

Research Notes

The 'Ulama and the Religio-Political Developments in Modern India

Rizwan Malik

This paper is not an exercise in or a contribution to the ongoing debate in the Muslim world about the nature of the relationship between Islamic principles and Western statecraft, or the inseparability of spiritual and profane in a Muslim state. While all these issues are in one way or another relevant to the subject under discussion here, they do not form its core. This paper has two major objectives. The first is to attempt to analyze how the 'ulama viewed political developments in the late 19th and early 20th century in India. The second, equally important but only indirectly touched on in this paper (and the two are interrelated), is an investigation into whether it was Islamic religious issues or the presence of the British that engrossed the attention of the 'ulama.

This is essential if one is to understand the nature of the 'ulama's participation in the formative phase of religio-political developments in 19th and 20th century Indian Islam, and in particular, its impact in later years on the interaction between the 'ulama and the Muslim League. It is in relation to both these objectives that a great deal of analysis—both from objective and polemical points of view—regarding the nature and content of the role of the 'ulama in politics suffers from a great degree of biases and confusion.

Before discussing the political role of the Indian 'ulama, it is necessary to observe that it would be wrong to think of the 'ulama in terms of an "estate" within the Muslim community or to assume that the 'ulama were, as a body, capable of generating a joint political will. The reason for 'ulama to take so long to appear on the political horizon of India was one of principle and expediency, that stopped the 'ulama from hurling *fatāwa* of condemnation at the East India Company when it eventually superseded Mughal power in India. Until 1790, penal justice in Bengal continued to be dispensed under the revised Shari'ah forms of Aurengzeb's time. In the sphere of civil law,

Regulation II of 1772 provided that in all suits regarding inheritance, succession, marriage, and caste and other usages and institutions, "the laws of the Koran with respect to Mahomedans, and those of the shaster with respect to Genttoos shall be invariably adhered to."¹ Islamic penal principles and procedures were not completely abolished in British India until the coming into force of the Indian Penal Code of Criminal Procedure in 1862, and Islamic rules of evidence were not entirely abolished until the Evidence Act of 1872. Until 1864, British magistrates were assisted by *muftis* whose duty it was to expound the relevant mandates of the Shari'ah for the benefit of the magistrate.² Although the rulers were infidels and the above-mentioned formal interference with the substantive content of Islamic Holy Law had come into effect even then, Shah Abd al-Aziz did not go beyond merely declaring the areas of Northern India under British supremacy to be *dar al-harb* (the abode of war).³ The partnership doctrine was not brusquely stripped of outward decency. On the ruler's side, the 'Ulama were not prevented from carrying out their educational tasks. Indeed, the British were, it seemed, ready to treat them deferentially, as Islamic rulers would. The 'ulama had more pressing concerns, at least before 1857, than to jump out of their tradition and to seek an open confrontation with the powers-that-be who seemed ready to recognize the jurisdiction of the Muslim Holy Law over Muslims. The 'ulama were fully committed to religious controversy on several shifting fronts.

Shah Isma'il, author of the *Sirāt-i Mustaqīm*, and a lieutenant of Sayyid Ahmad Brelvi, the leader of the *mujahidīn* in the north-west frontier, had been attracted by Abd al-Wahhāb's rejection of rulings from all the three schools of *Sunni fiqh* in favor of rulings drawn directly from the literal texts of the Qur'ān and Prophetic sunnah.⁴ He also instigated another controversy by suggesting that divine ordination of a prophet after Muhammad was possible. This drew down the wrath of Fadl-i Haqq Khayrabadi (1797-1861), an *ʿalim* whom the British later transported to the Andamans for rebellion in 1857.⁵

¹Aziz Ahmad, *Islamic Modernism in Indian and Pakistan 1857-64*, London, 1967, p. 16.

²L.S. May, *The Evolution of Indo-Muslim Thought After 1857*, Lahore, 1970, pp. 30-2.

³*Fatāwa-i Azizi*, part I, Delhi, 1893-4, p. 17.

⁴Masood Alam Nadvi, *Hindoostan ki Pehli Islami Tehrik*, Lahore, 1979, p. 27.

⁵S. A. A. Rizvi, *Shah Abd al-Aziz*, Canberra, 1982, pp. 97-8; Aziz Ahmad, pp. 28-9; Mushir-ul-Haq believes that Fadl-i Haqq Khayrabadi "was in the service of the East India Company and had hardly any sympathy with the activities of the mutineers". *Muslim Politics in Modern India*, Lahore, n.d. p. 3; Another Indian Muslim historian, basing his argument on Fadl-i Haqq's book *Al Surat al-Hindiyah*, contends that no doubt Fadli Haqq "joined service under the British as Saraishedar about 1825" but he himself resigned from British service as soon as he understood the duplicity and the ulterior intentions of the British Government. As soon as he heard the news of the Uprising in 1857, he joined it". Mujeeb Ashraf, *Attitudes Towards British Rule and Western Culture in India*, Delhi, 1982, pp. 141-2.

After the deaths of Sayyid Ahmad Brelvi and Shah Isma'il in the battle of Balakot in 1831, their followers split on the issue of *taqlid*. One school of thought allowed *taqlid* of the three *madhāhib* only to those without sufficient knowledge, and another insisting on *taqlid*, preferably of the Hanafi *madhhab*. By the eighteen-sixties, a distinct group emerged, the *Ahl-ī Hadith*, represented by Siddiq Hasan Khan and Nazir Husain, which campaigned for complete rejection of *taqlid* of the *Sunni* school of jurisprudence in favor of rulings derived directly from *ahādīth*.⁶ Later in the century a group of 'ulama at Breli (quite distinct from the followers of Sayyid Ahmad of Breli) headed by Maulana Ahmad Raza Khan (1856-1921), claimed to "be so true to Islam that it identified itself alone as the *ahl sunnat wa jama'at*."⁷ Ahmad Raza Khan believed that the Prophet had *'ilm al ghāyib* and also the knowledge of *haqīqat-ī ruh*. He justified calling on the Prophet as intercessor and resisted the current against the celebration of *maulud*, *'urs*, *giyārhawīn*, intercession at tombs and against belief in the miraculous powers of saints,⁸ set in motion by Wali Allah (1703-1763), his son Abd al-Aziz and by Shah Ismail. This brought down upon the Brelvi's the wrath of the Deobandi 'ulama.

In Bengal the *Farā'idi* movement's doctrine that *Juma* and *'Id* prayers should be suspended in British India, which it regarded as *dar al-harb*,⁹ produced a counter doctrine, that of the *ta'yyunis* (those who identified themselves with all the schools of Islamic law, preferably with that of *Abu Hanīfah*), led by Maulvi Karamat Ali Jaunpuri.¹⁰ Besides these issues, which divided the *sunni* 'ulama, a vivid antagonism between the *Sunni* and *Shi'ī* scholars flared up in northern India in the later eighteenth and earlier nineteenth centuries, following Shah 'Abd al-Aziz's aggressive restatement of *sunni* ideas of *Khilāfat* and of the legitimate succession of Caliphs in the *Tuhfa-ī Ithna 'Asharīyya* (Persian).

A survey of some of the many collections of *fatāwa* by leading 'ulama in the nineteenth century shows that it was Islamic religious issues rather than the British presence which engrossed the attention of the 'ulamā. For

⁶Barbara D. Metcalf, *Islamic Revival in British India: Deoband, 1860-1900*, Princeton, 1982, p. 296.

⁷*Ibid.*, pp. 301-3.

⁸*Ibid.*

⁹M. Nurul Karim, "Part Played by Haji Shariat Allah And His Son In The Socio-Political History of East Bengal", Proceedings of the Pakistan History Conference, Karachi, 1955, pp. 175-82; Muin-ud-Din Ahmad, "Religious Doctrines of the Faraidis", Journal of the Pakistan Historical Society, Karachi, 2, part I, 1964, p. 38; and P.M. Holt, ed., *Cambridge History of Islam*, vol. 2, Cambridge, 1970, pp. 76-7.

¹⁰A. L. Basham, ed., *A Cultural History of India*, Oxford, 1975, p. 385; Muin-ud-Din Ahmad, "Ta'ayyunis opposition to the Fara'idi Movement", Journal of the Pakistan Historical Society, Karachi, XII, part 2, 1964, pp. 150-64.

example, in Shah 'Abd al-Azīz's well known *Fatāwa-ī 'Azīzī*,¹¹ only six discussions of a total of approximately 258 deal with problems raised by the existence of East India Company rule. In the *Majmu'ah-ī Fatāwa*¹² of Muhammad Abd al-Hayy of Farangi Mahall, only 34 of 1307 *fatāwa* or two and a half percent refer to any issue for which the British presence could be thought directly responsible. Of the 1380 *fatāwa* in the *Fatāwa-ī Rashidīyyah*,¹³ only about 28 or just over two percent pronounce on similar questions.

Generalizations about the political attitudes of the 'ulama towards the British in the nineteenth century seem impossible to make. Dismayed perhaps, as Professor Aziz Ahmad suggests, by progressive British interference with the substantive content of the Shari'ah (Cornwallis' government began in 1790 by legislating against the treatment of homicide as a matter between individuals and substituted imprisonment for mutilation as a punishment for theft¹⁴) Shah 'Abd al-Aziz pronounced British territory between the Sikh Dominions and Calcutta to be *dar al-harb* on the grounds that the laws and customs of Christians were dominant there. Christians punish according to their own laws he said, and although they permit Muslim rites, they treat them as vain trifles.¹⁵ Nevertheless, Shah 'Abd al-Aziz would permit service under the British to Muslims, under conditions not inimical to Islam, and the learning of English.¹⁶ The policies of the East India Company surely regarded him as inoffensive politically for shortly before his death they considered him a possible suitable appointee as principal of a new Delhi college under their aegis. The movement of Sayyid Ahmad Brelvi did not take an active anti-British turn until after the British annexation of the Punjab in 1849 and even then hostile action was confined to the north-west frontier.¹⁷ In the 1860's the British charged a number of 'ulama with conspiracy to wage war against the Queen, but this action savored more of chagrin at British losses in the frontier campaigns of 1863 and of a determination to cut off the *mujāhidīn*'s supplies at source. It did not reveal an immediate apprehension of an uprising led by such 'ulama in British India itself. A police return in 1876¹⁸ records the support the movement enjoyed among the "small town" and rural 'ulama in the Punjab, but such support was politically passive. An unknown number

¹¹Delhi, part I, 1893-4; part II, Delhi, 1896-7.

¹²Lucknow, 1896.

¹³Muradabad, 1906.

¹⁴Aziz Ahmad, *Islamic Modernism*, p. 18.

¹⁵Abd al-Aziz, *Fatawa*, part I, p. 17.

¹⁶*Ibid.*

¹⁷Islamic Modernism, op. cit., p. 20.

¹⁸Peter Hardy, "Wahabis in the Punjab", 1876, *Journal of the Research Society of Pakistan*, I, 2, 1964.

of 'ulama in the upper provinces took part in the uprising in 1857 and two displayed military skill, Ahmad Allah 'the *maulevī* of Faizabad; and Liaqat Ali of Allahabad.¹⁹ The founders of the Deoband school of theology, Qasim Nanawtavi and Rashid Ahmad Gangohi are said to have operated against British forces in the Saharanpur district.²⁰

After the suppression of the uprising, many 'ulama in the upper provinces undoubtedly found their environment uncongenial and migrated to Makkah or to Hyderabad (Deccan). Others, encouraged by the Queen's proclamation of British intentions not to interfere with the religious beliefs and practices of their subjects in India, were ready to re-discover and re-emphasize the *Hanaḥī* doctrine that a country where Muslims were free to practice their religion was a *dar al-Islam*.²¹ Maulavi Abd al-Hay of Farangi Mahal specifically said that India was no longer a *dar al-harb*.²² On the other hand, Rashid Ahmad Gangohi of Deoband hedged, merely stating that there was disagreement among the 'ulama on the question.²³

The role of the 'ulama in British India in the nineteenth century was more cultural than immediately political. They preserved areas of Indian Muslim life from Western influence. They tried to defend a world not interested in the Victorian age's material progress devoid of spiritual values. The 'Ulama were the men who did not want to experience any kind of tension between the demands of modern society and those of the shari'ah by refusing to enter modern society. They preferred to exercise their power in the educational underworld, much lamented by the progressive Muslims because in the underworld, in *Dar al-Uloom*s, they could guide Muslims by issuing *fatāwa* on true Muslim belief and practice. In the latter nineteenth century, between the foundation of the Congress and the non-cooperation movement, insofar as the 'ulama had a political role, it was one of off-stage reinforcement for the principal performers on the British-set stage. Thus A.O. Hume, writing to Badruddin Tayabji on November 5, 1888, to persuade him that Muslim feeling was not hostile to Congress, contended that within the next two or three years the supporters of the Congress would have "almost every single moulvie of any real influence in India who is not tainted by the nature heresy (he is referring to Sir Sayyid Ahmad Khan's ideas) on their side." He further

¹⁹Mujeeb Ashraf, pp. 169-72, 176.

²⁰Ziya-ul-Hasan Faruqi, *The Deoband School and the Demand for Pakistan*, Bombay, 1963, p. 21; Mushir-ul-Haq, p. 4.

²¹Abstract of the proceedings of the Mahomedan Literary Society of Calcutta." Lecture by Mawlavi Karamat Ali Jawnpuri on a Question of Mahomedan Law Involving the Duty of Mahomedans in British India Towards the Ruling Power", Calcutta, 1871. This is an English translation of the proceedings.

²²*Majmu'a-i Fatāwa*, Persian text, Vol. I, Lucknow, 1896, p. 214.

²³*Fatāwa-ī Rashidiyya*, part I, p. 87; part 2, p. 41.

contended that *maulavis* of Ludhiana, who had apparently come out in favour of Congress, had "the absolute command of 40,000 Mahomedans' in the Punjab."²⁴ 'Ulama, during this period, took part in political agitations, often as members of local Muslim *anjumans*, sometimes by adding their names to telegrams of protest. From 1910 to 1916, the 'ulama, instead of lagging behind, came forward, though in an unorganized form to express their political opinions over the issues such as the revocation of the partition of Bengal, the Italian attack on Tripoli, the losses of the Ottoman Turks in the Balkan wars of 1912-1913, the Muslim University movement and on the Cawnpore mosque agitation by falling under the spell of such modern, English-educated political spell binders as the Ali brothers. The difficulties of such leaders in mobilizing the 'ulama for political activity were obliquely suggested however by the complete abstinence of the 'ulama from political activities, despite their hatred of British imperialism.

Maulana Abd al-Bari of Farangi Mahall, in an attempt to provide the 'ulama with a platform, in 1913 founded *Anjuman-i Khudam-i Ka' ba*. Through this, he attempted to enable the 'ulama to express "their concern over the possible fate of the Hijaz in the event of the dismemberment of the Ottoman empire."²⁵ In late 1919, Maulana Muhammad Ali set up the *Khilāfat* conference with the aim of organizing "mass agitation to exercise pressure on the British government, to restore to the Ottoman empire its former frontiers."²⁶ And it was immediately after the November 1919 session of the *Khilāfat* conference that a meeting of the 'ulama delegates participating in the *Khilāfat* Conference was held under the chairmanship of A.K. Fazal al-Haq. In the same meeting Maulana Abd al-Bari proposed the setting up of a political organization of the 'ulama. Everybody present not only approved the proposal but also took its membership. And the name suggested was *Jam'iat al-'ulamā-i Hind*.²⁷

Thus the first independent and organized incursion of the leading 'ulama into public political life was the formation of the Jamiat, committed to protect and preserve Islamic identity and to strive for the independence of India. In Maulana Mohammad Mian's opinion *Jam'iat* formation was an endeavor to overcome the ineffectiveness of the 'ulama.²⁸

²⁴"Badruddin Tyabji Papers", microfilm in the possession of the National Archives of India in Delhi.

²⁵P.M. Holt, p. 98.

²⁶*Ibid.*

²⁷Mawlana Mohammad Mian, *Jamiat al-ulama-i Hind Kiya Hai?*, part 2, Delhi, 1946, pp. 5-6, 8.

²⁸Mawlana Muhammad Mian, *Mukhtasir halat-i-in'qad-i Jamiat al-ulama-i Hind*, Delhi, 1920, pp. 3-4.

The aims and objectives of the Jamiat were:

- to guide Muslims in their political and non-political matters from an Islamic viewpoint;
- to protect Islam, centres of Islam (Hijaz and *Jazirat al-Arab*) and Islamic values;
- to struggle for the complete independence of their motherland;
- to protect the religious and national rights of the Muslims;
- to promote and protect the rights and interests of other communities;
- to organize the 'ulama on a common platform; to establish good and friendly relations with the non-Muslims of the country;
- to establish *Mahākam-ī Sharī'ah* (religious courts) to meet the religious needs of the community;
- to propagate Islam, by way of missionary activities, in India and foreign lands.²⁹

Conclusion

An overview of the discussion makes it evident that the efforts of the 'ulama were not essentially reactionary in character. They were basically directed towards preserving and defending Islamic values and identity from the fast emerging debates on theological issues in 18th and 19th century Islamic India. The 'ulama were also concerned with the protection of the religious, economic, political and cultural rights of their co-religionists so long under attack by alien ideologies, mainly Christian.

It was in this context that there arose a breed of thinkers and activists who, from their Islamic moorings, tried to respond politically, and on occasions, militarily to the challenges posed by a Christian power now bent on dominating and subjugating the Muslim ummah.

All these leaders were steeped in traditional Islam and their rejoinders to the colonial threat, therefore, were, in intellectual terms, "pre-modern" in character. However, this did not in any way deter them from taking up the challenge and, on occasion, inflicting crushing defeats on the colonial powers.

The 'Ulama of Deoband, especially those associated with *Jamiat al-Ulama-ī Hind* found no contradiction between their commitment to Islamic self-preservation and the concept of the ummah on the one hand, and their sense of patriotism to strive for the independence of a united India on the other.

²⁹Parveen Rozina, ed., *Jamiat al-ulama-i Hind Dastavizat-i Markadhi Ijlas hai Aam 1919-45*, Vol. I, Islamabad, 1980, pp. 48-50.