Islamic Discourse of Difference: A Critical Analysis of Maulana Mawdudi's Texts on *Kāfirs* and *Dhimmīs*
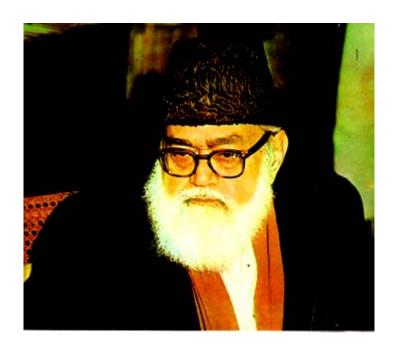
Anne-Liv Gamlem

Acknowledgements

Summary

Sayyid Abu'l-A'la Mawdudi (1903-1979) was one of the most prominent Islamic revivalist thinkers of the twentieth century. He wrote more than 150 books and treatises on different aspects of Islam, such as jihad, the Islamic state, the position of women, and the shari'a. A central concept in the Islamic revivalist movement is that Allah has entrusted the Muslim *umma* (the community of the faithful) with the spiritual and political leadership of the world. Other religions and their followers are regarded inferior. The implementation of shari'a will have dramatic consequences for the non-Muslim communities living in the Islamic state.

This dissertation provides a commentary and a Critical Discourse Analysis of Mawdudi's texts *Muslim aur Kāfir kā Aslī Farq* (*The Fundamental Difference Between a Muslim and a Kāfir*) and *Islāmī Riyāsat mēṅ Zimmiyōṅ kē Huqūq* (*The Rights of Dhimmīs in the Islamic State*). The first text addresses spiritual realities, such as people's standing before God in this life and the hereafter. It is a text that establishes a sharp distinction between the believer (the Muslim) and the unbeliever (the *kāfir*). Mawdudi also discusses the bewildering aspects of Muslims being ruled by *kāfirs*. The second text can be regarded as an attempt at codifying the shari'a injunctions regarding *dhimmīs* (the indigenous non-Muslims). It is a text about the minority policies of the Islamic state. It identifies social actors like "the ruling class" (the Muslims) and "the subjects" (the *dhimmīs*). The *dhimmīs* are obliged to pay the poll-tax, *jizya*, while Muslims don't. If elected to the parliament, "the influence of non-Muslim members would be strictly limited". Mawdudi also reproduces the discourse of the books of *fiqh*, according to which the *dhimmīs* have to pay *jizya* on pain of being slain, enslaved or dispossessed. Both texts were written with special reference to South Asia and have been contextualised with examples from the history of Islam in the Indian subcontinent.

In Mawdudi's discourse there is a cultural categorisation of people on the basis of religion. We find a positive self-stereotyping of Muslims and a negative stereotyping of *kāfirs*. This is a typical feature of *ethnocentrism* as described by social identity theory. Mawdudi favours the Muslims in economic, social and political competition with the *kāfirs*. This discrimination is legitimated by allusions to Qur'ānic teachings and references to the shari'a and the classical books of *fiqh*. There is also an implication of *ethnocide* (i.e. cultural destruction) of indigenous non-Muslims in the suppressive educational and cultural policies of the Islamic state as envisioned by Mawdudi.

Contents

Note on Fonts and Transliteration

For the purpose of transliteration, I have used a combination of Times New Roman and e-PhonTranslit UNI in the English text and e-PhonTranslit UNI only in all excerpts of Urdu text in the appendixes. I have adapted a system that is close to the systems found in R.S. McGregor: *Urdu Study Materials* and Ruth Laila Schmidt: *Urdu: An Essential Grammar*. I have not attempted to do a reversible transliteration of the spelling as I have not distinguished the Arabic letters ث ح ذ ژ ص ض ط ظ

  Note that there is a difference in the spelling of the word *Qur'ān* in Arabic and Urdu. In Urdu the *hamza* is generally not written, in which case the transliteration becomes /*Qurān*/. In Persian loan words with a *vau* following <u>kh</u>, the *vau* has not been transliterated, e.g. /<u>kh</u>*āhiš*/ instead of /<u>kh</u>*wāhiš*/ and /<u>kh</u>*āh*/ instead of /<u>kh</u>*wāh*/. The Persian *izafat* construction is rendered as /-e/ and /-ye/ (after silent h or vowel). Apart from the Urdu transliteration, I have sought to render Islamic terms in their Arabic form. Words like "shari'a" and "jihad"are treated as loan words and are not italicized in the English text. According to my system of transliteration, Mawdudi's name ought to be rendered "Maududi". However, as The Islamic Foundation, Seyyed Vali Reza Nasr, and other scholars consistently spell his name "Mawdudi", I have chosen to do the same. I have deliberately chosen to write "Maulana" instead of "Mawlana". I have tried to avoid using diacriticals in personal names.

Note on References

Some references are missing in the manuscript: On page 11, third paragraph, and page 12, second and fifth paragraph, the following reference must be added: Vegar Andreassen: *Bowing out in style: A Critical Discourse Analysis of Margaret Thatcher's and Tony Blair's farewell addresses*, Hovedfagsoppgave i engelsk, Det humanistiske fakultet, Universitetet i Tromsø, Vår 2007

Introduction

Sayyid Abu'l-A'la Mawdudi, theologian, author, ideologue and politician, was born in India in 1903 and migrated to Pakistan at the time of partition, where he lived until his death in 1979. He made a lasting impact on Pakistan and the rest of the Muslim world. Imam Dr. Abduljalil Sajid, who is a prominent British imam and a member of the European Council of Religious Leaders, refers to Mawdudi as "one of the most respected teachers of Islam".[1] In South Asia Mawdudi is often referred to as "maulana", meaning "Our Lord", which is a title of respect. But first and foremost his name is associated with the Islamic revivalist movement and Islamic revivalist discourse.

A central concept in the Islamic revivalist movement is that Islam is more than just a religion; it also has a political agenda. One of the basic beliefs is that Allah has entrusted the Muslim *umma* (the community of the faithful) with the spiritual *and* political leadership of the world. The unbelievers, the *kāfirs*, have no right to rule any country whatsoever. For this reason they call for the establishment of Islamic states all over the world. Other religions and their followers are regarded inferior. Mawdudi makes it clear that the Islamic state is not going to be a democracy with equal rights for all. The *dhimmīs*, the indigenous non-Muslims, will have no business interfering with the policy-making or the governance of the Islamic state; they will not hold any key positions. Once the Islamic state has been erected, the shari'a will be implemented. Mawdudi maintains that *all of shari'a* will have to be implemented; you can not just pick and choose from it.[2] It is evident that the implementation of shari'a will have dramatic consequences for the non-Muslim communities living within the borders of the Islamic state.

The primary aim of this dissertation is to analyse and comment on Mawdudi's texts Muslim aur Kāfir kā Aslī Farq (*The Fundamental Difference Between a Muslim and a Kāfir*) and Islāmī Riyāsat mēṅ Zimmiyōṅ kē Huqūq (*The Rights of Dhimmīs in the Islamic State*). The analysis will be undertaken with the help of Critical Discourse Analysis and related theories presented in chapter 1. There is no gender perspective in this material. While the first text is concerned with Islamic dogmatics, the second can be regarded as an attempt at codifying the shari'a injunctions regarding *dhimmīs*. In this respect, the latter is a very important text as it gives us an idea of the implications of "implementing the shari'a", which

---

[1] *Aftenposten* (Oslo), 11 February 2006.
[2] Mawdudi: *Jamā'at-e-Islāmī kā Maqsad, Tārīkh aur Lā'iha-ye 'Amal*: 18.

is a major step in the "islamization" advocated by the Islamic revivalist movement. A secondary ambition is to compare the original Urdu text with the edited English translations provided by Mawdudi's co-workers Khurshid Ahmad and Khurram Murad, translations on which Western scholars base their interpretation of Mawdudi.

Critical Discourse Analysis gives considerable importance to analysing and interpreting discourse with reference to context. For this reason I have sought to include relevant background information from the history of South Asia, the history of Islam and the discursive tradition of Islam, as well as a few examples of current issues in contemporary Pakistan (this mainly applies to chapter 6). While one of the leading Islamic scholars of the world today, Yusuf al-Qaradawi (b.1926), in his book *Non-Muslims in the Islamic Society* seems inclined to admit that there have been "occasional cases of mistreatment of the non-Muslim minorities under Muslim rule in the past",[3] Mawdudi denies this, claiming that "No creed in the world has shown more tolerance to the devotees of other faiths than has Islam".[4] For many Westerners, however, it is the other way around: To them, "…Islam has become the pre-eminent example of an intolerant religion…"[5] Mawdudi's text on *dhimmīs* should be interesting for any student of Islam as it deals with aspects of shari'a legislation largely unknown to Western readers (and often omitted in textbooks[6]). Besides, Mawdudi is quoted in standard works on Islam and human rights, such as Ann Elizabeth Mayer's *Islam and Human Rights: Tradition and Politics.*[7] Mawdudi's relevance is also supported by the fact that the world's largest Islamic website IslamOnline (which is affiliated with Yusuf al-Qaradawi) directs enquirers to his pamphlet *Human Rights in Islam*.[8]

I have included a number of quotations from Mawdudi's *tafsīr* (exegesis) of the Qur'ān, *Tafhīm al-Qur'ān,* which elaborates on some of the topics covered in the two texts that are the objective of this study. Unfortunately, I have not had access to the Urdu edition, so I have had to make do with the English edition, *Towards Understanding the Qur'ān.*

---

[3] Al-Qaradawi 2005: v. Yusuf al-Qaradawi holds a PhD in Islamic jurisprudence from Al-Azhar University in Cairo and is the founder and president of the International Association of Muslim Scholars and chairman of the European Council for Fatwa and Research. He has a weekly programme on Al-Jazeera called "Shari'a and Life".
[4] Mawdudi: *Jihād fī sabīl illāh* (*Jihad in Islam*), edited by Huda Khattab (Not paginated): See also the older edition of the same text, *Jihad in Islam*: 28.
[5] Mottahedeh, "Toward an Islamic Theology of Toleration", in Lindholm and Vogt 1993: 35.
[6] See for example Knut S. Vikør: *Mellom Gud og stat: Ei historie om islamsk lov og rettsvesen*, Spartacus, Oslo 2003.
[7] See also Sajjad Idris: "Reflections on Mawdudi and Human Rights".
[8] http://www.islamonline.net/servlet/Satellite?cid=1123996015766&pagename=IslamOnline-English-AAbout_Islam%2FAskAboutIslamE%2FPrintAskAboutIslamE Accessed 2 March 2008

I have also attempted to include the position of other Islamic scholars on some of the issues addressed by Mawdudi, but this is by no means an exhaustive overview, which is partly due to the inaccessibility of the sources. Most of the sources are in Arabic, of which my command is limited, and although there are some translations in English and French, they are mostly in collections that have been out of my reach. As for those fluent in Arabic, a study of shari'a regulations pertaining to *dhimmīs* in the South Asian context would be incomplete without consulting the 6-volume *Al-fatāwī 'l-Hindiyya* attributed to emperor Aurangzeb (1706).[9]

Chapter 1 gives an overview of the theoretical framework for this study, while chapter 2 introduces the reader to Mawdudi's life and times, as well as some of the debated issues among his contemporaries in India and Pakistan. Chapter 3 and 4 are short chapters covering necessary background information, while the texts *The Fundamental Difference Between a Muslim and a Kāfir* and *The Rights of Dhimmīs in the Islamic State* are presented (for the most part in my translation), commented and analysed in chapter 5 and 6 respectively. Chapter 7 contains the conclusion. Appendix A and B contain transliterations of the excerpts from the original Urdu editions of the texts. I have also included a glossary with some of the most important terms.

Teun A.van Dijk has written that in the study of racism (which I take to include *ethnicism*, see chapter 1), "it is sometimes difficult to maintain the usual academic style of detachment and distance".[10] That is a challenge I have had to face when working with this material, and it is up to the reader to decide whether or not my criticism is too sharp.

---

[9] See for example references to *Al-fatāwī 'l-Hindiyya* in Fattal 1958: 94n40 on various restrictions on the liberty of the *dhimmīs*, and 114n103, regarding the inequality in the application of the *talion*. Fattal is referring to an edition of the *Al-fatāwī 'l-Hindiyya* pulished in Cairo in 1892.

[10] van Dijk 1993: xi.

1. Theoretical Perspectives

The main object of this study is Islamic discourse as represented by two texts by Maulana Mawdudi. These are texts dealing with a number of aspects of cultural and ethnic difference, as well as what one might coin "Islamic imperialism and colonialism". The two texts in question can, according to the theory presented below, be considered as "discursive events" shaped by certain situations and social structures. Eventually, these "discursive events" will also shape future social structures. Such texts can reproduce or transform the social status quo and have major ideological effects. In fact, these texts may serve as examples of discourse related to power abuse and the reproduction of social inequality. We will seek to analyse Mawdudi's texts in their historical and intertextual context within the discursive tradition of Islam.

1.1. Critical Discourse Analysis (CDA)

Critical Discourse Analysis (CDA), which is an interdisciplinary approach to discourse, developed as a direction of research in the end of the 1970s.[1] According to CDA, "both written and spoken language is perceived as a form of social practice".[2] A "discourse" is defined as "a way of signifying a particular domain of social practice from a particular perspective".[3]

CDA takes a critical approach to how language is used "in organizing social institutions or in exercising power".[4] In fact, Fairclough and Wodak see a close connection between the discursive event and the conditions and social structures that frame it:

> *Describing discourse as social practice implies a dialectical relationship between a particular discursive event and the situation(s) and social structure(s), which frame it: the discursive event is shaped by them, but it also shapes them. That is, discourse is socially constitutive as well as socially conditioned – it constitutes situations, objects of knowledge, and the social identities of and relationships between people and groups of people. It is constitutive both in the sense that it helps to sustain and reproduce the social status quo, and in the sense that it contributes to transforming it. Since discourse is so socially consequential, it gives rise to important issues of power. Discursive practices may have major ideological effects – that*

---

[1] van Dijk 2007 Vol. 1: xxiv.
[2] Fairclough and Wodak cited in Reisigl and Wodak 2001: 35.
[3] Fairclough cited in Reisigl and Wodak 2001: 35.
[4] Wodak 2001: 11.

> *is, they can help produce and reproduce unequal power*
> *relations between (for instance) social classes, women and men,*
> *and ethnic/cultural majorities and minorities through the ways*
> *in which they represent things and position people.[5]*

CDA is particularly concerned with the study of ideologically biased discourses and how these represent ingroups (us) and outgroups (them). Self-descriptions tend to be positive, while negative properties are attributed to "the Other":

> *Speakers or writers may emphasize our good things by*
> *topicalizing positive meanings, by using positive lexical items in*
> *self-descriptions, by providing many details about good actions,*
> *and few details about bad actions, by hyperbole and positive*
> *metaphors, by leaving implicit our negative properties, or by de-*
> *emphasizing our agency of negative acts through passive*
> *sentences and nominalizations...[6]*

When undertaking the actual analysis, one may take the following three steps:

1) Establish the specific *contents* or *topics* of a specific discourse.

2) Investigate the *discursive strategies* (including argumentation strategies).

3) Look into the *linguistic means* (as types) and the specific, context-dependent *linguistic realisations* (as tokens) of the discriminatory stereotypes.[7]

According to Wodak, "discourses are historical and can only be understood with reference to context". Therefore, there must be a focus on "extralinguistic factors such as culture, society and ideology".[8] van Dijk sees ideologies as "the fundamental social cognitions that reflect the basic aims, interests and values of groups".[9] Furthermore, according to Wodak, "the approach is problem-oriented" and "multiple genres and multiple spaces are studied, and intertextual and interdiscursive relationships are investigated…"[10] In fact, efforts should be made "to integrate systematically all available background information in the analysis and interpretation of the many layers of a written or spoken text."[11]

---

[5] Fariclough and Wodak cited in Weiss and Wodak 2003: 13.
[6] van Dijk 2001: 108.
[7] Reisigl and Wodak 2001: 44.
[8] Wodak 2001: 15.
[9] van Dijk 1993: 258.
[10] Wodak 2001: 69-70; Wodak 2006: 6.
[11] Wodak 2006: 15.

1.2. Discourses of Difference, Racism and Ethnicism

According to Stuart Hall's definition, "discourses of difference" are understood to be racist practice when they serve "to establish social, political and economic practices that preclude certain groups from material and symbolic resources."[12] These are discourses "that make a distinction between 'us' and another group … on the basis of a selection of specific traits attributed to one group, traits which are seen, in some sense, as being significant."[13] Wodak has made a list of five questions which could identify discriminatory discursive elements:

1) How are persons named and referred to linguistically?

2) What traits, characteristics, qualities and features are attributed to them?

3) By means of what arguments and argumentation schemes do specific persons or social groups try to justify and legitimize the exclusion, discrimination, suppression and exploitation of others?

4) From what perspective or point of view are these labels, attributions and arguments expressed?

5) Are the respective utterances articulated overtly? Are they intensified or are they mitigated?[14]

In order to answer these questions, it can be useful to look at five types of discursive strategies. A "discursive strategy" is "a systematic way of using language".[15]

1) *Referential strategies* or *nomination strategies* by which one constructs and represents social actors: for example, ingroups and outgroups. Selected strategies can for example be *collectivisation* using linguistic means such as *deictics* ("personal pronouns with unclear referents"[16]) and *collectives* (family, tribe, community, class, majority etc.), *religionisation*, using *religionyms* such as Christians, Muslims, Jews, and *politicisation*, using *politonyms* of different kinds, such as citizens, nationals, voters.[17] According to van Leeuwen, "classification" is

---

[12] Hall cited in Wodak 1996: 111.
[13] Wodak 1996: 113.
[14] Reisigl and Wodak 2001: 44; Wodak 2001: 72-73.
[15] Reisigl and Wodak 2001: 44.
[16] Ibid., 110
[17] Ibid., 48-51.

a form of identification according to "the major categories by means of which a given society or institution differentiates between classes of people".[18]

2) *Predicational strategies* – the attributing of negative or positive traits in the linguistic form of implicit or explicit predicates. "Predication" is the process of "assigning qualities to persons, animals, objects, events, actions and social phenomena. Through predication, persons, things, events and practices are specified and characterised with respect to quality, quantity, space, time and so on."[19] In discourses of difference, the predications are often oppositional and dichotomic and the speaker will be seeking to "polarise and to divide the world of social actors into 'black and white' and into 'good and bad'". There are predications of identity, similarity, of difference, of autonomy, of dependency, of inclusion, of fragmentarisation, and so on. Stereotypes can also be predicated by means of metaphors relying on concepts of materiality and body, and of spatiality, to name a few. Metaphors of spatiality are such as "internal" versus "external", "height/top", "up" and "down/low".[20]

3) *Argumentation strategies* and a fund of *topoi* through which positive and negative attributions are justified, through which, for example, it is suggested that the social and political inclusion or exclusion, the discrimination or preferential treatment of the respective persons or groups of persons is justified.

4) The *perspectivation, framing* or *discourse representation* by means of which speakers express their involvement in discourse, and position their point of view in the reporting, description, narration or quotation of discriminatory events or utterances.

5) *Intensifying* strategies on the one hand and *mitigation strategies* on the other. Both of them help to qualify and modify the epistemic status of a proposition. These strategies can play an important role in the discursive presentation by sharpening it or toning it down.[21] An example of a mitigation strategy is *minimisation,* often in

---

[18] Leeuwen cited in Reisigl and Wodak 2001: 47, 52.
[19] Reisigl and Wodak 2001: 54.
[20] Ibid., 58-59.
[21] Ibid., 45, 48-51.

the form of *euphemisms*, pleasant replacements for unpleasant words, which may be used with an intention of obscuring, disguising and minimising.[22]

Within argumentation theory, there are more than a dozen different *topoi* that can be considered in the discussion of social exclusion and discrimination. "*Topoi*" or "*loci*" can be defined as parts of argumentation that belong to the obligatory premises. They are the content-related "conclusion rules" that connect the argument with the conclusion, the claim.[23] We will include some of them here:

1) *The topos of advantage or usefulness*. If an action under a specific relevant point of view will be useful, then one should perform it. There are several subtypes of this topos, such as "to the advantage of all", "to the advantage of 'us'", and "to the advantage of 'them'".

2) *The topos of uselessness/disadvantage*.

3) *The topos of danger or topos of threat*. If a political action or decision bears specific dangerous, threatening consequences, one should not perform or do it.

4) *The topos of humanitarianism*. If a political action or decision does or does not conform to human rights or humanitarian convictions and values, one should or should not perform or make it. This topos can be employed in every situation where one argues against unequal treatment and discrimination and for the recognition of "racialised", ethnic, religious, gendered or other differences.

5) *The topos of justice*. This is based on the principle and claim of "equal rights for all". It means that if persons/actions/situations are equal in specific respects, they should be treated/dealt with in the same way.

6) *The topos of responsibility*. In this case the conditional formula is this: Because a state or a group of persons is responsible for the emergence of specific problems, it or they should act in order to find solutions of these problems. This topos is very often used to argue against discrimination or for "compensation" for a committed crime.

---

[22] Ibid., 109-110.
[23] Ibid., 74-75.

7) *The topos of burdening or weighing down*. If a person, an institution, or a "country" is burdened by specific problems, one should act in order to diminish these burdens.

8) *The topos of finances*. If a specific situation or action costs too much money or causes a loss of revenue, one should perform actions that diminish the costs or help to avoid the loss. (This is a topos of consequence.)

9) *The topos of reality*. This is a somewhat tautological argumentation scheme: because reality is as it is, a specific action/decision should be performed/made.

10) *The topos of law or topos of right*. If a law or an otherwise codified norm prescribes or forbids a specific politico-administrative action, the action has to be performed or omitted.

11) *The topos of authority*. This topos is related to the conclusion rule: X is right or X has to be done or X has to be omitted because A (= an authority) says that it is right or that it has to be done or that it has to be omitted. This topos is not easy to separate from the fallacy called *argumentum ad verecundiam*, which is the misplaced appeal to deep respect and reverence for authorities. This fallacy consists of backing one's standpoint by means of reference to authorities considered to be competent, superior, sacrosanct, and so on. The appeal to an authority is fallacious if the respective authority is not competent or qualified, if he or she is prejudiced or if he or she is quoted inaccurately.[24] *Quotes* often serve as topoi of authority or as fallacious *argumenta ad verecundiam*.[25] Instead of quotes, we may find *allusions*, in which case "a writer tends to assume an established literary tradition, a body of common knowledge with an audience sharing that tradition and an ability on the part of the audience to 'pick up' the reference".[26]

12) *The topos of history*. Because history teaches that specific actions have specific consequences, one should perform or omit a specific action in a specific situation (allegedly) comparable with the historical example referred to.

---

[24] Ibid., 72.
[25] Ibid., 111.
[26] Cuddon 1982: 31.

13) *The topos of abuse.* If a right or an offer for help is abused, the right should be changed or the help should be withdrawn or measures against the abuse should be taken.[27]

In order to understand how the word "racism" is used in Critical Discourse Analysis, we will have to look at several definitions in turn. Pierre André Taguieff defines it in the following way:

> *Racism is an ideology, the hard core of which consists of an asserted inequality. This is founded on natural differences between groups (races). An assumption implying the practices of exclusion, discrimination, persecution and annihilation is ushered in, and accompanied by forms of hate and disdain.[28]*

Wodak offers a list of eight examples of distinguishing features:

1) *physical traits (real or attributed ones such as skin and hair colour, sex, physiognomy, etc.)*

2) *spiritual-cultural (socio-historically acquired) traits*

3) *religion ("the Muslims", "the Jews")*

4) *nationality in the sense of belonging to a specific ethnic group*

5) *nationality in the sense of belonging to a certain national state ("the Americans", "the Israelis")*

6) *social traits*

7) *socio-economic ones (economic system, prosperity)*

8) *political (power system) ("the Communists").[29]*

Albert Memmi describes "racism" as "the generalised and absolute evaluation of real or fictitious differences that is advantageous to the "accuser" and detrimental to his or her victim. With this negative judgement, the accuser wants to legitimise his or her privileges or aggressions."[30] Reisigl and Wodak "assume that racism is both an ideology of a syncretic kind and a discriminatory social (including discursive) practice that could be institutionalised

---

[27] Reisigl and Wodak 2001: 74-80.
[28] Taguieff cited in Wodak 1996: 112.
[29] Wodak 1996: 112.
[30] Reisigl and Wodak 2001: 5.

and backed by hegemonic social groups".[31] Teun A.van Dijk speaks of racism "essentially as a social system of group dominance". In his opinion, racism also includes *ethnicism*, which he defines as

> *... a system of ethnic group dominance based on cultural criteria of categorisation, differentiation, and exclusion, such as those of language, religion, customs, or worldviews.*[32]

In his discussion of the historical background of Eurocentrism and racism, van Dijk writes

> *...it should be recalled that for centuries the predominant practice of the political and other elites in Europe has been the derogation, inferiorization, exploitation, subjugation, and occasional genocide of non-Europeans. These Others were variously seen and treated as barbarians, savages, infidels, ... slaves, subordinates, "niggers" (and related racist words), ... or many other categories combining the concepts of threat, inferiority, and alien origin, appearance, and culture.*[33]

As we will see in the following chapters, this kind of elite discourse has not been confined to Europe.

1.3. Some Approaches to Explaining "Racism"

Martin Reisigl and Ruth Wodak (2001) list nine of the most significant approaches to explaining the causes and motives for racism. We will briefly consider some of the most relevant ideas for our data:

According to *social identity theory*, concepts like categorisations and self-stereotyping are explained in the following way:

> *Categorisations are assumed to be necessary for reducing the complexity of the social world... Self-stereotyping is the basic psychological process of group phenomena like social cohesion, ethnocentrism, cooperation, altruism and acting together. The socially learned patterns of perception tend to favour the own ingroup and to derogate the outgroups.*[34]

According to this view, the differences between the ingroup and the outgroups are overemphasised. Racism is explained as follows:

---

[31] Ibid., 10.
[32] van Dijk 1993: 5.
[33] Ibid., 51-52.
[34] Reisigl and Wodak 2001: 11.

> *Racism and ethnocentrism are, in large part, seen as the interpersonal result of group membership and as the psychological effects of identifying with a specific group in economic and social competition with other groups. According to this theory, self- and other-categorisation follows the relativistic "principle of metacontrast": on the one hand, similarities between the members of a group are exaggerated, whereas similarities between different groups are understated; on the other hand, differences within a group are played down and perceived as being smaller than differences between groups, which are overemphasised.[35]*

Critical theory places importance on the idea of "the authoritarian personality". According to this theory, a "specific character structure – the authoritarian personality" – makes an individual susceptible to antidemocratic propaganda." These personalities are taken to be

> *...persons who, on the one hand, are receptive to blind obedience, subordination and execution of orders, and who, on the other hand, are capable of discriminatory, racist, antisemitic and ethnicist aggression – can be seen as sado-masochistic characters, who readily submit to the powerful and despise the weak, since they have a strong desire for super-ego domination and want to escape from the uncertainty of autonomy, self-determination and freedom of decision into irrational, security-giving authoritarianism and totalitarianism that are closely connected to destructiveness and conformism.[36]*

According to these theorists (Adorno, Horkheimer and others), character alone does not determine behaviour, but is "a reaction potential that determines ideological preference, and strongly depends on the socioeconomic and political conditions as well as the general intellectual climate within a society."

The *"colonial paradigm"* sees racism as an outcome of colonialism and imperialism – from a Marxist viewpoint. This view assumes that "racism was created to legitimise colonial exploitation", but does not account for racism directed at minorities in Europe.[37]

Homi K. Bhabha, known for his contributions in the fields of post-colonial theory and postmodernism, builds on this paradigm in his essay "The Other Question: Difference, Discrimination and the Discourse of Colonialism" (1986). Bhabha discusses topics like "the construction of the colonial subject in discourse" and "the exercise of colonial power through

---

[35] Ibid., 11.
[36] Ibid., 14.
[37] Ibid., 15.

discourse". He also discusses "the discursive and political practices of racial and cultural hierarchization."[38] He perceives colonial discourse as an apparatus of power, whose objective is "to construe the colonized as a population of degenerate types on the basis of racial origin, in order to justify conquest and to establish systems of administration and instruction." Although there are different systems of colonization, he defines this discourse as "a form of governmentality that in marking out a 'subject nation', appropriates, directs and dominates its various spheres of activity".[39] Bhabha further explains how the practices of this form of governmentality "institutionalize a range of political and cultural ideologies that are prejudicial and discriminatory…" Due to its racial theories, administrative colonial experience and other factors, "discriminatory and authoritarian forms of political control are considered appropriate."[40]

For *postmodernists* (Horkheimer, Adorno, Wieviorka and others), it is a common theme to associate racism with modernity. Reisigl and Wodak sum it up in this way:

> *Postmodern researchers in racism regard Western genocide*
> *against aboriginal people, slavery, imperialist and colonial*
> *domination and exploitation, and the Holocaust, in all of which*
> *Western doctrines of "racial" and cultural superiority have*
> *played a constitutive role, as the other side of Western*
> *modernity.[41]*

1.4. The Challenge of Cultural Diversity

After the First World War, the idea of self-determination for ethnic groups became the international norm. There was also an "assumption of homogeneity as an ultimately normal condition of political society".[42] However, today the majority of the nation-states in the world are multicultural, and cultural pluralism can be regarded as "a natural attribute of political society".[43] According to Crawford Young, this diversity demands acknowledgement, and in order to prevent hostilities and ethnic crisis, there should be "effective policies of accommodation" of ethnic groups.[44] In the search for successful measures one should be aware that

---

[38] Bhabha 1986: 150.
[39] Ibid., 154.
[40] Ibid., 171.
[41] Reisigl and Wodak 2001:17.
[42] Young 1998: 1-2.
[43] Ibid., 4.
[44] Ibid., 3-4.

> *Policies viewed as beneficial by some communal segments may*
> *be seen as discriminatory by others. Outcomes which appear*
> *positive to state managers may seem less benign from the*
> *cultural or social margins of society… Conflict – class, interest*
> *and ethnic – is a natural aspect of social existence; the heart of*
> *the matter is that it be conducted by civil process, by equitable*
> *rules, through dialogue and bargaining, in a framework of*
> *governance facilitating cooperation and reconciliation.[45]*

In Young's opinion, there are no such things as "universally applicable formulas for accomodation of ethnic diversity". The circumstances of each state should be taken into account, as well as "the parameters set by the past" and "the cultural definition of the state itself".[46] One of the primary concerns of the state should be "the material well-being of society as a whole", and "respect for human rights and the rule of law is the hallmark of a civil state (*état de droit*)".[47] Young claims that "the structural relations between groups, and the issues that define them, are in continuous evolution." He sees construction of identity as a continuous process.[48]

According to Young, "many states invest their national personality with the cultural attributes of the leading ethnic community." However, state policies of accommodating minorities (if such policies exist) may not be in the interest of the dominant ethnic group.[49] As for constitutional formulas for the accommodation of ethnic diversity, one should strive for "sharing of power amongst major communal segments, provide incentives for intergroup cooperation and assure voice through reasonable representation."[50] Moreover, there should be an acknowledgement of "the shared civic values" and "a common interest in the well-being of the polity as a whole." Ideally speaking, there should also be an "incentive for the stronger communities to share resources with the weaker."[51] Regarding the issue of minority commitment (or the lack of it) to the state, Young writes:

> *The national minority issue arises in those polities where the*
> *state personality – the discourse of nationhood – is tied to a*
> *dominant ethnonational group. In such a setting, the minority*

---

[45] Ibid., 4-5.
[46] Ibid., 5.
[47] Ibid., 5-6.
[48] Ibid., 6.
[49] Ibid., 8.
[50] Ibid., 10.
[51] Ibid., 16.

> *may appear suspect in its commitment to the state*
> *"nationality".[52]*

The issue of loyalty will have bearing on whether minorities will be allowed to serve in the armed forces or not, as we shall see later. Young sums up his main points in this way:

> *Basic principles for accommodation are simple to state:*
> *guarantees of cultural autonomy and security, regional self-rule,*
> *adequate representation in the central institutions, assurance of*
> *language preservation. Such notions were initially codified as*
> *international norms in the League of Nations framework…[53]*

1.5. The Perspective of "Indigenous Peoples"

We will now seek to consider the perspective of the dhimmis as that of indigenous peoples who have "a history of being conquered and overrun by incoming populations of sharply different cultural orientation" and, as a result, are being pushed to the margins of "the dominant society".[54] Rodolfo Stavenhagen writes

> *The indigenous are considered to be the descendants of the*
> *original inhabitants of a territory which at some date that is still*
> *alive in the historical memory of the populations concerned,*
> *were conquered or otherwise subjugated by a more powerful*
> *outside group and incorporated, usually against their will and*
> *without their consent, into a larger polity that might have been*
> *either a colonial empire or an independent national state.[55]*

There is no general agreement on how to define indigenous peoples, but Martínez Cobo, the UN special rapporteur on discrimination against indigenous peoples, defined them like this (in 1987):

> *Indigenous communities, peoples and nations are those which,*
> *having a historical continuity with pre-invasion and pre-*
> *colonial societies that developed on their territories, considered*
> *themselves distinct from other sectors of the societies now*
> *prevailing in these territories, or parts of them. They form at*
> *present non-dominant sectors of society and are determined to*
> *preserve, develop and transmit to future generations their*
> *ancestral territories, and their ethnic identity, as the basis of*

---

[52] Ibid., 19.
[53] Ibid., 19.
[54] Ibid., 19.
[55] Stavenhagen 1998: 133-134.

> *their continued existence as peoples, in accordance with their*
> *own cultural patterns, social institutions and legal systems.*[56]

The indigenous peoples have often lost their land due to "immigrant colonists"and "state-sponsored settlers". As a result of pillage, destruction and the loss of land, their economic survival is in peril.[57] Another issue of great concern for the indigenous peoples, is the loss of their cultural identity. This may happen partly as a result of "modernization", but also due to state policies "designed to hasten the disappearance of indigenous and tribal cultures". These policies have been adopted due to a state ideology of creating a single national culture. This has been particularly evident in the area of education, where school curriculums have been used to instil national values and suppress native cultures. This process has been labelled "ethnocide" (i.e. cultural destruction).[58] In order to counteract this tendency, indigenous peoples are now demanding the right to their own culture "as a fundamental human right". This requires a change in educational and cultural policies and a greater respect for "cultural pluralism and the preservation of cultural diversity".[59] As a result of this new discourse,

> *Curricula and textbooks are being modified to include local*
> *cultures and history. The challenge for educators and policy-*
> *makers is how to balance the nation-state's objective of*
> *instilling national values and a shared culture in all its citizens*
> *with the legitimate desires of indigenous peoples (or other*
> *ethnic minorities for that matter) to preserve and develop their*
> *own cultures. Still, for many indigenous peoples the*
> *multicultural approach in public policy, to which much attention*
> *has been given in recent years in international meetings and*
> *organizations as well as at the national level in some countries,*
> *is more of an ideal than a reality.*[60]

International human rights instruments speak of not only cultural preservation, but cultural development. Again, this leads to a controversy over whether it applies to the development of each cultural community or whether it should be exercised by the state in promoting "national culture". According to Stavenhagen, "all of these issues boil down fundamentally to questions of control over resources and political power, which indigenous peoples have generally been in short supply of.[61]

---

[56] Cobo cited in Stavenhagen 1998: 134.
[57] Stavenhagen 1998: 135-136.
[58] Ibid., 139-141.
[59] Ibid., 141.
[60] Ibid., 141-142.
[61] Ibid., 142-13.

As far as their individual and collective human rights are concerned, indigenous peoples are now claiming "equal protection under the law, equal opportunities in education and employment … and the package of international economic, social and cultural rights that most states have now ratified". Their collective rights also comprise the right to "religious practices and the exercise of traditional customs and social organizations".[62]

---

[62] Ibid., 144.

2. The Life and Times of Maulana Mawdudi

2.1. Mawdudi's Life

2.1.1. Mawdudi's Background and Education

Sayyid Abu'l-A'la Mawdudi was born in Aurangabad, Deccan, India, on 25 September 1903. The Mawdudis were descended from one of the branches of the Chishti Sufi order, who traced their origins back to a family of *sayyids* (descendants of Muhammad). One of his forefathers had moved to India from Afghanistan in the sixteenth century, and according to Mawdudi, the family had settled in Delhi in the eighteenth century. Mawdudi never ceased to live according to the Muslim culture of Delhi. His paternal grandfather, Mir Sayyid, had been close to the court of the last Mughal emperor, Bahadur Shah Zafar. The fall of the Mughals following the British sack of Delhi in 1858 had affected the Mawdudis socially and politically. Mawdudi's father, Ahmad Hassan, who was a lawyer, had moved to Aurangabad in 1896, where he practised law until 1915. Mawdudi's mother, Ruqiyah Begum, belonged to a prominent family of Turkish origin that had served the Mughals and later the *nizāms* (governors) of Hyderabad. Ahmad Hassan wanted Abu'l-A'la to become a *maulavī*, a theologian and religious scholar, and he was initially educated at home together with his elder brother. They studied Persian, Urdu, Arabic, *mantiq* (logic), *fiqh* (jurisprudence), and *hadīth* (traditions and sayings of the Prophet). When Abu'l-A'la was eleven, he was enrolled at the Madrasah-i Fauqaniah of Aurangabad, where he continued his education in religious subjects. There he also became acquainted with the natural sciences. In 1915 his family moved to Hyderabad and Mawdudi enrolled at the local *dāru'l-'ulūm* (seminary). However, not long after that his education was disrupted because of his father's illness and death and the family's deteriorating financial situation.[1]

2.1.2. Mawdudi's Career in Interpreting Islamic Thought

In 1918 Mawdudi turned to journalism in order to earn a living. He worked as a journalist for ten years, writing for various Muslim journals and newspapers, such as *Madina*, *Taj*, *Muslim* and *Al-Jam'iat*. The latter two were published by Jam'iat-e 'Ulama-e Hind (Society of 'Ulama of India). During this time Mawdudi also wrote a treatise on jihad, which was first serialised in *Al-Jam'iat* in 1927.[2] In 1928 Mawdudi moved to Hyderabad, where he became a scholar of Islamic history and the Muslim culture of India. He also helped translate the *Al-*

---

[1] Nasr 1996: 9-14; Ahmad and Ansari 1979: 6.
[2] Nasr 1996: 14-23; Ahmad and Ansari 1979: 7.

Asfar al-Arba'ah (*Four journeys*) of Mulla Sadra, the Persian philosopher, from Arabic into Urdu.[3]

During his years as a journalist, Mawdudi starting reading a wide range of topics. He read the works of Muslim modernist thinkers, as well as numerous Western thinkers, and he sought to understand the philosophical differences between tradition and modernity. While in Delhi, he studied English with a tutor, which later enabled him to read a greater range of Western sources.[4] He was never able to speak English fluently, though.[5] In Delhi Mawdudi also studied Arabic and the *dars-e nizāmī* (a syllabus for the education of the 'ulama), and he received his *ijāzats* (certificates to teach religious sciences) from the Fatihpuri mosque's seminary in 1926. Mawdudi thus became an *'ālim* of the Deobandi school. However, he never went public about his Deobandi training or his ties to the 'ulama.[6] In fact he later criticized the institution of the 'ulama openly.[7]

In 1932 Mawdudi wrote the *Risāla-e Dīniyāt (Dīniyāt)*, later published in English as *Towards Understanding Islam*, a book about the basic beliefs of Islam. It was intended to be used as a textbook for senior matriculation students.[8] The same year Mawdudi bought the journal *Tarjumānu'l-Qur'ān* (*Qur'anic Interpretation*), published in Hyderabad, which became the main vehicle for the presentation of his ideas.[9] Many of the articles first published in this monthly journal were later issued as books.[10] He remained the editor of *Tarjumānu'l-Qur'ān* until 1979.[11]

2.1.3. Mawdudi Adopts a More Activist Position

In 1937 Mawdudi married Mahmudah Begum, a distant cousin from a wealthy family in Delhi. They had nine children.[12] His marriage improved his financial situation a lot; he no longer depended on outside income.[13] In March the following year Mawdudi and his family moved from Hyderabad to Pathankot in the Punjab in order for him to fill a position as *waqf* overseer of Daru'l-Islam (Land of Islam), a project initiated by the famous poet and

---

[3] Nasr 1996: 24.
[4] Ibid., 15-16.
[5] Jameelah 1990: 47.
[6] Nasr 1996: 17-19.
[7] Ibid., 29.
[8] Ibid., 27.
[9] Ibid., 30; Ahmad and Ansari 1979: 8.
[10] McDonough 1984: 56.
[11] Nasr 1996: 30.
[12] Ibid., 33; Jameelah 1990*:* 48.
[13] Nasr 1996: 34.

philosopher Muhammad Iqbal. The purpose was "to train a number of capable Muslim students and young leaders in Islamic law as well as modern subjects."[14] However, Iqbal died a month after Mawdudi had moved there, and Mawdudi left Pathankot for Lahore in January 1939 after disagreements with the trustees of the *waqf*. Once in Lahore, Mawdudi's interests changed from pursuing an educational project to creating a political party, a *jama'at*.[15] In his own words, when the partition of India was agreed upon as the communal policy of the Muslims of India, he saw the need for a party

> *...which on the one hand could go beyond communal interests and strive for the genuine establishment of dīn, and on the other hand would be able to face the circumstances that seemed to be appearing as a result of the struggle for the partition of India.[16]*

His ambition for Pakistan was that it should not be established as just another Muslim state, but

> *...that a genuine Islamic state would be established that would present a perfect model of the Islamic way of life to the world.[17]*

In fact Pakistan became "the first state in modern times to be created on the basis of religion".[18] The Jama'at-e Islami was established in Lahore in 1941 and Mawdudi was elected its first *amīr* (president). He remained so until 1972. In 1942 the Jama'at moved to Pathankot, where they stayed until 1947, forming a community and consolidating the organization[19] The party's structure was pyramidical, and the *amir* had the final word in all affairs, both organizational and ideological. His *Majlis-e Shura* (consultative body) was bound by constitution to yield to him. Disagreement occurred several times within the Jama'at, but the dissenters always had to leave.[20]

At the time of partition in 1947, the Jama'at was split into an Indian and a Pakistani wing. Mawdudi opted for Pakistan and moved back to Lahore. He and the Jama'at joined the

---

[14] Ibid., 34-36.
[15] Ibid., 38-39.
[16] Mawdudi: *Jamā'at-e-Islāmī kā Maqsad, Tārīkh aur Lā'iha-ye 'Amal*: 38. In Urdu it reads "...jō ēk taraf qaumī aghrāz sē balātar hō kar khālis iqāmat-e dīn kī sa'ī kar sakē aur dūsrī taraf un hālāt kā muqābala kar sakē jō taqsīm-e Hind kī jidd-ō-jahd kē natījē mēṅ pēš ātē nazar ā rahē thē".
[17] Ibid., 10. In Urdu it reads "ke ēk khālis islāmī riyāsat qāim hō jō islāmī nizām-ē zindagī kā mukamil namūna dunyā kē sāmnē pēš karē".
[18] Sookhdeo 2002: 17.
[19] Nasr 1996: 39-41; Nasr 1994: 22-23; Ahmad and Ansari 1979: 8.
[20] McDonough 1984: 57, 59, 71.

'ulama and other Islamic groups in demanding an Islamic constitution for Pakistan.[21] Their agitation was successful, and the first constitution of 1956 contained Islamic provisions: The title of the state was the Islamic Republic of Pakistan, divine sovereignty was affirmed, the constitution required that the head of state be a Muslim, and no law was to be repugnant to the injunctions of Islam. Mawdudi had been involved in drafting the constitution.[22] Over the years there was constant tension between the Jama'at and those in power, Mawdudi blaming those in power for failing to transform Pakistan into a truly Islamic state. Mawdudi was often arrested and spent several years in prison. Each time he was considered a threat to public order.[23] After General Muhammad Zia ul-Haqq seized power in 1977, Mawdudi's influence increased. Khurshid Ahmad and others close to Mawdudi joined Zia's government, and Mawdudi approved the general's Islamization efforts. Mawdudi died on 22 September 1979 and was buried in his garden in Lahore.[24]

2.1.4. Mawdudi's International Influence and Contacts

Mawdudi was a prolific writer. He wrote more than 150 books and treatises on different aspects of Islam. His *magnum opus* is considered to be the *Tafhīm al-Qur'ān*, his translation and *tafsīr* (exegesis) of the Qur'ān, which it took him thirty years to complete.[25] His books have been translated into Arabic, Turkish, English, French, and a number of other languages. His writings have influenced Muslim thinkers all over the Muslim world, and he has been one of the most widely read authors in Pakistan.[26] He has also been referred to as the most systematic thinker of modern Islam.[27] His thought and terminology were extremely influential in the writings of Sayyid Qutb.[28] Mawdudi also commented on contemporary events, such as the Armenian genocide that took place in the Anatolian and Arab provinces of the Ottoman Empire during the years 1915 – 1917. (It was a combination of massacres, deportations, and enslavement.[29]) Mawdudi defended Turkey and wrote a pamphlet called *Turkī mēṅ 'Īsāiyyōṅ kī Hālat* (*The State of Christians in Turkey*) in1922.[30]

---

[21] Esposito and Voll 1996: 41-42.
[22] Esposito and Voll 1996: 105; Nasr 1996: 44.
[23] Ahmad and Ansari 1979: 9; McDonough 1984: 57.
[24] Esposito and Voll 1996: 109; Nasr 1996: 46.
[25] Mawdudi: *Towards Understanding the Qur'ān* Vol.1: xiii, xx. The original Urdu version consists of six volumes, each of approximately 700 pages. The Islamic Foundation's translation into English is expected to be completed in twelve volumes, plus an index, cf. *Towards Understanding the Qur'ān*, Vol. 3: xiv.
[26] Ahmad and Ansari 1979: 10; Esposito and Voll 1996: 110.
[27] Smith 1957: 236.
[28] Osman 2003: 480.
[29] Ye'or 1996: 196; Ye'or 2002: 371.
[30] Nasr 1996. 19; Ahmad and Ansari 1979: 40.

During the years 1956 – 1979 Mawdudi undertook a number of journeys to the Middle East and the West, lecturing and participating in international conferences. He also established contact with the Muslim Brotherhood of Egypt, meeting activists who were living in exile in Saudi Arabia.[31]

2.2. Currents of Islamic Rhetoric in Mawdudi's Time

2.2.1. Two Major Discourses in Islamic Thinking

There is a great diversity of interpretations of Islamic teachings in the Muslim world. In their anthology of Islamic thought, Mansoor Moaddel and Kamran Talattof place Maulana Mawdudi (1903-1979) among Islamic fundamentalists such as Imam Ruhullah Khomeini (1902-1989) and Sayyid Qutb (1906-1966) as opposed to Islamic modernists such as Sayyid Jamal al-Din al-Afghani and Sayyid Ahmad Khan. Modernist theologians tended to acknowledge the superiority of the West and favour the separation of religion from politics.[32]

> *Islamic fundamentalists … rejected the notion of social evolution and portrayed the West as having an aggressive political system, exploitative and materialistic economic institutions, and decadent culture. Rather than attempting to reform and modernize Islam, they aimed at Islamizing virtually all social institutions. They rejected the separation of religion from politics, defended Islamic political hierarchy in society, and male domination and polygamy in the family.[33]*

2.2.2. A Central Issue: Living under Non-Muslim Rule

One of the debated issues in Mawdudi's time was whether or not it was permissible for Muslims to live under non-Muslim rule, which in the Indian context meant colonial or Hindu rule. The leader of the Jam'iat-e 'Ulama-e Hind (The Organization of Indian 'Ulama), Mawlana Husain Ahmad Madani, who was gathering support for the Congress party, argued in favour of a pluralistic Indian society in his 1939 pamphlet *Muttahida Qaumiyat aur Islam* (United Nationalism and Islam). A different view was held by Muhammad Iqbal (1875-1938), who argued that Indian Muslims comprise a distinct nation and must live in a Muslim state. This is known as the two-nation theory, which was accepted by the Muslim League from the end of the 1930s.[34] As for Mawdudi, he had decided never to live under a Hindu government, and he fiercely opposed Madani, challenging his religious and political authority.[35] In his

---

[31] Ahmad and Ansari 1979: 10; Jameelah 1990: 178.
[32] Moaddel and Talattof 2002: 3.
[33] Ibid., 4.
[34] Esposito 1995 Vol. 3: 121; Esposito and Voll 1996: 102; Ahmad and von Grunebaum 1970: 15.
[35] Nasr 1996: 31-32.

pamphlet *Muslim aur Kāfir kā Aslī Farq* (*The Fundamental Difference Between a Muslim and a Kāfir)* he claims that being ruled by *kuffār* (unbelievers) is a punishment for the crime of not valuing the gift of Islam.[36] In other words, being ruled by unbelievers is something unnatural, something to be avoided.

2.2.3. Illustrative Viewpoints on This Central Issue

Sayyid Ahmad Khan (1817-1898), aristocrat, magistrate, historian, and founder of the Anglo-Muhammadan College in Aligarh in 1875, is considered a pioneer of Islamic modernism in India.[37] He held the view that all aspects of Muslim religious law should be reconsidered. He said that the Qur'ān was the sole authority in all matters of judgement and did not accept using *hadīth* as a basis for interpreting the Qur'ān. He was exhorting Muslims to abandon traditional notions of authority in all areas of life. All ideas had to be tested and debated, including the Qur'ān, the *hadīth*, and the shari'a. He was calling for new commentaries on the Qur'ān that would indicate what the different interpretations had been and were. The individual would then be free to choose whatever meaning seemed satisfying. He thus broadened the scope of *ijtihād* (use of individual reasoning).[38] In Mawdudi's view there was usually only one right way to understand the various strands of Qur'ānic thought.[39] Sayyid Ahmad Khan thought that it was permissible for Muslims to accept living under foreign rule. He based this on the Qur'ānic narrative of Joseph in Egypt, where Joseph lived under a political system not based on revelation. Mawdudi considered this interpretation to be wrong.[40]

Sayyid Ahmad Khan used the word *dīn* for personal religiousness and he discouraged Muslims from seeking religious guidance on matters of clothes, housing and general conditions of life. These were not central to religion as far as he was concerned. He viewed shari'a as the social and political aspects of the religious tradition, which were due to change as conditions of life in the world changed.[41] Contrary to Mawdudi, Sayyid Ahmad Khan did not have a romantic idea of the virtues of the Indian Muslim past.[42] However, the one thing they had in common was that neither of them thought much of the institution of the ulama.[43]

---

[36] Mawdudi *Muslim aur Kāfir kā Aslī Farq* : 9.
[37] McDonough 1984: 23; Moaddel and Talattof 2002: 7; Metcalf and Metcalf 2006: 106.
[38] McDonough 1984: 41; Moaddel and Talattof 2002: 7; Ahmad and von Grunebaum 1970: 4.
[39] McDonough 1984: 68.
[40] Ibid., 40, 67.
[41] Ibid., 42.
[42] Ibid., 41.
[43] Moaddel and Talattof 2002: 7; Nasr 1996: 29.

2.2.4. Discourses Diverging

The theological seminary of Deoband, founded in 1867, became the antithesis of Sayyid Ahmad Khan's Aligarh movement; it reaffirmed conservative orthodoxy and rejected rationalist speculation.[44] Mawdudi was influenced by the Deobandi school of thought; he shared their dislike of colonial culture, the exaltation of religious law and their criticism of popular religious rites and customs, such as celebrations of Sufi festivals.[45] However, on a number of occasions, Deobandi ulama criticized Mawdudi's interpretation of Islam. The senior Deobandi *ālim* Muhammad Manzur Num'ani wrote that the Islamic revelation was not about the establishment of a government.[46] During the fatwa campaign against Mawdudi from 1951 – 1952, Deobandi ulama brought several accusations against him, such as giving unorthodox Qur'anic and *hadīth* interpretations, departing from the norms of Hanafi law and indulging in Wahabbism.[47]

The Nadwat al-Ulama theological seminary in Lucknow occupied a middle position between the extremes of Deoband and Aligarh. One of its founders was Muhammad Shibli Nu'mani (1857-1914), who had served for sixteen years as the Professor of Arabic at the Anglo-Muhammadan College in Aligarh. The founders of the Nadwat al-Ulama seminary attempted to create a tradition of liberal orthodoxy. One of Nu'mani's main works was on the life of 'Umar the Great. He also wrote on *jizya* and the status of the *dhimmīs*.[48]

---

[44] Ahmad and von Grunebaum 1970: 5-6.
[45] Nasr 1996: 19.
[46] Ibid., 59.
[47] Ibid., 118.
[48] Ahmad and von Grunebaum 1970: 10-11.

3. Mawdudi's Idea of the Universal Call of Islam and the Islamic State

Mawdudi's pamphlet *Jihād fī sabī'l-illāh* (*Jihad in Islam*) has been reprinted and distributed far and wide.[1] Originally a speech delivered at The Town Hall, Lahore, on 13 April 1939, it gives valuable insights into Mawdudi's ideas about the universal call of Islam, the superiority of the *umma*, jihad and the Islamic state. According to this speech, Islam is not a "religion" in the Western sense; it is "a revolutionary ideology… which seeks to alter the social order of the whole world and rebuild it in conformity with its own tenets and ideals".[2] Mawdudi sees jihad as the struggle to achieve this objective. T.B. Irving, K. Ahmad, and M.M. Ahsan have attempted to define jihad in the following manner,

> ***Jihād** (from the root **J-H-D**) means to strive and struggle. This refers to any effort, mental, moral or physical, made to make God's Word supreme. It covers a wide range of activities, from fighting with one's own evil promptings to being engaged in war for the cause of Islam. **Qitāl** (fighting and waging war), a word often used in the Qur'an, is the highest form of **jihād**.[3]*

The legislation which constitutes the codification of jihad, "was grounded in a few basic principles expressed in the Qur'ān, … early biographies of Muhammad, and the corpus of *hadīths* – the words and deeds attributed to the Prophet and reported on the authority of a chain of transmitters (*isnāds*) … The *hadīths* were compiled into a corpus of Traditions (*Sunna*) that were completed toward the end of the ninth century. Different interpretations of the *Sunna* were codified by the four principal Sunni schools of law from the eighth century".[4] These are the Malikite, the Hanafite, the Shafi'ite, and Hanbalite.[5] The Hanafi school of law has been the dominant Sunni school in India, shared with central and south-west Asia, the exception being Maliki law in the south, due to their ties to Arabia.[6] "Mawdudi claimed fidelity to the Hanafi rite, but in practice he developed an independent legal approach".[7] According to Sura 3:106, the Muslim *umma* is "the best community ever produced for the

---

[1] The Urdu copy I have got has been published by the International Islamic Federation Students' Organization and printed in Kuwait. It was given to me at the Islamic Cultural Centre in Oslo in 2004.
[2] Mawdudi: *Jihad in Islam*: 5.
[3] Irving et al. 1979: 251.
[4] Ye'or 2002:40.
[5] Watt 1968 (reprint 2003): 66.
[6] Metcalf and Metcalf 2006: 6.
[7] Nasr 1996: 114.

people urging what is reputable and restraining from what is disreputable, and believing in Allah".[8] If we turn to Mawdudi's commentary on the Qur'ān, the meaning of this verse is,

> *The Arabian Prophet (peace be on him) and his followers are informed that they are being assigned the guidance and leadership of the world, a position the Israelites had been relieved of because they had shown themselves unsuitable. The Muslims were charged with this responsibility because of their competence. They were the best people in terms of character and morals and had developed in theory and in practice the qualities essential for truly righteous leadership…[9]*

Mawdudi also places a great deal of importance on Sura 2:143, which in his translation reads

> *And it is thus that We appointed you to be the community of the middle way, so that you might be witnesses before all mankind and the Messenger might be a witness before you.[10]*

In his commentary to the same verse Mawdudi writes that

> *This constitutes the proclamation appointing the religious community (umma) consisting of the followers of Muhammad to religious guidance and leadership of the world…This position of standing witness before all mankind on behalf of God, which has been conferred on this community, amounts to it being invested with the leadership of all mankind. This is at once a great honour and a great responsibility.[11]*

"The *umma* forms the party of Allah and is perfect…, having been chosen above all peoples on earth it alone is qualified to rule…The pursuit of jihad, until this goal will be achieved, is an obligation (Sura 8: 40). The religions of the Bible, and Zoroastrianism, are deemed inferior as their followers falsified the true Revelation which their respective prophets conveyed to them… Albeit inferior, these peoples… have the choice between war or submission to the *umma*".[12]

Mawdudi continues:

> *Islam wishes to do away with all states and governments which are opposed to the ideology and programme of Islam. The purpose of Islam is to set up a state on the basis of this ideology*

---

[8] Sura 3:106 according to Bell's translation of the Qur'ān.
[9] Mawdudi: *Towards Understanding the Qur'ān*, Vol. 1: 278. Note that in Mawdudi's translation of the Qur'ān the verses follow a different order, and the verse in question is Sura 3:110.
[10] Ibid., 120.
[11] Ibid., 120-121.
[12] Ye'or 2002: 40-41.

and programme… Islam requires the earth – not just a portion,
but the entire planet…because the whole of mankind should
benefit from Islam…[13]

Mawdudi's point of view resembles that of Ibn Khaldun, renowned philosopher, historian, jurist and *qādī* (d. 1406), who wrote

In the Muslim community, the holy war is a religious duty,
because of the universalism of the (Muslim) mission and (the
obligation to) convert everybody to Islam either by persuasion
or by force.[14]

Mawdudi does, however, not put the same emphasis on conversion, but rather on dominion. He goes on to say that there are several kinds of jihad, one form being establishing a new order by the power of the sword, and there is jihad by using the medium of speech and the written word. Fighting in the way of Allah is about the struggle for the establishment of Allah's just order in the world.[15] "The fighter in the way of Allah aims to abide by the law of Allah himself and to enforce it among other human beings."[16] The call of Islam is addressed to the entire human race. When addressing the idea of sovereignty, Mawdudi asserts that it belongs to no one except Allah. No one has the right to appoint himself ruler of men – this would be equivalent to admitting him as a partner in the power and authority of Allah, which is *shirk* - polytheism.[17]

Mawdudi continues:

The call of the prophets has never been a merely metaphysical,
spiritual call; it was and is a charter for social revolution… The
revolutionary movement launched by the prophets (AS) …
(sought) to establish a just pattern of society which would afford
equal opportunities for all human beings… Those who affirm
their faith in this ideology become members of the party of Islam
and enjoy equal status and equal rights…[18]

This is the party of Islam, the Hizb-Allah, also known as the *umma* (nation) of Islam. It is the duty of the functionaries of Allah "to wipe out oppression, wrongdoing, strife, immorality …and unlawful exploitation from the world by the force of arms… The authority of

---

[13] Mawdudi: *Jihād fī sabīl illāh* (*Jihad in Islam*), Edited by Huda Khattab (Not paginated); See also the older edition of the same text, *Jihad in Islam*: 6-7.
[14] Ibn Khaldun cited in Ye'or 1985: 162.
[15] Mawdudi: Jihad in Islam: 7; Mawdudi: *Jihād fī sabīl illāh* (*Jihad in Islam*), Edited by Huda Khattab (Not paginated)
[16] Mawdudi: *Jihād fī sabīl illāh* (*Jihad in Islam*), Edited by Huda Khattab (Not paginated)
[17] Ibid.
[18] Ibid.

government is to be wrested from the wicked and transferred to the hands of these reformers…" [19] A Muslim can not observe the Islamic pattern of life under the authority of a non-Islamic system of government. Muslims are compelled to strive for the elimination of the rule of an opposing ideology. The objective of the Islamic jihad is to establish an Islamic system of state rule in the whole world. The Muslim party should extend its sway as far as possible all around, eliminating un-Islamic governments and establishing Islamic governments in their place. Arabia was the first country to be subjugated and brought under the rule of Islam. The Prophet had to take military action against the neighbouring countries as they didn't accept Islam voluntarily. Military action against a country or nation for the sake of Islamic jihad can not be called "attack" in the traditional sense as it is done for the noble cause of dismantling the rule of an opposing ideology and replacing it with Islamic ideology. In fact this kind of jihad can be considered defensive as the Muslim party is constrained to capture state power in order to protect the principles of Islam in space and time.[20]

Here we note that Mawdudi's ideas echo some of the writings of Ibn Taymiyya (1263-1328), a Syrian jurist of the Hanbali school, as found in *Le Traité de droit public d'Ibn Taymiyya*, in particular with reference to the idea of the faithful believers being the legitimate heirs to everything that Allah has created.[21] According to Nasr, Mawdudi placed himself in the tradition of Ibn Taymiyya.[22]

Once conquered by the Islamic jihad, *dhimmīs* (non-believers) will no longer have the right to administer affairs of the state in their own country according to an evil un-Islamic system. Their women will have to dress according to Islamic Law and all their cultural activities will be censored.[23] Mawdudi has this to say about the women:

> *(Islamic jihad) … will force non-Muslim women to observe at least the hudūd restrictions of covering and will prohibit them from moving about enticingly as in the days of jahiliyya (ignorance).[24]*

---

[19] Ibid.
[20] Ibid.
[21] See H. Laoust: *Le Traité de droit public d'Ibn Taymiyya*, Beirut, 1948; See excerpt in Yeor 1985: 172-175.
[22] Nasr 1996: 115.
[23] Mawdudi: *Jihād fī sabīl illāh* (*Jihad in Islam*), Edited by Huda Khattab (Not paginated):
[24] Mawdudi: *Jihād fī sabī'l-illāh*, p. 34. "Islāmī jihād …g͟hair muslim 'auratoṅ kō satr kē kam sē kam hudūd kī pābandī par majbūr karēgā aur unhēṅ tabarruj-e jāhiliyat kē sāth phirnē sē rōk dēgā". Note that this is my translation. In the older English version of *Jihad in Islam* (1983): 27-28 it is rendered as "… it will make it obligatory for non-Muslim women to observe the minimum standards of modesty in dress as required by Islamic law and will forbid them to go about displaying their beauty like the days of ignorance [*sic*]".

A Muslim Head of State can not make the slightest move without the sanction of Islamic Law. Ideally speaking, the governing class of an Islamic state should offer their service without any thought of personal benefits. Their salary should be very modest, as in the case of Abu Bakr and Umar, the first and second Caliph.[25]

In this pamphlet Mawdudi refers to the doctrine of the perfection of the *umma*, a perfection that is tied to its obligation to rule over the whole world. "Any borrowing from another civilization is forbidden because perfection does not borrow from imperfection".[26] Consequently, any un-Islamic system of government has to be discarded.

Mawdudi goes on to say, "No creed in the world has shown more tolerance to the devotees of other faiths than has Islam".[27] He makes the following statement,

> *Islam, however, provides full opportunities for self-advancement*
> *to the people of other faiths, under conditions of peace and*
> *tranquillity. It displays such magnanimity towards them that the*
> *world has yet to come up with a parallel example of tolerance.[28]*

This statement is a *minimisation* on the part of Mawdudi and will be contradicted by his discourse on the rights of *dhimmīs* as presented in chapter 6.

---

[25] Mawdudi: *Jihād fī sabīl illāh* (*Jihad in Islam*), Edited by Huda Khattab (Not paginated):
[26] Ye'or 2002: 105.
[27] Mawdudi: *Jihād fī sabīl illāh* (*Jihad in Islam*), Edited by Huda Khattab (Not paginated): See also Jihad in Islam: 28.
[28] Mawdudi: *Jihād fī sabī̄l-illāh*, p. 35. "Lēkin islām g͟hair maslak vālōṅ kō pūrē aman kē sāth har qism kī taraqqī karnē kā mauqaʿ dētā hai, aur un kē sāth aisī faiyāzī kā bartāʾō kartā hai jis kī misāl dunyā mēṅ kahīṅ nahīṅ miltī." I have quoted the edited English edition instead of offering my own translation.

4. The Status of *Dhimmis* According to Shariʻa and Islamic History (A brief survey)

4.1. The Legal Posistion of Conquered Non-Muslims

W. Montgomery Watt wrote that "The phenomenal expansion of the Arabs in the century after Muhammad's death in 632 was a continuation of Muhammad's policy of jihad".[1] "This jihad, or Islamic war of conquest, unfolded for more than a millennium on three continents… Two violent waves of Islamization can be distinguished: the Arab wave (634-750) and the Turkish wave (c.1021-1689)".[2] During the Arab wave, the Arabization of the territories took place in two stages:

> 1) The jihad – the military conquest and annexation of territories, governed by specific rules and based on the concept of election that justifies world domination;
>
> 2) The dhimma – a system of dispossession and colonization, aimed at protecting and safeguarding the domination of the triumphant Islamic community.[3]

According to Joseph Schacht, the legal position of non-Muslims is this:

> *The basis of the Islamic attitude towards unbelievers is the law of war; they must be either converted or subjugated or killed (excepting women, children, and slaves); the third alternative, in general, occurs only if the first two are refused. As an exception, the Arab pagans are given the choice only between conversion to Islam or death. Apart from this, prisoners of war are either made slaves or killed or left alive as free dhimmīs … or exchanged for Muslim prisoners of war, at the discretion of the imām; also a treaty of surrender is concluded which forms the legal basis for the treatment of the non-Muslims to whom it applies. It is often called dhimma, "engagement", "obligation", "responsibility", because the Muslims by it undertake to safeguard the life and property of the non-Muslims in question, who are called dhimmīs.[4]*

Eighth century Muslim jurists fixed the policy regarding the People of the Book (*ahl al-kitāb*) on the basis of decisions decreed by Muhammad concerning the Jews of Arabia, which were followed by other protection pacts granted to Jews and Christians. These proceedings constituted the normative rules applicable to all peoples conquered by jihad. The agreement

---

[1] Watt 1968 (reprint 2003): 17.
[2] Yeor 2002: 48.
[3] Yeor 1985: 67
[4] Schacht 1982: 130.

(*dhimma*) made between Muhammad and the Jews of Khaybar formed the basis of the *dhimmī* status. The Prophet allowed the Jews to farm their lands, but only as tenants; he demanded delivery of half their harvest and reserved the right to drive them out when he wished. On these conditions, he granted his *dhimma*, his protection for their lives and safety. Similar pacts were concluded with Jews living in other oases, as well as Christianized tribes. These tribes preserved their religion on payment of tribute (*jizya*), the symbol of their submission. The *dhimma* of Khaybar served the jurists as a model for drawing up treaties with populations which submitted to Islamic domination. The *dhimmī* condition suspended the conqueror's initial right to kill or enslave followers of the tolerated religions, provided they submitted themselves to pay the tribute (*jizya*).[5] The *jizya* is prescribed in the Qur'ān, sura 9: 29:

> *Those who do not believe in Allah and the Last Day – even*
> *though they were given the scriptures, and who do not hold as*
> *unlawful that which Allah and His Messenger haved declared to*
> *be unlawful, and who do not follow the true religion – fight*
> *against them until they pay tribute out of their hand and are*
> *utterly subdued.[6]*

In pre-modern shari'a doctrine, non-Muslims who were not Christians or Jews were categorized as polytheists. When conquered by Muslims, they theoretically either had to embrace Islam or accept death. In practice, as Islam expanded eastward, the doctrines had to be adjusted and Muslims had to learn to coexist with Hindus and other polytheists. Zoroastrians, Hindus and Buddhists also became "protected minorities".[7] In his commentary to sura 9: 29, Mawdudi explains it like this,

> *Initially the rule that jizya should be realized from all non-*
> *Muslims meant its application to Christians and Jews living in*
> *the Islamic state. Later on, the Prophet (peace be on him)*
> *extended it to Zoroastrians as well, granting them the status of*
> *dhimmīs. Guided by the Prophet's practice the Companions*
> *applied this rule to all non-Muslim religious communities living*
> *outside Arabia.[8]*

A non-Muslim who is not protected by a treaty is called *harbī*, "in a state of war", "enemy alien"; his life and property are completely unprotected by law unless he has been given a temporary safe-conduct (*amān*).[9] The peoples of the world are divided into two groups; the

---

[5] Yeor 2002: 37, 41.
[6] Mawdudi: *Towards Understanding the Qur'ān*, Vol. 3: 201.
[7] Mayer 1999: 135; Watt 2003: 51.
[8] Mawdudi: *Towards Understanding the Qur'ān*, Vol. 3: 202.
[9] Schacht 1982: 131.

Muslims – inhabitants of the *dāru'l- islām*, regions subject to Islamic law; and infidels, inhabitants of the *dāru'l-harb*, the territory of war, destined to come under Islamic jurisdiction.[10] Refusal to pay the *jizya* (poll tax) turns the *dhimmī* into a *harbī*, subjecting him to the rules of jihad – slavery or death. The *dhimmīs* were not allowed to carry or possess weapons and were thus unable to defend themselves. Among other obligations imposed on the *dhimmīs* were billeting and provisioning the army, both men and horses, and the duty to guide Muslims correctly on the road, while refraining from any collaboration with the enemies, such as Europeans. The obligation to lodge soldiers in churches, synagogues, and in their homes subjected the *dhimmīs* to a regime of extortions and humiliations, sometimes even the abduction of women.[11] There were also regulations regarding their clothing and their houses,

> *The non-Muslims must wear distinctive clothing and must mark their houses, which must not be built higher than those of the Muslims, by distinctive signs; they must not ride horses or bear arms, and they must yield the way to Muslims; they must not scandalize the Muslims by openly performing their worship or their distinctive customs, such as drinking wine; they must not build new churches, synagogues, and hermitages; they must pay the poll-tax under humiliating conditions.*[12]

4.2. The Covenant of 'Umar

The Covenant of 'Umar is by Arab historians sometimes attributed to the caliph 'Umar I (634-644), sometimes to the caliph 'Umar II (717-720).[13] It is referred to by Arab authors like Turtushi (d. 1126), Ibn 'Ashakir (d. 1176), Muhammad b. Ishaq b. Minda (d. 1004) and Ibn Hazm (d. 1064). The renowned Hanafi jurist Abu Yusuf (d. 798) attributes some of the rules found in the covenant to 'Umar I.[14] One of the versions of the Covenant of 'Umar is found in the work *Zakhīrat al-Mulūk (Treasuries of Kings)* by the Persian scholar Mir Sayyid 'Ali Hamadani (1314-1384), who is believed to have played a part in spreading Islam in Kashmir. According to Hamadani, "rulers should impose these conditions on the *dhimmīs* of their dominions and make their lives and their property dependent on their fulfilment."[15] These are the twenty conditions, in Muzaffar Alam's rendering:

> *1) They should not build places of worship,*

---

[10] Ye'or 2002: 43.
[11] Ibid., 56, 58.
[12] Scacht 1982: 131.
[13] Ye'or 1985: 48.
[14] Fattal 1958: 60n96.
[15] De Bary 1958: 481.

2) *nor should they renew or rebuild the old and desolate ones.*

3) *Muslim travellers should be allowed to enter and stay in their religious buildings, and*

4) *if any Muslim wants, he can also stay as a guest for three or four days in their houses.*

5) *The dhimmīs should not act as spies.*

6) *If a relative of theirs is inclined to accept Islam, he should not be discouraged and dissuaded from doing so.*

7) *They should give due respect to Muslims, and*

8) *if a Muslim happens to visit a place where a non-Muslim occupies a seat, the latter must vacate it for the Muslim.*

9) *They should not dress like the Muslims.*

10) *They should not use Muslim names.*

11) *They should ride on horses without reins and saddles.*

12) *They should not carry weapons.*

13) *They should not use rings with engraved stones (muhr-o-nagin).*

14) *They should not sell wine, nor should they drink in public.*

15) *In order to look different from the Muslims, they should wear clothes in their own style.*

16) *There should be no public demonstrations of their rituals and customs before the Muslims.*

17) *They should not live in the neighbourhood of Muslims.*

18) *They should not carry their dead bodies through Muslim graveyards.*

19) *They should not mourn their dead in public; and*

20) *they can not buy Muslim slaves.*[16]

By contrast, in Hamadani's list of the ruler's twenty duties towards his Muslim subjects, he is told to show respect toward all Muslims and to respect their privacy. He is "not to pry into the private households of Muslims and not to enter the houses and storehouses of subjects without

---

[16] Alam 2004: 45.

permission…"[17] The *dhimmīs*, on the other hand, are obliged to let Muslim strangers stay as guests in their houses for three to four days. In other words, their right to privacy is not respected.

We also note that the practical implication of point 17 is segregation. The author has observed that in old towns that have been under Muslim rule, there have been separate quarters for the different communities and some exist up to this very day. One example is The Old City in Jerusalem, which is divided into a Muslim, a Jewish, a Christian and an Armenian quarter. Likewise, in the towns of Morocco, the Jews used to live in a separate quarter, the *mellah*, and these quarters are still referred to as the *mellah* even after the Jews' departure for Israel. There seems to have been separate quarters for Muslims and Hindus in Delhi, Lahore and other cities in South Asia as well. In many ways this was a practical solution, as mosques, temples and synagogues would located in the respective quarters. Jews and Muslims used to have separate cemeteries, as in Cairo up until now. Hindus, of course, cremate their dead.

As for other versions of the Covenant of 'Umar, restrictions other than those mentioned above are that the *dhimmīs* are not to teach the Qur'ān to their children, nor to preach their religion.[18] They are not to insult, nor to strike a Muslim.[19] They are not to raise their voices in prayer or chanting in their churches, not to carry a cross or their book in procession, not to take out Easter or Palm Sunday processions, and not to entice a Muslim to their religion "nor invite him to it".[20] "He who strikes a Muslim has forfeited his rights".[21] According to Ghazi b. al-Wasiti, who wrote *An Answer to the Dhimmīs*, "He who breaks these conditions may be slain and his women and children made slaves".[22] According to the famous Shafi'i jurist al-Mawardi (d.1058), the *dhimmīs* should be prohibited from riding horses, but allowed to use mules and donkeys.[23] Sheikh al-Damanhuri (d.1778), head of Al-Azhar, also wrote that, "Neither Jew nor Christian should ride a horse, with or without saddle. They may ride asses with a packsaddle."[24] The German explorer Carsten Niebuhr (1733-1815), in his

---

[17] De Bary 1958: 475-476.
[18] Fattal 1958: 61.
[19] Ibid., 63.
[20] Tritton 1930 (reprint 1970): 7.
[21] Ibid., 8.
[22] Ibid., 11.
[23] Al-Mawardi, in Ye'or 1985: 179.
[24] Shaikh al-Damanhuri, in Ye'or 1985: 203.

Travels through Arabia, wrote that when he was in Cairo in 1761, no Christian or Jew could appear on horseback. They rode only donkeys.[25] According to Ye'or,

> *The prohibition on riding horses remained in force for Jews*
> *until the beginning of the twentieth century in the countryside of*
> *Morocco, Libya, Iraq, and Persia, and in Yemen until their*
> *departure for Israel.[26]*

Regarding dress, Sheikh al-Damanhuri wrote that

> *They (the dhimmīs) must not imitate the garb of the men of*
> *learning and honour, or wear luxurious garb, silk, or, say, fine*
> *cloth. They must be distinguished from ourselves in attire, as the*
> *local custom of each area may have it, but without adornment,*
> *so that it indicates their humiliation, submission and abasement.*
> *Their shoelaces must not be like ours. Where closed shoes are*
> *worn, not laced footwear, their shoes should be coarse, of*
> *unpleasant (unadorned) colour.[27]*

In other words, the *dhimmī* was a second-class citizen. This constituted a constant pressure on the *dhimmī* to convert to Islam. "Immediately after the Arab conquests, the *dhimmīs* constituted the vast majority of the inhabitants in the new provinces, but in the course of time, because of conversions and other adverse factors, such as deportations, their numbers dwindled and the Muslims formed the vast majority".[28] Deportations were "particularly frequent under the Ottomans in Anatolia, the Balkans, Kosovo and Armenia".[29] In India, the Muslims remained a minority. "When the first censuses were taken in the late nineteenth century, the Muslim population of British India was roughly one-quarter of the whole".[30]

---

[25] Niebuhr 1994: 81.
[26] Ye'or 2002: 98.
[27] Shaikh al-Damanhuri, in Ye'or 1985: 203
[28] Watt 2003: 51.
[29] Ye'or 2002: 57.
[30] Metcalf and Metcalf 2006: 7.

5. Mawdudi's Text on *Kāfirs*

In this chapter the main object of study is Mawdudi's pamphlet *Muslim aur Kāfir kā Aslī Farq.* We will also look at some examples from previous Islamic discourse in order to place his text in the discursive tradition of Islam.

5.1 Definitions of *Kāfir* and *Takfīr* with Examples from Islamic Discourse

According to *The Encyclopaedia of Islam*, *kāfir*, plural *kāfirūn* or *kuffār*, once *kafara* (Sura 80: 42[1]) is an Arabic word that originally meant "obliterating, covering", then "ungrateful". In the Qur'ān it is used in the meaning "ungrateful to God" in some suras and in the more general meaning of "infidel" in others. The term is first used about the unbelieving Meccans. "In the early Meccan period a waiting attitude towards the unbelievers is still recommended … but later the Muslims are ordered to keep apart from them (Sura 3:114, also 27), to defend themselves from their attacks and even to take the offensive against them … In most passages the reference is to unbelievers in general, who are threatened with God's punishment and hell."[2] Some of the *hadīth* literature deals with "the fate of the *kāfir* on the day of judgement and his punishment in hell… Eternal damnation for the *kāfir* has remained an established dogma in Islam."[3] In early Islam there was a controversy on the question "whether a Muslim should be considered a *kāfir* for committing a ´major sin'".[4] Renegades (*murtadd*) from Islam are also considered to be *kāfirūn* and they are to be sentenced to death, after first being given an opportunity to return to Islam.

> *The others (other than dhimmīs), the unbelievers proper, who in this sense are also called kāfirūn asliyyūn … have only to expect death or slavery … if they fall as prisoners of war into the hands of Muslims; if they are fortunate, they may be exchanged or released… In several further points the law discriminates between kuffār and believers; the very strict interpretation of the law is however in practice only held by a small minority.[5]*

The Encyclopaedia of Islam has a discussion on the category of *dhimmī* under the entry on *kāfir*, but I will not include that here as the category of *dhimmī* is discussed elsewhere in this

---

[1] "These are the unbelievers, the scoundrels." Bell 1960 Vol. 2: 637.
[2] *Encyclopaedia of Islam* 1986-2004, Vol. 4: 407.
[3] Ibid., 407-408.
[4] Ibid., 407.
[5] Ibid., 408.

dissertation. The Spanish word *cafre* and the French word *cafard* can be traced back to *kāfir* or *kuffār*.[6]

The act of declaring someone a *kāfir* or unbeliever is *takfīr*, the verbal noun from the form II verb *kaffara*. This is an accusation that has often been hurled at opponents. According to Al-Ghazālī (d.1111), "A Muslim … who becomes a *kāfir* is an apostate, and apostasy is a criminal offense under the law, with severe legal consequences. Such charges should not, therefore, be lightly made."[7] The *qādī* 'Iyād b.Mūsā of Ceuta (d. 1149), in his treatise on the status of the Jews of Tuwāt and their synagogue, went as far as pronouncing t*akfīr* "against those who befriend the Jews and encourage or condone their 'rebellion against the laws', based on a restrictive interpretation of Qur'ān Sūra 5: 51."[8] In Mawdudi's translation of the Qur'ān, this verse is rendered like this,

> *Believers! Do not take the Jews and the Christians for your*
> *allies. They are the allies of each other. And among you he who*
> *takes them for allies, shall be regarded as one of them. Allah*
> *does not guide the wrong-doers.[9]*

Shāh Walī Allāh (1703-1762), the highly respected theologian and reformer[10] of Islam in India, has defined "the unbelievers" (*kuffār*), in the following manner:

> *…they are the defiant disobedient ones who refuse to say,*
> *"There is no God but Allah," despite the maturity of their*
> *intelligence and despite true religious information having*
> *reached them, or they contradict the will of God to put into*
> *effect the command of the prophets, may peace be upon them.*
> *Thus they turn (people) away from the path of God, and are*
> *satisfied with the life of the world, and are not attentive to what*
> *comes after it. They are cursed eternally, and are imprisoned*
> *forever, and among them are the people of the Ignorant Age and*
> *some hypocrites who said they believed with their tongues while*
> *their hearts remained absolutely unbelieving, and God knows*
> *better.[11]*

---

[6] Ibid., 408.
[7] *Encyclopaedia of Islam* 1986-2004, Vol. 10: 122; Lewis 1991: 86.
[8] *Encyclopaedia of Islam* 1986-2004, Vol. 10: 122.
[9] Mawdudi: *Towards Understanding the Qur'ān* 1989, Vol.2:171

[10] Kværne 2002: 388.
[11] Walī Allāh al-Dihlawī 1996: 339.

Note that Shāh Walī Allāh's definition of a *kāfir* is clear cut. According to him, a *kāfir* is anyone who refuses to pronounce the *kalima*, the confession of faith, by which you enter Islam.

5.2. Mawdudi's Text *Muslim aur Kāfir kā Aslī Farq*

5.2.1. Introduction to the Text

Mawdudi's pamphlet *Muslim aur Kāfir kā Aslī Farq* belongs to a collection of Friday sermons entitled *Khutubāt* and was first published in Urdu in 1940. Some of its parts have been published as pamphlets or separate booklets, both in Urdu and other languages. The first English translation was published by Islamic Publications, Lahore in 1975 and was entitled *The Fundamentals of Islam*. A new translation with the title *Let Us Be Muslims*, edited by Khurram Murad and published by The Islamic Foundation, Leicester, appeared in 1982.[12] Khurram Murad writes that, "The purpose of editing … has not been to omit, add, modify or explain anything unless absolutely necessary." [13] An English translation of *Muslim aur Kāfir kā Aslī Farq* appears in this collection under the title *Muslims or Kafirs?* However, I have chosen not to use this translation, as it is not close enough to the original, and rather offer my own translation of selected excerpts. I will, however, cite Murad's translation for reasons of comparison. In his preface to the first edition of *Khutubāt*, Mawdudi wrote,

> *When, in 1357 A.H. [1938], I first came to the Punjab to live in Daru'l-Islam (near Pathankot, East Punjab), I started to organize the Friday Prayers and explain Islam to the nearby villagers. This collection comprises the congregational addresses which I then prepared. My addressees were farmers; they too from the Punjab, whose mother tongue was not Urdu. I therefore had to adopt a language and expression which could be easily understood by the common man. Thus has come into being this collection which, inshā'allāh, should be useful for teaching Islam to the masses.[14]*

In the following we will look at excerpts from the text, which will be supplemented with relevant comments. There are no subheads in the Urdu text, but we have sought to find suitable subheads for each excerpt included. The analysis will follow at the end of the chapter.

---

[12] See Khurram Murad's introduction to Mawdudi's *Let Us Be Muslims*.
[13] Mawdudi: *Let Us Be Muslims*: 39.
[14] Ibid., 43.

5.2.2. Muslims Are Superior to *Kāfirs*

The title *Muslim aur Kāfir kā Aslī Farq* can be translated as "The fundamental difference between a Muslim and a *kāfir*." Mawdudi starts each Friday address (<u>khutba</u>), also this one, with the same opening line, "*Barādarān-e islām!*" – "Brothers in Islam!" The word "barādar"[15] can be translated both as "brother" and "co-religionist". He goes on to say,

> *Every Muslim has the understanding and certainly you do too,*
> *that the Muslim belongs to a rank[16] above the kāfir. God*
> *approves of the Muslim and disapproves of the kāfir. The*
> *Muslim will obtain forgiveness and go to be with God, and the*
> *kāfir will not be forgiven. The Muslim will go to heaven and the*
> *kāfir will go to hell.*

Here Mawdudi is claiming that it is a common belief among Muslims that they are superior to *kāfirs*, and that Muslims have a privileged standing before God. This is an allusion to the Qur'ānic teaching that the Muslim *umma* is "the best community ever produced for the people" and therefore superior "in terms of character and morals" (see chapter 3). The assertion that the Muslim belongs to a class above the *kāfir* is not politically correct in our part of the world. In Islamic Foundation's translation this clause simply reads "Muslims are different from Kafirs [sic]". That is not true to the original and can be characterised as a mitigation strategy on the part of the editor.

5.2.3. Heaven and Hell

Mawdudi continues,

> *Today I want you to consider why there is such a big difference*
> *between the Muslim and the kāfir in the end? Both you and the*
> *kāfir are offspring of Adam (on whom be peace). The kāfir is a*
> *human being just like you. He, too, has hands and feet, eyes and*
> *ears exactly like you do. He breathes the very same air. He*
> *drinks the same water. He lives on the very same soil. He eats*
> *the same produce. He is born in the same manner and dies in*
> *the same manner. The same God that created you created him*
> *too. Why, then, is his rank inferior and your rank[17] superior?*
> *Why are you rewarded with heaven and he is thrown into hell?*

Khurram Murad's translation has omitted the rhetorical question that opens this paragraph. The next sentence is translated like this, "*Kāfirs* are as much offspring of Adam *and Eve*

---

[15] According to Platts' Urdu dictionary, the word can be pronounced both as "barādar" and "birādar". *Firōz ul-lughāt* Urdu to Urdu dictionary suggests "barādar" only.

[16] I have chosen to translate *darja* as "rank" instead of "position" or "class". The *Firōz ul-lughāt* Urdu to Urdu dictionary gives the word *jamā'at*, meaning "party", "class", as one of the synonyms for *darja*.

[17] or "his rank low and your rank high"

[emphasis mine] as you".[18] There is no mention of Eve in the Urdu edition that I have got. If the mention of Eve has been added to make Mawdudi sound better to readers in the West, I think it is stretching the text too far. As for the rhetorical question regarding the superior rank of the Muslim, Khurram Murad has translated it as "So why should they be ranked lower and you higher?" We noticed that he had omitted the idea of ranking in the first excerpt.

In both of these first excerps there are allusions to the Qur'ānic teaching that hell is prepared for the infidels. Sura 3:126 reads

> *And protect yourselves against the Fire which has been*
> *prepared for the unbelievers. And obey Allah and the*
> *messenger, mayhap ye will be mercifully treated.[19]*

If we turn to Muslim dogmatics and the *'aqīda* (creed) the Testament *(Wasīya)* of Abū Hanīfa, Article 20, it says that paradise "is prepared for the God-fearing" and that hell "is prepared for the infidels".[20] Mawdudi uses the word *jannat* for heaven. This is the Urdu form of the Arabic *janna*, which literally means garden. It corresponds to the Hebrew word *gan* which occurs in Genesis 2:8: "And the Lord God planted a garden *[gan]* toward the east, in Eden".[21] The descriptions of paradise and hell and the torments awaiting the damned constitute one of the major themes of the Qur'ān, and there are also numerous *hadiths* on the same topics. "Garden" is the term which usually describes the place prepared for the elect in the Qur'ān and Muslim literature. According to the Qur'ān, "The size of Paradise is equal to that of earth and heaven together. There will be pleasant dwellings for the chosen … and pavilions where Houris are kept. Lofty gardens, leaping fountains, streams of living water, of milk, wine and honey …, fountains scented with camphor … or ginger, shady valleys, all sorts of delicious fruits, of all seasons and without a thorn… There will be exquisite banquets, served in priceless vessels … by immortal youths." "Pure consorts" (Sura 2:25) are promised, and these have been understood to be "Houris …, beings from the Other World 'with modest looks and large fine eyes' …'touched by neither man nor demon before.'"[22] Mawdudi offers a different interpretation of the *azwāj mutahhara,* or "pure consorts". For one thing, the English translation of *Tafhim al-Qur'ān* renders *azwāj mutahhara* in sura 2:25 as "pure spouses", and in his footnote Mawdudi writes that

---

[18] Mawudi: *Let Us Be Muslims*: 53.
[19] Bell 1960, Vol.1:57.
[20] Wensinck 1932: 129-130.
[21] *Encyclopaedia of the Qur'ān,*Vol. 4: 12. The Bible quotation rendered here has been taken from the New American Standard Bible (NASB).
[22] *Encyclopaedia of Islam* 1986-2004, Vol. 1: 447

> *...If a man has been virtuous in this world while his wife has
> not, their relationship in the Next World will be sundered and
> the man will receive another spouse who will be pure and
> virtuous. On the other hand, if a virtuous woman has had an evil
> husband she will be tied in companionship with a virtuous man.
> Where husband and wife have both been virtuous their
> relationship will become everlasting.[23]*

In this passage it seems evident that Mawdudi is thinking in terms of monogamy both in this life and the hereafter. Other interpretations based on *hadīths* give the idea that the elect will be lead to their heavenly dwellings accompanied of an entourage of their wives, houris and youths, as well as their children.[24] The Syrian scholar and reformer Rashid Rida (1865-1935), in his *Tafsīr al-Manār* rejects as inauthentic those *matn* (texts) of the traditions "which promise to the elect houris in abundance, and he refers to a *hadīth* reproduced by al-Bukhārī and Muslim, which awards to everyone in paradise his earthly wife and a single houri."[25] Mawdudi, on the other hand, does not seem to allow for houris in addition to a wife.

According to traditions and traditional exegesis, paradise is believed to be located under the Throne of God. There will be palaces of gold, silver, pearls, rubies, etc., as well as fruit trees and rivers of wine, milk and honey. There will be horses and camels. Each saint will be as tall as Adam and of the same age as Jesus (33 years). The prophet Muhammad will go in first, followed by poor believers, preceding the rich. They will be welcomed by angels. There will be wonderful music, and God will appear to the elect and greet them. The language of paradise will be Arabic.[26] In his exegesis of the passage "This is the Paradise which you are made to inherit as a reward for your deeds" in Sura 7: 43, Mawdudi explains that

> *... God will not impress His bounty upon the righteous; He will
> rather emphasize that Paradise is granted to them by way of
> compensation for their righteous conduct, that it is the fruit of
> their hard labour; that it is not like the crumbs of charity but a
> fair recompense for their striving...[27]*

In other words, according to Mawdudi, mere faith is not sufficient to enter paradise. Good works are required.

---

[23] Mawdudi: *Towards Understanding the Qur'ān*, Vol. 1: 55.
[24] *Encyclopaedia of Islam* 1986-2004, Vol. 1:448.
[25] Ibid., 451.
[26] Ibid., 448-449.
[27] Mawdudi: *Towards Understanding the Qur'ān*, Vol. 3: 28, note 33.

In our text, Mawdudi uses the Persian word *dōzakh* for hell. The Arabic synonym *jahannam* is also frequently used in Urdu. In the Qur'ān, however, the most frequently used word to describe hell is *al-nār*, "the fire", followed by *jahannam* and some eight other terms. It is a place of punishment and torture of body and soul. There will be flames, black smoke, boiling water and a burning wind.[28] There are seven gates, and the gates "will correspond to the kind of error and sin which a person commits, making him deserving of being cast into hell."[29] The people in heaven and hell can see and communicate with each other, and "those who were believers in life will laugh at the unbelievers (*kuffār*), looking down from their thrones."[30] "The sinners will see the fire and recognize that they are to fall into it, and they will find no outlet… The fire will roast their skins and then roast them anew… They will be in chains with yokes around their necks… Their food will choke them … but will neither nourish them nor remove their hunger…The sinners will be all alone, with no intercessor or defender… They will be bound together with fetters …and curse each other…"[31] According to Sura 19:71-72, everybody has to face hell; the pious will be delivered from it and the wrong-doers will be left in it. Those who will be left in hell are the unbelievers (*al-kāfirūn),* apostates, hypocrites, idolaters, vagabonds, the haughty, those who die in sin, those who deserted in battle, as well as some other groups. According to Sura 66:10, Noah's and Lot's wives will go to hell.[32] In fact there are *hadīths* asserting "that the majority of the inhabitants of hell are women".[33]

5.2.4. Who is a *Kāfir*?

Mawdudi continues his argument,

> *This is something that puzzles you a bit. Such a big difference between people can not just stem from the fact that you have names like Abdullah and Abd ur-Rehman and he is called Din Dayal, Kartar Singh and Robertson and the like. Or that you practice circumcision and he does not, or that you eat meat and he does not. Allah, the Exalted One, who created all men, the Provider of all, could never be so tyrannical as to discriminate between his created beings on account of such small things, and then send one person to heaven and the other to hell.*

Here Mawdudi changes gears, using the Arabic word Allah for God, instead of the Persian word *Khudā*, which he has used in the previous paragraphs. When referring to *kāfirs,*

---

[28] *Encyclopaedia of the Qur'ān*, Vol. 2: 414-415.
[29] Mawdudi: *Towards Understanding the Qur'ān*, Vol. 4: 293, note 26. See also Mawdudi's translation of Sura 15:44.
[30] *Encyclopaedia of the Qur'ān*, Vol. 2: 415.
[31] Ibid., 416.
[32] Ibid., 417-418.
[33] Roald 1998: 27; See Muslim*: Sahīh Muslim*, Dar al Arabia, Beirut 1971, Vol.4: 1431.

Mawdudi gives examples of Hindu, Sikh and Christian names. It seems clear that Mawdudi divides humanity into two categories: Muslims and *kāfirs*. No third possibility exists. A different view is held by the British imam Dr. Abduljalil Sajid, member of the European Council of Religious Leaders. He claims that according to Mawdudi (who was his teacher in Pakistan), the dividing line does not go between Muslims and non-Muslims, but between those who obey Allah and those who don't.[34] I would contend that Mawdudi teaches that you have to be a Muslim *and* be wholly submitted to Allah in order to be sure of doing well in the hereafter.[35] From a legal perspective, he considers anybody who enters into the Muslim *umma* a Muslim, and from this we deduct that a *kāfir* is anybody *not* belonging to the Muslim *umma*.[36] In his preface to the eighth reprint of <u>Khutubāt</u> he wrote

> *I have asked Muslims not to be content with that Islam which merely ensures to keep them on its boundary so that they cannot be called kāfirs. Rather they should cultivate that Islam which would ensure that they are accepted as sincere and loyal believers in the sight of God.[37]*

Again, obedience to God is required. Merely professing to be a Muslim is not enough.

5.2.5. Islam and *Kufr*

In the following paragraph Mawdudi goes on to explain that as God is not unjust, the only justification for why he discriminates between a Muslim and a *kāfir* and sends one to heaven and the other to hell lies in the difference between Islam and *kufr*. He writes

> *The meaning of Islam is obedience to God, and the meaning of kufr is disobedience. Both the Muslim and the kāfir are human beings. Both are God's slaves. But one person becomes more excellent than the other because he recognizes his master, obeys his commandments and fears the consequences of disobeying them. The other person falls down from his high position[38] because he does not recognize his master and does not obey him. For this reason God is pleased with the Muslim and angry with the kāfir. He promises the Muslim that he will go to heaven and tells the kāfir that he will throw him into hell.*

Mawdudi is repeating that both the Muslim and the *kāfir* are human beings. Yet the Muslim is more meritorious because he obeys God's commandments. There is no demonization or

---

[34] *Aftenposten* (Norwegian newspaper), 11 February 2006.
[35] Mawudi: *Let Us Be Muslims*: 113.
[36] Ibid., 112-113.
[37] Ibid., 307.
[38] Literally "from the upper rank".

dehumanization of the *kāfir* in this text. That is perhaps because there is no mention of the Jews here. We do, however, find examples of antisemitic sentiments in Mawdudi's commentary on the Qur'ān. When commenting on Sura 5:60 which speaks of "the ones whom Allah has cursed", Mawdudi writes that the verse alludes to the Jews, "who had sunk to the lowest level of evil, transgression and moral decadence".[39] In the passage above, Mawdudi goes on to say that the *kāfir* falls down from his high position. That is because he holds the belief that every child is born as a Muslim.[40] This is a notion that is based on certain *hadīths*, of which the standard is "Every child is born in the *fitra*; it is his parents who make of him a Jew or a Christian or a Parsi. In the same way cattle give birth to calves without defects."[41] The Shafi'i jurist al-Nawawī (1233-77) wrote that

> *Every child is born with a predisposition towards Islam. If one of its parents is a Muslim, the child remains Muslim as to its state in this world and in the next. If both its parents are infidels, the child follows their state in this world… When it reaches the adult age, it remains in the state of unbelief of its parents. If it is destined for eternal happiness, it will embrace Islam; otherwise it will die as an infidel…*[42]

Al-Nawawi also commented on the fate of children who die before reaching the adult age. First, he refers to other scholars who agree that children of Muslim parents go to paradise. He continues

> *…As to the children of the infidels there are three opinions. According to the majority of the doctors, they will go to hell, like their fathers. Others take up an attitude of reserve. The third group – whose opinion is the right one – thinks that these children will go to paradise. This opinion is supported by various arguments; by a reference, for instance, to the tradition according to which Muhammad saw Abraham in Paradise surrounded by children. When those who were present exclaimed: Even by the children of the infidels? Muhammad answered: Even by the children of the infidels. Another reference is to sura 17:16: "And We punished not, until We had first sent an Apostle".*[43]

---

[39] *Towards Understanding the Qur'ān*, Vol. 2: 175. Another example, among many, is found in Vol. 1: 85, where Mawdudi writes of "the historical record of the Jews, a record which is replete with perversion and corruption".
[40] Mawdudi: *Dīniyāt*: 14.
[41] Wensinck 1932: 42.
[42] Ibid., 44.
[43] Ibid., 43. The *hadīth* is in Buḵẖārī: *Janāʾiz*, b. 93.

5.2.6. Knowledge and Works

In the next paragraph Mawdudi elaborates on the two factors that separate a Muslim from a *kāfir*:

> *From this it appears that there are only two factors that separate a Muslim from a kāfir. One is knowledge, the other is what you do. First of all we need to know who our master is. What are his commandments? How do we carry out his will? What can we do to please him and what angers him? When we realise these things, then the next step is to become the Master's slave;[44] to do the will of the master and to surrender your own.*

I omit the next paragraph, which is an elaboration of what it means to obey God blindly.

5.2.7. The *Kāfir* Is Ignorant and Disobedient

Mawdudi goes on to explain that it is the combination of the knowledge of God's will and the carrying out of it that causes God to bestow favour on the Muslim. He writes,

> *It is on account of this knowledge and these good works[45] that the Muslim becomes God's dear servant and God's mercy and honour is bestowed upon him.[46] The kāfir does not possess this knowledge, and due to the lack of knowledge he does not do these works. Therefore he is an ignorant and disobedient slave of God, and God deprives him of his mercy.*

In the following paragraph Mawdudi stresses that Islam is not a race or a family or a brotherhood where membership is passed down automatically from father to son and from son to grandson. He gives the example of Noah's son, who in spite of being born in the house of a prophet, did not recognize God, but was disobedient. Therefore God took no notice of his family and punished him so that the world would be warned.

5.2.8. Mercy Is Reserved for Those Who Obey God

Mawdudi continues his reasoning in the following manner

> *Therefore be fully aware that with God, any difference between one person and the other is due to knowledge and works. Both in the world and in the hereafter mercy is reserved for those who recognize him, know the straight path that he has revealed and obey him. As for the people who do not possess this quality, regardless of their name being Abdullah, Abd ur-Rehman, Din*

---

[44] Literally "to make oneself a slave of the master".
[45] In the Urdu original, the word *'amal* is used in the singular, without the adjective "good". However, I would contend that the meaning "good works" is implied.
[46] Literally "descends on him".

> *Dayal or Kartar Singh, before God there is no difference*
> *between those two categories, and they don't obtain any right to*
> *his mercy.*

Clearly, Mawdudi's point of view is faith plus works.

5.2.9. Ruled by *Kāfirs*

In the next paragraph Mawdudi addresses the political realities in colonial India and the

humiliating aspects of being ruled by a *kāfir* government. As the footnote on page 5 in the

Urdu edition points out, this Friday sermon was written in 1938, before independence.

> *Brethren, you call yourselves Muslims, and you believe that*
> *God's mercy is over the Muslim, but open your eyes for one*
> *moment and see! Is God's mercy descending on you? Whatever*
> *happens in the hereafter you will come to know later on, but*
> *take a glance at how you are doing in this world. Here in India*
> *you are timid servants. There is such a vast number of you that*
> *if each one of you would just throw a pebble it would make a*
> *mountain. How come the kāfirs are ruling in a place with so*
> *many Muslims?*[47] *Your necks are in their grip that they may turn*
> *you wherever they want.*[48] *Your heads that used to bow to no*
> *one except God are now bowing to human beings. Your honour,*
> *which nobody dared to touch, has been ruined.*[49] *Your hands*
> *that always used to give rather than receive are now begging*
> *from the kāfir.*[50] *Ignorance, poverty and indebtedness have left*
> *you wretched and contemptible everywhere. Is this God's*
> *mercy?*

The idea of *kāfirs* ruling over Muslims is contrary to Mawdudi's interpretation of the Qur'ān,

as we have seen in chapter 3. Non-Muslims have "absolutely no right to seize the reins of

power in any part of God's earth".[51] According to him, Muslims can not live according to an

Islamic pattern under a non-Islamic government.[52] This is nothing short of a catastrophe.

---

[47] Literally "Where there are so many Muslims there the kāfirs are ruling".
[48] Literally "turn you where they want".
[49] Literally "reduced to dust".
[50] There are several ways of translating this sentence. One alternative is "You, who were always well off are now poor and begging from the *kāfir*".
[51] Mawdudi: *Towards Understanding the Qur'ān,* Vol. 3: 202.
[52] Mawdudi: *Jihad in Islam*: 19.

5.2.10. The Wrath of God

Mawdudi continues

> *If this is not a mercy, but sheer wrath, how strange to see the wrath of God coming upon Muslims! You are Muslims and humiliated! Muslims and slaves! This is just as inconceivable as it is for something to be black and white at the same time! When a Muslim is God's beloved, how on earth can a Muslim be poor and humiliated? Is your God so cruel (Heaven preserve us!) as to give the disobedient overlordship over you and punish you in exchange for your obedience after you have come to know his truth and obey him? If your belief is that God can not be cruel, and if you are convinced that one can not reap dishonour in return for obedience to God, then you have to admit that there has to be something wrong in your pretension to be Muslims. No doubt your name may be entered as Muslim in government records, but with God matters are not settled according to certificates issued by a British government office. God's records are different. Search and see if your names are written among those who obey or those who disobey.*

In this paragraph Mawdudi touches on the problem of pain. How come bad things happen to good people? To be more precise, how can it be that *kāfirs* are ruling over Muslims? This is the first time he uses exclamation marks in the text. He expresses his disdain. Being ruled by the British means that God's wrath has descended on the Indian Muslims, he says. How can it be? As God does not repay obedience with disgrace, there is only one answer: they are not true Muslims, and that is why God is punishing them.

5.2.11. Learn from the Prophet

He goes on to talk about the Qur'ān and the Prophet:

> *God sent you the book that you might read it and know your master and know the way to obey him. Did you ever try to find out what is written in the book? God sent his prophet, peace be upon him, to you that he might teach you how to become Muslims. Did you ever try to find out what the prophet, peace be upon him, taught? God showed you the way to attain honour in this world and the next. Do you walk in that way? God made it very clear which activities debase a man in this world and the next. Do you save yourselves from such activities? Tell me, what do you have to say to that? If you admit that you have neither obtained knowledge from God's book nor from the life of his prophet (PBUH), nor have you followed his example, then when did you become Muslims that you should be rewarded for it? You are being rewarded according to what kind of Muslims you*

*are, and that is how you will be rewarded in the next world as
well.*

Mawdudi tells his audience that there is probably no reason why God should reward them as he assumes that they have neither studied the Qur'ān nor followed the example of the prophet. He continues

*I have already explained to you that there is no difference
between a Muslim and a kāfir except knowledge and works. If
sombody's knowledge and works is just like that of a kāfir, and
he calls himself a Muslim, he is lying. The kāfir does not read
the Qur'ān and does not know what is written in it. If the same is
the case with a Muslim, then why should he be called Muslim?
The kāfir does not know the teaching of the Messenger of Allah,
peace be upon him, and what he showed us about the straight
path that leads to God. If a Muslim is just as ill-informed then
how can he be a Muslim?*

*The kāfir does his own will instead of doing God's will. If the
Muslim is as unyielding and headstrong as he is and follows his
personal beliefs and opinions like he does, has no regard for
God and is a slave to his own desires, then what right does he
have to call himself a Muslim (somebody who is subject to
orders from God[1]). The kāfir does not distinguish between halāl
and harām (the lawful and the unlawful) and chooses to do
whatever he thinks will bring benefit or pleasure regardless of
whether that is halāl or harām in God's eyes. If a Muslim
behaves exactly like that then what is the difference between him
and a kāfir? In short, if a Muslim is as unversed in the
knowledge of Islam as a kāfir, and when a Muslim allows
himself to do anything that a kāfir would do then why should he
be superior to the kāfir and why should he not be treated the
same as the kāfir in the resurrection? This is something we
should consider very carefully indeed.*

At this stage Mawdudi finds it necessary to reassure his audience that he has not set out to accuse them of being *kāfirs*. He continues:

*My dear brethren! Do not take it to mean that I have set out to
make Muslims into kāfirs. No, that has never been my intention.
I have been thinking, and I would like each and every one of us
to think that why, when all is said and done, have we been cut
off from God's mercy? Why are we being struck with disasters
on every side? Why are those we call kāfirs, i.e. God's
disobedient slaves, domineering us everywhere? And why are
we who claim to be obedient subdued everywhere? The more I
have pondered the reason for this, the more I have been*

---

[1] This clause can also be translated "God's servant".

> *convinced that the difference that remains between us and the kāfirs is in name only, for we do not in any way lag behind them in terms of negligence of God, disobedience and the lack of fear of him. True, there remains a small difference between us and them, but we don't deserve any reward just because of that; on the contrary, we deserve to be punished. For we know and confess that the Qur'ān is God's book and in spite of that we treat it the way the kāfir treats it. We know and confess that Muhammad (peace be upon him) is Allah's prophet, and yet we avoid following him, just like a kāfir.*

From this quote it seems evident that the experience of being dominated and subdued by *kāfirs* is something that has tormented Mawdudi a lot.

5.2.12. Deadly Sins

At this point Mawdudi lists a number of sins that the so-called Muslims have in common with the *kāfirs*:

> *We know that God has cursed the liar, that he who gives and takes bribes he has assured of hell, that he who gives or takes interest is convicted as the worst offender, that slander he has said to be equal to eating your brother's flesh, and foul speech, shamelessness and immorality he has threatened with severe torment. But in spite of being aware of this we do all these things with great liberty, as though we had no fear of God. This is the very reason why we are not rewarded, but punished: we just appear to be a little more Muslim than the kāfirs. The fact that the kāfirs are ruling us and that we are suffering humiliation everywhere is a punishment for the sin that the blessing of Islam was bestowed on us but we did not appreciate it.*

5.2.13. Recover That Which Has Been Lost

Mawdudi starts exhorting his listeners:

> *Beloved, whatever I have said in today's sermon has not been in order to condemn you. I have not set out to rebuke you. My purpose is that one should consider how to recover that which has been lost. The idea of finding what has been lost comes the moment a person realises what he has lost and how precious it is. Therefore I try to awaken you. If you come to your senses, and you realise that you really had something very precious, then again you will think about how to obtain it.*

After scolding his audience for their shortcomings and lack of piety, he now attempts to put them on the right track.

5.2.14. Final Exhortation

We have now reached the concluding paragraph of the pamphlet, which extends over more than one page. I have divided it into three paragraphs for the reader's convenience:

In my previous sermon[2] I told you that in order for a Muslim to be a Muslim, you first of all need knowledge of Islam. Every Muslim ought to know what the Qur'ān teaches, the manner of conduct of the Holy Prophet, what Islam is supposed to be, and which matters constitute the fundamental difference between Islam and kufr. Nobody can be a Muslim without this knowledge. But what a pity it is that you are not concerned about obtaining this knowledge. It seems that you still don't realise what a great blessing you are being deprived of.

My brethren! Even a mother doesn't give her child milk until he cries and demands it. When somebody is thirsty, he searches for water himself, and God even provides water for him supernaturally. When you are not thirsty, then even a well full of water is of no use if it were to come into sight in front of you. First and foremost you ought to understand what a big loss you are suffering when you remain unacquainted with the faith. God's book is ready at hand for you, but you do not know what is written in it. Can there be a greater loss than that? You recite your prayers[3], but you do not know what you are asking God for. Can anything be more futile than that? You do not even know the meaning of the kalima (the Muslim creed[4]), through which you enter Islam, and you don't know which obligations are incumbent on you after the reciting of the kalima. Can there be an even greater loss than that for a Muslim?

You know the damage of burnt crops, the misfortune of not finding a livelihood or losing your possessions, but you are unaware of the ruin inflicted by your ignorance of Islam. When you perceive this loss then you yourselves will come and say, "Save us from this loss." When you say this, then if God wills there will be provision for redeeming you from this loss.

In this concluding paraghraph Mawdudi sums up the main points of his sermon. There are frequent repetitions of what has been said before, and he is driving home the point that his audience is suffering a great loss due to their ignorance of Islam. In fact he uses the word *nuqsān* (loss, harm, damage) eleven times in this paragraph. Mawdudi goes on to speak about the *kalima*, "the confession of faith", also referred to as the *šahāda*, "I witness that there is no

---

[2] Mawdudi is probably referring to the sermon entitled "Knowledge, the First Step", which precedes "Muslims or Kafirs?" in *Let Us Be Muslims*.
[3] The prayers are recited in Arabic.
[4] i.e. *lā ilāha illa 'llāh; Muhammadu 'r-rasūlu 'llāh*.

God but Allah" and "I witness that Muhammad is Allah's Apostle."[5] It is by reciting the

kalima that the *kāfir* can enter Islam and avoid going to hell. According to Mawdudi,

> *Those who recite it constitute one nation, while those who reject*
> *it form another. If a father recites it but his son refuses to, the*
> *father is no longer the same father, nor the son the same son.*
> *The son will not inherit anything from the father, his mother and*
> *sisters may even observe purdah from him.*[6]

In other words, those who recite the *kalima* form the *umma* of Islam. If a son refuses to recite

the *kalima*, he will not inherit anything. This indicates that he is to be considered a *murtadd*,

an apostate. Some of the Muslim jurists, such as the later Shāfiʿīs regard the rights of

ownership of the apostate as suspended.[7] In Islam, two persons belonging to different

religions can not inherit anything from each other.[8]

5.3. Analysis of "The Fundamental Difference between a Muslim and a *Kāfir*"

5.3.1. Establishing the Topics of the Text

As the title suggests, this is indeed a "discourse of *difference*". It is primarily a text dealing

with Islamic dogmatics based on the teachings of the Qurʾān. It speaks of spiritual realities,

such as people's standing before God in this life and the hereafter, and what to do in order to

be a good Muslim and avoid being damned and going to hell. It is a text that establishes a

sharp distinction between the believer (the Muslim) and the unbeliever (the *kāfir*). Most of the

text is devoted to explaining why there is such a big difference between the Muslim and the

kāfir. Mawdudi also addresses the bewildering aspects of Muslims being ruled by *kāfirs*. He

considers this to be a mishap as *kāfirs* are not supposed to have overlordship over Muslims

due to their inferior status.

5.3.2. Investigation of the Discursive Strategies, the Linguistic Means and the Linguistic Realisations

Mawdudi starts off by constructing the ingroup (the Muslims) and the outgroup, *the kāfirs*, in

the very first paragraph. This is what we may call "cultural criteria of categorisation", as it is

based on religion.[9] As for *referential strategies*, he uses *collectivisation* and *religionisation*

(which is a form of *culturalisation*). There are some examples of *deictics* (we, you), but more

---

[5] Wensinck 1932: 3.
[6] See the <u>khutba</u> "True Meaning of Iman," in *Let Us Be Muslims*, p. 69.
[7] *Encyclopaedia of Islam* 1986-2004, Vol. 7: 636.
[8] Schacht 1982: 132.
[9] van Dijk 1993: 5.

of *collectives* (*linguistic means*) like "brothers in Islam" and *kuffār* (unbelievers) (called *linguistic realisations*). For the most part, he uses the words Muslim and *kāfir* (unbeliever) in the third person singular when referring to the whole category. At other times he addresses the audience as "you" (Muslims) versus the *kāfir*. In this particular text Mawdudi does not use the word *umma* that would normally be used when referring to "the community of the faithful". The only *religionym* that Mawdudi uses is "Muslim". He does not use the religionyms Hindu, Sikh or Christian, yet when speaking of the *kāfir* he gives examples of Hindu, Sikh and Christian names. He also writes that the *kāfir* does not practice circumcision and that he may not eat meat, a feature typical of Hindus. In other words, the references to Hindus, Sikhs and Christians are covert. This is a mitigation strategy, by which Mawdudi seeks to obscure who he is talking about. He might have feared that the British would put restrictions on the printing and distribution of his literary output. We know that his biography of Gandhi had been confiscated by the police.[10] Besides, he might have been afraid of instigating communal riots. He refers to the colonial rulers as *kāfirs* twice, and as "the disobedient" once. The *politonym* "British" is used only once when speaking of birth certificates issued by the British government.

If we attempt to investigate Mawdudi's *predicational strategies*, we find that he is making extensive use of explicit predicates. The predications are indeed oppositional and dichotomic. In short, the Muslim is "good" and the *kāfir* is "bad". Mawdudi writes that God approves of the Muslim but disapproves of the *kāfir*. The Muslim will obtain forgiveness, but the *kāfir* will not be forgiven. The Muslim will go to heaven, but the *kāfir* will go to hell. God is pleased with the Muslim but angry with the *kāfir*. The Muslim is God's dear servant while the *kāfir* is an ignorant and disobedient slave. God's mercy and honour is bestowed upon the Muslim, while the *kāfir* is deprived of God's mercy both in this life and in the hereafter. The *kāfir* doesn't read the Qur'ān and doesn't know what is written in it. He doesn't know the teaching of the Messenger of Allah. The *kāfir* follows his personal beliefs and opinions and is a slave to his own desires. He lacks the fear of God and does not distinguish between *halāl* and *harām* (the lawful and the unlawful). As a result of his ignorance and disobedience, the *kāfir* is inferior to the Muslim. It doesn't help that he, too, is an offspring of Adam and lives on the same soil. The Muslim is more excellent due to his faith and obedience of God's commandments. Therefore the Muslim "belongs to a rank above the *kāfir*". From this follows

---

[10] Nasr 1996: 16.

that *kāfirs* are not supposed to have overlordship over Muslims. The Muslims are supposed to rule, not the *kāfirs*.

We notice that Mawdudi is making use of metaphors of spatiality, which often occur in discourses of "races", "nations" and "ethnicities".[11] He writes that the Muslim is *above* the *kāfir*. A *kāfir* is a person that "falls *down* [emphasis mine] from his *high position* [emphasis mine]" due to his unbelief and disobedience. According to Mawdudi, the *kāfir* started out in the high position because every child is born as a Muslim.

According to the theory presented in chapter 1, "categorisations are assumed to be necessary for reducing the complexity of the social word". Mawdudi has certainly reduced the complexity of *his* world; there are only *two categories* to take into account: Muslim and *kāfir*. We also make a note of his positive self-stereotyping, in which he favours the ingroup, the Muslims.

As for Mawdudi's perspectivation strategy, his point of view is that of the Islamic scholar and reformer. He presents himself as an authority. In this particular text, he does not make use of quotes in order to support his argument, yet the text is loaded with allusions to the teachings of the Qur'ān. He is using the argumentation scheme called the *topos of authority*. Anybody familiar with the discursive tradition of Islam will be able to "pick up" the references. It is obvious that Mawdudi is appealing to the authority of the Qur'ān. It is up to his audience then and now to accept this authority or reject it.

---

[11] Reisigl and Wodak 2001: 58-59.

6. Mawdudi's Text on *Dhimmīs* as Read in Its Islamic and South Asian Context

6.1. Introduction

The main focus of this chapter is Mawdudi's article *Islāmī Riyāsat mēṅ Zimmiyōṅ kē Huqūq* (*The Rights of Dhimmīs in the Islamic State*) as it appears in the form of a pamphlet in its second Urdu edition of 1968.[1] We may consider this a legal text as it bases itself on standard texts of Islamic law. It was first published as an article in his journal *Tarjumānu'l-Qur'ān* in August 1948. That year the Constituent Assembly had called for "the opinions of experts as well as of the general public about the position of minorities in Pakistan".[2] This article is understood to be Mawdudi's response to that call. I will present my own translation, with the exception of a few sections towards the end of the article, and I will comment on some of the instances where there are significant differences between my translation and Khurshid Ahmad's translation as found in *Islamic Law and Constitution* in its eleventh edition of 1992,[3] where this text is included along with other speeches and articles. Khurshid Ahmad (b.1932) worked closely with Mawdudi for many years and has held top offices in the Jama'at-e Islami and the Islamic Foundation, UK. The text is quite long (36 pages plus appendixes), so I will only present excerpts of it.

The Rights of Dhimmīs in the Islamic State can be considered as normative Islamic discourse on *dhimmīs* as Mawdudi is relying heavily on the works of the Islamic jurists from the classical period, with the exception of the sections on political representation, education and freedom of expression, where he is making use of his own *ijtihād*, seeking to apply the shari'a on modern issues. Mawdudi's text has, in turn, become normative for the next generation of Islamic scholars writing on the same subject: Both Yusuf al-Qaradawi (2005 [1985]) and Abdul Rahman Awang (1994) of the International Islamic University of Malaysia seem to give importance to Mawdudi and have listed his text in their bibliographies, as well as some of the jurists that he refers to.

---

[1] Two appendixes have been added, and that seems to be the only change that has been made.
[2] Mawdudi: *Islamic Law and Constitution,* p. 273.
[3] I have also consulted the 3rd edition of 1967 and found the translation to be identical with the 11th edition, with the exception of the numbering of notes.

6.2. The Rights of *Dhimmīs* (*Zimmiyōṅ kē Huqūq*)

The first section of the article is devoted to a discussion of how, on the one hand, the Islamic state, and on the other, a national democratic state, classify their citizens. We will look at the first section in its entirety. For a transliteration of the Urdu text, see Appendix B. All excerpts are rendered in my translation, unless otherwise stated. Mawdudi's opening paragraph goes like this:

> *Before we discuss the rights of non-Muslims under Islamic rule, it is important to bear in mind that Islamic rule is essentially an ideological rule, and its specific character is definitively different from that of a national democratic government. The implications this major difference has for the discussion of this issue, can be easily explained in the points below.*

Mawdudi seems to begin with an apology: Because Islamic rule is an ideological rule, it is totally different from a national democratic government. It is a rule of a different kind, where other ordinances apply. This is coming close to the argumentation scheme called "the topos of reality"[4] (because reality is as it is, specific decisions should be made), which we will address in the analysis in section 6.12.

6.2.1. A Comparison of the Islamic State and the National Democratic State

After the introductory words above, Mawdudi presents a five point comparison of the Islamic state on the one hand and the national state on the other:

> 1) *The Islamic state divides the people living within its borders with regard to who believes in the doctrines[5] on which the Islamic government has been founded and who does not believe in them, that is Muslim and non-Muslim.*
>
> 2) *Running the Islamic state is first and foremost the task of those who believe in its principles. It can certainly make use of the service of non-Muslims in its administration, but it can not give them positions in leadership or exercise of authority.*
>
> 3) *It lies in the very essence of the Islamic state that it is obligated to establish a sharp distinction between Muslims and non-Muslims and that it makes it very clear which rights it can grant to non-Muslims and which it can not give.*

---

[4] Reisigl and Wodak 2001: 79.
[5] The word *usūl* can also be translated as "fundamentals" or "principles".

> 4) *The Islamic state resolves the intricacy of the presence of non-Muslim elements in its system by assuring them of a guarantee of certain rights; it prohibits their intermeddling in the management of its main system, but always keeps the door open for them if they should agree to Islamic doctrines and acknowledge them, in which case they will become members of the ruling class.[6]*
>
> 5) *The Islamic state is obliged to grant the dhimmī non-Muslims all the rights that the shariʻa has prescribed for them. Nobody has any right to deny those rights or reduce them. Of course the Muslims certainly possess the right to grant them some further rights in addition to those rights (granted by the shariʻa) on the condition that this addition does not collide with Islamic principles.*

6.2.1.1. The Islamic State Divides the People According to Religion

According to the first point above, the Islamic state classifies people according to religion. This is a cultural criteria of categorisation. It is a reproduction of previous Islamic discourse and could be an allusion to Mir Sayyid 'Ali Hamadani's *Zakhīrat al-Mulūk*[7], of which the ninth chapter deals with principles of governance according to the shariʻa. Like Mawdudi, Hamadani divides the subjects into two categories, Muslim and *kāfir*, and says that their rights should depend on which religion they belong to. Muslims have twenty special rights, while the *ahl-e dhimma* have to comply with twenty restrictions.[8]

6.2.1.2. *Dhimmīs* Are Excluded from Leadership

In the second point above, Mawdudi introduces one of the main points of the article. He declares that in the Islamic state, non-Muslims can not hold positions in leadership or the exercise of authority. Khurshid Ahmad translates the latter half of this point somewhat differently. His translation goes like this:

> *…Those who do not believe in the ideology of the State can, no doubt, be asked to cooperate, if they so like, with the Muslims in the task of administration but they should be neither called upon to undertake nor can be entrusted with the responsibility of policy-making.[9]*

It looks like Ahmad has tried to obscure and minimise what Mawdudi is saying. I would contend that Mawdudi is saying that non-Muslims should stay out of *both* policy-making *and*

---

[6] This can also be translated as "in which case they will become members of the ruling party".
[7] See chapter 4.2.
[8] Alam 2004: 43-45. See chapter 4.2. in this dissertation for the list of restrictions.
[9] Mawdudi: *Islamic Law and Constitution*: 274-275.

the exercise of authority. This is the point of view of the Muslim jurists, who were unanimous that the *dhimmīs* were to be excluded from public offices. This exclusion, according to their interpretation, is enjoined by the Qur'ān, the *hadīths* and "moral considerations". However, some rare authors like Mawardi (d. 1058) accept the possibility of a *dhimmī* occupying a public post and also the high office of minister on the condition that he doesn't have any decision making power.[10] Mawdudi's point of view seems to be close to that of Mawardi's in that he accepts the possibility of a *dhimmī* occupying a public post. According to Ghazi b. al-Wasiti, who wrote a treatise on the *dhimmīs*, "Abu Hanifa, al-Shafi'i and other legal authorities hold that it is not lawful to appoint one of them to a position of influence in any province or to any station of trust; for unbelief is inconsistent with authority and with trust."[11] In short, unbelief is considered to be disqualifying. In the year 850, the Caliph al-Mutawakkil forbade the employment of *dhimmīs* "in the government offices or in any official business whereby they might have authority over Muslims".[12] Before him, the Caliph 'Umar II had written to the governors that no *dhimmī* should have authority over Muslims. He claimed that he had dismissed all secretaries and officials throughout the empire that were not Muslims.[13] In spite of this, there are sources claiming that "both Umawi and 'Abbasi caliphs retained the officials employed by the Byzantine and Persian authorities to continue running the affairs of the state uninterrupted".[14]

Fakhr-e Mudabbir, whose work *Ādāb al-Harb* on warfare and "norms of governance", a text that became normative for early Muslim rule in India, "recommends state offices only for religious, pious, and godfearing Muslims whose prime concern is to protect and promote the rights of Muslims…"[15] Mawdudi would no doubt be familiar with this text and it seems to have influenced his thinking accordingly.

6.2.1.3. The Islamic State Can Not Grant Equal Rights to Muslims and Non-Muslims

According to the third point above, the Islamic state is obliged to establish a sharp distinction between Muslims and non-Muslims. It can not grant them equal rights. Mawdudi is saying that the Islamic state is discriminatory in its very essence.

---

[10] Fattal 1958: 236-238.
[11] Ghazi b.al-Wasiti cited in Yeor 1985:180.
[12] Al-Tabari cited in Stillman 1979: 168.
[13] Tritton 1930 (reprint 1970): 21-22.
[14] Awang 1994: 191.
[15] Alam 2004: 29-30.

6.2.1.4. The Muslims Constitute the Ruling Class

In the fourth point above, Mawdudi leaves no doubt that according to his interpretation of the shari'a, the Muslims constitute the ruling class, the *hukumrāṅ jamā'at*, and that the only way to become a member of that class is through conversion to Islam. Khurshid Ahmad, it seems, has found it necessary to add a whole lot more to this point. His translation goes like this

> *To solve the problems arising out of the presence of non-Muslims (i.e., the people not subscribing to the basic principles of the State) within its boundaries, an Islamic state guarantees them certain specifically state rights. Beyond those rights it does not permit them to meddle with the affairs of the State which is based on an ideology to which they honestly do not subscribe. Nevertheless, as Islam does not believe in false distinctions of race, colour, or territory, it always keeps the door open for them to embrace Islamic principles of life and become equal participants in all matters concerning the State and the government.[16]*

Note that Ahmad has omitted the clause where Mawdudi refers to the Muslims as *hukumrāṅ jamā'at*, "the ruling class".According to Ahmad, "Islam does not believe in false distinctions of race, colour, or territory". According to our text, it does, however, believe in dinstinctions on the basis of religion. This runs contrary to articles 1, 2 and 21 of the Universal Declaration of Human Rights of 10 December 1948, which states that

> *All human beings are born free and equal in dignity and rights… Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status… Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.[17]*

It is evident that Mawdudi does not allow non-Muslims to take part in the government of their country on equal footing with Muslims. This will probably lead to a considerable pressure on the followers of other religions to embrace Islam as that is the only way of entrance to the ruling class and the way to acceptance by the Muslim majority of the state. Mawdudi's notion of the Muslims constituting the ruling class in the Islamic state bears a semblance to the ideology of the apartheid regime in South Africa prior to the 1994 democratic transition.[18]

---

[16] Mawdudi: *Islamic Law and Constitution*: 275-276.
[17] http://www.un.org/Overview/rights.html Accessed 1 October 2007.
[18] Crawford 1998: 14.

6.2.1.5. The Rights of the *Dhimmīs* Are Prescribed by the Shariʻa

According to the fifth point above, the Islamic state will grant the non-Muslims the rights prescribed by the shariʻa. Further rights may be added, in which case one has to make use of *ijtihād*. The latter part of the article is devoted to a detailed elaboration of these rights.

6.2.1.6. Mawdudi's Idea of the National Democratic State

Now, let us take a look at what Mawdudi writes about the national states:

1) *The national state divides them (the people living within its borders) according to those who belong to the ethnic group[19] that actually are the founders and governors of the state and those who do not belong to it. In today's terminology these two groups are called the majority and the minority.*

2) *The national state will only rely on members of its own ethnic group for its leadership and the exercise of authority, and the smaller ethnic groups that are represented among its citizens will not be entitled to such confidence. This may not be clearly articulated, but the practical realities are like that. And even if a key position were to be given to somebody from a minority background, it would merely be an outward (and deceptive) gesture. In fact he would have no influence on policy-making.*

3) *It is easy for a national state to pretend[20] that it has established that from a theoretical perspective all the inhabitants of the country are one people and that on paper it grants them equal rights, while in practice it maintains full discrimination between the majority and the minority, and on the ground it does not give the minorities any rights at all.[21]*

4) *In order to resolve the intricacy of the participation of other ethnic groups within its system the national state resorts to three different courses of action*

   i. *First, it gradually destroys their distinctiveness and seeks to assimilate them.*

   ii. *Second, it resorts to tyrannical methods such as murder, pillage and deportation in order to erase their existence.*

   iii. *Three, it keeps them as untouchables within (its borders). All of these three measures have been widely adopted by the*

---

[19] The word "qaum" can mean people, nation, tribe, family, sect and caste. I have chosen to translate it "ethnic group" for want of a more precise definition.
[20] Literally "For a national state this hypocritical craftiness is easy…"
[21] Literally "any kind of rights at all."

> *world's national democracies, and these days the Muslims in*
> *India are having a bitter experience of it.*

> 5) *Whatever rights are granted to the minorities in a national*
>   *democratic state are granted by the majority, and in the same*
>   *manner that the majority has the right to grant them, they*
>   *also have the right to increase and decrease them and even*
>   *take them away altogether. Therefore, in reality, as much as*
>   *the minorities are entirely at the mercy of the majority in that*
>   *system, there is not even any lasting guarantee of basic*
>   *human rights.*

Mawdudi is saying that the national state divides the people according to ethnicity and not according to religion, as in the Islamic state. He claims that the ethnic minorities are excluded from leadership. He insinuates that the national state is making false pretensions of giving all its citizens equal rights. In fact the minorities are worse off than in the Islamic state as there is no shari'a to guarantee certain minimum rights. Mawdudi's idea of the national democratic state seems rather distorted and outdated at our point in time. His allegations under point two seem particularly far fetched. He is largely unaware of the ideal of cultural pluralism and peaceful co-existence, attained through a process of dialogue and bargaining. As for the allegations of "tyrannical methods such as murder, pillage and deportation" being directed against minorities in the national democratic states, the very same accusations are being hurled at Islamic states past and present.[22] Albeit this is not a treatise on political science, we can briefly state that Mawdudi's notion of the "tyrannous majority" seems to echo ideas found in the writings of liberal thinkers, such as Madison, Alexis de Tocqueville and John Stuart Mill, who feared that "the people" could act against minorities. We know that Mawdudi had studied Western works in English on subjects like history, political science, and economics.[23]

6.2.2. Concluding Remarks of the First Section

In the last paragraph of this section Mawdudi sums up the main point of the comparison of the Islamic state versus national democracies:

> *These are the fundamental differences that make Islam's*
> *treatment of the dhimmīs completely different from the treatment*
> *of the minorities in the national democracies. Unless we keep*

---

[22] Yeor 1985: 61, 64, 95, 107, 109, 179, 209, 249; Stillman 1979: 295-297. Note the pillage and massacre of the Jewish quarter of Safed in 1799, cf. Ye'or 2002: 72 as well as the genocide of Armenians in the Ottoman Empire from 1915-1917, mentioned in chapter 2. See also "Sudan's president charged with genocide" at http://www.independent.co.uk/news/world/africa/sudans-president-charged-with-genocide-867167.html Accessed 5 August 2008.
[23] Nasr 1996: 16.

*this in mind our reasoning will be confused[24] and we can not be
preserved from the misconception that the national democracies
of the present day, in their constitutions, grant the minorities
equal rights, while Islam is practicing illiberality in this matter.
After these necessary clarifications we return to our original
subject.*

Mawdudi is making the claim that Islam's treatment of the *dhimmīs* is *completely different*
from the treatment of minorities in the national democracies. Mawdudi is setting out to prove
that Islam is not "practicing illiberality" in the area of minority rights.

6.3. Division of Non-Muslim Subjects (Ghair Muslim Ra'āyā kī Aqsām)

In the second section of the article Mawdudi addresses the different categories of non-Muslim
subjects in an Islamic state. He bases his discussion on the ordinances found in the classical
books of *fiqh*, in particular Abu Yusuf's treatise *Kitāb al-Kharāj*, written at the request of the
Caliph Harun al-Rashid (r. 786-809).[25] Abu Yusuf was an expert of Islamic jurisprudence,
and his treatise became a textbook for study by the Hanafi school of law.[26] To the best of our
knowledge, this is a text that has been studied in the *madrasas* and *dāru'l-'ulūms* (places of
advanced religious learning) of South Asia for centuries, while Mawdudi is the first scholar to
have translated excerpts of it into Urdu and thus made it more available for readers unfamiliar
with Arabic.

Mawdudi starts off by introducing the reader to the three categories of non-Muslim subjects
according to Islamic law:

> *Islamic law divides its non-Muslim subjects into the following
> three categories:*
>
> a) *Those who may have come under the Islamic state by means
>   of a peace treaty or a contract (the mu'āhidīn).*
>
> b) *Those who may have been conquered after they have fought
>   and suffered defeat (the maftūhīn).*
>
> c) *Those who may have been included in the Islamic state due
>   to other circumstances than war or peace.*

At first glance it would seem that the first two categories are irrelevant in the discussion of the
status of non-Muslim citizens of Pakistan in 1948. However, in the following pages it

---

[24] Literally "Unless we keep them in mind we can not avoid a confused discussion."
[25] *Encyclopaedia of Islam* 1986-2004, Vol. 1: 164.
[26] Ben Shemesh in Yahya Ben Adam 1958: 11.

becomes clear that Mawdudi places the *dhimmīs* of Pakistan in the *maftūhīn* category. That probably has to do with the way South Asia was conquered by Islam. In Pakistan there has been a controversy as to which category the *dhimmīs* belong to. Some have argued that they belong to the third category.[27] Mawdudi now engages in a four-page discussion of the terms offered to the people who were either defeated or entered into peace treaties with the Muslim conquerors during the time of the Islamic expansions. A common denominator was that they all had to pay *kharāj* (land-tax). The *maftūhīn* also had to pay *jizya* (poll-tax) in order to save their lives, properties, and honour. Mawdudi is not very clear on the terms of the treaties with the confederates, the *mu'āhidīn*, other than that the terms of the peace treaty must not be altered, and that they have to pay *kharāj*. The *mu'āhidīn* are the people who submit themselves to the Muslim invaders without fighting, or during a war.[28] Let us now take a look at the terms for those who have fought and been conquered, the *maftūhīn*:

> *The people who belong to the second category are those who may have remained fighting the Muslims until the end and not laid down arms until the Muslims had demolished their fortifications and entered their towns triumphantly. When conquered people of this category are made dhimmīs, certain specific rights are given to them, details of which are found in the books of fiqh. Below a summary is given of those ordinances from which the constitutional status of this category of dhimmīs becomes clear.*

6.4. Rights of Conquered Non-Muslims

Here follows Mawdudi's five point summary with references to books of *fiqh* (jurisprudence): The summary of the rights of the conquered *dhimmīs* can be translated like this:

> *1) When the caliph accepts jizya (poll-tax) from them, the pact of dhimma will be established with them permanently, and it will be obligatory for the Muslims to protect their lives and property, for the protection of life and property is confirmed together with the very acceptance of jizya.[29] From that point on neither the caliph nor the Muslims any longer have the right to seize their possessions or make slaves of them. His Eminence 'Umar[30], may God be pleased with him, wrote in*

---

[27] For a discussion of this, see Sookhdeo 2002: 132-133.

[28] Mawdudi: *Islāmī Riyāsat mēṅ Zimmiyōṅ kē Huqūq*: 8.

[29] There is reference to *Badā'i'u'l-Sanā'i'*, Vol. 7: 111.

[30] According to Khurshid Ahmad, this is a reference to 'Umar, the second caliph, cf. *Islamic Law and Constitution*: 281.

clear words to his Eminence Abu 'Ubayda[31], may God be pleased with him, that "When you have accepted jizya from them you no longer have any right to extort them".[32]

2) *After the pact of dhimma has been established, they will be owners of their own land;[33] the proprietary rights of the land will be transferred to their heirs, and they will obtain full rights for selling, transferring and pawning their properties, and so forth. The Islamic state will have no right to dispossess them.[34]*

3) *The amount of jizya will be fixed according to their financial means. More from the affluent, less from those of average means, and very little will be taken from the poor. And whoever does not have any means of income, or whoever relies on charity for his sustenance, will be excused from paying jizya. Although there is no fixed amount for jizya, in the fixing thereof it is necessary to bear in mind that one should fix an amount that will be easy for them to pay. His Eminence 'Umar, may God be pleased with him, fixed the amount of jizya as one rupee per month for the affluent, eight annas[35] per month for those of average means, and four annas per month for those of low income professions.[36]*

4) *Jizya will only be charged from those that are fit for combat.[37] Those who are unfit for combat, such as children, women, the insane, the blind, the handicapped, caretakers of holy places, monks, religious mendicants, those who are no longer fit to work, the old, those sick persons whose sickness lasts for the greater part of the year, female slaves, and so forth, are exempted from jizya.[38]*

5) *The Muslims have the right to take possession of the places of worship in the towns that have been conquered by the power of the sword. But not to take advantage of that right and to leave them as they were as a gesture of favour is considered better and more commendable. During the time of his Eminence 'Umar, may God be pleased with him, no*

---

[31] According to Khurshid Ahmad, this is a reference to Abu 'Ubayda, the Commander-in-Chief of Islamic armies, cf. *Islamic Law and Constitution*: 281.

[32] This is a quotation from Imam Abu Yusuf: *Kitāb al-Kharāj*, p. 82 in the Arabic edition Mawdudi was using. There exists a French translation by E. Fagnan, Paris 1921, and there is long excerpt of it in English in Bat Ye'or: *The Dhimmi*, 1985, p. 165-172. See also Ben Shemesh's English translation. Abu Yusuf (d. 795) was one of the founders of the Hanafī school of law, cf. *Encyclopaedia of Islam* 1986-2004, Vol. 1: 164.

[33] Literally "they themselves will be owners of their land."

[34] There is a reference to Kamaluddin Ibn Hammam: *Fath al-Qadīr*, Vol.4: 359.

[35] One anna is the sixteenth part of a rupee. The one anna coin is no longer in use.

[36] *Kitāb al-Kharāj*, p. 36. Under Aurangzeb, "tailors, dyers, cobblers, shoemakers and artisans in a hundred other crafts were counted as poor", cf. Lal 1999: 121.

[37] Literally "people of the battle."

[38] The reference given is to *Badāʾiʿuʾl-Sanāʾiʿ*, Vol. 7: 111-113; *Fath al-Qadīr*, Vol.4: 372-373; *Kitāb al-Kharāj*, p. 73.

> *place of worship was destroyed and no kind of attack was made against them in any of the countries that were conquered. Imām Abu Yusuf, may God be pleased with him, writes, "They were left as they were; they were not demolished and no attack was made on them".[39] Demolishing ancient places of worship is prohibited in any circumstance.[40]*

According to the fourth point above, jizya will only be charged from those that are fit for combat. This was the way it was in theory. According to Armenian, Syriac, Serbian, and Jewish sources, the *jizya* was claimed from children, widows, orphans, and even the dead.[41] In both the first and the fourth point above there are references to slaves and enslavement. In point 1 the compound verb *ghulām banā lēnā,* "to make a slave of for one's own benefit," or "to enslave for oneself," is used. In point 4 the word *launḍī ghulām,* "female slave", "slave-girl," is used when speaking of *dhimmīs* that are exempted from paying the poll tax. It is hard to tell whether this refers to female slaves belonging to the Muslims or to the *dhimmīs*. There is no mention of slaves or slavery in Khurshid Ahmad's translation. The idea of extortion is also toned down to "take liberties with them or with their properties". Let us take a closer look at Khurshid Ahmad's translation of point 1:

> *As soon as the State accepts jizya from them, it becomes the obligatory responsibility of every Muslim to protect their lands and properties and their life and honour. The acceptance of jizya establishes the sanctity of their lives and property, and, thereafter, neither the Islamic State nor the Muslim public have any right to violate their property, honour or liberty. 'Umar, the second Caliph, clearly enjoined Abu 'Ubaidah [sic], the Commander-in-Chief of Islamic armies, as follows: "The moment you accept jizya from them you forego the right to take liberties with them or with their properties".[42]*

When comparing Khurshid Ahmad's translation with the Urdu original, I would argue that Mawdudi is more blunt and unambiguous than Ahmad makes him to be. The expression "to seize their possessions or make slaves of them" is definitely more dramatic than "to violate their property, honour or liberty." This is a *euphemism* on the part of Khurshid Ahmad. He is toning down the sharpness of Mawdudi's discourse.

---

[39] The reference is to *Kitāb al-Kharāj*, p. 83.
[40] The reference is to *Badāʾiʾuʾl-Sanāʾiʿ,* Vol. 7: 114.
[41] Ye'or 2002: 69.
[42] Mawdudi: *Islamic Law and Constitution*: 281.

If we turn to Abu Yusuf and what he wrote about battle procedures, we find that there were at least three possible courses of action that could be taken after a Muslim army had conquered a place:

a) The fighting men could be executed and the women and children taken as slaves.

b) The conquered could be invited to embrace Islam, in which case they would be freemen.

c) A poll tax (*jizya*) could be established. (It seems to be implied that the <u>kharāj</u> is to be imposed on them as well.)[43]

6.5. Slavery

Slavery did not start with Western colonialism; it was "the normal fate of captives in antiquity".[44] The slave population of Arabia consisted of slaves of Ethiopian, Persian, Greek and other origin.[45] After the advent of Islam, if a non-Muslim who was "protected neither by treaty nor by a safe-conduct" fell into the hands of Muslims, he could be taken captive and enslaved.[46] When Muhammad bin Qasim conquered the temple town Debal in Sindh in 712, all adult males were slain and all the women and children were enslaved.[47] One fifth of the captives were sent to the caliph Walid I.[48] According to *Chachnama*, when Sindh fell to Muhammad bin Qasim, Raja Dahir's sister Bai and the other women at the fort of Rawar set themselves on fire in order to save themselves from the Muslims. This measure is referred to as "performing the rite of *jauhar*" and was resorted to several times during the medieval period after defeats where the men had been slain. Another famed *jauhar* took place in the fortress of Chittor during Akbar's invasion in February 1568. According to *Akbar Nama*, about three hundred women perished in the fire. Captured women were sold as slaves, distributed among the Muslim soldiers or nobility, or placed in a harem. Emperor Akbar had

---

[43] Abu Yusuf in Ye'or 1985: 171-172.
[44] Lewis 1986: 109.
[45] Ibid., 109.
[46] Schacht 1982: 127.
[47] Lal 1999: 17-18; K.S. Lal: Muslim Slave System in Medieval India: http://www.bharatvani.org/books/mssimi/ch3.htm Accessed 20 October 2007
[48] Lal 1999: 148.

5000 women in his harem. It is assumed that servants, singers and dancers were included in this number.[49]

The unmarried female slave was "at the disposal of her male owner as a concubine".[50] Concubinage was very common among the Muslim rulers and Muslim upper class in India. The child born of the concubine, if recognized by the master, was free and had the same rights as children from a marriage. The *umm valad*, the mother of such a child, would then become free by law on the master's death. Besides, a slave could be given in marriage against his or her will.[51] Sultan Sikandar Lodi (r.1489-1517), for example, was the son of a Hindu concubine.[52] Considerable profit was made on slaves sold in India and abroad. Mahmud of Ghazni took huge numbers of slaves, both men and women, during his campaigns in India and sold them in the slave markets of Ghazni, Khurasan and elsewhere.[53] In 1632 Shahjahan attacked the Portuguese settlement at Hugli in Bengal. According to Vincent A. Smith, "more than 400 prisoners were taken and brought to Agra, where they were offered the choice between conversion to Islam, and confinement or slavery under the most severe conditions".[54] According to Lal, many of the captives were women. One of them, Maria de Taides, was married off to Ali Mardar Khan, and others "were distributed among the nobles".[55]

6.6. *Kharāj* and *Jizya* in India

In the above summary of the rights of the conquered *dhimmīs*, Mawdudi conceals the fact that Abu Yusuf wrote that conquered land could be divided among those who had conquered it; that was up to the caliph to decide. If permitted to keep their houses and their land, the conquered would have to pay *kharāj* on it, in addition to *jizya*. According to Mawardi, "both taxes are imposed upon the polytheists in order to emphasize their inferior condition and their humiliation".[56] Abu Yusuf mentions the Bedouin "who converted in order to save their water-

---

[49] K.S. Lal: Muslim Slave System in Medieval India: http://www.bharatvani.org/books/mssimi/ch12.htm Accessed 20 October 2007; von Nör 1973: 249.

[50] Schacht 1982: 127.

[51] K.S. Lal: *Muslim Slave System in Medieval India*: http://www.bharatvani.org/books/mssimi/ch12.htm Accessed 22 October 2007; Schacht 1982: 127, 129.

[52] K.S. Lal: *Muslim Slave System in Medieval India:* http://www.bharatvani.org/books/mssimi/ch12.htm Accessed 22 October 2007.

[53] Lal 1999: 148. According to Lal, Mahmud of Ghazni "took 50 000 slaves in one campaign, 53 000 in another and 200 000 in a third one."

[54] Smith 1958: 380.

[55] K.S. Lal: *Muslim Slave System in Medieval India* http://www.bharatvani.org/books/mssimi/ch12.htm Accessed 22 October 2007.

[56] Mawardi in Ye'or 1985: 175.

holes and their territory." [57] Evidently, many converted in order to save their properties. We know that the Arabs annexed land in the new subject territories.[58] Bat Ye'or explains:

> *The rights of conquest first established at Khaybar led to the expropriation of the vanquished peoples by the transfer of their lands to the Islamic community. The dhimmī, thus dispossessed by the victors, retained the right to cultivate his land in exchange for the payment of a tax to the Muslim ruler. This tax, called kharāj, represents the Islamic community's rights of ownership over the conquered lands of non-Muslim peoples. The kharāj thus transformed the former peasant-owner into a tributary, who tilled his land as a tenant – his heirs retaining the same right – whereas the freehold ownership was confiscated by the ruler.*[59]

According to Gustave Le Bon, "All land within the Moghul empire was regarded as the personal property of the sovereign".[60] The Egyptian scholar Ibn Naqqash (d. 1362), whose fatwa on the *dhimmīs* has been translated into French by François Alphonse Belin, confirms the view that the Jews of Khaybar were no longer considered owners of the land, but tenants.[61] As far as we know, the Arabs were exempt from all taxes until after 720.[62]

As we have seen under point 1 above, Mawdudi stresses the importance and significance of *jizya*, the poll tax. According to the Indian historian K.S. Lal, the Muslim rulers in India imposed both *kharāj* and *jizya* on the Hindu peasants.[63] According to Baladhuri's *Futūh al-Buldān (Book of Conquests),* Muhammad bin Qasim, conqueror of Sindh, levied *kharāj* as tax upon the conquered.[64] If we turn to a fourteenth century historian and political thinker, Ziya al-Din Barani, who was affiliated with the court of Muhammad Tughluq, he wrote that "the good Muslim king should not be content with merely levying the *jizya* and *kharāj* on Hindus, he should instead establish the supreme position of Islam by overthrowing infidelity and slaughtering its leaders (*imāms*), the Brahmans".[65] Ala-ud-din Khalji (r.1296-1316) asked his wise men to "supply some rules and regulations for grinding down the Hindus, and for depriving them of that wealth and property which fosters rebellion. The Hindu was to be so

---

[57] Abu Yusuf, in Ye'or 1985: 166-167.
[58] Bæk Simonsen 1988: 141.
[59] Ye'or 1985: 52.
[60] Le Bon 1974: 79.
[61] Ibn Naqqash, in Ye'or 1985: 188-189. According to this source, it was the Caliph 'Umar b. al-Khattab who drove the Khaybari Jews out of Arabia, so their *dhimma* was not permanent after all.
[62] Bæk Simonsen 1988: 141, 143.
[63] Lal 1999: 127.
[64] *Encyclopaedia of Islam* 1986-2004, Vol. 2: 566.
[65] From *Fatāwā-i Jahāndārī*, in Alam 2004: 37.

reduced as to be left unable to keep a horse to ride on, to carry arms, to wear fine clothes, or to enjoy any of the luxuries of life." Ala-ud-din's tax collectors would string Hindu middlemen (who were responsible for the tax collection) together by the neck and enforce payment by blows. Ala-ud-din is said to have stated that "The Hindus will never become submissive and obedient till they are reduced to poverty".[66]

Emperor Akbar abolished *jizya* in 1564, but it was re-introduced under Aurangzeb in 1679.[67] Khafi Khan wrote that "On the publication of this order (reimposing the *jizya*) by Aurangzeb in 1679, the Hindus all round Delhi assembled in vast numbers under the *jharokha* of the emperor to represent their inability to pay and pray for the recall of the edict…But the Emperor would not listen to their complaints".[68] It is documented that, under rulers like Sultan Firoz Shah Tughluq and Aurangzeb, many Hindus who were unable to pay *jizya* converted to Islam in order to be exempted from it.[69] These historical records suggest that the levying of *jizya* contributed to the impoverishment of the Hindus as well as conversions for the sake of escaping it.

6.7. Regulations Regarding Places of Worship Belonging to *Dhimmīs*

According to point five above, the Muslims have the right, if they so wish, to take possession of temples, churches and synagogues in the towns that have been taken by force. However, demolishing ancient places of worship is not permitted anywhere. What exactly is meant by "ancient" is hard to tell. Does it include all places of worship built before the advent of Islam? If we look at what transpired in India, the Muslim conquerors and rulers did not always adhere by these injunctions of the shari'a. Mahmud of Ghazni destroyed all the temples of Mathura, causing the loss of priceless works of art.[70] He also attacked and looted the famous Shiva temple at Somnath in Gujarat in 1025-1026.[71] Taking possession of temples was perhaps even more common. In Gujarat, "the earlier Hindu monuments built in the Jaina style were simply converted into mosques…"[72] The Spanish missionary Antonio Monserrate, who travelled from Goa to the court of Emperor Akbar at Fatehpur Sikri in 1579, got the impression that the Muslims had demolished "all the pagan temples", and he also noticed a

---

[66] Kulke and Rothermund 1998: 162-164.
[67] Lal 1999: 115.
[68] Ibid., 117-118.
[69] Ibid., 120.
[70] Smith 1958: 207.
[71] Kulke and Rothermund 1998: 153-154.
[72] Le Bon 1974: 122.

fortress (near the Tapti river in Gujarat) which had been built with fragments of Hindu temples that the Muslims had knocked down.[73] Likewise, fragments of the idol that Mahmud carried off from Somnath were used in the steps of the great mosque and the royal palace at Ghazni, and "two are said to have been sent to Mecca and Medina, where they were placed in public streets to be trodden underfoot".[74]

During the reign of Shahjahan, seventy-six temples were destroyed in the district of Benares alone.[75] Shahjahan also ordered the destruction of the churches at Lahore, Thatta and Agra.[76] The churches in Lahore and Agra had been built with financial support from Emperor Jahangir, who had been open to Christianity.[77] The building of the churches at Lahore and Agra might have been contrary to the the regulations of the shari'a , depending on whether or not Lahore and Agra were to be regarded as *amsār al-muslimīn* (cities founded by Muslims). The idea of a Muslim ruler financing the construction of churches is certainly foreign to the shari'a. On the other hand, Christianity came to India long before Islam did. The Mar Thoma church of South India claims to be founded by the Apostle Thomas, one of Jesus' disciples, who is believed to have come to India in about 50 or 52 A.D.[78] According to Bardaisan's *Dialogue on Fate*, written around 196, there were Christians among the Kaishans ruling the areas corresponding to present day Afghanistan and most of Pakistan at that point in time.[79] One of the church leaders who signed the Nicene creed in 325 was John the Persian, who represented churches in Persia and India.[80]

6.8. General Rights of the *Dhimmīs* (Zimmiyōṅ kē 'Ām Huqūq)

In the second section of the article Mawdudi goes on to give an overview of the general rights of all three categories of *dhimmīs* as listed in 6.3. above. We will look at his main points:

6.8.1. Protection of life (Hifāzat-e Jān)

Regarding murder:

---

[73] Monserrate 1986: 24, 30.
[74] *The Cambridge History of India* 1928, Vol. 3: 25.
[75] Smith 1958: 380.
[76] Sookhdeo 2002: 49-50.
[77] Ibid., 47-48.
[78] Sookhdeo 2002: 30.
[79] Young *Handbook of Source Materials* p. 19 cited in Sookhdeo 2002: 35.
[80] Young *Handbook of Source Materials* p. 28 cited in Sookhdeo 2002: 36.

> *The price of the life of a dhimmī is equal to that of a Muslim. If a*
> *Muslim kills a dhimmī, the retaliation that has to be made for it*
> *is the same as for killing a Muslim.*

Mawdudi is referring to the *lex talionis*, the law of retaliation (*qisās*). He is promoting the view of Abu Hanifa, founder of the Hanafi school of law. According to Malik, Shafi'i and Ibn Hanbal, the *qisās* does not apply to a Muslim who kills a *dhimmī* as it can only be applied between equal parties.[81] Mawdudi seems to be advocating the death sentence for murder, as according to Abu Hanifa, a Muslim who kills a *dhimmī* is to be sentenced to death.[82]

6.8.2. Criminal Law (Faujdārī Qānūn)

Regarding the Penal Code:

> *The Penal Code is the same for dhimmīs and Muslims, and both*
> *have equal status. The same punishment for crimes that is meted*
> *out to Muslims will be meted out to dhimmīs as well. If a Muslim*
> *steals something from a dhimmī or a dhimmī steals something*
> *from a Muslim, in both cases the thief's hand will be amputated.*
> *If a dhimmī falsely accuses a man or a woman of zinā (unlawful*
> *intercourse), or if a Muslim does so, the same punishment for*
> *qadhf (false accusation of unlawful intercourse) will be in force.*
> *Similarly, the punishment for zina will be the same for both a*
> *dhimmī and a Muslim. Of course, regarding wine, there is an*
> *exemption for dhimmīs.[83]*

In this passage Mawdudi refers to some of the serious crimes liable for *hadd* punishment, the *hadd* being "a right or claim of Allah".[84] These are considered very serious crimes indeed, which one can tell by the severity of punishment: flogging with 100 lashes or stoning for *zina*, and 80 lashes for *qadhf* and for drinking wine. The *hadd* punishment for *sariqa* (theft) is cutting off the right hand. In the case of a second theft, the left foot will be cut off.[85] Mawdudi stresses that the Penal Law is the same for *dhimmīs* and Muslims. However, he conceals the fact that it is going to be difficult for the *dhimmī* to get justice if he is the one who has been offended. That is simply because a *dhimmī* can not be a witness in an Islamic court, "except in matters concerning other *dhimmīs*".[86] Besides, in the case of *zinā*, the witnesses have to be

---

[81] Fattal 1958: 114-115; Ye'or 1985: 57.
[82] Fattal 1958: 115.
[83] There is a reference to *Kitāb al-Kharāj*, pp.38-209, and *Al-Mabsūt*, Vol. 9, pp.57-58. Mawdudi explains that according to Imam Malik, there is an excemption for *dhimmīs* regarding *zina*.
[84] Schacht 1982: 176.
[85] Ibid., 175, 178-180.
[86] Schacht 1982: 132; See also Ye'or 1985: 56.

present and throw the first stones in order for the punishment to be implemented. However, a *dhimmī* can neither be a witness nor the executor of a Muslim".[87]

6.8.3. Civil Law (Dīvānī Qānūn)

Regarding Civil Law:

> *The Civil Law is also the same for dhimmīs and Muslims, and there is full equality between the two…Those kinds of trade that are forbidden to us are also forbidden to them. Like usury is unlawful for us, it is also unlawful for them. Certainly, for dhimmīs there is an exception for liquor and pigs. They are entitled to make, drink and sell liquor, and they also have the right to rear, eat and sell pigs. If a Muslim spoils liquor or pigs belonging to a dhimmī, he is obliged to make amends for it. It is written in Durr al-Mukhtar: "The Muslim will pay the price of his liquor and his pigs if he spoils the liquor or injures the pigs".[88]*

6.8.4. The Permanence of the *Dhimma* (Zimma kī Pā'edārī)

The pact of *dhimma* is permanent:

> *From the Muslims' side, the pact of dhimma is an everlasting commitment. That is, after they have committed themselves to it, they are not permitted to break it. However, the dhimmīs, on the other hand, have the right to abide by it as long as they like, or to cancel it. It is written in Badāʾiʿ: "The pact of dhimma is indeed compulsory for us. That is, after we have made somebody a dhimmī, we can not break the dhimma in any circumstance, but for them it is not binding (that is, if they want to get out of it, they can)".[89]*

> *No matter what serious crimes a dhimmī may commit, his dhimma will not be cancelled. Even if he goes to the extent of not paying the jizya, murdering a Muslim, insulting the Prophet (peace be upon him), or even raping a Muslim woman, it will not render his dhimma defective. He will be punished according to the crimes he has committed, but he will not be declared a rebel and excluded from the dhimma. Nevertheless, there are two events in which the dhimmī will be excluded from the dhimma: First, if he leaves the dāruʾl-islām (the territory of the Islamic state) and goes to meet the enemy, and second, if he excites disturbances in open rebellion against the Islamic state.*

---

[87] Schacht 1982: 132,176.
[88] There is a reference to *Durr al-Mukhtār*, Vol. 3: 272. According to Khurshid Ahmad, Alauddin's *Durr al-Mukhtār* is "an authentic collection of the judgements and *fatwas* (verdicts) of the Hanafi school of thought," cf. *Islamic Law and Constitution* p. 285.
[89] There is a reference to *Badāʾiʿuʾl-Sanāʾiʿ*, Vol. 7: 113 and *Fath al-Qadīr*, Vol. 4: 381-382.

In this section Mawdudi discusses the durability of the *dhimma* and the fact that for the *dhimmī*, it is not binding. However, Mawdudi does not make his readers aware of the fact that as soon as a *dhimmī* steps out of the *dhimma,* he becomes a *harbī*, "an enemy alien", and his life and property is no longer protected, unless he gets a temporary *amān* (safe conduct).[90] Therefore, it is very unlikely that the *dhimmī* should withdraw from the *dhimma*. Next, Mawdudi reassures his readers that the *dhimmī* will not be excluded from the *dhimma* even if he gets convicted of the most serious crimes. However, it is very unlikely that the *dhimmī* will live to enjoy the continued benefits of the *dhimma* after serving a sentence for insulting the Prophet, which, according to the shari'a, is death,[91] or for *zina* (unlawful intercourse), which is stoning or flogging with 100 lashes, as we have discussed above. According to Ibn Naqqash (d. 1362), author of an important *fatwā* on the *dhimmīs,* the jurists were unanimous that taking a Muslim woman by force would end the *dhimma* pact,[92] which is contrary to what Mawdudi is saying.

According to Mawdudi, refusing to pay the *jizya* will not render one's *dhimma* defective. Again, a different view is held by Ibn Naqqash, who wrote the opposite: "If the *dhimmī* refuses to pay the *jizya*, then his pact [*dhimma*] is broken and all of his possessions may be seized".[93] Finally, the two reasons Mawdudi gives for excluding a *dhimmī* from the *dhimma*, namely leaving the *dāru'l-islām* and meeting the enemy, and rebelling against the Islamic state, have been of great concern for the *dhimmīs* over the years as it has had the dramatic consequence that the *dhimmīs* have been prohibited from seeking help from outsiders (such as Christian European nations) and fearful of spreading ideas contrary to Islam.[94]

6.8.5. Personal Law (Šakhsī Mu'āmlāt)

Regarding personal affairs:

> *The personal affairs of the dhimmīs will be settled according to*
> *the personal law of their own religion. Islamic law will not be*
> *enforced on them. Whatever is unlawful for us in personal*
> *matters; if it is lawful according to their religious and national*

---

[90] Schacht 1982: 131.

[91] Fattal 1958: 160; Ibn Abi Zayd al-Qayrawani 1975: 251; Ibn Naqqash in Ye'or 1985: 183-184; According to Pakistan Penal Code: Offences Relating to Religion: Section 295-C, the punishment for insulting the Prophet is death or imprisonment for life. However, in 1990 "the Federal Shari'a Court ruled that the penalty should be a mandatory death sentence, with no right to a reprieve or pardon." Apparently, according to this source, this law has not been formally amended yet. Cf. http://en.wikipedia.org/wiki/Blasphemy_laws_of_Pakistan

[92] Ibn Naqqash in Ye'or 1985: 183.

[93] Ibn Naqqash, in Ye'or 1985: 183.

[94] Ye'or 2002: 331.

law, then the Islamic court will judge according to their law only.

6.8.6. Religious Ceremonies (Mazhabī Marāsim)

Regarding the prohibition of public display of religious symbols:

> *As for the public performance and proclamation of religious ceremonies and display of ethnic religious symbols, Islamic law is this, that the people of the dhimma can do it in full freedom in their own quarters, but in purely Muslim neighbourhoods it is up to the Islamic government to allow them to do it or to impose certain restrictions on them. The Badāʾiʿ says: "In neighbourhoods that don't belong to amsār al-muslimīn, the dhimmīs will not be prevented from selling wine and pigs, taking out the cross and striking the wooden gong,[95] no matter how many Muslims might be living there. However, such activities are intolerable in the amsār al-muslimīn, that is, in the towns that have been designated for Friday and 'Id[96] congregations and establishing the rule of hudūd…"[97]*

Mawdudi continues:

> *But even in the amsār al-muslimīn they are only prohibited from taking out processions of crosses and idols and coming out to strike the wooden gong publicly in the bazaars. Otherwise, as long as they stay inside their ancient places of worship, they can display all their religious symbols.*

Notice the emphasis on *ancient* places of worship in the last paragraph. That is because the *dhimmīs* are not supposed to build any *new* places of worship in towns founded by Muslims. The ban on the display of religious symbols in certain areas is in accordance with the 16th restriction of the Covenant of ʿUmar, which reads "There should be no public demonstrations of their rituals and customs before the Muslims", see chapter 4.2. Mawardi, too, forbade the display of crosses.[98]

6.8.7. Places of Worship (ʿIbādatgāhēṅ)

Regulations regarding old and new places of worship:

---

[95] The wooden gong was used by Eastern Christians to summon the congregation, as church bells were not allowed in Muslim countries, cf. Platts 1982 (1884): 1115.

[96] Literally *ʿīdain*, dual, meaning "the two ʿIds."

[97] This quotation is taken from *Badāʾiʿuʾl-Sanāʾiʿ*, Vol. 7: 113 and rendered in Arabic, followed by and Urdu translation.

[98] Mawardi in Yeʾor 1985: 179.

> *In the amṣār al-muslimīn (cities founded by Muslims), the ancient places of worship belonging to the dhimmīs can not be interfered with. If they fall apart, they can be rebuilt in the same place. But they don't have the right to build new places of worship.[99] If there remain places of residence that are not amṣār al-muslimīn (cities founded by Muslims), then the dhimmīs have a general permission to build new places of worship there. Likewise, as for the places that did not remain misr (that is, the imām abandoned the tradition of the convocation of Friday prayers and the celebration of festivals and the execution of hudūd), there the dhimmīs are entitled to build new places of worship and display their religious symbols.*

> *This is the fatwa of Ibn 'Abbas: In the cities that have been founded by Muslims, the dhimmīs do not have the right to build new churches, synagogues or temples, or strike the wooden gong or sell wine and pork openly.*

> *As for the remaining towns that have been founded by the barbarians and conquered by the Muslims, and whom Allah conquered by the hands of the Muslims, and they consented to submit to the hands of the Muslims, then the barbarians have those rights that will be agreed on in their contract and it is obligatory for the Muslims to abide by it.*

In the last paragraph Mawdudi uses the word *'ajamī*, meaning "barbarians", for non-Muslims, while Khurshid Ahmad has translated it as simply "non-Muslims". This is a *euphemism* on the part of the translator. As for the towns "that have been founded by the barbarians and conquered by the Muslims", Mawdudi is rather vague as to whether or not the *dhimmīs* will be allowed to build new houses of worship, but according to Ibn Qayyim, "the whole territory has become the property of Muslims" and that is why it is "not allowed for non-Muslims to build any place of worship".[100] The same applies to the cities that have been founded by Muslims.[101]

6.8.8. Alleviations in the Collection of *Jizya* and *Kharāj* (Jizya ō Kharāj kī Tahsīl mēṅ Ri'āyāt)

One must not resort to violence during the collection of *jizya*:

> *In the matter of jizya and kharāj it is unlawful to use violence against the dhimmīs. It has been insisted on mildness and courtesy towards them, and it is forbidden to lay such an increase on them that they are unable to bear it. Caliph 'Umar,*

---

[99] There are references to *Badāi'u'l-Sanāi'*, Vol. 7: 114 and *Sharah al-Siyar al-Kabir*, Vol. 3: 251.

[100] Awang 1994: 185.

[101] Ibid., 184.

*may God be pleased with him, issued the order that one should
not harass them in order to make them pay more revenue than
they are capable of.[102]*

*Their possessions can not be auctioned in exchange for jizya.
Caliph 'Ali, may God be pleased with him, sent an edict to one
of his governors saying that one should not sell their donkey,
their cow, or their clothes for the realisation of kharāj...[103]*

*It is prohibited to use any kind of violence against them in the
collection of jizya. Caliph 'Umar, may God be pleased with him,
in the edict he wrote to the Governor of Syria, Abu Ubaida, may
God be pleased with him, had included an ordinance that read:
"Prevent the the Muslims from tyrannizing, harassing and
seizing their belongings illegally".[104]*

*...Regarding those who are not paying what is due, the Muslim
jurists allow for them to be sentenced to disciplinary
imprisonment without labour.[105]*

Mawdudi is holding up the ideal that one should not use force against the *dhimmīs* during the
collection of the two taxes. The testimonies of the sources are quite to the contrary: The
dhimmīs would often receive a routine slap in the face as as sign of submission.[106] As for
overcharging, according to Ye'or, "All *dhimmī* chronicles throughout the centuries mention
the excessive rates the Muslims charged in order to strip the community of its prosperity."[107]
There are many testimonies of harassment and torture inflicted by the tax-collectors.[108] At the
time of Shahjahan, the Hindu peasants that were unable to pay were sold in slave markets
along with their families. The Spanish traveller Sebastian Manrique reported that "the
peasants were carried off… to various markets and fairs (to be sold) with their poor unhappy
wives behind them, carrying their small children all crying and lamenting to meet the revenue
demand".[109] The revenue referred to here was probably *kharāj* as *jizya* had been abolished by
Akbar and was not re-introduced again until the reign of Aurangzeb. Akbar, on the contrary,
"prohibited enslavement and sale of women and children of the peasants who had defaulted in
the payment of revenue".[110] It is interesting to note that Mawdudi seems to be in favour of
imprisonment for those who are not paying what is due. In the Ottoman Empire, any *dhimmī*

---

[102] There is a reference to *Kitāb al-Kharāj*, p. 8, 82.
[103] There is a reference to *Fath al-Bayān*, Vol. 4: 93.
[104] There is a referece to *Kitāb al-Kharāj*, p. 82.
[105] Ibid., 70.
[106] Ye'or 2002: 70-71.
[107] Ibid., 72.
[108] Ibid., 65; Tritton 1930 (reprint 1970): 127-136.
[109] Manrique cited in Lal 1999: 151.
[110] Lal 1999: 151.

unable to produce the receipt for the *jizya* when stopped in the street was at risk of immediate imprisonment.[111]

6.8.9. Trade Tax (Tijāratī Ṭēks)

Regarding the double trade tax on *dhimmī* businessmen:

> *As it is for Muslim traders, there will also be charged a tax on the merchandise of dhimmī traders when their stock-in-trade reaches 200 dirhams or they become owners of 20 miskals of gold.[112] There is no doubt that the Muslim jurists levied a 5 % trade tax on dhimmī traders and a 2,5 % tax on Muslim traders, but this ruling was not based on any Qur'ānic text, but a result of ijtihād and was in fact necessitated by the circumstances of the time. At that point in time the Muslims were preoccupied with the defence of the country, and all trade had come on the hands of dhimmīs. Therefore the taxation of Muslim traders was reduced in order to boost their confidence and protect their trade.*

In a footnote, Mawdudi adds:

> *But it is not necessary to use the same standard of minimum taxable income when imposing taxes today. This standard was fixed according to the circumstances of that day and age.*

In this section, Mawdudi is seeking to legitimate a double trade tax on *dhimmīs*. There should be no reason to double the trade tax as they are already paying *jizya* by way of compensation (according to Mawdudi's reasoning, see below) for not being called upon to participate in the defence of the country. Trade was one of the few occupations left for *dhimmīs* after they lost the ownership of the land and were removed from public administration. They were excluded from the military, for obvious reasons. Ibn Taymiyya advised Muslims to "avoid a commercial partnership with Christians, since such partnership may contribute to their (the Christians') prosperity, and consequently, perpetuate their infidelity…"[113] Again, this regulation seems to be a scheme of extorting the *dhimmīs* and depriving them of any chances of prosperity.

---

[111] Ye'or 2002: 69.

[112] There is a reference to *Kitāb al-Kharāj*, p. 70. One miskal is 4,68 gram, cf. Wehr 1976: 104.

[113] Makari 1983 131.

6.8.10. Exclusion[114] from Military Service (Faujī K̲h̲idmat sē Istisnā')

Regarding military service:

> *The dhimmī is excluded from military service, and defending the country from the enemy is a religious duty that is resting on the Muslims only. The reason for this is that as for the foundation on which the state is built, only the people who believe in its doctrine can and should fight for its protection… Therefore Islam has exempted the dhimmīs from military service, and only imposed on them the duty to pay their share of the defence budget.This is the very essence of jizya. It is not just a sign of submission, but also a substitution for military service and a compensation for not taking part in the defence of the country. Therefore jizya is only charged from men that are fit for combat.*

Mawdudi speaks of *jizya* as "not just a sign of submission". Khurshid Ahmad has chosen to translate this as "not only a symbol of loyalty to the State,"[115] having translated the word *itāʿat* as "loyalty" instead of "submission". I would contend that Mawdudi's idea is that of submission. This is one example of several *euphemisms* found in Ahmad's translation. In his commentary to Sura 9: 29 (see also chapter 4), Mawdudi writes

> *Jizya symbolizes the submission of the unbelievers to the suzerainty of Islam. "To pay jizya of their own hands humbled" refers to payment in a state of submission… In our view, jizya is the compensation which non-Muslims pay for the freedom they are provided to adhere to their erroneous ways while living under an Islamic state. The amount so received should be spent on the administration of that righteous state which grants them freedom and protects their rights. One of the advantages of jizya is that it reminds the dhimmīs every year that because they do not embrace Islam, they are not only deprived of the honour of paying zakāt , but also have to pay a price – jizya - for clinging to their errors.[116]*

His commentary of Sura 9 is probably written later than *Islāmī Riyāsat mēṅ Zimmiyōṅ kē Huqūq* (from 1948), as the first volume of *Tafhīm al-Qur'ān* did not appear until 1949.[117]

Note the idea of submission in this quote. He adds that *jizya* is also a compensation for the religious freedom the non-Muslims enjoy in the Islamic state, a freedom that is somewhat limited, as we have seen above. Here he no longer speaks of *jizya* going towards the defence

---

[114] The word *istisnā'* can be translated both as *exception, exclusion* and *rejection*. Khurshid Ahmad has chosen *exemption* in his translation of this text.
[115] *Islamic Law and Constitution*, p. 292.
[116] Mawdudi: *Towards Understanding the Qur'ān*, Vol. 3: 202.
[117] Ahmad and Ansari 1979: 40. The first volume probably covered Sura 1-3, as in the English translation.

budget. Instead, it should be spent on the administration of the state. Furthermore, he is saying that *jizya* is the price to be paid for not embracing Islam.

6.9. Support from the Muslim Jurists (Fuqahā-ye Islām kī Himāyat)

This is the headline of the third and final section of the article in the Urdu original. Mawdudi claims that the Muslim jurists have always stood up for the *dhimmīs*:

> *These were the details of the laws that were appropriated concerning the rights and duties of the non-Muslim subjects in the early period of Islam. Now, before we continue, we would also like to say that after the Righteous Caliphs, in the era of the empires, whenever the dhimmīs were treated with injustice, it was the very circle of Muslim jurists that stood up for their defence and unanimously supported them.*
>
> *…And even if some ruler or king oppressed them and did injustice to them, then the people who were the guardians of Islamic law at the time, would never refrain from rebuking it.*

Mawdudi is saying that the Muslim jurists stood up for the *dhimmis* and unanimously supported them. This was not always the case. According to *Encyclopaedia of Islam*, certain jurists, such as Ibn Taymiyya, "insisted on an increasingly vexatious interpretation of the law regarding *dhimmīs*".[118] Ibn Taymiyya was in favour of "the strict restoration of the Covenant of 'Umar" and "… often denounced the entry of members of minorities, especially the Christians, into public political positions".[119] Regarding India, the *Mirʾāt-e Ahmadī* states that Aurangzeb imposed *jizya* in 1679, after a petition by *'ulamā* and *fuqahā* (jurists).[120] As we have seen above, there were strong protests from the Hindus all round Delhi. In other words, the imposition of *jizya* impoverished the Hindus and the *fuqahā's* role in this respect can hardly be considered helpful. According to the *Mirʾāt-e Ahmadī*, the *jizya* "brought in 500 000 rupees in the province of Gujarat",[121] so we are speaking of considerable sums.

---

[118] *Encyclopaedia of Islam* 1986-2004, Vol. 2: 230.
[119] Makari 1983: 128.
[120] *Encyclopaedia of Islam* 1986-2004, Vol. 2: 566.
[121] Ibid., 566.

6.10. Additional Rights That May Be Granted to Non-Muslims (Zāʾid Huqūq jō G̲h̲air Muslimōṅ kō Diyē Jā Saktē Haiṅ)

We will now have a brief discussion of which additional rights an Islamic state may grant its non-Muslim citizens in this present day and age.

6.10.1. Political Representation (Numāʾindagī aur Rāʾēdehī)

Mawdudi's subchapter on political representation is a rather long and elaborate one, deserving a thorough study in its own right. For the purpose of this review, I will summarize his main points only:[122]

1) Since the Islamic State is an ideological state, a *dhimmī* can not become Head of State or a member of the *šura* (advisory council).

2) However, since a modern day parliament is quite different from the *šura*, one could relax this rule to allow non-Muslims to become members of parliament. Even so, the influence of non-Muslim members of parliament would be strictly limited and all legislation would have to be within the framework of the Qurʾān and the *sunna*.

3) An alternative solution would be to set up a separate representative assembly for the *dhimmīs*. This assembly would have more of an advisory role and no actual political power as such.

The reason why a *dhimmī* can not become a member of the *šura* is that the *šura* used to elect the *imām* (the head of state), and according to the jurists only Muslims are allowed to take part in that. According to Awang,

> *There is no evidence to suggest that the dhimmī had ever participated in the election of the Four Guided Caliphs nor do we encounter any report that the dhimmī had demanded such a right. This has led to the conclusion that the right to choose the imām was exclusively held by the Muslims.*[123]

In his article "Some Constitutional Proposals" submitted to the First Constituent Assembly of Pakistan in 1952, Mawdudi launches the idea of a third assembly – for women only, as "according to Islam, active politics and administration are not the field of activity of the

---

[122] Mawdudi: *Islamic Law and Constitution*, p. 295-296.
[123] Awang 1994: 194-195.

womenfolk. It falls under the men's sphere of responsibilities."[124] According to the three-assembly model that he proposes, the actual power and decision-making would be limited to the assembly consisting of Muslim men only, the *majlis-e šura*. These ideas are a far cry from the modern day ideal of all citizens taking part in the government of their country.

6.10.2. Freedom of Expression (Azādī-ye Taḥrīr ō Taqrīr Vaghairah)

There will be limited freedom of expression within the framework of the shari'a:

> *The non-Muslims in this state will have the same freedom of expression, of opinion and conscience, and of association, as the Muslims themselves, and in this respect they will be subject to the same legal restrictions that apply to Muslims. As long as they remain within the limitations of the law, they may criticize the government and its officers, and even the Head of State. They will also have the same right to criticize Islam as the Muslims have to criticize their religion. As far as this criticism is concerned, both Muslims and non-Muslims will have to remain within the restrictions of the law.*
>
> *They will enjoy full freedom to talk about the good qualities of their religion, and if they go from one non-Islamic religion to another, the government will have no objection to it. For sure, no Muslim living within the borders of the Islamic state will have any legal right to change his religion. However, in the case of apostasy, whatever penalization will be involved, will befall the apostate himself and not the non-Muslim under whose influence he became an apostate.*
>
> *They will not be forced to believe or do anything that is against their conscience, and according to their conviction, they will be allowed to do anything that does not collide with the law of the land.*

Mawdudi ascertains that there will be no freedom of conscience for Muslims in the Islamic state; they will not be allowed to change their religion. Mawdudi also wrote a pamphlet called *Murtadd kī Sazā* (*The Punishment of the Apostate*) and as far as we know he supported the death penalty for apostasy.[125] The good news is that the *dhimmīs* will be allowed to change their religion. This has not always been so: Mawardi did not allow for a *dhimmī* to convert to the religion of his choice. He wrote "Whoever converts from a Jewish to a Christian sect is not free to do so. According to the more correct of the two opinions he is obliged to become a

---

[124] Ibid., 322.
[125] http://mcbwatch.blogspot.com/2005/08/panorama-mawdudi-and-selective-quoting.html Accessed 14 August 2008 When I visited the Islamic Foundation I was unable to find *Murtadd kī Sazā* in the library there. As a result, I have not been able to read it for myself.

Muslim."[126] Apparently this was the view of the Shāfiʿī and Hanbali schools of law, while the Hanafi and Maliki schools permitted the conversion of *dhimmīs* to other religions tolerated by Islam.[127] There are examples of *dhimmīs* being sentenced to death and executed for converting to the "wrong" religion.[128]

Mawdudi does not elaborate on "the limitations of the law" as far as freedom of expression is concerned. However, we have already seen in section 6.8.4. that the penalty for insulting the prophet is death. According to Mawdudi's pamphlet *Jihad in Islam*, the Islamic government will also censor the cultural activities of the *dhimmīs* for the sake of the general welfare of the public "and for reasons of self-defence".[129] In order to get a better understanding of "the limitiations of the law", it might be useful to turn to the writings of the jurists and the issues addressed under this point. According to a poll tax contract that Mawardi refers to, the contract would be nullified if the *dhimmī* would question the Muslim faith or attempt to entice a Muslim from his faith.[130] There were also restrictions on the sale or display of religious books: according to Turtūšī's version of the Covenant of ʿUmar, the *dhimmīs* were not permitted to display their crosses or their religious books in streets or markets visited by Muslims, neither were they allowed to pray in a loud voice in those places.[131] Neither were the *dhimmīs* allowed to teach the Qurʾān to their children, nor use Arabic letters in their seals. They were not allowed to preach their own religion publicly.[132] By contrast, Mawdudi will allow the *dhimmīs* "to talk about the good qualities of their religion".

6.10.3. Education (Taʿlīm)

> *They will have to accept the educational system adopted by the State for the whole country, but as far as religious instruction in Islam is concerned, they will not be forced to study it. They will have full freedom to make appropriate arrangements for instruction in their own religion in the public schools or in their own institutions of learning.*

According to this quote, there will be no private or separate schools for *dhimmīs*. They will all have to go to the Islamic state schools. That is probably because the philosophy of the Islamic

---

[126] Mawardi in Yeʾor 1985: 176.
[127] Fattal 1958: 165.
[128] Yeʾor 1985: 177-178.
[129] Mawdudi: *Jihad in Islam*: 28.
[130] Mawardi in Yeʾor 1985: 176, 179.
[131] Fattal 1958: 62.
[132] Ibid., 61-62.

state does not permit any "fragmentation or dissolution of the unity of the state".[133] However, they will be allowed to make arrangements for instruction in their own religion. Since the classical period of Islam, there are indications that the *dhimmīs* have had to organize and pay for instruction of their children themselves, be it general or religious education. As they were constantly under heavy and discriminatory taxation, the resources left for education and institutions of learning were limited. According to al-Tabari's *Tārīkh al-Rusūl wa 'l Mulūk*, in the year 850 the Caliph al-Mutawakkil prohibited the children of the *ahl al-dhimma* studying in Muslim schools, "nor was any Muslim allowed to teach them".[134] Malik b. Anas, founder of the Maliki school of law, said that "It was not right for a Muslim to teach the Arabic script or anything else to a Christian."[135] There were also restrictions on the sale of scientific books to Jews or Christians.[136] On top of that, they were "forbidden to buy a Qur'ān, or a book of Islamic law or of prophetic tradition, or to take one as a pledge."[137] It is hard to tell whether these restrictions were local or enforced in all corners of the Muslim world.

If we look to Pakistan, all the Urdu-medium Christian schools and colleges in the Punjab and Sindh were nationalized between 1972 and 1974, and no compensation was given. Since 1979 non-Muslim students in these schools were no longer allowed to study their own religion at school. The only religious instruction offered was *Islamiyyat*. Due to strong protests, a process of denationalization of these schools was begun in Sindh in 1990 and in Punjab in 1996. By 1999 this process was still incomplete.[138] Another consequence of the "nationalization" of Christian schools was that "institutions set up to educate poor Christians were chiefly being attended by wealthy Muslims."[139] According to Stavenhagen (see chapter 1), states with an "ideology of creating a single national culture" are prone to use school curriculums "to instil national values and suppress native cultures".

6.11. Mawdudi's Last Word

The last 2 ½ pages of the article contains no new material. Mawdudi repeats that non-Muslims can not hold key posts in government service. With the exception of the army, all other

---

[133] Al-Faruqi cited in Awang 1994: 198.
[134] Stillman 1979: 167-168.
[135] Ibn Naqqash in Ye'or 1985: 183.
[136] Ibn Abdun (Andalusian author, d. 1134), in Ye'or 1985: 187.
[137] Sheikh al-Damanhuri in Ye'or 1985: 204.
[138] Sookdeo 2002: 224-227.
[139] Ibid., 21.

professions will be open to them. He concludes his study of the rights of non-Muslims in the following manner

> *It is hardly necessary to stress in the face of the above facts that*
> *the establishment of an ideological Islamic State is the greatest*
> *guarantee for non-Muslims in Pakistan.*[140]

This statement is a typical *minimisation*. Mawdudi is seeking to convince the reader that the restrictions presented in the preceding pages are in the best interest of the *dhimmīs*.

6.12. Analysis of "The Rights of *Dhimmīs* in the Islamic State"

6.12.1. Establishing the Topics of the Text

This is a text about how people with a different religion are to be treated; it is a text about the minority policies of the Islamic state and the ideological legitimisation thereof. It is a text that identifies social actors like "the ruling class" and "the subjects" and the restrictions incumbent on the latter in the various spheres of social and public life.

6.12.2. Investigation of the Discursive Strategies, the Linguistic Means and the Linguistic Realisations

In this text the ingroup is the same as in the previous text, i.e. the Muslims, while the term *kāfir* has been substituted with the term "non-Muslim" (*ghair muslim*) for the outgroup. The non-Muslim is also referred to as *dhimmī*, which is a legal term defined by Islamic law. As for referential strategies[141], Mawdudi uses *collectivisation, religionisation* (which is a form of *culturalisation*), *primitivisation* (another form of *culturalisation*), *politicisation, economisation, militarisation, somatisation* and *social problematisation.* By way of *collectivisation*, he uses the *deictic* "they" and the *collectives* "the people", "majority", and "minority" (the latter two only when describing national democratic states). As for *religionisation*, he uses the linguistic realisations "Muslim", "non-Muslim" and "non-Muslim elements". He makes use of the referential strategy *primitivisation* by the linguistic realisation "barbarian", which is an "anthroponym denoting 'primitivity' or lack of civilisation".[142] As for *politicisation*, he uses the referential strategy "classification" and the *classonyms* "the ruling class", "slaves", "the rich" and "the poor" (the latter two are also *econonyms*). As for the referential strategy "granting or deprivation of political rights", he uses the terms "*muʿāhidīn*","*maftūhīn*", and "*dhimmī*". He also uses the referential strategy "ascription or

---

[140] Mawdudi: *Islamic Law and Constitution*: 299. (This excerpt is quoted in Khurshid Ahmad's translation.)
[141] See table in Reisigl and Wodak 2001: 48-52.
[142] Reisigl and Wodak 2001: 50.

denying of political membership to a national/state organisation" with the linguistic realisations "citizen" and "subject".

As for *economisation*, he uses *professionalisation* and the *professionyms* (linguistic means) "trader" and "jurist" (linguistic realisations). He also uses anthroponyms referring to persons in terms of possessions: "the rich", "those of average means", and "the poor". As for *militarisation*, he uses the *militarionym* "enemy". There is also an example of the strategy *criminalisation* (which is one of the *social problematisation* strategies) and the *criminonym* "thief". Finally, when speaking of the categories of *dhimmīs* exempted from paying *jizya*, he uses *somatisation* and the *gerontonyms* "old" and "children", and "anthroponyms denoting the dysfunction of senses or a bodily handicap", such as "the blind" and "the handicapped", and an "anthroponym describing the state of health", namely "those sick persons whose sickness lasts for the greater part of the year". These are the linguistic realisations that seem to fit into Reisigl and Wodak's table.

While the predications in the text *Muslim aur Kāfir kā Aslī Farq* were explicit and easy to detect, the predications in this text are slightly more implicit by nature. Again, the predications are oppositional. The Muslims constitute the ruling class, the *hukumrāṅ jamā'at*, while the non-Muslims (also referred to as *dhimmīs*) are the subjects, the *ra'āyā*. There is also a predication of fragmentarisation; the non-Muslim subjects can be further divided into three different categories. The Muslims are the conquerors, while the non-Muslim subjects have been defeated or have agreed to a peace treaty, or else "been included in the Islamic state due to other circumstances than war or peace". All professions and positions in society are open to Muslims, whereas *dhimmīs* are excluded from the military and can not be given "positions in leadership or exercise of authority". If elected to the parliament, "the influence of non-Muslim members would be strictly limited". The *dhimmīs* are obliged to pay the poll-tax, *jizya*, while Muslims don't. Mawdudi also reproduces the discourse of the books of *fiqh*, according to which the *dhimmīs* have to pay *jizya* on pain of being slain, enslaved or dispossessed. *Dhimmī* traders are to be charged a 5 % trade tax while Muslim traders pay only half of that. The Muslims have the right to take possession of the places of worship in the conquered territories if they so please, while the *dhimmīs* have no right to build new places of worship in the *amsār al-muslimīn* (cities founded by Muslims). Mawdudi is not clear on whether or not he allows them to build new places of worship in territories founded by the "barbarians" and conquered by Muslims. As for freedom of conscience, however, the tables are turned: the *dhimmīs* are

91

free to go from one non-Islamic religion to another (as well as convert to Islam), while a Muslim will have no legal right to change his religion.

There is a negative predicational qualification of the *dhimmīs* in that they are referred to as "non-Muslim elements" (*ghair muslim 'anāsir*) that represent an intricacy in the system of the Islamic state. They are assigned "the quality of being a problem".[143] This is particularly negative because the *dhimmīs* represent the original inhabitants of the land, the indigenous peoples, while the Muslim elites, like Mawdudi, are descended from Arab, Afghan, Turkish and Mongol conquerors. By contrast, in German and Austrian discourses of difference (as described by Reisigl and Wodak), outgroups, such as migrants, "are metaphorised as 'foreign bodies' or alien elements".[144]

According to Reisigl and Wodak, "Comparisons and analogies are rhetorical techniques employed for equating predication and argumentation strategies".[145] In *The Rights of Dhimmīs in the Islamic State* there is an explicit comparison of the Islamic state and the national democratic state. There is an invention of an unreal scenario of "the tyrannous majority" in the national democratic state. This "tyrannous majority" will harass the minorities in every conceivable way and they will have no "guarantee of lasting human rights". Basically, Mawdudi is saying that the national state may grant the minorities equal rights on paper but not in reality. This comparison appears to be a *mitigation strategy* on the part of Mawdudi; he is seeking to minimise the inequality of Muslims and *dhimmīs* in the Islamic state by contending that the minorities are worse off in the national democratic state, of which India is a typical example.

Let us now look at the argumentation strategies employed by Mawdudi in order to justify the exclusion and discrimination of the *dhimmīs*. He starts off with the scheme called the *topos of reality* in the very first paragraph. He is saying that because Islamic rule is "definitively different from that of a national democratic government", this will have major implications. In one of the following points he says that the Islamic state is discriminatory in its very essence, i.e. "it is obliged to establish a sharp distinction between Muslims and non-Muslims". In other words, the restrictions and "rights" that he is about to account for, are conditioned by the very essence of the Islamic state. What follows is the *topos of law*: the

---

[143] Ibid., 54.
[144] Ibid., 59.
[145] Ibid., 109.

Islamic state will grant the *dhimmī* non-Muslims "all the rights that the shariʻa has prescribed for them". In the following discussion based on the books of *fiqh*, he is making use of the *topos of authority;* he is quoting the works of the jurists Al-Kasani (d. 1191), Abu Yusuf (731-798), Kamaluddin Ibn Hammam, Sarakhsi (d. 1090), and Alauddin (Ibn ʻAbidin?). The latter is identified as the author of *Durr al-Mukhtār*, which is a collection of *fatwas* of the Hanafi school.[146]

There is a second occurrence of the *topos of reality* in the discussion of the exclusion from military service. Basically, Mawdudi is saying that one of the reasons the *dhimmīs* have to pay *jizya* is that they are excluded from military service (because reality is as it is, a specific action should be performed). Finally, there is an example of the *topos of abuse:* If the *dhimmī* leaves the territory of the Islamic state "and goes to meet the enemy", and if he "excites disturbances in open rebellion against the Islamic state", he will be excluded from the *dhimma*. In other words, if the right of *dhimma* is abused, it will be withdrawn.

6.12.3. Other Theoretical Perspectives

If we turn to the *colonial paradigm* and Homi K. Bhabha's essay on difference as referred to in chapter 1, we have to extend the concept of "racism" to include "ethnicism" in order to apply his theories on Mawdudi's discourse. Bhabha perceives colonial discourse as a form of governmentality that markes out a "subject nation" and "dominates its various spheres of activity". If applied on *The Rights of Dhimmīs in the Islamic State*, we may say that the *dhimmīs* constitute "the subject nation" that is being dominated in its various spheres of activity. There is also a "cultural hierarchization", by which the Muslims place themselves above the *dhimmīs*. This kind of cultural ideology is "prejudicial and discriminatory", yet "considered appropriate" by the colonial rulers. It is a discourse that legitimises the privileges of the ruling class and the exploitation, exclusion and marginalisation of the subjects, the *dhimmīs*.

We may also ask if Mawdudi fits the description of "the authoritarian personality" (as described in chapter 1), who is "susceptible to antidemocratic propaganda" and "blind obedience" (in this case to the shariʻa), who despises the weak and has a strong desire for super-ego domination, and who wants to "escape from the uncertainty of autonomy, self-determination and freedom of decision into irrational, security-giving authoritarianism and totalitarianism…" Mawdudi's biographers have described him as "unyielding",

---

[146] Mawdudi: *Islamic Law and Constitution*: 285.

"uncompromising", "self confident", the "know-it-all", an "intellectual autocrat", who did not allow for any opposing views within the Jama'at. Yet "his expositions relied on the authority of Islamic edicts…" [147] Therefore, we can not put the blame on Mawdudi alone; he is just reproducing the discourse of the shari'a, with the exception of section 6.10. on additional rights, where he has applied his own *ijtihād*.

As for the challenge of cultural diversity, Crawford Young recommends "effective policies of accomodation" of ethnic groups (see chapter 1). He also writes that "policies viewed as beneficial by some communal segments may be seen as discriminatory by others". This would certainly be true of the taxation policies advocated by Mawdudi. The discriminatory taxation imposed on the *dhimmīs* would no doubt be viewed as beneficial by the majority of the Muslims but seen as discriminatory from the *dhimmīs'* point of view. According to Young, one of the primary concerns of the state should be "the material well-being of society as a whole". This goal can hardly be achieved by over-taxing a minority community already driven to the margins of society by exclusion from the military, exclusion from political leadership and key positions, and uncertain prospects of political representation or jobs in public administration. It is evident that Mawdudi does not allow for "sharing of power" with *dhimmīs*, and their political influence will be limited. As for the 3 million or so Christian *dhimmī* population of Pakistan, their sosio-economic status "is typically much lower than the average for the country as a whole",[148] and it is common knowledge that a large percentage of them have an underprivileged "scheduled castes" background, such as Chuhra, Bhil and Kohli.[149] Therefore, exploiting them financially by discriminatory taxation seems particularly senseless. Ideally speaking, according to Young, the stronger communities should share resources with the weaker. According to Mawdudi's Islamic discourse, however, it seems to be the other way around.

We can not end this discussion without looking at the perspective of "indigenous peoples". The *dhimmīs* of Pakistan can indeed be considered "the descendants of the original inhabitants" of the territory that was incorporated in Pakistan in 1947. In fact, Pakistani Christians have argued that they are more indigenous than many Muslims "who migrated to Pakistan from other parts of India at independence".[150] An issue of particular concern for the indigenous peoples is "the loss of their cultural identity" (see chapter 1). This concern is

---

[147] Nasr 1996: 129-130.
[148] Sookhdeo 2002: 19, 68.
[149] Ibid., 52-53. I do not have the corresponding information about the Hindu minority in Pakistan.
[150] Ibid., 132-133.

particularly relevant in the Islamic state, where, according to Mawdudi, they will have no say in the choice of educational system, no separate schools, limited freedom for the exercise of their traditional religious customs, and face complicated restrictions regarding houses of worship.

We also note that there is an implicit reference to *segregation* in section 6.8.6. regarding religious ceremonies that can be carried out "in full freedom in their (the *dhimmīs'*) own quarters". Segregation was one of the conditions of the Covenant of 'Umar (see section 4.2.). However, there is very little to suggest that Mawdudi was in favour of segregation, and he does not seem to subscribe to all the twenty conditions of the Covenant of 'Umar

7. Conclusion

We have found several instances where Mawdudi has been censored by his editors and translators. This is particularly the case with Khurshid Ahmad's translation of *The Rights of Dhimmīs in the Islamic State*. We found that he has omitted every reference to slaves and slavery. We also found several instances where he has made use of *euphemisms* (pleasant replacements for unpleasant words). For instance, he has substituted the expression "to seize their possessions or make slaves of them"[1] with "to violate their property, honour or liberty". Next, he has translated the word *'ajamī* as "non-Muslims" instead of "barbarians". In the section on exclusion from military service, he has translated the word *itā'at* as "loyalty" instead of "submission" and thereby modified the meaning of Mawdudi's explanation of *jizya*. We also found that he has sought to obscure the passage where Mawdudi writes that the Islamic state can not give non-Muslims "positions in leadership or the exercise of authority". He has also omitted the clause where Mawdudi refers to the Muslims as *hukumrāṅ jamā'at*, "the ruling class". As for Khurram Murad's translation of *The Fundamental Difference Between a Muslim and a Kafir*, there is at least one example of a minimisation and one example of an addition, the minimisation being "Muslims are different from Kafirs [sic]" instead of "the Muslim belongs to a rank above the *kāfir*".

In the text *The Fundamental Difference Between a Muslim and a Kafir* Mawdudi establishes the ingroup, the Muslims, and the outgroup, the *kāfirs*. This is a cultural categorisation on the basis of religion. There is a positive self-stereotyping of Muslims and a negative stereotyping of *kāfirs*. These are typical features of *ethnocentrism* as described by social identity theory. As we have seen in the second text, *The Rights of Dhimmīs in the Islamic State*, Mawdudi favours the Muslims in economic, social and political competition with the *kāfirs*. This discrimination is legitimated by allusions to Qur'ānic teachings and references to the shari'a and the classical books of *fiqh*. There is also an implication of *ethnocide* (i.e. cultural destruction) of indigenous non-Muslims in the suppressive educational and cultural policies of the Islamic state as envisioned by Mawdudi.

Mawdudi's discourse fits Stuart Hall's definition of racist practice as it serves "to establish social, poltical and economic practices that preclude certain groups from material and symbolic resources". We also agree with Albert Memmi in that this evaluation of

---

[1] In Urdu: "un kī amlāk par qabza karēṅ yā unhēṅ ghulām banā lēṅ". See appendix B

difference is advantageous to the "accuser" and detrimental to the victim. According to Memmi, the accuser may use this negative judgement to legitimise his or her privileges or aggressions. In chapter 3 we noticed an aggressive element in Mawdudi's discourse on jihad and the struggle for Islamic world dominion.

Our data does not support the postmodern view that colonial domination and exploitation, and doctrines of cultural (and racial) superiority are the other side of *Western* modernity. "Discourses of difference" are not confined to "the West". We have found similar doctrines and ambitions of world dominion in Islamic discourse coming "from the South".

As far as we have been able to detect, there is a serious conflict between the ideology of the Islamic state and basic international human rights standards. For this reason, the Islamic state can not be considered a civil state (*état de droit*).

Glossary[1]

ahl al-dhimma: the beneficiaries of the **dhimma**

ahl al-kitāb: unbelievers who possess a scripture

'ālim: a learned man, in particular one learned in Islamic legal and religious studies (plural: **'ulamā**)

amān: temporary safe-conduct; safety and protection granted to the **harbi** in Muslim territory, without which his life and property were at the mercy of any aggressor; also, quarter given in battle.

amīr: military commander or leader; nowadays also used in the meaning director or president

amsār: see **misr**

amsār al-muslimīn: cities founded by Muslims

dāru'l-islām: the territory of the Islamic state

dāru'l-'ulūm: a place of advanced religious learning, superior to a *madrasa*

dhimma: Originally a protection pact or treaty granted by the Prophet Muhammad to the Jewish and Christian populations whom he had subjected.

dhimmī: indigenous non-Muslim who – subjected to Islamic law after the Arab or Turkish conquest – benefited from the **dhimma.**

dīn: religion

fatwā: the opinion of a **muftī** on a point of law (plural: **fatāwā**)

faqīh: a specialist in the science of the sharī'a (plural: **fuqahā**)

---

[1] **I am indebted to word explanations found in the works of Joseph Schacht, Bat Ye'or, Gilles Kepel, Hans Wehr, J.M.S. Baljon, S.V.R. Nasr and Barbara Daly Metcalf, as well as Platts' and Bashir Ahmad Qureshi's Urdu dictionaries and other works, see bibliography.** My transcription of Urdu and Arabic words is a phonemic transcription and not a reversible transliteration of the spelling. Note, for example, that in Urdu the sound z represents the four Arabic letters ظ ض ذ ز

fiqh: jurisprudence; the science of the sharī'a.

fitra: primordial nature

hadīth: the sayings of the Prophet Muhammad based on the authority of a chain of transmitters

hajj: pilgrimage

halāl: lawful

harām: unlawful

harbī: "in a state of war", "enemy alien"

hudūd: restrictive or penal ordinances of Islamic law

ijtihād: independent judgement in a legal or theological question, as opposed to **taqlīd.**

imām: leader, caliph

jauhar: taking one's own life. Rajput custom of killing the family before going out for a desperate battle.

jizya: a fixed, obligatory Qur'anic poll tax, or tribute, paid by the *dhimmīs* to the Muslim state.

kalima: the confession of faith

kalām: theology, apologetics

kāfir: unbeliever (plural **kuffār, kāfirūn, kafara**)

kharāj: land-tax

khatīb: a preacher, a reciter of a **khutba**

khutba: a sermon which the preacher recites in the noon-service of the congregational mosque on Friday (plural **khutubāt**)

kufr: unbelief

madrasa: a school of learning in Islamic subjects

maulānā: "Our Lord", a title given to a person respected for religious learning

maulavī: somebody who is learned in Islamic sciences

mellah: Jewish quarter

misr: first used about the settlements developing out of the armed encampments of the Muslim conquerors. Later defined by the jurists as any populous urban centre where an *amīr* or governor resides and where the Qur'ānic penalties (**hudūd**) are applied (plural: **amsār**)

murtadd: apostate

muftī: a specialist in religious law who gives an authoritative opinion

qadhf (qazf): false accusation of unlawful intercourse

qādī (qāzī): an Islamic judge, a magistrate (who passes sentences in all cases of shari'a law, religious, moral, civil and criminal)

qisās: retaliation, settlement of accounts

ra'īyat: subject (plural **ra'āyā**)

sha'ā'ir: (sing. **shi'ār**): visible symbols serving for the worship of God

shaikh: a title for a Sufi master

sharī'a: the whole body of rules guiding the life of a Muslim, in law, ethics, and etiquette

sunna: normative legal custom, particularly that associated with Muhammad

takfīr: charge of unbelief, seduction to infidelity

tafsīr: interpretation (of the Qur'ān)

taqlīd: adoption of the legal decision of one of the Islamic schools of law

'ulamā: see **'ālim**

umm valad: a female slave who has borne a child to her owner

umma: the religious community consisting of the followers of Muhammad

usūl: doctrines, fundamentals, principles

waqf: (plural **auqāf**) trust, foundation for public charity; a bequest of legacy for pious purposes, a religious or charitable endowment (as habitations for the poor, books for the use of learned men, etc.)

zakāt: alms-tax

zimma: see dhimma

zimmī: see dhimmī

zina: unlawful intercourse (fornication or adultery)

Bibliography

Abu Yusuf: *Kitāb al-Kharāj,* translated into English by A. Ben Shemesh, E.J. Brill, Leiden 1969

Ahmad, Aziz and G.E. von Grunebaum (Editors): *Muslim Self-Statement in India and Pakistan 1857-1968,* Otto Harrassowitz, Wiesbaden, 1970

Ahmad, Khurshid and Zafar Ishaq Ansari: *Mawlana Mawdudi: An Introduction to His Life and Thought*, The Islamic Foundation, Leicester 1979

Ahmad, Sayed Riaz: *Maulana Maududi and the Islamic State*, People's Publishing House, Lahore 1976

Alam, Muzaffar: *The Languages of Political Islam. India 1200-1800*, The University of Chicago Press, Chicago 2004

Asad, Talal: *The Idea of an Anthropology of Islam*, Center for Contemporary Arab Studies Occasional Papers, Washington D.C., 1986

Awang, Abdul Rahman: *The Status of the Dhimmī in Islamic Law*, International Law Book Services, Kuala Lumpur 1994

Baljon, J.M.S.: *Religion and Thought of Shāh Walī Allāh Dihlawī 1703-1762*, E. J.Brill, Leiden 1986

Bell, Richard: *The Qur'ān. Translated, with a critical re-arrangement of the Surahs*, 2 vols., T.&T.Clark, Edinburgh 1960

Bhabha, Homi K.: "The Other Question: Difference, Discrimination and the Discourse of Colonialism", in Barker, Francis, Hulme, Peter, Iversen, Margaret and Loxley, Diana: *Literature, Politics and Theory. Papers from the Essex Conference 1976-84*, Methuen, London 1986

Bæk Simonsen, Jørgen: *Studies in the Genesis and Early Development of the Caliphal Taxation System*, Akademisk Forlag, Copenhagen 1988

The Cambridge History of India, Vol. 3, edited by Wolseley Haig, Cambridge University Press, London 1928

The Cambridge History of India, Vol. 4, edited by Richard Burn, Cambridge University Press, London 1937

Cuddon, J.A.: *A Dictionary of Literary Terms*, Revised edition, Penguin Books, London 1982

De Bary, William Theodore, ed.: *Sources of Indian Tradition*, Columbia University Press, New York 1958 (reprint 1967)

Encyclopaedia of Islam, New Edition, Ed. H.A.R. Gibb et al., 12 vols., E.J. Brill, Leiden 1986-2004

Encyclopaedia of the Qur'ān, General Editor Jane Dammen McAuliffe, 5 vols., E.J. Brill, Leiden, 2001-2006

Esposito, John L. and John O. Voll: *Islam and Democracy*, Oxford University Press, Oxford 1996

Esposito, John L. (ed.) *The Oxford Encyclopedia of the Modern Islamic World*, Oxford University Press, Oxford 1995

Fattal, Antoine: *Le Statut légal des non-Musulmans en pays d'Islam*, Beirut 1958

Firoz ud-din: *Firōz-ul-lughāt. Jadīd Urdū*, World Islamic Publications, Delhi 1992

Grare, Frédéric: *Political Islam in the Indian Subcontinent – The Jamaat-i-Islami*, Manohar, Delhi 2001

Grewal, J.S.: *The Sikhs of the Punjab*, Revised Edition, The New Cambridge History of India, II.3, Cambridge University Press, Cambridge 1990.

Held, David: *Models of Democracy*, Polity Press, Oxford 1987

Ibn Abi Zayd al-Qayrawani, Abu Muhammad Abdallah: *La Risāla (Epître sur les éléments du dogme et de la loi de l'Islam selon le rite mãlikite)*. Translated from Arabic with a preface, notes and index by Léon Bercher. 6th ed. Algiers, 1975

Idris, Sajjad: "Reflections on Mawdudi and Human Rights", in *The Muslim World,* Vol. 93, No. 3 & 4, July/October 2003

Irving, Thomas Ballantine, Khurshid Ahmad and Muhammad Manazir Ahsan: *The Qur'an: Basic Teachings*, The Islamic Foundation, Leicester 1979

Ismail, Salwa: *Rethinking Islamist Politics. Culture, the State and Islamism*, I.B.Tauris, London 2003

Jameelah, Maryam: *At Home in Pakistan (1962-1989) (The Tale of an American Expatriate in Her Adopted Country),* Muhammad Yusuf Khan & Sons, Lahore 1990

Kepel, Gilles: *Jihad. The Trail of Political Islam*, The Belknap Press of Harvard University Press, Cambridge, Massachusetts 2002

Kulke, Hermann and Dietmar Rothermund: *A History of India*. Third Edition, Routledge, London 1998

Kværne, Per and Vogt, Kari (Eds.): *Religionsleksikon*, Cappelen Akademisk Forlag, Oslo, 2002

Lal, Kishori Saran: *Theory and Practice of Muslim State in India*, Aditya Prakashan, New Delhi1999

Le Bon, Gustave, translated by David Macrae: *The World of Indian Civilization*, Tudor Publishing Company, New York 1974

Lewis, Bernard: "The Crows of the Arabs", in Gates, Henry Louis, Jr. (Ed.): *"Race", Writing, and Difference*, The University of Chicago Press, Chicago, 1986

Lewis, Bernard: *The Political Language of Islam*, The University of Chicago Press, Chicago 1991

Makari, Victor E.: *Ibn Taymiyya's Ethics. The Social Factor*, Scholars Press, Chico, California, 1983

Mawdudi, A.A.: *Dīniyāt,* Idara-e Tarjuman al-Qur'an, Lahore, 1986

Mawdudi, A.A.: *Islamic Law and Constitution*, 11th edition, Translated and edited by Khurshid Ahmad, Islamic Publications, Lahore 1992

Mawdudi, A.A.: *Islams fundamenter*, Universitetsforlaget, Oslo, 1983

Mawdudi, A.A.:*Islāmī Riyāsat mēṅ Zimmiyōṅ kē Huqūq,* 2nd edition, Islamic Publications, Lahore 1968

Mawdudi, A.A.: *Jihād fī sabīl illāh*, Al-Ijtad Al-Islamii Al-'Alami, Al-Manzimat Al-Tullabiia, Salimia, Kuwait, n.d.

Mawdudi, A.A.: *Jihad in Islam*, International Islamic Federation of Student Organizations, The Holy Koran Publishing House, Beirut 1983

Mawdudi, A.A.: *Jihād fī sabīl illāh* (*Jihad in Islam*), English translation by Khurshid Ahmad, Edited by Huda Khattab, U.K. Islamic Mission Dawah Centre, Birmingham 1997

Mawdudi, A.A.: Jamā'at-e-Islāmī kā Maqsad, Tārī<u>kh</u> aur Lā'iha-ye 'Amal, 32nd edition, Islamic Publications, Lahore 2003

Mawudi, A.A.: *Let Us Be Muslims*, Edited by Khurram Murad, The Islamic Foundation, Leicester, 1982

Mawdudi, A.A.: *Muslim aur Kāfir kā Aslī Farq,* Islamic Publications Ltd, Lahore 1999

Mawdudi, A.A.: *Towards Understanding the Qur'ān,* English version of *Tafhim al-Qur'an*, translated and edited by Zafar Ishaq Ansari, The Islamic Foundation, Leicester 1988-present

Mawdudi, A.A.: *Zakāt kī Haqīqat*, Islamic Publications, Lahore1998

Mayer, Ann Elizabeth: *Islam and Human Rights: Tradition and Politics*, Westview Press, Oxford 1999

McDonough, Sheila: *Muslim Ethics and Modernity. A Comparative Study of the Ethical Thought of Sayyid Ahmad Khan and Mawlana Mawdudi,* The Canadian Corporation for Studies in Religion, Waterloo 1984

McGregor, R.S.: *Urdu Study Materials*, Oxford University Press, Delhi 1992

Metcalf, Barbara D.: *Islamic Revival in British India: Deoband, 1860-1900*, Princeton University Press, Princeton, 1982

Metcalf, Barbara D. and Thomas R. Metcalf: *A Concise History of Modern India*, 2nd Edition, Cambridge University Press, New York 2006

Moaddel, Mansoor and Kamran Talattof (editors): *Modernist and Fundamentalist Debates in Islam. A Reader,* Palgrave MacMillan, New York 2002.

Moaddel, Mansoor: *Islamic Modernism, Nationalism, and Fundamentalism. Episode and Discourse*, The University of Chicago Press, Chicago 2005

Monserrate, Antonio and Pape, Finn W.: *Hos stormogulen Akbar. Antonio Monserrates beretning Mongolicae Legationis Commentarius om sin rejse i Indien 1579-1582*, Forlaget Hjulet, S.l.1986

Mottahedeh, Roy P.: "Toward an Islamic Theology of Toleration", in Tore Lindholm and Kari Vogt (Editors): *Islamic Law Reform and Human Rights. Challenges and Rejoinders*, Nordic Human Rights Publications, Oslo 1993

Nasr, Seyyed Hossein: *Islam. Religion,History, and Civilization*, HarperSanFransisco, 2003.

Nasr, Seyyed Vali Reza: "Mawdudi and the Jama'at-e-Islami: The Origins, Theory and Practice of Islamic Revivalism", i Ali Rehnema (red.): *Pioneers of Islamic Revival*, Zed Books, New Jersey 1994

Nasr, Seyyed Vali Reza: *The Vanguard of the Islamic Revolution. The Jama'at-i Islami of Pakistan*, University of California Press, Berkeley 1994

Nasr, Seyyed Vali Reza: *Mawdudi and the Making of Islamic Revivalism*, Oxford University Press, Oxford 1996

Neumann, Iver B.: *Mening, materialitet, makt: En innføring i diskursanalyse*, Fagbokforlaget, Bergen 2001

Niebuhr, Carsten: *Travels through Arabia and Other Countries in the East.* Translated from German by Robert Heron. New ed.,Garnet Publishing, Reading 1994. Original edition, R. Morison and Son, Edinburgh 1792

von Nör, Friedrich August: *The Emperor Akbar. A Contribution Towards the History of India in the 16th Century*, Vol.2, Edited by Gustav von Buchwald and translated by Annette S. Beveridge, Academica Asiatica, Patna 1973

Osman, Fathi: "Mawdudi's Contribution to the Development of Modern Islamic Thinking in the Arabic-Speaking World", in *The Muslim World,* Vol. 93, No. 3 & 4, July/October 2003

Platts, John T.: *A Dictionary of Urdu, Classical Hindi, and English*, Oxford University Press, Oxford 1982 (Reprint). First published 1884

Al-Qaradawi, Yusuf: *Non-Muslims in the Islamic Society*, Revised Edition, American Trust Publications, 2005

Qureshi, Bashir Ahmad (compiler): *Standard Twentieth Century Dictionary Urdu into English*, Educational Publishing House, Delhi 1996

Reisigl, Martin and Wodak, Ruth: *Discourse and Discrimination. Rhetorics of Racism and Antisemitism*, Routledge, London, 2001

Roald, Anne Sofie: "Feminist Reinterpretation of Islamic Sources: Muslim Feminist Theology in the Light of the Christian Tradition of Feminist Thought", in Karin Ask and Marit Tjomsland, editors, *Women and Islamization. Contemporary Dimensions of Discourse on Gender Relations*, Berg, Oxford 1998

Rothermund, Dietmar (Ed.): *Indien. Kultur, Geschichte, Politik, Wirtshaft, Umwelt. Ein Handbuch*, Verlag C.H. Beck, München 1995

Schacht, Joseph: *An Introduction to Islamic Law*, Clarendon Press, Oxford 1982

Schmidt, Ruth Laila: *Urdu: An Essential Grammar*, Routledge, New York 1999

Smith, Vincent A.: *The Oxford History of India*, 4th Edition, Edited by Percival Spear, Oxford University Press, Oxford 1958

Smith, Wilfrid Cantwell: *Islam in Modern History*, The New English Library, New York 1957

Sookhdeo, Patrick: *A People Betrayed. The Impact of Islamization on the Christian Community in Pakistan*, Christian Focus Publications and Isaac Publishing, Pewsey 2002

Spear, Percival: *A History of India*, Volume Two, Pelican Books 1965; reprint Penguin Books, London 1990

Stavanhagen, Rodolfo: "Indigenous Peoples: Emerging International Actors", in Young, Crawford (Ed.): *Ethnic Diversity and Public Policy. A Comparative Inquiry*, Palgrave, Basingstoke 1998

Stillman, Norman A.: *The Jews of Arab Lands: a History and Source Book*, The Jewish Publication Society of America, 1979

Tritton, A.S.: *The Caliphs and their Non-Muslim Subjects: A Critical Study of the Covenant of 'Umar*, Frank Cass & Co. Ltd., London 1930; reprint 1970

van Dijk, Teun A.: *Elite Discourse and Racism*, Sage Publications, Newbury Park, 1993

van Dijk, Teun A.: "Multidisciplinary CDA: a plea for diversity", in Meyer, Michael and Wodak, Ruth (Eds.): *Methods of Critical Discourse Analysis*, Sage Publications, London 2001

van Dijk, Teun A. (Ed.): *Discourse Studies*, 5 vols., Sage Publications, Los Angeles 2007

Walī Allāh al-Dihlawī: *The Conclusive Argument from God. Shāh Walī Allāh of Delhi's Hujjat Allāh al-Bāligha*. Translated by Marcia K. Hermansen, E.J. Brill, Leiden 1996

Watt, W. Montgomery: *Islamic Political Thought*, Edinburgh University Press, 1968; reprint The Cromwell Press, Trowbridge, Wilts 2003

Wehr, Hans: *A Dictionary of Modern Written Arabic*, Edited by J. Milton Cowan, 3rd edition, Spoken Language Services, Inc., Ithaca, New York 1976

Weiss, Gilbert and Wodak, Ruth (Eds.): *Critical Discourse Analysis: Theory and Interdisciplinarity*, Palgrave MacMillan, Basingstoke, 2003

Wensinck, A.J.: *The Muslim Creed. It's Genesis and Historical Development*, University Press, Cambridge, 1932

Wodak, Ruth: "The genesis of racist discourse in Austria since 1989," in Caldas-Coulthard, Carmen Rosa and Malcolm Coulthard (Eds.): *Texts and Practices. Readings in Critical Discourse Analysis*, Routledge, London 1996

Wodak, Ruth: "What CDA is about – a summary of its history, important concepts and its developments", in Michael Meyer and Ruth Wodak (Eds.): *Methods of Critical Discourse Analysis*, Sage Publications, London 2001

Yahya Ben Adam: *Kitāb al-Kharāj*, Edited and translated into English by A. Ben Shemesh, with a foreword by S.D. Goitein, E.J. Brill, Leiden, 1958

Ye'or, Bat (pseudonym): *The Dhimmi. Jews and Christians under Islam*, Fairleigh Dickinson University Press, Rutherford 1985

Ye'or, Bat: *Islam and Dhimmitude. Where Civilizations Collide*, Fairleigh Dickinson University Press, Madison 2002

Young, Crawford: "Ethnic Diversity and Public Policy: An Overview", in Young, Crawford (Ed.): *Ethnic Diversity and Public Policy. A Comparative Inquiry*, Palgrave, Basingstoke 1998

Internet sources:

Armenian National Institute: http://www.armenian-genocide.org/genocidefaq.html

Bielefeldt, Heiner: *Muslim Voices in the Human Rights Debate* Human Rights Quarterly -

Volume 17, Number 4, November 1995, pp. 587-617:

http://muse.jhu.edu/login?uri=/journals/human_rights_quarterly/v017/17.4bielefeldt.html

Constitution of Pakistan: http://www.pakistani.org/pakistan/constitution/

The Islamic Foundation's website: http://www.islamic-foundation.com/

Jama'at-e-Islami's website: http://www.jamaat.org/

MBCWatch: http://mcbwatch.blogspot.com/2005/08/panorama-mawdudi-and-selective-quoting.html

(Note that a Pdf version of *Jihād fī sabīl illāh* (*Jihad in Islam*), English translation by Khurshid Ahmad, edited by Huda Khattab, is found in this link link.)

K. S. Lal: Muslim Slave System in Medieval India: http://www.bharatvani.org/books/mssimi

Pakistan's Blasphemy Laws: http://en.wikipedia.org/wiki/Blasphemy_laws_of_Pakistan
http://www.muhammadanism.org/Government/Government_Pakistan_Blasphemy.htm

The Universal Declaration of Human Rights: http://www.un.org/Overview/rights.html

Islam Online:

http://www.islamonline.net/servlet/Satellite?cid=1123996015766&pagename=IslamOnline-

English-AAbout_Islam%2FAskAboutIslamE%2FPrintAskAboutIslamE

Appendix A

Transliteration of Excerpts from Mawdudi's Text *Muslim aur Kāfir kā Aslī Farq*

(See chapter five for English translation. The numbering of subchapters has been retained for easy reference. The page references are to the Urdu edition, see bibliography.)

5.2.2. Muslims Are Superior to *Kāfirs*

> Har musulmān apnē nazdīk yeh samajhtā hai aur āp bhī zarūr aisā hī samajhtē hōṅgē ke musulmān kā darja kāfir sē ūṅcā hai. Musulmān kō Khudā pasand kartā hai aur kāfir kō nāpasand kartā hai. Musulmān Khudā kē hāṅ bakhšā jāēgā aur kāfir kī bakhšiš na hōgī. Musulmān jannat mēṅ jāēgā aur kāfir dōzakh mēṅ jāēgā. (Page 1)

5.2.3. Heaven and Hell

> Āj maiṅ cahtā hūṅ ke āp is bāt par ghaur karēṅ ke musulmān aur kāfir mēṅ itnā baṛā farq ākhir kyōṅ hōtā hai? Kāfir bhī Ādam ('alaihissalām) kī aulād hai aur tum bhī. Kāfir bhī aisā hī insān hai jaisē tum hō. Voh bhī tumhārē hī jaisē hāth pāōṅ, āṅkh, kān rakhtā hai. Voh bhī isī havā mēṅ sāṅs lētā hai. Yehī pānī pītā hai. Isī zamīn par bastā hai. Yehī paidāvār khātā hai. Isi tarāh paidā hōtā hai aur isī tarāh martā hai. Usī Khudā nē us kō bhī paidā kiyā hai jis nē tum kō paidā kiyā hai. Phir ākhir kyōṅ us kā darja nīcā hai aur tumhārā ūṅcā? Tumhēṅ kyōṅ jannat milēgā aur voh kyōṅ dōzakh mēṅ ḍālā jāēgā? (Page 1)

5.2.4. Who is a *Kāfir*?

> Yeh bāt zarā sōcnē kī hai. Ādmī aur ādmī mēṅ itnā baṛā farq sirf itnī sī bāt sē tō nahīṅ hō saktā ke tum 'Abdullāh aur 'Abd ur-Rehmān aur aisē hī dūsrē nāmōṅ sē pukārē jātē hō aur voh Dīn Dayāl aur Kartār Singh aur Rāberṭsan jaisē nāmōṅ sē pukārā jātā hai. Yā tum khatna karāte hō aur voh nahīṅ karātā. Yā tum gōšt khātē hō aur voh nahīṅ khātā. Allāh ta'ālā jis nē sab insānōṅ kō paidā kiyā hai aur jō sab kā parvardagār hai aisā zulm tō kabhī nahīṅ kar saktā ke aisī chōṭī chōṭī bātōṅ par apnī makhlūqāt mēṅ farq karē aur ēk bandē kō jannat mēṅ bhējē aur dūsrē kō dōzakh mēṅ pahuncā dē. (Page 1-2)

5.2.5 Islam and *Kufr*

Islām kē ma'nī <u>Kh</u>udā kī farmāṅbarādarī [sic] kē haiṅ, aur kufr kē ma'nī <u>Kh</u>udā kī nāfarmānī kē. Musulmān aur kāfir donōṅ insān haiṅ. Dōnōṅ <u>Kh</u>udā kē bandē haiṅ. Magar ēk insān is liē afzal ho jātā hai ke yeh apnē mālik kō pahcāntā hai, us kē hukm kī itā'at kartā hai, aur us kī nāfarmānī kē anjām sē ḍartā hai. Aur dūsrā insān is liē ūṅcē darje sē gir jātā hai ke voh apnē mālik kō nahīṅ pahcāntā aur us kī farmānbardāri nahīṅ kartā. Isī vajah sē musulmān sē <u>Kh</u>udā <u>kh</u>uš hōtā hai aur kāfir sē narāz. Musulmān kō jannat dēnē kā va'ada kartā hai aur kāfir kō kahtā hai ke dōza<u>kh</u> mēṅ ḍalūṅgā. (Page 2)

5.2.6. Knowledge and Works

Is sē ma'lūm hōtā hai ke musulmān kō kāfir sē judā karnē vālī sirf dō cīzēṅ haiṅ. Ēk 'ilm, dūsrē 'amal. Ya'nī pahlē tō usē yeh jānnā cāhē ke us kā mālik kaun hai? Us kē ahkām kya haĩ? Us kī marzī par calnē kā tarīqa kya hai? Kin kāmōṅ sē voh <u>kh</u>uš hōtā hai aur kin kāmōṅ sē narāz hōtā hai? Phir jab yeh bātēṅ ma'lūm hō jāēṅ tō dūsrī bāt yeh hai ke ādmī apnē āp kō mālik kā <u>gh</u>ulām banā dē; jō mālik kī marzī hō us par calē aur jō apnī marzī hō us kō chōṛ dē. (Page 3)

5.2.7. The Kāfir Is Ignorant and Disobedient

Ye 'ilm aur ye 'amal hai jis kī vajah sē musulmān <u>Kh</u>udā kā pyārā banda hōtā hai aur us par <u>Kh</u>udā kī rahmat nāzil hōtī hai aur <u>Kh</u>udā us kī 'izzat kartā hai. Kāfir yeh 'ilm nahīṅ rakhtā aur 'ilm na hōnē kī vajah sē us kā 'amal bhī yeh nahīṅ hōtā, is liē <u>Kh</u>udā kā jāhil aur nāfarmān banda hōtā hai, aur <u>Kh</u>udā us kō apnī rahmat sē mahrūm kar dētā hai. (Page 3-4)

5.2.8. Mercy Is Reserved for Those Who Obey God

Pas <u>kh</u>ūb acchī tarah samajh lō ke <u>Kh</u>udā kē nazdīk insān aur insān mēṅ jō kuch bhī farq hai voh'ilm aur 'amal kē lihāz sē hai. Dunīā mēṅ bhī aur ā<u>kh</u>irat mēṅ bhī us kī rahmat sirf unhī kē liē hai jō us kō pahcāntē haiṅ, aur us kē batāē hūē sīdhē rāstē kō jāntē haiṅ, aur us kī farmānbardārī kartē haiṅ. Jin lōgōṅ mēṅ yeh siffat nahīṅ hai, un kē nām <u>kh</u>ah Abdullāh aur Abd ur-Rehmān hōṅ, yā Dīn Dayāl aur Kartār Singh, <u>Kh</u>udā kē

nazdīk un dōnōṅ mēṅ kōī farq nahīṅ aur un kō us kī rahmat sē kōī haqq nahīṅ pahunctā. (Page 5)

5.2.9. Ruled by Kāfirs

Bhāiyō, tum apnē āp kō musulmān kahtē hō, aur tumhārā imān hai ke musulmān par Khudā kī rahmat hōtī hai, magar zarā āṅkhēṅ khōl kar dēkhō, kyā Khudā kī rahmat tum par nāzil hō rahī hai? Ākhirat mēṅ jō kuch hōgā voh tō tum ba'ad mēṅ dēkhōgē, magar is dunyā mēṅ tumhārā jō hāl hai is par nazar ḍalō. Is Hindūstān mēṅ tum naukar ḍar hō. Tumhārī itnī baṛī ta'adād hai ke agar ēk šakhs ēk ēk kankarī phēnkē tō pahāṛ ban jāē. Lēkin jahāṅ itnē musulmān maujūd haiṅ vahāṅ kuffār hukūmat kar rahē haiṅ. Tumharī gardanēṅ un kī muṭṭhī mēṅ haiṅ ke jidhar cahēṅ tumhēṅ mōṛ dēṅ. Tumhārā sar jō Khudā kē sivā kisī kē āgē na jhuktā thā, ab insānōṅ kē āgē jhuk rahā hai. Tumhārī 'izzat jis par hāth ḍalnē kī kōī himmat na kar saktā thā, āj voh khāk mēṅ mil rahī hai. Tumhārā hāth, jō hamēšā ūṅcā hī rahtā thā, ab voh nīcā hōtā hai aur kāfir kē āgē phailtā hai. Jahālat aur iflās aur qarzdārī nē har jaga tum kō zalīl o khār kar rakhā hai. Kyā yeh Khudā kī rahmat hai? (Page 5-6)

5.2.10 The Wrath of God

Agar yeh rahmat nahīṅ hai, balke khulā hūā ghazab hai, tō kaisī 'ajīb bāt hai ke musulmān aur us par Khudā kā ghazab nāzil hō! Musulmān aur zalīl hō! Musulmān aur ghulām hō! Yeh tō aisī nā mumkin bāt hai jaisē kōī cīz safēd bhī hō aur siyāh bhī jab musulmān Khudā kā mahbūb hōtā hai tō Khudā kā mahbūb dunyā mēṅ zalīl ō khār kaisē hō saktā hai? Kyā na'ūzu bi-llāh tumhārā Khudā zālim hai ke tum tō us kā haqq pahcānō aur us kī farmānbardārī[1] karō, aur voh nāfarmānōṅ kō tum par hākim banā dē, aur tum kō farmāṅbardārī kē mu'āvazē mēṅ sazā dē? Agar tumhārā imān hai ke Khudā zālim nahīṅ hai, aur agar tum yaqīn rakhte hō ke Khudā kī farmāṅbardārī kā badla zillat se nahīṅ mil saktā, tō phir tumhēṅ mannā paṛegā ke musulmān hōnē kā da'vā jō tum kartē hō usī mēṅ kōī ghaltī hai. Tumhārā nām sarkārī kaghazāt mēṅ tō zarūr musulmān

---

[1] In this text the spelling of the word "farmānbardāri" is inconsistent. It is sometimes spelled "farmāṅbardārī" with a nūn ghunna instead of nūn and other times "farmānbardāri". One example of misspelling also occurs, as we have seen above.

likhā jātā hai, magar <u>Kh</u>udā kē hāṅ angrēzī sarkār kē daftar kī sanad par faislā nahīṅ hōtā. <u>Kh</u>udā apnā daftar alag rakhtā hai. Vahāṅ talāš karō ke tumhārā nām farmāṅbardārōṅ mēṅ likhā hūā hai yā nāfarmānōṅ mēṅ. (Page 6)

5.2.11 Learn from the Prophet

<u>Kh</u>udā nē tumhāre pās kitāb bhējī tā ke tum is kitāb kō paṛh kar apnē mālik kō pahcānō aur us kī farmānbardārī kā tarīqa ma'lūm karō. Kyā tum nē kabhī yeh ma'lūm karnē kī kōšiš kī ke is kitāb mēṅ kyā likhā hai? <u>Kh</u>udā nē apnē nabī sallallāhu 'alaihi va sallam kō tumhārē pās bhējā, tā ke voh tumhēṅ musulmān bannē kā tarīqa sikhāē. Kyā tum nē kabhī yeh ma'lūm karnē kī kōšiš kī ke us kē nabī sallallāhu 'alaihi va sallam nē kyā sikhāyā hai? <u>Kh</u>udā nē tum kō dunyā aur ā<u>kh</u>irat mēṅ 'izzat hāsil karnē kā tarīqa batāyā. Kyā tum us tarīqē par caltē hō? <u>Kh</u>udā nē <u>kh</u>ōl <u>kh</u>ōl kar batāyā ke ke [sic] kaun sē kām haiṅ jin sē insān dunyā aur ā<u>kh</u>irat mēṅ zalīl hōtā hai. Kyā tum aisē kāmōṅ sē bactē hō? Batāō tumhārē pās us kā kyā javāb hai? Agar tum māntē hō ke na tō tum nē <u>Kh</u>udā kī kitāb aur us kē nabī sallallāhu 'alaihi va sallam kī zindagī sē 'ilm hāsil kiyā, aur na us kē batāē hūē tarīqē kī pairavī kī, tō tum musulmān hūē kab ke tumhēṅ us kā ajr milē? Jaisē tum musulmān hō vaisā hī ajr tumhēṅ mil rahā hai aur vaisā hī ajr ā<u>kh</u>irat mēṅ bhī dēkh lōgē. (Page 6-7)

Mawdudi tells his audience that there is probably no reason why God should reward them as he assumes that they have neither studied the Qur'ān nor followed the example of the prophet. He continues

Maiṅ pahlē bayān kar cukā hūṅ ke musulmān aur kāfir mēṅ 'ilm aur 'amal kē sivā kōī farq nahīṅ hai. Agar kisī šakhs kā 'ilm aur 'amal vaisā hī hai jaisā kāfir kā hai, aur voh apnē āp kō musulmān kahtā hai, tō bilkul jhūṭ kahtā hai. Kāfir Qurān kō nahīṅ paṛhtā aur nahīṅ jāntā ke us mēṅ kyā likhā hai. Yehī hāl agar musulmān kā bhī hō tō voh musulmān kyōṅ kahlāē? Kāfir nahīṅ jāntā ke rasūlullāh sallallāhu 'alaihi va sallam kī kyā ta'līm hai aur āp nē <u>Kh</u>udā tak pahunctē kā sīdhā rāsta kyā batāyā hai. Agar musulmān bhī usī kī tarah nāvāqif hō tō voh musulmān kaisē hūā? (Page 7)

Kāfir Khudā kī marzī par calnē kē bajāē apnī marzī par caltā
hai. Musulmān bhī agar usī kī tarah khud sar ō āzār hō, usī kī
tarah apnē zātī khayālāt aur apnī rāē par calnēvālā hō, usī kī
tarah Khudā sē bē parvā aur apnī khāhiš kā banda hō, tō usē
apnē āp kō "musulmān" (Khudā kā farmāṅbardār) kahnē kā
kyā haqq hai? Kāfir halāl ō harām kī tamīz nahīṅ kartā aur jis
kām mēṅ apnē nazdīk fāida yā lazzat dēkhtā hai us kō ikhtiyār
kar lētā hai, cāhē Khudā kē nazdīk voh halāl hō yā harām. Yehī
raviyya agar musulmān kā hō tō us mēṅ aur kāfir mēṅ kyā farq
hūā? Gharaz yeh hai ke jab musulmān bhī islām kē 'ilm sē
utnā hī kōrā hō jitnā kāfir hōtā hai, aur jab musulmān bhī voh
sab kuch karē jō kāfir kartā hai tō us kō kāfir kē muqāblē mēṅ
kyōṅ fazīlat hāsil hō, aur us kā hašr bhī kāfir jaisā kyōṅ na hō?
Ye aisī bāt hai jis par ham sab kō ṭhanḍē dil sē ghaur karnā
cahiē. (Page 7-8)

At this stage Mawdudi finds it necessary to reassure his audience that he has not set out to
accuse them of being kāfirs. He continues:

Mērē 'azīz bhāiyō, kahīṅ yeh na samajh lēnā ke maiṅ
musulmānōṅ kō kāfir banānē calā hūṅ. Nahīṅ, mērā yeh
maqsad hargiz nahīṅ hai. Maiṅ khud bhī sōctā hūṅ, aur cahtā
hūṅ ke ham mēṅ sē har šakhs apnī apnī jaga sōcē ke ham ākhir
Khudā kī rahmat sē kyōṅ mahrūm hō gaē haiṅ? Ham par har
taraf sē kyōṅ musībatēṅ nāzil hō rahī haiṅ? Jin kō ham kāfir,
ya'nī Khudā kē nāfarmān bandē kahtē haiṅ voh ham par har
jaga ghālib kyōṅ haiṅ? Aur ham jō farmāṅbardār hōnē kā da'vā
kartē haiṅ, har jaga maghlūb kyōṅ hō rahē? Is kī vaja par maiṅ
nē jitnā zyāda ghaur kiyā, utnā hī mujhē yaqīn hōtā calā gayā
ke ham mēṅ aur kuffār mēṅ bas nām kā farq rah gayā hai, aur
na ham bhī Khudā sē ghaflat aur us sē bē khaufī aur us kī
nāfarmānī mēṅ kuch un sē kam nahīṅ haiṅ. Thoṛa sā farq ham
mēṅ aur un mēṅ zarūr hai, magar us kī vajah sē ham kisī ajr kē
mustahaqq nahīṅ haiṅ, balke sazā kē mustahaqq haiṅ. Kyōṅke
ham jāntē aur māntē haiṅ ke Qurān Khudā kī kitāb hai aur phir
us kē sāth voh bartāō kartē haiṅ jō kāfir kartā hai. Ham jāntē
aur māntē haiṅ ke Muhammad sallallāhu 'alaihi va sallam
Allāh kē nabī haiṅ aur phir un kī pairavī sē us tarah bhāgtē haiṅ
jaisē kāfir bhāgtā hai. (Page 8-9)

5.2.12 Deadly Sins

Ham kō ma'lūm hai ke jhūṭē par Khudā nē la'nat kī hai, rišvat khānē aur khilānē vālē kō jahannam kā yaqīn dilāyā hai, sūd khānē aur khilānē vālē kō badtarīn mujrim qarār diyā hai, ghībat kō apnē bhāī kā gōšt khānē kē barābar batāyā hai, fohš aur bē hayā'ī aur badkārī par sakht 'azāb kī dhamkī dī hai. Magar yeh janne kē ba'd bhī ham kuffār kī tarah yeh sab kām azādī kē sāth kartē haiṅ, gōyā hamēṅ Khudā kā kōī khauf hī nahīṅ. Yehī vaja hai ke ham jō kuffār kē muqāble mēṅ thōṛē bahut musulmān bannē hūē nazar ātē haiṅ, us par hamēṅ in'ām nahīṅ miltā, balke sazā dī jātī hai. Kuffār kā ham par hukumrāṅ hōnā aur har jaga hamārā zak uṭhānā isī jurm kī sazā hai ke hamēṅ islām kī ne'mat dī gaī thī aur phir ham nē us kī qadar na kī. (Page 9)

5.2.13 Recover That Which Has Been Lost

 'Azizō, āj kē khutbe mēṅ jō kuch maiṅ nē kahā hai, yeh is liē nahīṅ hai ke tum kō malāmat karūṅ. Maiṅ malāmat karnē nahīṅ ūṭhā hūṅ. Mērā maqsad ye hai ke jō kuch khōyā gayā hai us kō phir sē hāsil karnē kī kuch fikr kī jāē. Khōē hūē kō pānē kī fikr usī vaqt hōtī hai jab insān kō ma'lūm hō ke us kē pās sē kyā cīz khōī gaī hai aur voh kaisī qīmatī cīz hai. Isī liē maiṅ tum kō caunkānē kī kōšiš kartā hūṅ. Agar tum kō hōš ā jāē, aur tum samajh lō ke haqīqat mēṅ bahut qīmatī cīz tumhārē pās thī tō tum phir sē us kē hāsil karnē kī fikr karōgē. (Page 9-10)

5.2.14 Final Exhortation

Maiṅ nē pichlē khutbe mēṅ tum sē kahā thā ke musulmān kō musulmān hōnē kē liē sab sē pahlē jis cīz kī zarūrat hai voh islām kā 'ilm hai. Har musulmān kō ma'lūm hōnā cahīē ke Qurān kī ta'līm kyā hai, rasūl-e pāk (sallallāhu 'alaihi va sallam) kā tarīqa kyā hai, islām kis kō kahtē haiṅ, aur kufr ō islām mēṅ aslī farq kin bātōṅ kī vajah sē hai. Is 'ilm kē baghair kōī šakhs musulmān nahīṅ hō saktā. Magar afsōs hai ke tum isī 'ilm kō hāsil karnē kī fikr nahīṅ kartē. Is sē ma'lūm hōtā hai ke abhī tak tum kō ihsās nahīṅ hūā ke tum kitnī baṛī ne'mat sē mahrūm hō.

Mērē bhāiyō, māṅ apnē baccē kō dūdh bhī us vaqt tak nahīṅ dētī jab tak ke voh rō kar māngtā nahīṅ. Piyāsē kō jab piyās lagtī hai tō voh k̲h̲ud pānī ḍhūnḍtā hai, aur K̲h̲udā us kē liē pānī paidā bhī kar dētā hai. Jab tum kō k̲h̲ud hī piyās na hō tō pānī sē bharā hūā kūāṅ bhī tumhārē pās ā jāē tō bēkār hai. Pahlē tum kō k̲h̲ud samajhnā cāhiē ke dīn sē nā vāqif rahnē mēṅ tumhārā kitnā baṛā nuqsān hai. K̲h̲udā kī kitāb tumhārē pās maujūd hai, magar tum nahīṅ jāntē ke is mēṅ kyā likhā hai. Is sē zyāda nuqsān kī bāt aur kyā hō saktī hai? Namāz tum paṛhtē hō magar tumhēṅ nahīṅ ma'lūm ke us namāz mēṅ tum apnē K̲h̲udā kē sāmnē kyā 'arz kartē hō. Is sē baṛh kar aur kyā nuqsān hō saktā hai? Kalima, jis kē zarī'ē sē tum islām mēṅ dāk̲h̲il hōtē hō, us kē ma'nī tak tum kō ma'lūm nahīṅ aur tum nahīṅ jāntē ke us kalima kō paṛhnē kē sāth hī tum par kyā zimmadārīāṅ 'ā'id hōtī hai. Ēk musulmān kē liē kyā is sē bhī baṛh kar kōī nuqsān hō saktā hai?

Khētī kē jal jānē kā nuqsān tum kō ma'lūm hai, rōzgār na milnē ka nuqsān tum kō ma'lūm hai, apnē māl kē zā'e' hō jānē kā nuqsān tum ko ma'lūm hai, magar islām sē nā vāqif hōnē kā nuqsān tumhēṅ ma'lūm nahīṅ. Jab tum kō is nuqsān kā ihsās hōgā tō tum k̲h̲ud ā kar kahōgē ke hamēṅ is nuqsān sē bacāō. Aur jab tum k̲h̲ud kahōgē tō inšā Allāh tumhēṅ is nuqsān sē bacānē kā bhī intizām hō jāēgā. (Page 10-11)

Appendix B

Transliteration of Excerpts from Mawdudi's Text *Islāmī Riyāsat mēṅ Zimmiyōṅ kē Huqūq*

(See chapter six for English translation. The numbering of subchapters has been retained for easy reference. The page references are to the Urdu edition, see bibliography.)

6.2. The Rights of *Dhimmīs* (*Zimmiyōṅ kē Huqūq*)

> Islāmī hukūmat mēṅ g̱ẖair muslimōṅ kē huqūq par bahs karnē
> sē pahlē yeh zehn-nišīn kar lēnā zarūrī hai ke islām kī hukūmat
> dar asl ēk usūlī (ideological[1]) hukūmat hai aur us kī nau'īyat ēk
> qaumī jamhūrī (national democratic[2]) hukūmat sē qat'an
> muḵẖtalif hai. Dōnōṅ qism kī riyāsatōṅ kē is nau'ī farq kā
> masla zēr-e bahs par kyā asar paṛtā hai, us kō hasb-e zail nikāt
> sē acchī tarah samjhā jā saktā hai. (Page 5)

6.2.1. A Comparison of the Islamic State and the National Democratic State

1) Islāmī hukūmat apnē hudūd mēṅ rahnē vālē lōgōṅ kō is
   lihāz sē taqsīm kartī hai ke kaun un usūlōṅ kō māntē haiṅ
   jin par islāmī hukūmat kī binā rakhī gaī hai aur kaun unhēṅ
   nahīṅ māntē, ya'nī muslim aur g̱ẖair muslim. (Page 5)

2) Islāmī hukūmat kō calānā dar asl un lōgōṅ kā kām hai jō us
   kē usūlōṅ kō māntē hōṅ. Voh apnē intizām mēṅ g̱ẖair
   muslimōṅ kī ḵẖidmāt tō zarūr iste'māl kar saktī hai, magar
   rahnemāī ō kārfarmāī kē manāsib unhēṅ nahīṅ dē saktī.
   (Page 5-6)

3) Islāmī hukūmat-e 'ain apnī nau'īyat hī kē lihāz sē is bāt par
   majbūr hai ke muslimōṅ aur g̱ẖair muslimōṅ kē darmiyān
   vāzeh imtiyāz qāim karē aur sāf sāf batā dē ke voh g̱ẖair
   muslimōṅ kō kyā huqūq dē saktī hai aur kyā nahīṅ dē saktī.
   (Page 6)

4) Islāmī hukūmat kō apnē nizām mēṅ g̱ẖair muslim 'anāsir kī
   maujūdgī sē jō pēcīdagī pēš ātī hai usē voh is tarah hall kartī

---

[1] The English word "ideological" is inserted into the Urdu text.
[2] The English words "national democratic" are inserted into the Urdu text.

hai ke unhēṅ muta'aiyin huqūq kā zimma (guarantee[3]) dē kar mutma'inn kar dētī hai; apnē usūlī nizām kē hall ō 'aqd mēṅ un kī mudākhalat rōk dētī hai, aur un kē liē har vaqt yeh darvāza khulā rakhtī hai ke agar islām kē usūl unhēṅ pasand ā jāēṅ tō voh unhēṅ qabūl karkē hukumrāṅ jamā'at mēṅ šāmil hō jāēṅ. (Page 6-7)

5) Islāmī hukūmat zimmī ghair muslimōṅ kō voh tamām huqūq dēnē par majbūr hai jō sharī'at nē un kē liē muqarrar kiyē haiṅ. Un huqūq kō salb karnē yā un mēṅ kamī karnē kā ikhtiyār kisī kō nahīṅ hai. Albatta musulmānōṅ kō yeh ikhtiyār zarūr hāsil hai ke voh un huqūq kē 'ilava kuch mazīd huqūq unhēṅ 'atā kar dēṅ, ba-šartē-ke yeh izāfa islām kē usūlōṅ sē mutasādim na hōtā hō. (Page 7)

This is what he writes about the national states:

1) Qaumī hukūmat unhēṅ is lihāz sē taqsīm kartī hai ke kaun lōg us qaum sē ta'alluq rakhtē haiṅ jō dar asl riyāsat kī banānē aur calānē vālī hai, aur kaun lōg us sē ta'alluq nahīṅ rakhtē. Āj kal kī istilāh mēṅ is kē liē aksariyat aur aqalliyat kē alfāz iste'māl kiyē jātē haiṅ. (Page 5)

2) Qaumī hukūmat apnī rahnemā'ī ō kārfarmā'ī kē liē sirf apnē afrād-e qaum hī par e'timād kartī hai aur dūsrī qalīlu'l-ta'dād qaumēṅ jō us kē šahrīōṅ mēṅ šāmil hōṅ, us e'timād kī mustahaqq nahīṅ hōtēṅ. Yeh bāt cahē sāf sāf kahī na jātī hō, magar 'amalan hōtā isī tarāh hai. Aur agar aqallīyat kē kisī fard kō kabhī kōī kilīdī mansab diyā bhī jātā hai tō yeh mahz ēk numā'išī harkat hōtī hai. Pālīsiyōṅ kī ...[illegible] mēṅ fī'l-haqīqat us kā kōī dakhl nahīṅ hōtā. (Page 5-6)

3) Qaumī hukūmat kē liē yeh munāfiqāna cālbāzī āsān hai ke voh mulk kē tamām bāšindōṅ kō nazariyē kē e'tibār sē ēk qaum qarār dē kar kāghaz par sab kō musāvī huqūq dē dē, magar 'amalan aksariyat aur aqalliyat kā pūrā imtiyāz qāim rakhē aur zamīn par aqalliyatōṅ kō kisī qism kē huqūq na dē. (Page 6)

4) Qaumī hukūmat kō apnē nizām mēṅ ghair qaumī 'anāsir kī šumūliyat sē jō pēcīdagī pēš ātī hai usē hall karnē kē liē voh

---

[3] The English word is inserted into the Urdu text.

tīn mukhtalif tadbīrēṅ ikhtiyār kartī hai. Ēk yeh ke un kī infirādiyat kō ba-tadrīj miṭā kar apnē andar jazb karnē, dūsre yeh ke un kī hastī kō mahv karnē kē liē qatl ō ghārat aur ikhrāj kē zālimāna tarīqē ikhtiyār karē. Tīsrē yeh ke un kō apnē andar achūt banā kar rakh dē. Yeh tīnōṅ tadbīrēṅ dunyā kī qaumī jamhūrī riyāsatōṅ mēṅ ba-kasrat ikhtiyār kī gaī haiṅ, ab tak kī jārī hī haiṅ, aur āj Hindūstān mēṅ khud musulmānōṅ kō un kā talkh tajriba hō rahā hai. (Page 6-7)

5) Qaumī jumhūrī hukūmat mēṅ aqalliyatōṅ kō jō huqūq bhī diyē jātē haiṅ voh aksariyat kē 'atā karda hōtē haiṅ, aur aksariyat jis tarāh unhēṅ 'atā karnē kā haqq rakhtī hai usī tarāh voh un mēṅ kamī bēšī karnē aur bi'l-kul salb kar lēnē kā bhī haqq rakhtī hai. Pas dar haqīqat us nizām mēṅ aqalliyatēṅ sar-ā-sar aksariyat kē rahm par jitnī haiṅ aur un kē liē ibtidā'ī insānī huqūq tak kī kōī pā'edār zamānat nahīṅ hōtī. (Page 7)

6.2.2. Concluding Remarks of the First Section

Yeh bunyādī ikhtilāfāt haiṅ jō zimmiyōṅ kē sāth islām kē sulūk aur aqalliyatōṅ kē sāth qaumī jumhūriyatōṅ kē sulūk kō ēk dūsrē sē bi'l-kul mumtāz kar dētē haiṅ. Jab tak unhēṅ pēš-e nazar na rakhā jāē, insān khalt-e mabhas sē nahīṅ bac saktā aur na us ghalat fahmī sē mahfūz rah saktā hai ke maujūda zamānē kī qaumī jumhūriyatēṅ tō apnē dastūrōṅ mēṅ aqalliyatōṅ kō bi'l-kul musāviyāna huqūq dētī haiṅ magar islām is mu'āmlē mēṅ tang nazarī sē kām lētā hai. In zarūrī tauzīhāt kē ba'ad ab ham apnē asl mauzū' kī taraf rujū' kartē haiṅ. (Page 7-8)

6.3. Division of Non-Muslim Subjects (Ghair Muslim Ra'āyā kī Aqsām)

The three categories of non-Muslim subjects:

Islāmī qānūn apnī ghair muslim ra'āyā kō tīn aqsām par taqsīm kartā hai.

a) Ēk voh jō kisī sulhnāmē yā mu'āhadē kē zarī'ē sē islāmī hukūmat kē taht āē hōṅ.

b) Dūsrē voh jō laṛnē kē ba'ad šikast khākar maghlūb hūē hōṅ.

c) Tīsrē voh jō jang aur sulh dōnōṅ kē sivā kisī aur sūrat sē islāmī riyāsat mēṅ šāmil hūē hōṅ. (Page 8)

The terms for those who have fought and been conquered, the maftūhīn:

Dūsrī qism mēṅ voh lōg šāmil haiṅ jō ākhir vaqt tak musulmānōṅ sē laṛtē rahē hōṅ aur jinhōṅ nē us vaqt hathiyār ḍālē hōṅ jab islāmī faujēṅ un kē istehkāmāt kō tōṛ kar un kī bastiyōṅ mēṅ fātihāna dākhil hō cukī hōṅ. Is qism kē maftūhīn kō jab zimmī banāyā jātā hai tō un kō cand khās huqūq diyē jātē haiṅ, jin kī tafsīlāt fiqhī kitābōṅ mēṅ maujūd haiṅ. Zail mēṅ un ahkām kā khulāsa diyā jātā hai jin sē zimmiyōṅ kī is jamā'at kī ā'īnī haisiyat vāzeh hōtī hai. (Page 10-11)

6.4. Rights of Conquered Non-Muslims

1) Jab imām un sē jizya qabūl kar lē tō hamēša kē liē 'aqd-e zimma qāim hō jāēgā, aur un kī jān ō māl kī hifāzat karnā musulmānōṅ par farz hōgā, kyōṅke qabūl-e jizya kē sāth hī 'ismat-e nafs ō māl sābit hō jātī hai. Is kē ba'd imām kō yā musulmānōṅ kō yeh haqq bāqī nahīṅ rahtā ke un kī amlāk par qabza karēṅ yā unhēṅ ghulām banā lēṅ. Hazrat 'Umar, razi allāh 'anhu, nē hazrat Abū 'Ubayda, rāzī allāh 'anhu, kō sāf likhā thā ke "Jab tum un sē jizya qabūl kar lō tō phir tum kō un par dastdarāzī kā kōī haqq bāqī nahīṅ rahtā." (Page 11)

2) 'Aqd-e zimma qāim hō jānē kē ba'ad apnī zamīnōṅ kē mālik vohī hōṅgē, un kī milkiyat un kē vurasā' kō muntaqal hōgī, aur un kō apnē [sic] amlāk mēṅ bai', hiba, rahn vaghaira kē jumla-e huqūq hāsil hōṅgē. Islāmī hukūmat kō unhēṅ bē-dakhl karnē kā haqq na hōgā. (Page 11)

3) Jizya kī miqdār un kī mālī hālat kē lihāz sē muqarrar kī jāēgī. Jō māldār haiṅ un sē ziyāda, jō mutavassitu'l-hāl haiṅ un sē kam, aur jō gharīb haiṅ un sē bahut kam liyā jāēgā. Aur jō kōī zarī'a-ye āmadnī nahīṅ rakhtē, yā jin kī zindagī kā inhisār dūsrōṅ kī bakhšiš par hai, un kō jizya mu'āf kar diyā jāēgā. Agarce jizya kē liē kōī khās raqm muqarrar nahīṅ hai, lēkin us kī ta'yīn mēṅ yeh amr madd-e nazar rakhnā zarūrī hai ke aisī raqm muqarrar kī jāē jis kā adā karnā un kē liē āsān hō. Hazrat 'Umar, rāzī allāh 'anhu, nē māldārōṅ par ēk rupaya māhāna, mutavassitu'l-hāl lōgōṅ

gharīb mehnat-e pēša lōgōṅ par cār āna mahīna jizya muqarrar kiyā thā. (Page 11-12)

4) Jizya sirf un lōgōṅ par lagāyā jāēgā jō ahl-e qitāl haiṅ. Ghair ahl-e qitāl, maslan baccē, auratēṅ, dīvānē, andhē, apāhaj, 'ibādatgāhōṅ kē khādim, rāhib, sannyāsī, az kār rafta, būṛhē, aisē bīmār jin kī bīmārī sāl kē ēk baṛē hissē tak mumtada hō jāē, aur launḍī ghulām vaghaira jizya sē mustasnā haiṅ. (Page 12)

5) Ba-zōr-e šamšīr fath hōnē vālē šahr kē ma'bad par musulmānōṅ kō qabza kar lēnē kā haqq hai. Lēkin us haqq sē istifāda na karnā aur ba-tarīq-e ehsān un kō 'alā hāla qāim rahnē dēnā aulā aur afzal hai. Hazrat 'Umar, rāzī allāh 'anhu, kē zamāna [sic] mēṅ jitnē mamālik fath hūē un mēṅ kōī ma'bad na tōṛā gayā aur na us sē kisī qism kā ta'arruz kiyā gayā. Imām Abū Yūsuf, rāzī allāh 'anhu, likhtē haiṅ: "Un kō un kē hāl par chōṛ diyā gayā, na mismār kiyā gayā aur na un sē kisī qism kā ta'arruz kiyā gayā." Qadīm ma'bad kō mismār karnā ba-har hāl nā-jā'iz hai. (Page 12-13)

6.8. General Rights of the Dhimmīs. (Zimmiyōṅ kē 'Ām Huqūq)

6.8.1. Hifāzat-e Jān (Protection of life)

Zimmī kē khūn kī qīmat musulmān kē khūn kē barābar hai. Agar kōī musulmān zimmī kō qatl karēgā tō us kā qisās usī tarāh liyā jāēgā jis tarah musulmān kō qatl karnē kī sūrat mēṅ liyā jātā hai. (Page 13)

6.8.2 Faujdārī Qānūn (Criminal law)

Ta'zīrāt kā qānūn zimmī aur musulmān kē liē yaksāṅ hai aur us mēṅ dōnōṅ kā darja musāvī hai. Jarā'im kī jō sazā musulmānōṅ kō dī jāēgī vohī zimmī kō bhī dī jāēgī. Zimmī kā māl musulmān curā lē yā musulmān kā māl zimmī curāē, dōnōṅ sūratōṅ mēṅ sāriq kā hāth kāṭā jāēgā. Zimmī kisī mard yā 'aurat par zinā kī tohmat lagāē yā musulmān aisā karē, dōnōṅ sūratōṅ mēṅ ēk hī hadd-e qazf jārī hōgī. Isī tarah zinā kī sazā bhī zimmī aur musulmān kē liē yaksān hai. Albatta šarāb kē mu'āmlē mēṅ zimmīōṅ kē liē istisnā hai. (Page 15)

6.8.3. Dīvānī Qānūn (Civil Law)

> Dīvānī qānūn bhī zimmī aur musulmān kē liē yaksāṅ hai aur dōnōṅ kē darmiyān kāmil musāvāt hai…Tijārat kē jō tarīqē hamārē liē mamnū' haiṅ vohī un kē liē bhī hai. Sūd jis tarah hamārē liē harām hai usī tarah un kē liē bhī hai. Albatta zimmiyōṅ kē liē sirf šarāb aur sūr kā istisnā hai. Voh šarāb banānē, pīnē aur bēcnē kā haqq rakhtē haiṅ, aur unhēṅ sūr pālnē, khānē aur firōkht karnē kē bhī huqūq hāsil haiṅ. Akar [sic] kōī musulmān kisī zimmī kī šarāb yā us kē sūr kō talaf kar dē tō us par tāvān lāzim āēgā. Durru'l-mukhtār mēṅ hai: "Musulmān us kī šarāb aur us kē sūr kī qīmat adā karēgā agar voh usē talaf kar dē." (Page 16)

6.8.4. Zimma kī Pā'edārī (The Permanence of the Dhimma)

The pact of dhimma is permanent:

> 'Aqd-e zimma musulmānōṅ kī jānib abadi luzūm rakhtā hai, ya'nī voh usē bāndhnē kē ba'd phir usē tōṛ dēnē kē mukhtār nahīṅ haiṅ. Lēkin dūsrī jānib zimmiyōṅ kō ikhtiyār hai ke jab tak cāhēṅ us par qāim rahēṅ aur jab cāhēṅ tōṛ dēṅ. Badā'i' mēṅ hai: "'Aqd-e zimma hamārē haqq mēṅ tō lāzim hai, ya'nī ēk martaba zimmī banā lēnē kē ba'd ham us zimma kō kisī hāl mēṅ tōṛ nahīṅ saktē. Lēkin un kē liē ye lāzim nahīṅ haiṅ (ya'nī agar voh hamārē zimma sē khārij hōnā cahēṅ tō hō saktē haiṅ)."

> Zimmī khāh kaisē hī baṛē jurm kā irtikāb karē, us kā zimma nahīṅ ṭūṭtā. Hattā ke jizya band kar dēnā, musulmān kō qatl karnā, nabī sallallāhu 'alaihi va sallam kī šān mēṅ gustākhī karnā yā kisī musulmān 'aurat kī ābrū rēzī karnā bhī us kē haqq mēṅ nāqis-e zimma nahīṅ hai. Un af'āl par usē mujrim kī haisiyat sē sazā dī jāēgī, lēkin bāghī qarār dē kar zimma sē khārij nahīṅ kar diyā jāēgā. Albatta sirf dō sūratēṅ aisī haiṅ jin mēṅ ēk zimmī khārij az zimma hō jātā hai. Ēk ye ke voh dāru'l-islām kō chōṛ kar dušmanōṅ sē jā milē. Dūsrē yeh ke hukūmat-e islāmī kē khilāf sarīh baghāvat karkē fitna ō fasād bar-pā karē. (Page 17-18)

6.8.5. Šaḵhsī Mu'āmlāt (Personal Law)

> Zimmiyōṅ kē šaḵhsī mu'āmlāt un kī apnī millat kē qānūn
> (Personal Law) kē mutābiq tai kiyē jāēṅgē. Islamī qānūn un
> par nāfiz nahīṅ kiyā jāēgā. Hamārē liē šaḵhsī mu'āmlāt mēṅ jō
> kuch nājā'iz hai, voh agar un kē mazhabī ō qaumī qānūṅ mēṅ
> jā'iz hō tō islāmī 'adālat un kē qānūn hī kē mutābiq faisla
> karēgī... (Page 18)

6.8.6. Mazhabī Marāsim (Religious Ceremonies)

> Mazhabī marāsim aur qaumī ša'ā'ir kō pablik mēṅ e'lān ō izhār
> kē sāth adā karnē kē muta'alliq islāmī qānūn ye hai ke ahlu'z-
> zimma ḵhud apnī bastiyōṅ mēṅ tō un kō pūrī azādī kē sāth kar
> sakēṅgē albatta ḵhālis islāmī ābādiyōṅ mēṅ hukūmat-e islāmī
> kō iḵhtiyār hōgā ke un mēṅ azādī dē yā un par kisī qism kī
> pābandiyāṅ 'ā'id kar dē. Badā'i'mēṅ hai: "Jō bastiyāṅ amsār-e
> muslimīn mēṅ sē nahīṅ haiṅ un mēṅ zimmiyōṅ kō šarāb ō
> ḵhinzīr bēcnē aur salīb nikālnē aur nāqūs bajānē sē nahīṅ rōkā
> jāēgā ḵhāh vahāṅ musulmānōṅ kī kitnī hī kasīr ta'dād ābād hō.
> Albatta ye af'āl amsār-e muslimīn mēṅ nā pasandīda haiṅ,
> ya'nī un šahrōṅ mēṅ jinhēṅ jum'a ō 'īdain aur iqāmat-e hudūd
> kē liē maḵhsūs kiyā gayā hō..." (Page 19-20)

Mawdudi continues:

> Lēkin amsār-e muslimīn mēṅ bhī un kō sirf salībōṅ aur
> mūrtiyōṅ kē julūs nikālnē aur 'alāniya nāqūs bajātē hūē
> bazārōṅ mēṅ nikalnē kī mumāna'at kī gaī hai. Varna apnē
> qadīm ma'ābid kē andar rah kar voh tamām ša'ā'ir kā izhār kar
> saktē haiṅ. Hukūmat-e islāmiya us mēṅ daḵhl na dēgī. (Page
> 21)

6.8.7. 'Ibādatgāhēṅ (Places of Worship)

Regulations regarding ancient and new places of worship:

> Amsār-e muslimīn mēṅ zimmiyōṅ kē jō qadīm ma'ābid hōṅ un
> sē ta'arruz nahīṅ kiyā jā saktā. Agar voh ṭūṭ jāēṅ tō unhēṅ usī
> jaga dōbāra banā lēnē kā haqq hai. Lekin nayē ma'ābid banānē
> kā haqq nahīṅ hai. Rahē voh maqāmāt jō amsār-e muslimīn
> nahīṅ haiṅ tō un mēṅ zimmiyōṅ kō nayē ma'ābid banānē kī bhī

'ām ijāzat hai. Isī tarah jō maqāmāt ab "misr" na rahē hōṅ,
ya'nī imām nē un kō tark karkē vahāṅ iqāmat-e jum'a ō a'yād
aur iqāmat-e hudūd kā silsila band kar diyā hō, un mēṅ bhī
zimmiyōṅ kō nayē ma'ābid kī ta'mīr aur apnē ša'ā'ir kē izhār
kā haqq hāsil hai.

Ibn 'Abbas kā fatvā ye hai: "Jin šahrōṅ kō musulmānōṅ nē
ābād kiyā hai un mēṅ zimmiyōṅ kō ye haqq nahīṅ hai ke nayē
ma'ābid aur kanā'is ta'mīr karēṅ yā nāqūs bajāēṅ yā 'alāniya
šarāb aur sūr kā gōšt bēcēṅ.

Bāqī rahē voh šahr jō 'ajamiyōṅ kē ābād kiyē hūē haiṅ aur jin
kō Allāh ta'ālā nē musulmānōṅ kē hāth par fath kiyā aur unhōṅ
nē musulmānōṅ kē hukm kī itā'at qabūl kar lī tō 'ajam kē liē
vohī huqūq haiṅ jō un kē mu'āhadē mēṅ tai hō jāēṅ aur
musulmānōṅ par un kā adā karnā lāzim hai. (Page 21-22)

6.8.8. Jizya ō K̲h̲arāj kī Tahsīl mēṅ Ri'āyāt (Alleviations in the Collection of Jizya and K̲h̲arāj)

Jizya ō k̲h̲arāj kē mu'āmlē mēṅ zimmiyōṅ par tašaddud karnā
mamnū' hai. Un kē sāth narmī aur rifq kī tākīd kī gaī hai aur un
par aisā bāṛ ḍālnē sē man' kiyā gayā hai jisē uṭhānē kī un mēṅ
qudrat na hō. Hazrat 'Umar, rāzī allāh 'anhu, nē hukm diyā thā
ke ... (Arabic quotation) jitnā māl dēnā un kī tāqat sē bāhar hō
us kē adā karnē kī unhēṅ taklīf na dī jāē. (Page 22)

Jizya kē 'ivaz un kī imlāk kā nīlām nahiṅ kiyā jā saktā. Hazrat
'Ali, rāzī allāh 'anhu, nē apnē ēk 'āmil kō farmān bhējā thā ke
... (Arabic quotation) k̲h̲arāj mēṅ un kā gadhā, un kī gā'e, un kē
kapṛē na bēcnā... (Page 22-23)

Jizya kī tahsīl meṅ un par har qism kī sak̲h̲tī karnē sē man'
kiyā gayā hai. Hazrat 'Umar, rāzī allāh 'anhu, nē šām kē
gōvarnar hazrat Abū 'Ūbaida, rāzī allāh 'anhu, kō jō farmān
likhā thā us mēṅ min-jumla (?) aur ahkām kē ēk ye bhī thā ke:
...(Arabic quotation) Musulmānōṅ kō un par zulm karnē , aur
unhēṅ satānē aur nājā'iz tarīqē sē un kē māl khānē sē man'
karō. (Page 23)

Fuqahā-ye islām nē nādihandōṅ kē haqq mēṅ sirf itnī ijāzat dī
hai ke unhēṅ tadībānan qaid bē mašaqqat kī sazā dī jā saktī hai.
(Page 24)

6.8.9. Tijāratī Ṭēks (Trade Tax)

Regarding the double trade tax on dhimmī businessmen:

> Musulmān tājirōṅ kī tarah zimmī tājirōṅ kē amvāl-e tijārat par
> bhī ṭēks liyā jāēgā jabke un kā rās ul-māl 200 dirham tak
> pahunc jāē yā voh 20 misqāl sōnē kē mālik hō jāēṅ. Is mēṅ
> šakk nahīṅ hai ke fuqahā nē zimmī tājir par tijāratī mahsūl 5
> fīsadī lagāyā thā aur musulmān tājir par 2 ½ fīsadī, lēkin yeh
> fe'l kisī nass par mabnī na thā balke ijtihād par mabnī thā aur
> dar asl vaqtī masāleh us kē muqtazī thē. Us zamānē mēṅ
> musulmān zyādahtar mulk kī hifāzat mēṅ mašghūl thē aur
> tamām tijārat zimmiyōṅ kē hāth mēṅ ā gaī thī. Isī liē
> musulmān tājirōṅ kī himmat afzā'e aur un kī tijārat kē tahaffuz
> kē liē un par ṭēks kam kar diyā gayā. (Page 26)

In a footnote, Mawdudi adds:

> Magar yeh zarūrī nahīṅ hai ke āj bhī ṭēks 'ā'id karnē kē liē yehī
> nisāb rakhā jāē. Yeh nisāb us zamānē kē hālāt kē lihāz sē thā.
> (Page 26, 2nd footnote)

6.8.10. Faujī Khidmat sē Istisnā' (Exclusion from Military Service)

> Zimmī faujī khidmat sē mustasnā haiṅ aur dušman sē mulk kī
> hifāzat karnā tanhā musulmānōṅ kē farā'iz mēṅ dākhil kiyā
> gayā hai. Is kī vajah yeh hai ke ēk usūl par jō riyāsat qā'im hō
> us kī hifāzat kē liē vohī lōg laṛ saktē haiṅ aur unhī kō us kē liē
> laṛnā cāhiē jō us usūl kō haqq māntē haiṅ... Isī liē islām nē
> zimmiyōṅ kō faujī khidmat sē mustasnā karkē un par sirf yeh
> farz 'ā'id kiyā hai ke voh mulkī hifāzat kē masārif mēṅ apnā
> hissa adā kar dēṅ. Jizya kī asl [sic] haisiyat yehī hai. Voh na
> sirf itā'at kā nišān hai, balke faujī khidmat sē istisnā' kā badal
> aur mulkī hifāzat kā mu'āvaza bhī hai. Cunāṅce jizya sirf qābil-
> e jang mardōṅ hī par lagāyā jātā hai. (Page 27)

6.9. Fuqahā-ye Islām kī Himāyat (Support from the Muslim Jurists)

> Yeh haiṅ us qānūn kī tafsīlāt jō sadar-e avval mēṅ ghair muslim
> ra'āyā kē huqūq ō farā'iz sē muta'alliq banayā gayā thā. Ab āge
> baṛhnē sē pahlē ham ye bhī batā dēnā cāhtē haiṅ ke hulafā'-ye
> [sic] rāšidīn kē ba'd bādšāhī daur mēṅ jab kabhī zimmiyōṅ kē

sāth bē insāfī kī gaī tō voh fuqahā-ye islām hī kā girdah thā jō āgē baṛh kar un kī himāyat kē liē khaṛā hō gayā aur muttafiq hō kar un kā pušt-panāh banā. (Page 29)

...Aur agar kabhī kisī amīr yā bādšāh nē un par jabr ō zulm kiyā bhī hai tō jō lōg us ʿahd mēṅ islāmī qānūn kē pāsbān rahēṅ haiṅ. voh kabhī us par malāmat karnē sē bāz nahīṅ rahē. (Page 31)

6.10. Zāʾid Huqūq jō Ghair Muslimōṅ kō Diyē Jā Saktē Haiṅ (Additional Rights That May Be Granted to Non-Muslims)

... Ab ham mukhtasar taur par yeh batāēṅgē ke maujūdah zamānē mēṅ ēk islāmī riyāsat apnē ghair muslim šahriyōṅ kō usūl-e islām kē mutābiq mazīd kyā huqūq dē saktī hai. (Page 32)

6.10.1. Numāʾindagī aur Rāʾēdehī (Political Representation)

(No transcription.)

6.10.2. Azādī-ye Tahrīr ō Taqrīr Vaghairah (Freedom of Expression)

Limited freedom of expression within the framework of the shariʿa:

Ghair muslimōṅ kō is riyāsat mēṅ tahrīr ō taqrīr aur rāʾē ō zamīr aur ijtimāʿ kī vohī azādī hāsil hōgī jō khud musulmānōṅ kō hāsil hōgī, aur is muʿāmlē mēṅ jō qānūnī pābandiyāṅ musulmānōṅ kē liē hōṅgī vohī un kē liē bhī hōṅgī. Qānūn kī hudūd mēṅ rahtē hūē voh hukūmat par, us ke hukkām par aur khud raʾīs-e hukūmat ... [illegible] tanqīd kar sakēṅgē. Unhēṅ islām par bhī tanqīd kā itnā hī haqq hāsil hōgā jitnā musulmānōṅ kō un kē mazhab par tanqīd kā haqq hōgā. Is tanqīd mēṅ musulmānōṅ kō bhī usī tarah qānūn kā pāband rahnā hōgā jis tarah ghair muslimōṅ kō.

Voh apnē mazhab kī khūbīāṅ bayān karnē mēṅ pūrī tarah azād hōṅgē aur agar ēk ghair islāmī mazhab kā pai-rav kisī dūsrē ghair islāmī mazhab kō qabūl kar lē tō hukūmat kō us par kōī eʿtirāz na hōgā. Albatta kōī musulmān islāmī riyāsat kē hudūd mēṅ rahtē hūē apnā dīn badalnē kā majāz na hōgā. Lēkin irtidād kī sūrat mēṅ muʾākhazah jō kuch bhī hōgā khud

124

murtadd sē hōgā na ke us ghair muslim sē jis kā asar qabūl kar kē voh murtadd hūā hai. Unhēṅ apnē zamīr kē khilāf kōī 'aqīdah yā 'amal ikhtiyār karnē par majbūr na kiyā jāēgā, aur apnē zamīr kē mutābiq voh aisē sab kām karne kē majāz hōṅgē jō qānūn-e mulkī sē mutasādim na hōtē hōṅ. (Page 33-34)

6.10.3. Ta'līm (Education)

Unhēṅ nizām-e ta'līm tō vohī qabūl karnā hōgā jō riyāsat pūrē mulk kē liē banāēgī, lēkin jahāṅ tak islām kī mazhabī ta'līm kā ta'alluq hai, us kē paṛhnē par voh majbūr na kiyē jāēṅgē. Unhēṅ pūrā haqq hōgā ke mulkī darsgāhōṅ mēṅ, yā khud apnī makhsūs darsgāhōṅ mēṅ, apnē mazhab kī ta'līm kā mustaqill intizām karēṅ.