

RELIGION AND THE MODERN MINDSET

JAVED AKHATAR*

Abstract

The article explores the complex relationship between religion and science in contemporary society, emphasizing that the two operate in distinct domains and do not conflict inherently. It critiques the misconception of modernity as exclusively “scientific” and argues that both religion and science have been integral to human development throughout history. The author highlights that the apparent decline in religiosity stems not from scientific progress but from rigid interpretations and outdated traditions masquerading as religion. The article underscores the necessity of distinguishing between the essence of religion—divine guidance—and its historical interpretations. It also addresses the role of *ijtihād* within Islamic tradition, emphasizing its potential to adapt religious principles to evolving contexts. Drawing on examples from Shāh Waliullāh’s classification of *ijtihād*, the discussion illustrates the tension between innovation and adherence to established frameworks. Furthermore, the text delves into the challenges of defining “religion” and critiques the rigid educational frameworks within *madāris* that often stifle intellectual exploration. It argues for a dynamic and open approach to religious understanding, where reformers are not met with resistance but are acknowledged as vital contributors to the faith’s progression. Ultimately, the article posits that the modern mind does not reject religion per se but resists its static presentation. It calls for a reevaluation of religious authority, intellectual engagement and the inclusion of diverse perspectives to reconcile the “modern mindset” with the timeless essence of religion.

Key Words: *ijtihād, modern mindset, religion, science, ‘ulamā’.*

Introduction

Religion, as a profound and enduring element of human existence, has always been a subject of contemplation and debate, particularly in the context of modernity. The article “Religion and the Modern Mindset”¹ delves into the

* Assistant Professor (Contractual), Department of Islamic Studies, Jamia Millia Islamia, New Delhi, India.

Email: javed.akhatar1985@gmail.com

complex relationship between religion and the scientific advancements of the contemporary era. It underscores how individuals approach religion through divergent perspectives: one dismissing it as an archaic relic and the other defending its relevance in modern life. However, the article challenges the prevailing misconception that science and religion are inherently antagonistic, asserting instead that their domains are distinct and complementary.

Furthermore, it explores the innate religiosity of human beings, emphasizing that disillusionment with rituals and traditions often masquerades as rejection of religion itself. The modern mindset, shaped by scientific progress, grapples with outdated interpretations of religious doctrines and the rigid adherence to historical traditions. The discussion extends to the concept of *ijtihād* (independent reasoning) and '*ulamā*' and their critical role in adapting Islamic teachings to evolving circumstances. The article highlights the tension between tradition *taqlīd* (blind adherence) and reform, advocating for a dynamic understanding of religious principles that aligns with contemporary realities.

Ultimately, the discourse invites reflection on the true essence of religion and its ability to guide humanity, not as a static set of rules but as a living and adaptable source of moral and spiritual enrichment. It calls for an open-minded and analytical approach to reconcile the timeless values of religion with the ever-evolving demands of modern life.

Religion and Science: Understanding their Relationship Beyond Misconceptions

Today, when we study any society from the perspective of how religion influences the lives of its individuals, we encounter two types of people. The first are those who, in this scientific era, regard religion as a relic of the past. The second are those who acknowledge the necessity and significance of religion. When the latter are confronted with the question that if their belief is correct, then why does a large portion of their society fail to support it through their words and actions, they tend to dismiss the issue rather than objectively analysing the circumstances. They simply claim that the dazzling innovations and advancements of science have blinded people, and unless the

superiority of religion over science is proven, it will be difficult to bring about reform.

However, to speak the truth, the debate over the comparison between science and religion is futile because their fields of operation are entirely distinct. There is neither any contradiction between them, nor do scientific advancements undermine the foundations of religion. For if that were the case, religion would no longer exist in any corner of the world today.

In reality, it is a significant misconception to consider only the present era as a “scientific era.” Just as the relationship between humans and religion is inseparable, so too has the connection between humans and science existed continuously since the descent of Adam. Science, in essence, is nothing more than the process by which humans, using their intellect, discover possibilities based on certain existing phenomena and bring those possibilities into reality.

Is there any period in human history known to us when humans did not utilize this God-given ability? When humans first invented the wheel, was that not a remarkable scientific achievement of its time? When, in Iqbal’s words, they proclaimed, “تو شب افریدی چراغ آفریدم” (*You created the night, I created the lamp*) was that not a triumph of human science? When humans, observing stones sinking and trees floating in mighty rivers, envisioned the idea of a boat, was this act not within the realm of science?

In short, throughout history, humans have consistently strived to bring the unknown into the realm of the known and they will continue to do so. Therefore, it is fair to assert that the rise and fall of religiosity do not depend on how “scientific” an era is but rather on how scientific the mindset of the followers of religion themselves is.

Generally, the term “scientific mindset” is understood to mean that when a new scientific achievement comes to light and people, whether rightly or wrongly, become agitated by the idea that it might weaken religious beliefs, they resort to opening religious scriptures and attempting to prove through verses and traditions that this scientific discovery had been foretold hundreds of years earlier. For instance, after astronauts landed on the moon, numerous articles have been published (and continue to be published) in various

religious journals, claiming that this event was already predicted in the Qur'ān and Ḥadīth.

The religious community often considers this attitude to be reflective of a “scientific mindset.” However, if we analyse it critically, using religious scriptures to validate or refute scientific discoveries is not only unscientific but also a manifestation of an inferiority complex. This mindset assumes that religion is somehow endangered by innovation and discovery.

In reality, this is the same mentality that, despite Galileo's telescopic observations, forced him to retract his statement that the Earth is not flat but spherical. It is also the same mindset that, despite Copernicus's firm belief that the Earth's motion is unaffected by people's acceptance or denial, coerced him into declaring that the Earth does not revolve.

If we look closely, there is no real difference between the oppressive attitude of the medieval period and today's submissive mindset that attempts to derive predictions about space exploration from the Qur'ān and Ḥadīth. Both stem from the same thought process: that an invention or discovery cannot be acknowledged as significant unless it has been granted approval by religion.

The Modern Mindset, Religion and The Call for Reform: Bridging Misunderstandings

It is also not accurate to say that the modern mind has completely turned away from religion, because when we study any society, we find that humans are inherently religious by nature. It is true that, at times, driven by emotion, they might claim, “*We have travelled through space, but we did not see God anywhere.*”² However, such proclamations are only made after returning from space. While humans remain in space, all of humanity stands in prayer. Whenever an Apollo³ mission goes astray in space, millions of people across the world cry and pray fervently for the safe return of just three individuals.

These prayers may be offered by kneeling in churches, bowing in mosques, ringing bells in temples, or bowing heads in Gurdwaras. The methods of prayer may differ, but as long as humans continue to rely on prayers, it cannot be said that modern humans do not acknowledge a higher power capable of fixing what is broken.

Despite all this, it is also a reality that a significant portion of the human population proudly declares that they have no connection with religion. In fact, the biggest complexity in this matter lies in the fact that different people have different understandings of what religion means. Unless it is clearly defined what we mean by “religion,” we will continue to engage in fruitless debates, much like the traditional story of the four blind men, each of whom touched a different part of an elephant and argued fervently about whether the elephant was a pillar, a fan, a long and slippery snake, or a flat and solid canopy.

Similarly, until we determine what we mean by “religion,” neither can the subject of debate be clearly defined nor can we reach any conclusion. Linguistically, the word “religion” means “path.” It is not necessary for all of creation to follow the same path. However, in light of the historical concepts associated with religion, it can be defined as the path that leads humans to the destination some call “*nijāt*” (salvation) and others refer to as “*nirvāṇa*” (liberation). Whatever the name of the destination may be, as long as humans remain restless in their search for it, how can they be indifferent to the method or path that is referred to as religion?

When we discuss the role of religion in today’s world and encounter people who outright deny religion, instead of condemning them, we should seek to understand what it is they are truly rejecting. If we are willing to listen to them with an open mind, we will find that many of them are not rejecting the essence of religion itself but rather the rituals and traditions that have been given the status of religion.

At this point, we can borrow Maulana Azad’s words and say that the modern mind does not reject religion; rather, it refuses to bow before the claim that all interpretations of religion have already been made in the past, the path has been determined, laws have been completed and recorded in books and that for any problem we face, we need only turn the pages of those books to find a solution. In essence, it is not a rejection of religion but of the way religion is presented that causes the modern individual to resist. Unfortunately, in doing so, they often discard the core along with the husk. Therefore, it would not be correct to say that the modern mind being shaped by the influence of science

poses a threat to true religion. If there is any threat, it does not come from the modern mind but from the mindset that, at every turn of history, clings to the slogan:

”مَا وَجَدْنَا عَلَيْهِ آبَاءَنَا“

(What we found our forefathers practicing is good enough for us⁴)

The Holy Qur’ān, which serves as a divinely inspired and authentic record of the prophetic missions of the Holy Prophet and other messengers, repeatedly informs us that whenever humanity deviates from the straight path, Allah appoints one of His chosen servants to guide them back. At such moments, the most common objection raised by people is that their forefathers could not have been wrong, and therefore, by following in their footsteps, they cannot be misguided. When the Prophet lit the lamp of guidance, the opponents at that time also used this same flimsy excuse as a shield.

If we study the history of Islam and the Qur’ān, we find that those who rejected the message of Prophethood in the name of their ancestors were often the same people who held religious leadership in their societies. These individuals were insistent that the path they were following required no reform or amendment. The Qur’ān also reveals that the response to their objection was not to declare their forefathers wrong outright. Instead, efforts were made to instil in them the understanding that the path they were following was not the true, straight way of their ancient elders. Rather, it was a distorted trajectory adopted by later generations due to familial, national, or tribal biases, which they mistakenly deemed as the right path and considered unchangeable.

The sayings of the Prophet, such as those indicating that if Prophet Musa or Prophet Isawere alive, they would follow him, emphasize this idea. These sayings highlight that the way of life presented by the Prophet in the 7th century CE for the progress and welfare of humanity was, in essence, an updated and time-appropriate version of the same divine guidance delivered by Prophet Moses and Prophet Jesus in their respective eras.

At this point, an important question may arise: when the final proclamation of,

الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ

today I have perfected your religion for you, was made, and it was announced across the world that *risālat* (the chain of prophethood) and *wahy* (revelation) had come to an end, what should humanity do if it cannot look back 1400 years for guidance? This is indeed a critical question, but it arises from the very misconception that prophets were sent to dispel.

If we study Islamic history, we will find that after the Prophet, individuals continued to emerge within the Muslim community, from time to time, who raised their voices against “*muravvaja Islam*” (popular Islam) of their era. In this way, the ‘*ulamā*’ of the Muslim community fulfilled the role of the prophets. Whether history remembers these individuals as “*mujaddid*” (reviver) or refers to them with the title of “*imām*” (leader), the real question to ponder is: what treatment did they receive from their own people when they sought to reform the prevailing mindset?

Just as the *Bani Israel* (Children of Israel) made the lives of their prophets unbearable, Muslims similarly opposed these reformers, whom they now honour with titles like “*mujaddid*” or “*imām*”. Whether it was Mujaddid Alf Thānī, Shāh Walīullāh, Nizāmuddin Auliya, or Shāh Ismail Shahīd, is there a single figure among them whose call to reform was not rejected by their people—except for a small minority—on the grounds that “*Your proposed path differs from the one prescribed by our forefathers; therefore, we cannot follow you*”.

Ijtihād and Taqlid: Reconciling Tradition with Modernity

At this juncture, if we wish to understand why, in this scientific era, the modern mindset within the Muslim community is gradually distancing itself from Islam, we are inevitably compelled to revisit the question: “What do we mean by Islam?” Is Islam the divine revelation that reached humanity through the Prophet, or is it the legal and philosophical interpretations formulated by subsequent generations in accordance with their respective

environments? Generally, we tend to conceptually define Islam as divine guidance, but when it comes to details, we often treat this guidance—which was meant for all times and nations—as if it were merely a set of curriculum lessons. To clarify this further, we can say that the disagreement does not concern the principles and beliefs of Islam but revolves around the legal perspective, often referred to as “*ijtihād*” (independent reasoning) and “*taqlid*” (adherence to established interpretations).

Regarding the significance and necessity of “*ijtihād*”, the Muslim community has been almost unanimously agreed, both in the past and present, that the door of “*ijtihād*” should remain open. Thus, the primary issue is not whether or not “*ijtihād*” should be practiced in changing circumstances. The disagreement—and sometimes intense disagreement—arises over the extent of “*ijtihād*” and who is qualified to undertake it. If we study the writings of Shah Waliullah, we learn that he divided “*ijtihād*” into two categories: “*ijtihād fi al-dīn*” (ijtihād in dīn) and “*ijtihād fi al-madhhab*” (ijtihād in mazhab). By the first, he meant reinterpreting the foundational sources of guidance—the Qur’ān and Sunnah—beyond the established schools of thought created by early jurists. This could potentially lead to deriving conclusions entirely different from those of Imām Abū Ḥanīfa, Imām Mālik, Imām al-Shāfi‘ī, or any other jurist. Perhaps fearing this possibility, Shāh Walīullāh did not permit “*ijtihād fi al-dīn*”. He opened the door of “*ijtihād*” only to the extent that within a specific legal school, one could analyse the views and conclusions of its various jurists and adopt those opinions that are more in line with the changed circumstances. In other words, Shāh Walīullāh allowed “*ijtihād*” only to the extent that a Ḥanafī Sunni Muslim, in a specific issue, might prefer the opinion of Imām Abū Yūsuf or Imām Muḥammad over the commonly accepted ruling of Imām Abū Ḥanīfa. While today Shāh Walīullāh’s “*ijtihād fi al-madhhab*” may appear to be within the bounds of “*taqlid*”, if we consider the conditions of his time, we must acknowledge that by allowing “*ijtihād fi al-madhhab*”, Shāh Walīullāh performed a significant reformative service. (But, thanks to our obsession with “*taqlid*”, we have remained satisfied with even this minimal allowance.)

In the 20th century, when Indian Muslims faced a completely new political system, Muslim members of British India's legislative councils sought to introduce flexibility into Islamic personal laws. They advocated preferring rulings from various schools of thought based on practical relevance.⁵ For instance, in cases where Shāfi'ī or Mālikī laws were more practicable than Ḥanafī laws, it was suggested that judgments for Ḥanafī Muslims in those specific cases could be decided according to Shāfi'ī or other schools of law. In both scenarios mentioned above, today's Muslim remains confined within legal frameworks that were developed centuries ago in entirely different political, social and geographical contexts. In this era of “*aṣṛiyyāt*” (modernity) and “*jadīdiyyāt*” (contemporaneity), one can easily imagine to what extent the “modern mind” is willing to adhere to such “*taqlīd*”.

The Right to *Ijtihād*: Defining Authority and The Role of ‘*Ulamā*’

This aspect of the issue is no less significant: “who has the right to perform *ijtihād*?” It is evident that no society can grant every individual the authority to independently amend or modify its established laws, as doing so would lead to the disintegration of the societal structure and result in chaos and anarchy. Therefore, it is clear that the right to “*ijtihād*” cannot be given to everyone individually. This responsibility must rest with only a select group of people. However, the important question remains: “who will these select individuals be?”

It is generally understood that the select individuals who possess the right to perform “*ijtihād*” are those referred to as ‘*ulamā*’ (scholars) in Muslim society. This is because, according to aḥādīth, the ‘*ulamā*’ are the “inheritors of the Prophets” and, after the conclusion of prophethood (*khatm-e-nubuwwah*), they are granted the status of the Prophets. Even if we temporarily accept this assumption for the sake of discussion, we are justified in asking: “What exactly do we mean by the term ‘*ulamā*’?”

Linguistically, ‘*ulamā*’ refers to people of knowledge (*ahl-e-‘ilm*). However, when we talk about ‘*ulamā*’, the term is generally not used in its literal sense. Instead, it is commonly understood in its technical or conventional meaning. In today's context, ‘*ulamā*’ refers to individuals who have studied ‘*ulūm-e-*

dīniyyah (religious sciences) under a specific curriculum in religious seminaries (*madāris*). To be considered part of the '*ulamā*', two conditions are typically necessary:

1. The individual must have studied at religious seminaries.
2. The individual must have received training in '*ulūm-e-dīniyyah*' as per a recognized curriculum.

If an individual lacks either of these two conditions, they are generally not considered part of the class of '*ulamā*'. For instance, if someone does not fulfil the requirement of attending religious seminaries but instead earns the highest degree in Islamic sciences from any national or international university, or achieves expertise in Islamic sciences through personal effort and dedication without formal education from Islamic seminaries or Arabic *madāris*, they are still not recognized as '*ulamā*'.⁶

Similarly, the established curriculum of religious seminaries cannot be overlooked. In India, there are numerous institutions where students are prepared for exams like "*Maulvi*," "*Ālim*," and "*Fāḍil*," organized by various universities and boards, instead of following the traditional curricula of religious seminaries. However, those who pass such exams are usually not recognized as part of the '*ulamā*' class. In other words, Indian Muslims typically regard "*ulamā*" as those individuals who have completed their education in religious seminaries like Darul Uloom Deoband, Nadwatul Ulama, or Madrasa Mazahir-ul-Uloom, where they have studied "*ulūm-e-dīniyyah*".⁷

From a historical perspective, if we examine this issue, we find that the aforementioned understanding of '*ulamā*' is no older than two hundred years. During the Mughal era, unlike today, there was only one type of educational institution in India, regardless of whether we refer to them as religious seminaries (*madāris*) or institutions of contemporary education.⁸ Anyone with a passion for learning would study at the same institution. After completing their education, when students entered the professional world and chose a career, their profession or occupation would determine whether they belonged to the class of '*ulamā*' or not. For instance,

if a person, after finishing their education, chose a career in trade or became a physician, they were generally regarded as part of the merchant or physician class. The term ‘*ulamā*’ was reserved for those who, after completing their education, entered government service in “*Mahakma-e-Umoor-e-Sharī‘ah*” (the department of *sharī‘ah*-related affairs). In other words, it can be said that in medieval India, the group referred to as ‘*ulamā*’ were essentially the equivalent of what we would today call civil servants.⁹

Just as today’s civil service comprises both good and bad individuals, the same situation existed in those times. As long as Muslim rule was firmly established in India, only this class (‘*ulamā*’ in government service) had the official authority to provide decisive and final opinions on religious matters. Those who were outside the sphere of government employment, regardless of their knowledge, abilities, piety, or spiritual restraint, had no legal authority. In principle, the right to interpret and explain *sharī‘ah* was reserved exclusively for those appointed by the king to positions such as “*Shaykh al-Islam*” or “*Qāḍī al-Quḍāt*” (Chief Justice of a large Muslim community). To assume that the “*Shaykh al-Islam*” or “*Qāḍī al-Quḍāt*” of that time did not exercise “*ijtihād*” would be incorrect. This is because Islamic historical records contain numerous royal decrees that can be categorized as “*ijtihād fi al-dīn*”. To claim that such royal orders and laws were made without the assistance or consultation of the “*Shaykh al-Islam*” or other scholars implies either that the king himself possessed such a profound understanding of religious sciences that he could, while staying within Islamic boundaries, make decisions that differed from earlier rulings, or that these decisions were against *sharī‘ah*, and the scholars of the time lacked the courage to oppose them. Some among us might accept this latter conclusion because we have been led to believe that Islamic history witnessed two types of scholars: “‘*ulamā*’-e-*ḥaq*” (righteous scholars) and “‘*ulamā*’-e-*su*” (corrupt scholars). The ‘*ulamā*’-e-*ḥaq* were those who had no connection to royal courts, while the ‘*ulamā*’-e-*su* were those who served the government and followed the king’s commands. Given human psychology, it can be acknowledged that there may have been both good and bad individuals among the ‘*ulamā*’. However, the basis on which the division between “‘*ulamā*’-e-*ḥaq*” and “‘*ulamā*’-e-*su*” is made is flawed. In reality,

both categories belonged to the same class; both were government employees. Their conduct varied according to their temperament and nature, with some being virtuous and others less so.

The division of ‘*ulamā*’-*e-haq* and ‘*ulamā*’-*e-su*’ based on cooperation or non-cooperation with the government is not found in the historical accounts of Islamic India. As far as I know, this division, based on cooperation or lack thereof with the government, was first introduced in this century (20th-century) by Maulānā Abūl Kalam Āzād in his work “*Tazkirah*”. He presented the accusations¹⁰ against Akbar’s “*Ṣadr al-Ṣudūr*” (Chief Judge) and “*Shaykh al-Islam*” in an oratorical style with a particular perspective, which led people to believe that ‘*ulamā*’ employed by the government were ‘*ulamā*’-*e-su*’, while those who distanced themselves from the royal court were ‘*ulamā*’-*e-haq*. However, if one accepts the notion that ‘*ulamā*’ who received salaries from the government were ‘*ulamā*’-*e-su*’—and it should be noted that these very individuals were in charge of the *Mahakma-e-Umoor-e-Shari‘ah*—then just consider how deeply this would cast a shadow over centuries of our history!

In any case, there is no scope in this brief essay to discuss the topic of ‘*ulamā*’-*e-haq* and ‘*ulamā*’-*e-su*’ in detail. This topic was mentioned in passing to clarify the meaning of ‘*ulamā*’. As far as Islamic history is concerned, it appears that in the early Islamic period, the term ‘*ulamā*’ was used in the same sense as we use the term “*ahl al-‘ilm*” (people of knowledge) today. In the medieval period, when Muslim governments were formally established in various regions and separate departments were created for different matters, ‘*ulamā*’ came to refer to those who headed departments like the judiciary and religious affairs. In the modern era, as education became divided into two distinct categories—religious and secular—and separate institutions for each type emerged, the term ‘*ulamā*’ began to be associated with those who chose teaching and serving in *madāris* as their profession.

Keeping this distinction in mind, if it is insisted that the right of “*ijtihād*” in Islam is exclusively reserved for today’s ‘*ulamā*’, the “modern mind” will not accept this assumption. This is because it cannot be explained either through

Islamic law or logical reasoning why competent individuals or “non-‘*ulamā*’” (who are not formally classified as part of the ‘*ulamā*’) with knowledge of religious sciences should be deprived of the right to *ijtihād* solely because they are not officially considered part of the ‘*ulamā*’ class.¹¹

For now, we are completely setting aside the issue of how effective the current curriculum of *madāris* is, which, upon completion, qualifies someone as an ‘*ālim*. To what extent does this curriculum have the capacity to develop the depth of insight necessary for someone to fulfil the leadership role of the Muslim community in today’s complex and multifaceted world? Apparently, the answer to this question seems negative. But even if, hypothetically, we accept that it is possible, the modern mind will still pose the challenge of how, in a religion like Islam that has no concept of a “Church,” a “*Madrasah*” can be granted the status of a church by any argument.

Conclusion

In summary, we can say that in today’s fast-paced world, where every moment something modern becomes outdated, Islam faces no threat from the “present age.” If there is any threat, it comes from the unscientific mindset of Muslims themselves, as indicated in the lines above. It must be understood clearly that due to the existence of two parallel educational systems, the Muslim community’s mindset has been divided into two categories: *jadīd* (modern) and *qadīm* (traditional). One educational system produces the class commonly referred to as the ‘*ulamā*’, while the other produces individuals generally seen as representatives of the “modern mind.” On an individual level, one may find people in both groups whose way of thinking aligns more with the other group than their own. However, as a general principle, these two classes represent two parallel straight lines in intellectual terms, with no point of convergence. Until a new framework is created that integrates these two lines, the conflict between “*qadīmzeḥan*” (the traditional mindset) and “*jadīdzeḥan*” (the modern mindset) will persist, and religion will continue to face a precarious situation, with a sword of danger hanging delicately over its head.

Notes and References

¹This article is based on the Urdu chapter “Mazhab aur Jadīd Zehan” from the book *Mazhab aur Jadīd Zehan*, authored by Professor Mushirul Haq in 1974. I have translated and transliterated the content, along with making some additions and expanding the article slightly.

²On April 12, 1961, when the Russian astronaut Yuri Gagarin safely returned after orbiting space, the then Russian Prime Minister, Khrushchev, proudly remarked that their man had not found God anywhere in space.

³The name of an American spacecraft that, while orbiting space, disappeared from its axis for some time. (When Apollo 8 went behind the Moon during its orbit, it temporarily “disappeared” from communication with Earth due to the Moon blocking radio signals. This was expected, but it created suspense because mission control couldn’t verify the spacecraft’s status until it emerged.)

⁴Qur’ ān: 5: 104.

⁵In the third decade of this century (20th), a few Muslim members of the Indian Legislative Assembly, with the consultation of contemporary ‘*ulamā*’, proposed a bill. This bill allowed a Muslim woman, on valid grounds, to seek divorce from her husband through the court if the husband refused to grant her a divorce. The main reason behind proposing this bill was that some women, unwilling to remain with their “undesirable” husbands who were unwilling to divorce them, had found an easy way out: renouncing their religion. This act automatically annulled their marriage. After gaining freedom from the marital bond, some women reverted to Islam, while others remained adherents of their new religion. Towards the end of the second decade and the beginning of the third, this practice was spreading rapidly, in northern India, especially in Punjab. To address this issue, Indian ‘*ulamā*’ engaged in mutual deliberations and correspondence with scholars from Hijaz and Egypt, spending nearly six years (1926–1936) on this matter (see Maulana Muhammad Mian, *Jamiat-i-Ulama Kya Hai?*, Jamiat Press, Delhi, 1946, Vol. 1, p. 67). Finally, in 1936, a Muslim member of the Assembly, Qādī Muhammad Ahmad Kazmī, introduced a bill concerning judicial “*khula*” (divorce initiated by the wife). He identified nine specific grounds on which a Muslim woman could obtain *khula* through the court. For details, see Bevan Jones, *Woman in Islam: A Manual with Special Reference to Conditions in India*, Lucknow, 1941, p. 168. In the draft proposed by Qādī Ahmad Kazmī, these nine grounds were divided into two clauses,

5(a) and 5(b) (see Maulana Muhammad Mian's aforementioned book, Vol. 2, p. 196). Clause 6 of the bill further clarified that clause 5(a) would be determined according to Mālikījurisprudence, while clause 5(b) would be decided according to Hanafī jurisprudence. To deliberate on Qādī Muhammad Ahmad Kazmī's proposed bill, the consultative committee of the Jamiat Ulama convened a meeting in Moradabad in February 1936. After discussions, the committee decided to delete clause 6, which allowed a Hanafī Muslim woman to have her request for *khula* decided based on Mālikīfiqh under certain conditions (see Maulana Muhammad Mian's aforementioned book, Vol. 2, pp. 195–197). However, this suggestion by the Jamiat was not accepted by Qādī Muhammad Ahmad Kazmī and his colleagues. In his speech recorded in Legislative Assembly Debates (1938), Vol. 5 (p. 1123), No. 1, Qādī Muhammad Ahmad Kazmī emphasized the necessity of benefiting from Mālikī, Shāfi'ī, or other jurisprudential schools if required, even if it meant stepping outside the Hanafī framework. Maulana Muhammad Mian also noted that a few amendments were included in the bill contrary to the opinion of the Jamiat Ulama (see *Weekly Al-Jamiat*, Delhi, May 22, 1970, p. 10, column 3).

⁶An important example of this can be found in the personality of Maulānā Abū 'Alā Mawdūdī, Amir-i-Jamaat, Jamaat-e-Islami Pakistan. When it comes to Maulānā Mawdūdī's expertise in ' *Ulūm al-Dīniyah*, there is no doubt about his scholarly knowledge. However, when the discussion shifts to his status as an ' *ālim*, the matter becomes debatable. Since Maulānā Mawdūdī did not formally graduate from any traditional Islamic seminary, ' *ulamā*' outside his Jamaat hesitate to consider him as part of the scholarly class of " ' *ulamā*' ." For instance, one can refer to a letter by Maulānā Husayn Ahmad Madanī addressed to Maulānā Abū Sa'īd Khudā Baksh Multānī, in which Maulānā Madanī does not recognize Maulānā Mawdūdī as a member of the ' *ulamā*' class and declares him as a *non-ālim* on the grounds that he did not receive a formal education from any madrasah. See *Maktubāt-i Shaykh al-Islam* (Husayn Ahmad Madanī), ed. By Najmuddīn Islāhī, Azamgarh, 1952, vol. I, letter No. 156, pp. 426-430.

⁷For detailed information on Arabic madāris in present-day India, refer to my book, *Islam in Secular India* chapter 2, "Dīni T' ālim" (Religious Education).

⁸For details on the madāris and the education system in Islamic India, refer to: Abū al-Hasanāt Nadwī, *Hindustan ki Islami Darṣgahen*, Azamgarh, 1936. Also see: Sufi G.M.D., *Al-Minhaj: Being the Evolution of Curriculum in the Muslim Educational Institutions of India*, Lahore, 1941.

⁹The same system was also implemented in the Ottoman Caliphate in Turkey. For details, refer to pages 14 to 17 of the following book, where the relationship between

the king and the ‘ulamā’ is discussed: Niyazi Berkes, *The Development of Secularism in Turkey*, McGill University Press, Montreal, 1964.

¹⁰It is not necessary to agree with my opinion, but in my view, the “connected” circumstances mentioned by Maulānā ‘Abdul Qādir Bādā’ūnī in his book *“Muntakhab al-Tawārīkh”* regarding Maulānā ‘Abdullāh Sultānpurī and others, which our “jurisprudence-oriented” temperaments have accepted as “bad-mouthing evidence” due to the non-analytical study of history, contain more exaggeration than truth. For example, Bādā’ūnī mentions that Maulānā Sultānpurī, to avoid paying *Zakāt*, would transfer all his assets to his wife at the end of each year so that, due to “poverty,” he would not have to pay *Zakāt*. Similarly, the following year, his wife would transfer everything back to her *Sheikh al-Islam* husband, thus avoiding *Zakāt*. While anything is possible in the world, if we critically analyse history, we would have raised several questions about this ‘tradition’ by now. In trying to answer these, we would come to the conclusion that Bādā’ūnī’s testimony is based more on “hatred of Mu’āwiyah” than “love for ‘Alī.” For example, we should consider that Maulānā Sultānpurī was not an unknown figure of his time. He served as the religious supervisor during the reigns of five kings: Humayun (first period), Sher Shāh, Islam Shāh, Humāyūn (second period) and Akbar. If he had been avoiding *Zakāt* for so many years based on this legal loophole, it could not have remained a secret. Eventually, others would have discovered it, and in such a long period, thousands of people would have emerged who, like their *Sheikh al-Islam*, would have used this same legal trick to exempt themselves from Zakat. Moreover, it should be kept in mind that today the payment of *Zakāt* depends on an individual’s sense of responsibility and conscience, but the time we are discussing, *Zakāt* was one of the major sources of income for the government. If a significant portion of the population, and it must be remembered that in this case, it would have been a large portion, did not pay *Zakāt* for years, the ruling king would have been alarmed—not just for the implementation of *sharī‘ah*, but also for his own treasury. However, it is surprising that none of the five kings took any action, and all of them continued to appoint Maulānā Sultānpurī to the important position of *Sheikh al-Islam*. Neither the kings nor the ‘ulamā’ -*e-haq* took any steps to prevent this undermining of *sharī‘ah*. It is important to note that when Maulānā Sultānpurī’s career began to decline, it was not due to the ‘ulamā’ -*e-haq* but because of the political machinations of the so-called ‘ulamā’ -*e-su*. However, since this topic is outside the scope of the main subject, it cannot be discussed in detail here. The point I want to make is that if we study history without emotions, rages and furies, we will realize that much of what is said and written about the ‘ulamā’ -*e-su* is no more than accusations of uncommitted sins and most of the stories have been exaggerated by historians to embellish and serve narrative purposes.

¹¹There is a possibility that my statement may be considered as just an accusation against the ‘*ulamā*’ and it may be claimed that no group of ‘*ulamā*’ has ever declared that if a capable non-‘*ālimis*’ available, his participation should not be sought. However, based on the documentary evidence that I have received, though not in terms of words but in terms of actions, it can be said that ‘*ulamā*’ consider *ijtihād* as their exclusive right. For example, in recent years, to resolve issues like “*ruuyat-e-hilāl*” (sighting of the new moon), insurance, family planning and taking loans from the government in light of contemporary times, the Shari‘ah Research Council, Darul Uloom Nadwatul Ulama, Lucknow, has taken several *ijtihādi* (innovative) steps. I am unaware of how the Council has resolved the issue of taking loans from the government, as the documents related to this matter have not yet been made available to me. However, regarding the other three matters, based on the published documents I have, it is clear that on November 26, 1964, a ‘questionnaire was sent to several respected ‘*ulamā*’ in India and abroad’ concerning insurance (refer to, Proposal by the Shari‘ah Research Council regarding Insurance, edited by Maulana Muhammad Ishaq Sandilwi Nadwī, published by Shahi Barqi Press, Lucknow, p. 2). Similarly, the questionnaire regarding the moon sighting was sent only to ‘the respected ‘*ulamā*’ for their response’ on February 28, 1966 (refer to, Proposal by the Shari‘ah Research Council regarding Moon Sighting, edited by Maulana Muhammad Ishaq Sandilwi Nadwī, compiled by the Shari‘ah Research Council, published by Tanveer Press, Lucknow, p. 3). The decisions regarding family planning were also made based solely on the opinions of the ‘*ulamā*’ (refer to, *fatwāon nas-bandī* (sterilization), published in the weekly Nida-e-Millat, Lucknow, December 1, 1967).

Not only were the questionnaires on the aforementioned important issues sent only to the ‘*ulamā*’, but the available documents also show that, with the exception of one member, Maulānā ‘Abdul Majīd Daryābādī, who, like Maulānā Mawdūdī, is not considered part of the ‘*ulamā*’ class in technical terms, all members of the Shari‘ah Research Council belong to the ‘*ulamā*’ class. If the respected ‘*ulamā*’ are in favour of collaboration in the field of *ijtihād*, then would it not have been appropriate to include Muslim experts in astronomy, economics, politics and physics—who are not considered part of the ‘*ulamā*’ class—as official members of the Council and benefit from their knowledge when deliberating on the aforementioned issues?

Recently, the Jamiat Ulama-i-Hind has established an institution along similar lines, named ‘Idara al-Mabahith al-Fiqhiyyah’, under the guidance of Maulānā Muhammad Mi‘ān. Its purpose, in the words of an important member of the institution, Maulānā Sajjad Husayn, the Head Teacher of Madrasa Fatehpuri, Delhi, is to research issues of the type “*يُجوز أم لا يجوز*” (is it permissible or not permissible?)—

that is, those issues which touch upon Fiqh in some way and lead Muslims to question whether a certain action should be considered “*ḥarām*” (forbidden) or “*ḥalāl*” (permissible). He stated, “We aim to determine the *sharī‘ah* ruling on these matters with the collaboration and cooperation of ‘*ulamā*’ and inform the Muslim community about it.” Maulānā Sajjad Husayn further explained, “By ‘*ulamā*’, we do not mean a restricted group of ‘*ulamā*’ but will consult ‘*ulamā*’ from all schools of thought. Our effort will be to arrive at a consensus on the issues that is agreed upon by the majority of ‘*ulamā*’ and *mufīṭ* (experts in *fatwā*).”

A brief report about the methodology of this institution, published in the weekly “Al-Jamiat” (Delhi, 22 May 1970, pp. 10–11), does not suggest that its approach will differ from that of the Majlis-e-Tahqiqat-e-Sharī‘ah in the sense of seeking cooperation from non-‘*ulamā*’.