponents. Just as the Hadoo Ordinance and the other anti-women laws gave sanction to the phenomenal increase in violence against women and minorities, WAF is convinced that these laws, and the atmosphere created by them, will lead to a similar increase in violence against all citizens, by eh State and by pitting one citizen against the other.

The history of Pakistan is a history of unresolved debates on the ideology of Pakistan, and on the definition of a Muslim. By passing these two laws, the government, making a feeble attempt to try to keep the Islamic fundamentalists
within its fold, has put political expediency above the interests of the country. It has opened up a Pandora’s box which is potentially very violent. At the same time, it has made a mockery of its own so-called liberalisation policy since liberalisation cannot and will not occur unless the people of Pakistan are allowed to think and express these thoughts without a sword hanging over their heads. Politicians both inside and outside government would be doing a greater service to Pakistan if they would start worrying about the ills in Pakistan, rather than concentrating on punishing those pointing out the ills.

Islamization and Women: the experience of Pakistan

Farida Shaheed and Khawar Mumtaz

Update June, 1992

Since this paper was written a number of political developments have taken place in Pakistan. For one, the popularly elected government of Ms. Benazir Bhutto was toppled on 6 August, 1990 only 20 months after being inducted. That the dissolution came on the eve of the National Assembly session specially convened to discuss the controversial Shariat Bill, passed unanimously by the Senate earlier in the year, was not seen as being just a coincidence.

Subsequently, the Qisas and Diyat law was promulgated through a Presidential Ordinance and in May, 1991 a new version of the Shariat Bill was passed by the National Assembly. Needless to say the progressive women’s organization have relentlessly campaigned against these attempts at “Islamization” which they perceive as direct threats to their constitutionally guaranteed rights which renders women highly vulnerable. At the same time women belonging to the religious right have continued to counter the positions of the progressive women. A Front was formed by them in support of the Shariat Bill in mid-1990. With the passage of the Bill they have become more vocal, labeling those rejecting the Bill was Westernized and anti-Islamic. They strongly condemned the woman advisor on Population Planning (with ministerial rank) in the IJI Cabinet for introducing family planning projects and have rejected family planning as contravening Islamic principles, equating it with murder.

Neither have these women spoken out in support of women’s representation in the Assemblies. Pakistan’s Constitution (1973) provided for a fixed number of reserved seats for women for a specific period.

To sum up, the rise of women “fundamentalists” should be seen as a phenomenon that is likely to continue as long as obscurantist elements in society pursue their political projects. At this historical juncture, unlike the progressive women’s organizations these groups appear to have no autonomy, and are organic adjuncts to the religious right and their political organizations.

Introduction

During General Zia-ul-Haq’s tenure, the escalating conflict in neighboring Afghanistan brought Pakistan to the center stage of international politics. However, at the popular level, it was Zia’s Islamization campaign, particularly its more brutal manifestations, that drew shocked world attention. Following hard on the heels of the Iranian revolution, it raised fears of another Muslim fundamentalist sweep in the region. These fears were unfounded. Comparisons between the outcome of a mass movement and the impact of the state-imposed measures introduced by a military dictator are unwarranted and one needs to remember that the religiously defined political parties (Islam-passand) in Pakistan have consistently failed to mobilize wide-spread popular support. Furthermore, the current use of the term ‘fundamentalism’ is so loose that it
observes important differences between various religious political forces.

Described by some as the high point of fundamentalism in Pakistan, the last decade should be seen as one which witnessed the convergence of interests between the military rulers and the Jamaat-e-Islami. The former needed political support for credibility; the latter saw in the situation the possibility of access to power, otherwise remote. Thus the slogan of Islamization became the meeting point. If viewed in terms of social configuration this was the opportunity for the emerging class of traders and entrepreneurs to attain political power.

Pakistan has a number of religiously defined political parties, the most important being the Jamaat-e-Islami, the Jamiat-e-Ulema Islam and the Jamiat-e-Ulema Pakistan. While it can be debated whether the last two are 'fundamentalists', in the perspective of the Zia years and their impact on women it is the Jammat-e-Islami (JI) which is of primary significance, and to use the term 'fundamentalist' for the JI is grossly misleading. The party positions have been obscurantist in nature and determined by opportunistic motives rather than fundamental principles. At the same time, though there is no fundamentalist movement in Pakistan as such, Zia's policies did bolster the conservative and fanatical version of Islam characterizing the JI. This brand of Islam has gained ground and despite its bigoted attitudes towards women has succeeded in winning over a vocal lobby amongst women.

Here we are examining the rise of obscurantist forces in Pakistan as represented by the Jamaat-e-Islami and the impact on women. The Jamaat is not the only example of obscurantists, but the writings of its founder and ideologue, Maulana Abu A'la Maududi, are the most widely circulated and the influence of the party extends well beyond Pakistan's national boundaries.

As targets of the strident anti-female rhetoric of the obscurantist lobby, women activists have reacted instinctively -- rejecting and condemning such attacks but at the same time shying away from any dispassionate examination of the phenomenon. While this is perhaps a natural reaction, it does nothing to further our understanding of the mechanisms or the significance of such movements in our societies, and leaves unanswered the basic and often disturbing question of why women join them. Despite the distrust and dislike engendered by movements commonly referred to as 'fundamentalist', one has to concede that if there has been a rise of this trend, as we believe is the case for Pakistan, it must have been in response to some people's needs, the question being which people and what needs. In addressing this question it should also be stressed that the one movement can simultaneously fulfill different needs of different people, giving rise to (sometimes unholy) alliances. It is our contention that only when some answers to this question have been found can we identify the impact and implication of 'fundamentalism' on different women, since we need to avoid the pitfall of viewing women as an differentiated and homogeneous mass.

In considering the rise of obscurantism in Pakistan, one has to remember: a) that the debate between 'fundamentalists' and 'non-fundamentalists' focusing on women is an exclusively urban phenomenon, b) that this debate is taking place against the backdrop of a much wider crisis of a Pakistani national identity, and c) that underlying this crisis is the developmental model adopted
by Pakistan. This has intensified regional and class disparities on the one hand and has been spearheaded by a bewildering pace of technological penetration on the other which has already modified and continues to undermine older forms of economic, social and political organization.

There are yet other peculiarities that need to be kept in mind. Firstly, no law said to be based on Islamic injunctions has been legislated by elected representatives of the people. Whether the progressive personal laws (Family Laws Ordinance 1961) of General Mohammed Ayub Khan or the retrogressive ones of General Zia-ul-Haq (Hudood Ordinances 1979, Law of Evidence 1984 and the Enforcement of Shariah Ordinance 1988), all came into force as decisions of authoritarian military rulers. Despite Zia’s blessings, the civilian parliament of 1985 could not pass the Shariat Bill tabled by JI or the Ninth Amendment (another version of the shariat bill) (1) moved by the government. Secondly, once such laws have been enacted no democratic institution has succeeded in reversing them. Despite the rabid opposition of the obscurantists, the Family Laws Ordinance could not be repealed and only the promulgation of another presidential decree (Shariah Ordinance 1986) opened it for challenge in superior courts. And, thirdly, there is no consensus regarding the interpretation of Islam, and opinion on most religious issues is divided - so much so that in 1953-54 a Court of Enquiry under Chief Justice Mohammad Munir found that no two ulema agreed upon something so basic as who may be defined as a Muslim. These differences remain and if anything have been intensified, as evident in the irreconcilable positions adopted by religious political parties over the Shariat Bill.

The Rise of the Religious Right

Like Mernissi, (2) we would posit that far from being a stultifying force or an attempt to resurrect an ancient past, ‘fundamentalist’ movements are a dynamic force in society. Such movements are very clear-often loud-attestations of people’s struggle to grasp and cope with a world where the old signposts no longer provide the needed guidance, since the onslaught of technology and its accompanying culture have so radically altered the scenery.

Through the ‘fundamentalist’ discourse, its adherents seek both for an anchor for asserting their identity as well as controlling the extent possible the impact these changes have on their personal lives. ‘This has had extremely serious repercussions for women ... (since) the control of women (becomes) the last bastion of cultural identity to be tenaciously defined’.

We would like to emphasize that adopting the ‘fundamentalist’ discourse does not necessarily imply following each percept to the letter. As pointed out by Mernissi, we have to distinguish what people do (reality) from how they project themselves (self-identity), and recognize that this is as true of ‘fundamentalism’ as of other ‘isms’. It is not possible for the religious right to turn back the clock - more specifically, for Pakistani Muslim obscurantists to take a quantum leap backwards 1400 years and sideways into Saudi Arabia. And whether they want to is also questionable. But certainly their ability to influence the polity is largely due to the failure of progressive forces to provide ‘alternative ideologies capable of realistically coping with social change’, and the colonial experience.

Placed in this perspective, the urban location of the ‘fundamentalist’ lobby becomes understandable since this is where the most rapid pace of change is taking place. In South Asia the first organized expression of Muslim obscurantism was the formation of the Jamaat-e-Islami in 1941. In the post-1857 Muslim consciousness the party was positioned between the traditionalists (those seeking to recapture the glory of a bygone past) and adherents of the modernist trend (those attempting to bring Indian Muslims into the mainstream of political, economic and social life). Like the traditionalists, the JI stood for the reassertion of Islam but failed to support the former’s anticolonial stand. At the same tie it vehemently castigated those demanding Pakistan, accusing them of misleading the Muslims of India.

Essentially, the Jamaat-e-Islami was, and remains urban based, and, though numerically small, maintains a high profile thanks to an aggressive assertion of its views; these are conservative in nature and couched in Islamic terms. However, the hallmark of JI and its leaders
has been their opportunism. If reviewed, their positions have more often been determined by political expediency than principles. Having opposed the idea of Pakistan, Maududi arrived in the country almost immediately after its creation where, in a bid for a share of state power, he presented himself as the sole authority capable of defining its Islamic nature. Having said in 1951 that the head of state could only be 'pious and learned' man, in 1965 he had no compunction in supporting Mohtarma Fatima Jinnah as the joint oppositional presidential candidate against General Ayub Khan. Similarly, the JI supported the military coup of General Zia-ul-Haq and willingly became an ally when it joined the 1978 cabinet. More recently, with the military regime's isolation following the dissolution of the National and Provincial Assemblies by Zia in May 1988, the Ji was equally willing to forge an alliance with Pakistan Peoples Party. Not only is the PPP led by women but its position on women and Islamization are directly opposed to the Ji's. The final somersault by Ji was evidenced when, in the changed circumstances after Zia's sudden death in a plane crash, it joined hands with Zia-loyalist Muslim League. In the ensuing elections Ji launched a vitriolic and sexist campaign against the two women co-chairpersons of PPP.

This Machiavellian approach to politics has certainly helped the Ji increase its influence, but the rise of the religious right in Pakistan has been nurtured by the peculiar manner in which political development has taken place. In the years following independence 'two important factors emerged: one was the phenomenon of Islam becoming central to the political debate in Pakistan and the other was the formation of new economic and social structures'. In jockeying for power, the political elites, of whom the religious groups were never a part, used the latter's views to bolster their own relative positions, and n the bargain gave currency to 'fundamentalist' arguments.

The most important casualty of this internal tussle for power and the manipulations it entailed was the democratic process and, consequently, the chances of evolving a Pakistani national identity. It was not until 1956-nine years after independence - that a constitution could be promulgated. Within two years of that, the first military coup took place, establishing the primacy of the armed forces in national politics. This was followed by attempts at legitimizing military rule through controlled democracy. It is important to note that even some one as vehemently opposed to the obscurantists as Ayub Khan was not above using the rhetoric of an 'Islamic identity' to disguise economic policies of regional disparity. In 1971, when half the country waged a war to liberate itself (Bangladesh) it was clear that no affected region had been fooled. Subsequently too, Islamic rhetoric failed to forge a national identity both at the level of provinces, where regional identities take precedence over the Muslim one, and at the popular level, where the religious political parties are soundly routed whenever elections of any sort are held.

Whereas at the time of its formation the social base of the Ji was obscure, in the post-independence years this has become increasingly clear. Originally the party's strongest support was in the large cities of Karachi and Lahore. In Karachi the mainstay was the newly up-rooted mohajirs (refugees) largely from north Indian cities, while in Lahore the main support seems to have come from the newly urbanized and upwardly mobile middle class. In the new state of Pakistan the uprooted mohajirs had no option but to give supremacy to their Muslim identity. Simultaneously they put their trust in a strong central government. In strange surroundings their uprootedness and urban backgrounds made them more susceptible than others to the 'fundamentalist' idiom and to the Ji, whose leadership hail from amongst the mohajirs. For its part, Lahore experienced rapid industrialization and became an important center of education, attracting large numbers of persons seeking education and employment from all over the country. At sea in the unfamiliar surroundings of burgeoning cities, the newly urbanized youth in Lahore found in the familiar idiom of the Ji (familiar because of its religious character) a source of self-identity and indigenous moorings. As other smaller cities underwent the process of change, there too, pockets of 'fundamentalist' support appeared.

Spreading its influence in educational institutions as part of a conscious strategy, the Ji
made special efforts to ease the newcomer's adjustment in the alien environment by providing not only a point of reference but very real material support, of which the party seems to have no dearth. (The party is alleged by some to receive substantial funds from abroad). Over the years, the base of religious political support has expanded with the emergence of a new class of entrepreneurs (of traders and small business) who are socially and psychologically distinct from the older comprador bourgeoisie with whom they are now beginning to compete. Yet despite the broadening of its support base, the JI and other obscurantists have remained numerically small, enjoying only a limited influence amongst the masses, as is evident in their consistently dismal performances in elections. IN the elections of November 1988, the JI lost even in its areas of traditional support, because of changes having occurred in these.

If the religious right exercises and is seen to exercise a far greater influence than warranted by its urban-based numbers, it is due to the following reasons. Firstly, mass popularity loses its impact when there is little scope for mass participation in the political process. In its absence the importance of informed political groups - particularly if they are as well-organized and funded as the JI - increases dramatically. Moreover, if the obscurantists lobby appeared larger than life in 1988 it was thanks to Zia's attempts to legitimize his military coup and continuance in power through his 'Islamization' process for which the 1977 JI manifesto seemed to be a blueprint. This was the first time that the obscurantist position received the full backing of state authority and its adherents a taste of power, both of which bolstered their influence.

It is the singlemindedness with which the obscurantists, as epitomized by the JI, have pursued power and their ability to forge unprincipled alliances while spouting self-righteous rhetoric, combined with their vehemently anti-women stance, that makes them a dangerous opponent for women.

The Religious Right and Women

Dessin de Eathy.

'Halte la violence'

Unlike other issues in the political arena, where compromises have been made frequently, the obscurantist position on women (as expounded by its male exponents) has been largely consistent. The chief ideologue, Maulana Maududi, had very fixed ideas on the gender division of labour and social organization. Before examining the content of his discourse, however, it is important to establish the identity of those being addressed.

Maududi divided Indian Muslims into three distinct categories; the 'oriental occidentals', the 'lip-service Muslims' and the 'foolish and thoughtless ... who cannot think and form independent opinions'. These last are said to be people who 'don't deserve attention and may, therefore, be ignored'. Given Maududi's penchant for elite politics, it is easily understood that those who are so summarily dismissed constitute the vast majority of Pakistan's illiterates.

On the other end of the spectrum are the 'oriental occidentals', who represent a powerful force that is disrupting Eastern order and against whom his arguments are pitched. Since he counterposes his own brand of Islam to this 'evil force', we would like to quote the Maulana at some length. Writing Purdah and the status of Women in Islam in 1939,
Maududi defined this section as people who:

abhor Purdah because the ethics underlying it is radically opposed to the Western ethics which they have accepted blindly...now they want to mould the social pattern of their respective homelands also after the same Western pattern. They sincerely believe that the real aim of education for the woman is to enable her to earn her living and to acquire the arts of appearing attractive to the male. Her real position in the family according to them is that like the man she should also be an earning member so as to subscribe fully her share to the common family budget. They think that woman is meant to add charm and sweetness to community life by her beauty, elegance and attractive manners. She should warm up people by her sweet musical words, she should send them to ecstasy by her rhythmic movements, and she should dance them to the highest pitch of pleasure and excitement. The think that the woman's role in national life consists in doing social work, attending municipal councils, participating in conferences and congresses, and devoting her time and abilities to tackle political, cultural and social problems. She should take part in physical exercises and sports, compete in swimming, jumping and race contests, and set new records in long distance flights. In short, she should do anything and everything outside the house, and concern herself less with what is inside the house. This is their ideal for womanhood. It leads to worldly prosperity and all the moral concepts that run counter to it are devoid of sense and meaningless. To suit the purpose of the new life, therefore, these people have changed the old moral concepts with the new ones, just as Europe did. For them material gains and sensual pleasures are of real worth, whereas the sense of honor, chastity, moral purity, matrimonial-loyalty, undefiled lineage and the like virtues, are not only worthless but antiquated whims which must be destroyed for the sake of making progress. (pp. 72 - 73)

Having thus placed themselves beyond the pale, in themselves these people are not of primary concern to Maududi. Their importance stems only from the fact that they are 'trying their utmost to spread and propagate (the Western creed) in the Eastern countries' and consequently form their ability to mislead others, particularly the 'lip-service Muslims', Maududi's third category. These latter consist 'wholly of professed Muslims' but are in danger of committing the 'grave folly' of following in the footsteps of the 'oriental occidentals'. It is to them that Maududi's discourse is addressed, those who:

want their women to be chaste and modest...But on the other hand, they are violating the principles of the Islamic way of life and taking their wives, sisters and daughters, though hesitatingly, on the way of Western civilization...People who are treading this path should clearly understand that the beginning they have made may not bring them to grief, but it will surely lead their children and the children of their children to grave consequences. (pp.80-81)

From the above a number of things can be discerned. Firstly, the obscurantist lobby is vehemently opposed to the Modernists in Islam, accused of misinterpreting Islamic injunctions to justify alterations in social organization undertaken to satisfy the 'baser instincts of humanity'. Secondly, the Maulana addresses himself solely to men and does not consider women to be actors in their own right, and thirdly, that the men he is actually concerned about belong neither to the working and peasant classes nor to the powerful elite but to the emerging Muslim middle classes in the cities -- those having both the economic power and the social aspirations to emulate the 'westernized and westernizing elite'. (That they form part of the elite is implicit in their acknowledged ability to influence others.) Appropriately enough, it is from amongst this group that the JI has attracted its staunchest support.

From Maududi's own writings it is clear that the 'fundamentalist' discourse developed in response to changed material circumstances, offering guidelines to salvation in the midst of confusing times. One very important set of guidelines concerned the need to preserve the 'division of labour which nature herself has devised between the sexes' that was being undermined by contemporary developments. For a rigidly patriarchal society such as Muslim India, the real danger lay not so much in allowing individual women to carry out social welfare (or other) activities, as in the fact, in Maududi's most revealing words, that: 'The woman can, of
she strives against her own temperament and natural physical structure, carry out with some success all the duties assigned to man by nature, but man in no way can make himself fit to bear and rear children.' (p.121)

As such, Maududi's discourse deals with the very essence of gender relations. His warning to his male audience - that any alteration in the gender division of labor, no matter how innocent-seeming today, will inevitably lead to a usurpation of their male identity - plays on very deep-rooted fears of a loss of masculinity and manhood. For men to retain their superiority over women it therefore becomes imperative to maintain absolute segregation and separation of the sexes, thereby eliminating any possibility of competition between the genders that could sow the seeds for challenging the patriarchal order. Without in the least agreeing with Maududi's ideology, one has to concede the depth of his 1939 analysis, as also his foresight regarding the direction of social change in the future that allowed his party and ideas to gather support.

Like most ex-colonial states, Pakistan displays a jarring juxtaposition of the old and the new. In people's immediate lives, the confusion that surrounds them has been compounded by an alarming erosion of control in the world outside their families where, nevertheless, they have to operate. Since women have traditionally wielded less power in the exterior world, this loss is most intensely felt by men excluded from the ruling elites. While this loss of control was only experienced outside the home it was possible to order one's world by dividing the economic and social spheres, and seeking stability in the latter, where men would cope with economic developments while women would provide social stability in the homes. (6) Today the stability of the home is also being threatened. Thanks to high inflation and growing consumerism, the ability of large cross-sections of men, particularly in the employment-oriented urban areas, to meet the family's economic needs is fast being eroded. Socialized in traditions that justify male superiority in the basis of his provider role, such men either have to supplement their income by moon-lighting or second shift jobs or, and increasingly, have to come to terms with their women joining the labour market. As one female victim of these changes put it:

"It is useless working. The men always decide everything, and now their earnings are not enough to support us (they feel) that they have to assert their authority on us even more." (7)

In the absence of any integrating structures of social transformation that would ease the transition, it is little wonder that people seek some ideology that allows them to understand and order their world. It is this need which is being fulfilled for some by the discourse of the religious right, and fulfilled particularly for the newly urbanized and new upwardly mobile middle class currently experiencing the most rapid changes and therefore subject to the most intense pressures. The class, addressed by Maududi in 1939, has increased in the intervening years. Yet, it would be erroneous to suppose that 'fundamentalist' positions are static and unresponsive to the forces of change. Over time, obscurantists have had to concede that women may participate in politics (though they must conform to the rules laid down by them) and that they may, and even should, study, providing it is in segregated institutions (where preferably they should be taught those subjects most useful to being efficient home-makers and child-bearers and rearers), and finally, that they can leave their homes for employment providing they do not challenge supremacy in the home, or even at work. These concessions have been made in response to the real or perceived exigencies of changed and changing material conditions.

Equally important is the fact that no matter how critical Maududi was in theory of the consumerism and materialistic trends being introduced by capitalism, in practice, the conservative religious parties, whether led by him or others, have never actually initiated any move to boycott consumer goods. Practically speaking, the average 'fundamentalist' is as busy consuming the fruits of technology, finding admissions in prestigious educational institutions and upwardly mobile job opportunities as the next man, or woman.

If the obscurantist position seems to be hinged on the women's issue it is only partially because it may be perceived as the most immediately threatening by males. The other reason is that it is the one sphere where control remains possible. However this control can only be

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exercised over women of their own class. Paradoxically, until recently the debate on women's role, status and rights has been carried out between men of one socioeconomic class and women of another. Where the men belonged to the lower middle or new economic middle class, the vocal women activists opposing them belonged to the older professional middle class with elements of the dominant elite. Enjoying in pat the privileges and advantages of their class identity, these women have been most successful in expanding the economic, social and psychological space available to women. On their own, obscurantists and the religious right have never been able to curtail the activities of the more affluent women. This is clear from their failure to effectuate any restrictive measures in 40 years until their ideas received the heavy-handed and undemocratic backing of the state apparatus and were enforced as Martial Law Ordinances, Regulations and directives.

Such women are numerically small and do not pose a direct threat to the concerned men because they neither compete for jobs nor live with them. The indirect threat they present is as role models (not least because of their class affiliation) or because they suggest a real possibility of change for women of other classes. The latter are now beginning to explore the potential avenues of change for themselves as they venture (often for the first time) beyond the secluded confines of their homes for education or employment and in the process are bombarded by an entirely novel range of experiences and ideas. Even if they rarely step outside their homes, the mass media brings the messages across their threshold and into the _zenana_ (which explains the emphasis constantly given to 'Islamizing' the content of the most powerful media of all: TV). By attacking women who have most radically altered the parameters of their lives as being westernized and anti-Islam, the obscurantist lobby hopes to insert - or reinforce - a wedge of alienation between these women and women from their own families and class so as to maximize their control over the latter.

**Impact on Women**

In the course of Zia's widely publicized Islamization campaign 'Islam, as expounded by the illiterate _mauli_ and obscurantist sections of society, seemed to consist of a series of cosmetic changes rather than any fundamental changes in the infrastructure of society'.(8) As the least
powerful and least organized section of society, women became easy targets of restrictive measures as obscurantists in and out of government adopted the easiest and most visible means for proving their Muslim credentials without, however, affecting the daily lives of most men. For instance, various orders and directives prescribed the acceptable way of dressing in public; the exclusion of women from the national annual games and from the Asian Olympics; and the stoppage of women in foreign service from postings abroad. An anti-obscenity campaign was launched linking women to moral decline in society. The Ansari Commission was appointed to determine the appropriate political system of the country and recommended limiting women's participation in the electoral process. The Council of Islamic Ideology was reactivated and overwhelmingly packed with obscurantist and conservative men. But the most damaging changes were instituted through legislation that at once rescinded women's rights and strengthened misogynist views.

Of prime concern to women was the Enforcement of Hudood Ordinances 1979, and the Law of Evidence 1984. While it is not possible to enter into the many ramifications of these laws, the most obvious discrimination written into the legislation concerns evidence. The first law excludes women's evidence as proof for awarding maximum punishment, while the latter accords their evidence only half the status of male testimonies. Further, the Hudood Ordinances make no distinction between the level of proof required to sentence someone for rape or adultery. Women's evidence alone being insufficient for maximum punishment, cases have come up where victims of rape have been convicted of adultery (because they acknowledge the fact of intercourse) while the accused has been released for lack of evidence. The second law categorically states that in 'matters pertaining to financial and future obligations when reduced to writing .. the evidence of two men or one man and two women will be required'. The most emphatically discriminatory law was that of Qisas and Diyat which stipulated in black and white that the life of women (and non-Muslims) was worth half that of a Muslim man. Though proposed as early as 1980, this law invited wide-ranging criticism from within the religious circles and has so far been shelved. (It was passed in 1990 without the gender-discriminatory clause.)

The impact on women has been two-fold. Women have had to bear the brunt of this Islamization campaign both because of discriminatory laws and because, backed by the state authority, it encouraged men in general to intensify their control over women's lives. At the receiving end of the most horrific state measures have been Pakistan's poor women, but the most widely spread impact has been on urban women who for education, employment or other reasons have to leave their homes. (9) These women found themselves having to operate in an increasingly hostile and constricted space. The other impact may be seen as a silver lining, that is, the mobilization of women to resist this anti-women trend in an organized and sometimes militant fashion. Spearheaded by professionally working middle class women who formed Women's Action Forum, this resistance has given birth to what can be termed a women's movement - non-existent until now in Pakistan.

In responding to the onslaught on women's rights, roles and status, most women's groups questioned the validity of measures proposed or passed from within a Muslim framework. They condemned the distorted interpretation of Islam being promoted, and rejected the self-appointed role of the maulvis as custodians of a religion that does not believe in priesthood.

More interesting from the women's perspective has been a delayed consequence of the above. After a few years of heated debate and dispute between obscurantist men and women's rights activists, a vocal lobby of 'fundamentalist' women made an entry. Their voice was heard for the first time in the wake of the 1983 women's demonstration in Lahore protesting against the proposed Law of Evidence. Under the aegis of the Majlis-e-Khawateen Pakistan (until then unheard of), these women lauded the police action against the demonstrators (baton-charge, teargas and lock up) and called for exemplary punishments for these 'traitors'. They rejected the UN declaration of Human Rights as unIslamic and condemned a 'handful of westernized women' for giving bad publicity to the country. Further they 'suspected a political move behind the procession of women and demanded that "hidden hands" should be exposed'.(10)
As events progressed this became the routine: any action or statement made by organizations like WAF elicited an almost instant and vitriolic response by 'fundamentalist' women (such invectives remained one-sided). Later, women belonging to the religious right reacted by bringing out their own demonstrations, the first being in September 1986, following a public protest organized by WAF outside the National Assembly against the proposed Shariat Bill and Ninth Amendment. It is noteworthy that the obscurantist lobby deemed it necessary to counter women's rights organizations by visibly organizing its own women, and also that, thanks to newspaper coverage over the years, an indirect, and as yet unacknowledged, discourse has emerged between the two groups of women.

Whereas the idiom and rhetoric of the two groups is very different, similarities are nevertheless discernable not only on certain issues but also on the level of militancy. Their common interests are: on the one hand, a demand to end the exploitation of women for commercial purposes, polygamy, and divorce by repudiation, and on the other the enforcement of haq-mehar (money given to the husband to the wife at the time of marriage), and a general desire to improve the women's lot. What separates them is the acceptance or rejection of the 'fundamentalist' position that sees desegregation as the root of all society's ills. Consequently, if the women of the Jamaat-e-Islami and those of the PPP can jointly bring out a demonstration protesting crimes against women, the solutions proposed are diametrically opposed. Women belonging to the religious right believe that complete segregation of society with appropriately separate spheres of life is the only necessary and sufficient condition for overcoming the current crises, whether social, political or economic. In contrast, the women's rights lobby points to the underlying structures as being at fault. Lastly, where as religiously conservative women appear to accept the patriarchal structure of family and society as the 'natural order', those of the women's movement are beginning to reject this, some more clearly and radically than others.

From the outside, 'fundamentalist' women present an enigma, but possible clues to understanding may be: a) they appear to be women who for the first time are completing higher education, entering universities, professional and technical institutions and going on to work; b) they come from backgrounds where socialization prepares them for segregated existences, yet in reality they have faced and cope with a mixed environment; and c) brought up to believe that men will provide for them, they are frequently being pushed into supplementing the family income. The resulting dissonance between stated ideals and reality is reflected in their convoluted arguments as well as the gap between what their leaders say and do. For example, they constantly reiterate that man is the provider yet at the same time demand separate women's universities and segregated places of work in order to accommodate the 'huge female workforce' which, though willing to work, does not want to work with men. (11) Or, for instance, Nisar Fatima Zehra - the most important 'fundamentalist' spokeswomen - publicly opposes women's participation in politics yet sat in the Majlis-e-Shoora and later the National Assembly.

'Fundamentalist' women, who seem to steadily change their position relative to the political and economic environment in the country, have in fact expanded their operational space while maintaining an appearance of traditionalism. To the extent that conservative religious discourse allows an evolution and in the life-context of the women involved, it can be a dynamic force. So that, in a conciliatory mood, Nisar Fatima can say:

"There (are) two sections of women in Pakistan struggling for their rights. There us a gap between the views of the two groups. Those in power use the two factions against each other and avoid solving women's issues. The two groups should therefore sit together and find common grounds for the movement of women's rights." (12)

This is more easily said than done. Women outside the 'fundamentalist' camp hear these words with skepticism for the simple reason that in other moods, the same Nisar Fatima has not hesitated to heap abuse on them an warned them that they 'shall be met a the gates of hell by angels armed with hockey sticks'. She is also on record as saying that no assembly will ever usher in an Islamic system (Nifaz-e-Shariah) and therefore this has to be imposed through
The fascist behavior of the JI student wing in universities with its penchant for terrorist methods coupled with the living example of neighboring Iran’s brand of fundamentalism, particularly as it relates to women, makes women activists extremely wary of any overtures from the ‘fundamentalist’ camp.

Even if we concede that the women of the religious right are also fighting for women’s rights, this atmosphere of mutual distrust militates against a basis for dialogue, much less an alliance, between them and the emerging women’s movement. In the foreseeable future it is therefore probable that the sharp division between the two will remain intact, although they may work in parallel fashion on some specific issues. Remembering that both these groups of vocal women are numerically very small, one can only hope that the indirect discourse on women’s rights form such divergent view-points contributes to an expanding space.

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NOTES

1. JI’s Shariat Bill stated that any law challenged for being in conflict with Islam would stand suspended until the final decision of the Shariah as Quran and Sunnah (Practice of the Prophet). The Ninth Amendment on the other hand stated that ‘the injunctions of the Islam as laid down in the Holy Quran and Sunnah shall be the supreme law and source guidance for legislation through laws enacted by the parliament and provincial assemblies and for policy making by the government.’


6. We owe this point to Tazeen Faridi in her background Paper on ‘Strategies, Policies and Programmes to Integrate Women in Development at all Levels’. International Seminar on Women’s Participation in Development: Building Leadership from the Grass Roots, 10-15 November, 1965, Islamabad.


9. According to the Repeal of Hudood Ordinance Committee, Karachi, there are currently 1500 women in prison under the Hudood Ordinance alone as opposed to the total of 70 women in prison in 1980.

10. The Muslim, 10.01.83.


12. Ibid.
