

CHAPTER X

SOCIAL STAGNATION

I

The social evils which characterize the Hindu Society, have been well known. The publication of *Mother India* by Miss Mayo gave these evils the widest publicity. But while *Mother India* served the purpose of exposing the evils and calling their authors at the bar of the world to answer for their sins, it created the unfortunate impression throughout the world that while the Hindus were grovelling in the mud of these social evils and were conservative, the Muslims in India were free from them, and as compared to the Hindus, were a progressive people. That, such an impression should prevail, is surprising to those who know the Muslim Society in India at close quarters.

One may well ask if there is any social evil which is found among the Hindus and is not found among the Muslims ?

Take child-marriage. The Secretary of the Anti-Child-marriage Committee, constituted by the All-India Women's Conference, published a bulletin which gives the extent of the evil of child-marriage in the different communities in the country. The figures which were taken from the Census Report of 1931 are as follows:—

TABLE
MARRIED FEMALES AGED 0-15 PER 1000 FEMALES OF
THAT AGE.

		Hindus	Muslims	Jains	Sikhs	Christians
1881	..	208	153	189	170	33
1891	..	193	141	172	143	37
1901	..	186	131	164	101	38
1911	..	184	123	130	88	39
1921	..	170	111	117	72	32
1931	..	199	186	125	80	43

Can the position among the Musalmans so far as child-marriage goes, be considered better than the position among the Hindus ?

Take the position of women. It is insisted by Muslims that the legal rights given to Muslim women, ensure them a greater measure of independence than allowed to other Eastern women, for example, Hindu women, and are in excess of the rights given to women in some Western countries. Reliance is placed on some of the provisions of the Muslim Law.

Firstly, it is said the Muslim Law does not fix any age for marriage, and recognizes the right of a girl to marry any time. Further, except where the marriage is celebrated by the father or the grandfather, a Muslim girl, if given in marriage in childhood, has the power to repudiate her marriage on attaining puberty.

Secondly, it is held out that marriage among the Musalmans is a contract. Being a contract, the husband has a right to divorce his wife and the Muslim Law has provided ample safeguards for the wife which, if availed of, would place the Muslim wife on the same footing as the husband in the matter of divorce. For, it is claimed that the wife under the Muslim Law can, at the time of the marriage, or even thereafter in some cases, enter into a contract by which she may under certain circumstances obtain a divorce.

Thirdly, the Mahomedam Law requires that a wife can claim from her husband, by way of consideration for the surrender of her person, a sum of money or other property—known as her “dower”. The dower may be fixed even after marriage and if no amount is fixed, the wife is entitled to proper dower. The amount of dower is usually split into two parts, one is called “prompt” which is payable on demand, and the other “deferred” which is payable on dissolution of marriage by death or divorce. Her claim for dower will be treated as a debt against the husband’s estate. She has complete dominion over her dower which is intended to give her economic independence. She can remit it or she can appropriate the income of it as she pleases.

Granting all these provisions of law in her favour, the Muslim woman is the most helpless person in the world. To quote an Egyptian Muslim leader :—

“Islam has set its seal of inferiority upon her, and given the sanction of religion to social customs which have deprived her of the full opportunity for self-expression and development of personality.”

No Muslim girl has the courage to repudiate her marriage, although it may be open to her on the ground that she was a child and that it was brought about by persons other than her parents. No Muslim wife will think it proper to have a clause entered into her marriage contract reserving her the right to divorce. In that event, her fate is "once married, always married." She cannot escape the marriage tie, however irksome it may be. While she cannot repudiate the marriage, the husband can always do it without having to show any cause. Utter the word "*Tallak*" and observe continence for three weeks and the woman is cast away. The only restraint on his caprice is the obligation to pay dower. If the dower has already been remitted, his right to divorce is a matter of his sweet will.

This latitude in the matter of divorce destroys that sense of security which is so fundamental for a full, free and happy life for a woman. This insecurity of life, to which a Muslim woman is exposed, is greatly augmented by the right of polygamy and concubinage, which the Muslim Law gives to the husband.

Mahomedam Law allows a Muslim to marry four wives at a time. It is not unoften said that this is an improvement over the Hindu Law which places no restriction on the number of wives a Hindu can have at any given time. But it is forgotten that in addition to the four legal wives, the Muslim Law permits a Mahomedan to cohabit with his female slaves. In the case of female slaves nothing is said as to the number. They are allowed to him without any restriction whatever and without any obligation to marry them.

No words can adequately express the great and many evils of polygamy and concubinage and especially as a source of misery to a Muslim woman. It is true that because polygamy and concubinage are sanctioned, one must not suppose they are indulged in by the generality of Muslims; still the fact remains that they are privileges which are easy for a Muslim to abuse to the misery and unhappiness of his wife. Mr. John J. Pool, no enemy of Islam, observes* :—

"This latitude in the matter of divorce is very greatly taken advantage of by some Mohamedans. Stobart, commenting on this

* *Studies in Mahomedanism*, pp. 34-35.

subject in his book, *Islam, and its Founder*, says: ‘Some Mohamedans make a habit of continually changing their wives. We read of young men who have had twenty and thirty wives, a new one every three months: and thus it comes about that women are liable to be indefinitely transferred from one man to another, obliged to accept a husband and a home whenever they can find one, or in case of destitution, to which divorce may have driven them, to resort to other more degrading means of living. Thus while keeping the strict letter of the law, and possessing only one or certainly not more than four wives, unscrupulous characters may yet by divorce obtain in a lifetime as many wives as they please.

“In another way also a Mohamedan may really have more than four wives, and yet keep within the law. This is by means of living with concubines, which the Koran expressly permits. In that *sura* which allows four wives, the words are added, ‘of the slaves which ye shall have acquired.’ Then in the 70th *sura*, it is revealed that it is no sin to live with slaves. The very words are: ‘The slaves which their right hands possess, as to them they shall be blameless.’ At the present day, as in days past, in multitudes of Mohamedan homes, slaves are found; as Muir says, in his *Life of Mahomet* ‘so long as this unlimited permission of living with their female slaves continues, it cannot be expected that there will be any hearty attempt to put a stop to slavery in Mohamedan countries.’ Thus the Koran, in this matter of slavery, is the enemy of the mankind. And women, as usual, are the greater sufferers.’

Take the caste system. Islam speaks of brotherhood. Everybody infers that Islam must be free from slavery and caste. Regarding slavery nothing needs to be said. It stands abolished now by law. But while it existed much of its support was derived from Islam and Islamic countries.* While the prescriptions by the Prophet regarding the just and humane treatment of slaves contained in the Koran are praiseworthy, there is nothing whatever in Islam that lends support to the abolition of this curse. As Sir W. Muir has well said †:—

“... rather, while lightening, he reverted the fetter....
There is no obligation on a Muslim to release his slaves....”

But if slavery has gone, caste among Musalmans has remained. As an illustration one may take the conditions prevalent among the Bengal Muslims. The Superintendent of the

* Ibid., Chapter XXXIX.

† *The Koran, its Composition and Teaching*, p. 58.

Census for 1901 for the Province of Bengal records the following interesting facts regarding the Muslims of Bengal:—

“ The conventional division of the Mahomedans into four tribes— Sheikh, Saiad, Moghul and Pathan—has very little application to this Province (Bengal). The Mahomedans themselves recognize two main social divisions, (1) Ashraf or Sharaf and (2) Ajlaf. Ashraf means ‘noble’ and includes all undoubted descendants of foreigners and converts from high caste Hindus. All other Mahomedans including the occupational groups and all converts of lower ranks, are known by the contemptuous terms, ‘Ajlaf’, ‘wretches’ or ‘mean people’: they are also called Kamina or Itar, ‘base’ or Rasil, a corruption of Rizal, ‘worthless’. In some places a third class, called Arzal or ‘lowest of all’, is added. With them no other Mahomedan would associate, and they are forbidden to enter the mosque to use the public burial ground.

“Within these groups there are castes with social precedence of exactly the same nature as one finds among the Hindus.

I. *Ashraf* or better class Mahomedans.

- (1) Saiads.
- (2) Sheikhs.
- (3) Pathans.
- (4) Moghul.
- (5) Mallik.
- (6) Mirza.

II. *Ajlaf* or lower class Mahomedans.

- (1) Cultivating Sheikhs, and others who were originally Hindus but who do not belong to any functional group, and have not gained admittance to the Ashraf Community, e.g. Pirali and Thakrai.
- (2) Darzi, Jolaha, Fakir, and Rangrez.
- (3) Barhi, Bhathiara, Chik, Churihar, Dai, Dhawa, Dhunia, Gaddi, Kalal, Kasai, Kula Kunjara, Laheri, Mahifarosh, Mallah, Naliya, Nikari.
- (4) Abdal, Bako, Bediya, Bhat, Chamba, Dafali, Dhobi, Hajjam, Mucho, Nagarchi, Nat, Panwaria, Madaria, Tuntia.

III. *Arzal* or degraded class.

Bhanar, Halalkhor, Hijra, Kasbi, Lalbegi, Maugta, Mehtar.”

The Census Superintendent mentions another feature of the Muslim social system, namely, the prevalence of the “panchayet system” He states :—

“ The authority of the panchayat extends to social as well as trade matters and... marriage with people of other communities is one of

the offences of which the governing body takes cognizance. The result is that these groups are often as strictly endogamous as Hindu castes. The prohibition on inter-marriage extends to higher as well as to lower castes, and a Dhuma, for example, may marry no one but a Dhuma. If this rule is transgressed, the offender is at once hauled up before the panchayat and ejected ignominiously from his community. A member of one such group cannot ordinarily gain admission to another, and he retains the designation of the community in which he was born even if he abandons its distinctive occupation and takes to other means of livelihood thousands of Jolahas are butchers, yet they are still known as Jolahas."

Similar facts from other Provinces of India could be gathered from their respective Census Reports and those who are curious may refer to them. But the facts for Bengal are enough to show that the Mahomedans observe not only caste but also untouchability.

There can thus be no manner of doubt that the Muslim Society in India is afflicted by the same social evils as afflict the Hindu Society. Indeed, the Muslims have all the social evils of the Hindus and something more. That something more is the compulsory system of *purdah* for Muslim women.

As a consequence of the *purdah* system a segregation of the Muslim women is brought about. The ladies are not expected to visit the outer rooms, verandahs or gardens, their quarters are in the back-yard. All of them, young and old, are confined in the same room. No male servant can work in their presence. A woman is allowed to see only her sons, brothers, father, uncles and husband, or any other near relation who may be admitted to a position of trust. She cannot go even to the mosque to pray and must wear *burka* (veil) whenever she has to go out. These *burka* women walking in the streets is one of the most hideous sights one can witness in India. Such seclusion cannot but have its deteriorating effects upon the physical constitution of Muslim women. They are usually victims to anaemia, tuberculosis and pyorrhoea. Their bodies are deformed, with their backs bent, bones protruded, hands and feet crooked. Ribs, joints and nearly all their bones ache. Heart palpitation is very often present in them. The result of this pelvic deformity is untimely death at the time of delivery. *Purdah* deprives Muslim women of mental and

moral nourishment. Being deprived of healthy social life, the process of moral degeneration must and does set in. Being completely secluded from the outer world, they engage their minds in petty family quarrels with the result that they become narrow and restricted in their outlook.

They lag behind their sisters from other communities, cannot take part in any outdoor activity and are weighed down by a slavish mentality and an inferiority complex. They have no desire for knowledge, because they are taught not to be interested in anything outside the four walls of the house. *Purdah* women in particular become helpless, timid, and unfit for any fight in life. Considering the large number of *purdah* women among Muslims in India, one can easily understand the vastness and seriousness of the problem of *purdah**

The physical and intellectual effects of *purdah* are nothing as compared with its effects on morals. The origin of *purdah* lies of course in the deep-rooted suspicion of sexual appetites in both sexes and the purpose is to check them by segregating the sexes. But far from achieving the purpose, *purdah* has adversely affected the morals of Muslim men. Owing to *purdah* a Muslim has no contact with any woman outside those who belong to his own household. Even with them his contact extends only to occasional conversation. For a male there is no company of and no commingling with the females except those who are children or aged. This isolation of the males from females is sure to produce bad effects on the morals of men. It requires no psychoanalyst to say that a social system which cuts off all contact between the two sexes produces an unhealthy tendency towards sexual excesses and unnatural and other morbid habits and ways.

The evil consequences of *purdah* are not confined to the Muslim community only. It is responsible for the social segregation of Hindus from Muslims which is the bane of public life in India. This argument may appear far fetched and one is inclined to attribute this segregation to the unsociability of the Hindus rather than to *purdah* among the Muslims. But the Hindus are right when they say that it is not possible to establish social contact

* For the position of Muslim women, see *Our Cause*, edited by Shyam Kumar Nehru.

between Hindus and Muslims because such contact can only mean contact between women from one side and men from the other*

Not that *purdah* and the evils consequent thereon are not to be found among certain sections of the Hindus in certain parts of the country. But the point of distinction is that among the Muslims, *purdah* has a religious sanctity which it has not with the Hindus. *Purdah* has deeper roots among the Muslims than it has among the Hindus and can only be removed by facing the inevitable conflict between religious injunctions and social needs. The problem of *purdah* is a real problem with the Muslims—apart from its origin—which it is not with the Hindus. Of any attempt by the Muslims to do away with it, there is no evidence.

There is thus a stagnation not only in the social life but also in the political life of the Muslim community of India. The Muslims have no interest in politics as such. Their predominant interest is religion. This can be easily seen by the terms and conditions that a Muslim constituency makes for its support to a candidate fighting for a seat. The Muslim constituency does not care to examine the programme of the candidate. All that the constituency wants from the candidate is that he should agree to replace the old lamps of the masjid by supplying new ones at his cost, to provide a new carpet for the masjid because the old one is torn, or to repair the masjid because it has become dilapidated. In some places a Muslim constituency is quite satisfied if the candidate agrees to give a sumptuous feast and in other if he agrees to buy votes for so much a piece. With the Muslims, election is a mere matter of money and is very seldom a matter of social programme of general improvement. Muslim politics takes no note of purely secular categories of life, namely, the differences between rich and poor, capital and labour, landlord and tenant, priest and layman, reason and superstition. Muslim politics is essentially clerical and recognizes only one difference, namely, that existing between Hindus and Muslims. None of the

*It is interesting to note the argument which the Europeans who are accused by Indians for not admitting them to their clubs use to defend themselves. They say, "We bring our women to the clubs. If you agree to bring your women to the club, you can be admitted. We can't expose our women to your company if you deny us the company of your women. Be ready to go fifty-fifty, then ask for entry in our clubs."

secular categories of life have any place in the politics of the Muslim community and if they do find a place—and they must because they are irrepressible—they are subordinated to one and the only governing principle of the Muslim political universe, namely, religion.

II

The existence of these evils among the Muslims is distressing enough. But far more distressing is the fact that there is no organized movement of social reform among the Musalmans of India on a scale sufficient to bring about their eradication. The Hindus have their social evils. But there is this relieving feature about them—namely, that some of them are conscious of their existence and a few of them are actively agitating for their removal. The Muslims, on the other hand, do not realize that they are evils and consequently do not agitate for their removal. Indeed, they oppose any change in their existing practices. It is noteworthy that the Muslims opposed the Child-Marriage Bill brought in the Central Assembly in 1930, whereby the age for marriage of a girl was raised to 14 and of a boy to 18 on the ground that it was opposed to the Muslim canon law. Not only did they oppose the bill at every stage but that when it became law they started a campaign of Civil Disobedience against that Act. Fortunately the Civil Disobedience campaign of the Muslims against the Act did not swell and was submerged in the Congress Civil Disobedience campaign which synchronized with it. But the campaign only proves how strongly the Muslims are opposed to social reform.

The question may be asked why are the Muslims opposed to social reform ?

The usual answer given is that the Muslims all over the world are an unprogressive people. This view no doubt accords with the facts of history. After the first spurts of their activity—the scale of which was undoubtedly stupendous leading to the foundations of vast empires—the Muslims suddenly fell into a strange condition of torpor, from which they never seem to have become

awake. The cause assigned for this torpor by those, who have made a study of their condition, is said to be the fundamental assumption made by all Muslims that Islam is a world religion, suitable for all people, for all times and for all conditions. It has been contended that:—

“The Musalman, remaining faithful to his religion, has not progressed ; he has remained stationary in a world of swiftly moving modern forces. It is, indeed, one of the salient features of Islam that it immobilizes in their native barbarism, the races whom it enslaves. It is fixed in a crystallization, inert and impenetrable. It is unchangeable; and political, social or economic changes have no repercussion upon it.

“Having been taught that outside Islam there can be no safety; outside its law no truth and outside its spiritual message there is no happiness, the Muslim has become incapable of conceiving any other condition than his own, any other mode of thought than the Islamic thought. He firmly believes that he has arrived at an unequalled pitch of perfection; that he is the sole possessor of true faith, of the true doctrine, the true wisdom; that he alone is in possession of the truth— no relative truth subject to revision, but absolute truth.

“The religious law of the Muslims has had the effect of imparting to the very diverse individuals of whom the world is composed, a unity of thought, of feeling, of ideas, of judgment.”

It is urged that this uniformity is deadening and is not merely imparted to the Muslims, but is imposed upon them by a spirit of intolerance which is unknown anywhere outside the Muslim world for its severity and its violence and which is directed towards the suppression of all rational thinking which is in conflict with the teachings of Islam. As Renan observes*:—

“Islam is a close union of the spiritual and the temporal; it is the reign of a dogma, it is the heaviest chain that humanity has ever borne.... Islam has its beauties as a religion;.... But to the human reason Islamism has only been injurious. The minds that it has shut from the light were, no doubt, already closed in their own internal limits; but it has persecuted free thought, I shall not say more violently than other religions, but more effectually. It has made of the countries that it has conquered a closed field to the rational culture of the mind. What is, in fact essentially distinctive of the Musalman is his hatred of science, his persuasion that research is useless, frivolous, almost impious—the natural sciences, because they are attempts at rivalry with God; the historical sciences, because they apply to times anterior to Islam, they may revive ancient heresies....”

* *Nationality and other Essays.*

Renan concludes by saying:—

“Islam, in treating science as an enemy, is only consistent, but it is a dangerous thing to be consistent. To its own misfortune Islam has been successful. By slaying science it has slain itself; and is condemned in the world to a complete inferiority.”

This answer though obvious, cannot be the true answer. If it were the true answer, how are we to account for the stir and ferment that is going on in all Muslim countries outside India, where the spirit of inquiry, the spirit of change and the desire to reform are noticeable in every walk of life. Indeed, the social reforms which have taken place in Turkey have been of the most revolutionary character. If Islam has not come in the way of the Muslims of these countries, why should it come in the way of the Muslims of India? There must be some special reason for the social and political stagnation of the Muslim community in India.

What can that special reason be? It seems to me that the reason for the absence of the spirit of change in the Indian Musalman is to be sought in the peculiar position he occupies in India. He is placed in a social environment which is predominantly Hindu. That Hindu environment is always silently but surely encroaching upon him. He feels that it is de-musalmanizing him. As a protection against this gradual weaning away he is led to insist on preserving everything that is Islamic without caring to examine whether it is helpful or harmful to his society. Secondly, the Muslims in India are placed in a political environment which is also predominantly Hindu. He feels that he will be suppressed and that political suppression will make the Muslims a depressed class. It is this consciousness that he has to save himself from being submerged by the Hindus socially and politically, which to my mind is the primary cause why the Indian Muslims as compared with their fellows outside are backward in the matter of social reform. Their energies are directed to maintaining a constant struggle against the Hindus for seats and posts in which there is no time, no thought and no room for questions relating to social reform. And if there is any, it is all overweighed and suppressed by the desire, generated by pressure of communal tension, to close the ranks and offer a united front to the menace of the Hindus and Hinduism by maintaining their socio-religious unity at any cost.

The same is the explanation of the political stagnation in the Muslim community of India. Muslim politicians do not recognize secular categories of life as the basis of their politics because to them it means the weakening of the community in its fight against the Hindus. The poor Muslims will not join the poor Hindus to get justice from the rich. Muslim tenants will not join Hindu tenants to prevent the tyranny of the landlord. Muslim labourers will not join Hindu labourers in the fight of labour against capital. Why? The answer is simple. The poor Muslim sees that if he joins in the fight of the poor against the rich, he may be fighting against a rich Muslim. The Muslim tenant feels that if he joins in the campaign against the landlord, he may have to fight against a Muslim landlord. A Muslim labourer feels that if he joins in the onslaught of labour against capital, he will be injuring a Muslim mill-owner. He is conscious that any injury to a rich Muslim, to a Muslim landlord or to a Muslim mill-owner, is a disservice to the Muslim community, for it is thereby weakened in its struggle against the Hindu community.

How Muslim politics has become perverted is shown by the attitude of the Muslim leaders to the political reforms in the Indian States. The Muslims and their leaders carried on a great agitation for the introduction of representative government in the Hindu State of Kashmir. The same Muslims and their leaders are deadly opposed to the introduction of representative governments in other Muslim States. The reason for this strange attitude is quite simple. In all matters, the determining question with the Muslims is how it will affect the Muslims *vis-à-vis* the Hindus. If representative government can help the Muslims, they will demand it, and fight for it. In the State of Kashmir the ruler is a Hindu, but the majority of the subjects are Muslims. The Muslims fought for representative government in Kashmir, because representative government in Kashmir meant the transfer of power from a Hindu king to the Muslim masses. In other Muslim States, the ruler is a Muslim but the majority of his subjects are Hindus. In such States representative government means the transfer of power from a Muslim ruler to the Hindu masses, and that is why the Muslims support the introduction of representative government in one case and oppose it in the other. The

dominating consideration with the Muslims is not democracy. The dominating consideration is how democracy with majority rule will affect the Muslims in their struggle against the Hindus. Will it strengthen them or will it weaken them ? If democracy weakens them, they will not have democracy. They will prefer the rotten state to continue in the Muslim States rather than weaken the Muslim ruler in his hold upon his Hindu subjects.

The political and social stagnation in the Muslim community can be explained by one and only one reason. The Muslims think that the Hindus and Muslims must perpetually struggle ; the Hindus to establish their dominance over the Muslims and the Muslims to establish their historical position as the ruling community—that in this struggle the strong will win, and to ensure strength they must suppress or put in cold storage every thing which causes dissension in their ranks.

If the Muslims in other countries have undertaken the task of reforming their society and the Muslims of India have refused to do so, it is because the former are free from communal and political clashes with rival communities, while the latter are not.

III

It is not that this blind spirit of conservatism which does not recognize the need of repair to the social structure has taken hold of the Muslims only. It has taken hold of the Hindus also. The Hindus at one time did recognize that without social efficiency no permanent progress in other fields of activity was possible, that, owing to the mischief wrought by evil customs Hindu Society was not in a state of efficiency and that ceaseless efforts must be made to eradicate these evils. It was due to the recognition of this fact that the birth of the National Congress was accompanied by the foundation of the Social Conference. While the Congress was concerned with defining the weak points in the political organisation of the country, the Social Conference was engaged in removing the weak points in the social organisation of the Hindu Society. For some time, the Congress and the

Conference worked as two wings of one common body and held their annual sessions in the same pandal. But soon the two wings developed into two parties, a Political Reform Party and a Social Reform Party, between whom raged fierce controversy. The Political Reform Party supported the National Congress and the Social Reform Party supported the Social Conference. The two bodies became two hostile camps. The point at issue was whether social reform should precede political reform. For a decade the forces were evenly balanced and the battle was fought without victory to either side. It was, however, evident that the fortunes of the Social Conference were ebbing fast. The gentlemen who presided over the sessions of the Social Conference lamented that the majority of the educated Hindus were for political advancement and indifferent to social reform and that while the number of those who attended the Congress was very large and the number who did not attend but who sympathized with it even larger, the number of those who attended the Social Conference was very much smaller. This indifference, this thinning of its ranks was soon followed by active hostility from the politicians, like the late Mr. Tilak. In course of time, the party in favour of political reform won and the Social Conference vanished and was forgotten,* With it also vanished from the Hindu Society the urge for social reform. Under the leadership of Mr. Gandhi, the Hindu Society, if it did not become a political mad-house, certainly became mad after politics. Non-co-operation, Civil Disobedience, and the cry for Swaraj took the place which social reform once had in the minds of the Hindus. In the din and dust of political agitation, the Hindus do not even know that there are any evils to be remedied. Those who are conscious of it, do not believe that social reform is as important as political reform, and when forced to admit its importance argue that there can be no social reform unless political power is first achieved. They are so eager to possess political power that they are impatient even of propaganda in favour of social reform, as it means so much time and energy deducted from political propaganda. A correspondent of Mr. Gandhi put the point of

* For a more detailed statement, see my tract on *Annihilation of caste*.

view of the Nationalists very appropriately, if bluntly, when he wrote* to Mr. Gandhi, saying:—

“Don’t you think that it is impossible to achieve any great reform without winning political power ? The present economic structure has got to be tackled? No reconstruction is possible without political reconstruction and I am afraid all this talk of polished and unpolished rice, balanced diet and so on and so forth is mere moonshine.”

The Social Reform Party, led by Ranade, died leaving the field to the Congress. There has grown up among the Hindus another party which is also a rival to the Congress. It is the Hindu Maha Sabha. One would expect from its name that it was a body for bringing about the reform of Hindu Society. But it is not. Its rivalry with the Congress has nothing to do with the issue of social reform *vs.* political reform. Its quarrel with the Congress has its origin in the pro-Muslim policy of the Congress. It is organized for the protection of Hindu rights against Muslim encroachment. Its plan is to organize the Hindus for offering a united front to the Muslims. As a body organized to protect Hindu rights it is all the time engaged in keeping an eye on political movements, on seats and posts. It cannot spare any thought for social reform. As a body keen on bringing about a united front of all Hindus, it cannot afford to create dissensions among its elements which would be the case if it undertook to bring about social reforms. For the sake of the consolidation of the Hindu rank and file, the Hindu Maha Sabha is ready to suffer all social evils to remain as they are. For the sake of consolidation of the Hindus, it is prepared to welcome the Federation as devised by the Act of 1935 in spite of its many iniquities and defects. For the same purpose, the Hindu Maha Sabha favours the retention of the Indian States, with their administration as it is. ‘Hands off the Hindu States’ has been the battle-cry of its President. This attitude is stranger than that of the Muslims. Representative government in Hindu States cannot do harm to the Hindus. Why then should the President of the Hindu Maha Sabha oppose it ? Probably because it helps the Muslims, whom he cannot tolerate.

**Harijan*—11th January 1936.

IV

To what length this concern for the conservation of their forces can lead the Hindus and the Musalmans cannot be better illustrated than by the debates on the Dissolution of Muslim Marriage Act VIII of 1939 in the Central Assembly. Before 1939, the law was that apostasy of a male or a female married under the Muslim law *ipso facto* dissolved the marriage with the result that if a married Muslim woman changed her religion, she was free to marry a person professing her new religion. This was the rule of law enforced by the courts, throughout India at any rate, for the last 60 years.*

This law was annulled by Act VIII of 1939, section 4 of which reads as follows :—

“The renunciation of Islam by a married Muslim woman or her conversion to a faith other than Islam shall not by itself operate to dissolve her marriage :

Provided that after such renunciation or conversion the woman shall be entitled to obtain a decree for the dissolution of marriage on any of the grounds mentioned in section 2:

Provided further that the provision of this section shall not apply to a woman converted to Islam from some other faith who re-embraces her former faith.”

According to this Act, the marriage of a married Muslim woman is not dissolved by reason of her conversion to another religion. All that she gets is a right of divorce. It is very intriguing to find that section 2 does not refer to conversion or apostasy as a ground for divorce. The effect of the law is that a married Muslim woman has no liberty of conscience and is tied for ever to her husband whose religious faith may be quite abhorrent to her.

The grounds urged in support of this change are well worth attention. The mover of the Bill, Quazi Kazmi, M.L.A., adopted a very ingenious line of argument in support of the change. In his speech† on the motion to refer the Bill he said :—

“Apostasy was considered by Islam, as by any other religion, as a great crime, almost amounting to a crime against the State. It is

*The earliest reported decision was that given by the High Court of the North-West Province in 1870 in the case of *Zabaroast Khan vs. His wife*.

†*Legislative Assembly Debates*. 1938. Vol. V. pp. 1098-1101.

not novel for the religion of Islam to have that provision. If we look up the older Acts of any nation, we will find that similar provision also exists in other Codes as well. For the male a severer punishment was awarded, that of death, and for females, only the punishment of imprisonment was awarded. This main provision was that because it was a sin, it was a crime, it was to be punished, and the woman was to be deprived of her status as wife. It was not only this status that she lost, but she lost all her status in society ; she was deprived of her property and civil rights as well. But we find that as early as 1850 an Act was passed here, called the Caste Disabilities Removal Act of 1850, Act XXI of 1850.....

“....by this Act, the forfeiture of civil rights that could be imposed on a woman on her apostasy has been taken away. She can no longer be subjected to any forfeiture of property or her right of Inheritance or anything of the kind. The only question is that the Legislature has come to her help, it has given her a certain amount of liberty of thought, some kind of liberty of religion to adopt any faith she likes, and has removed the forfeiture clause from which she could suffer, and which was a restraint upon her changing the faith. The question is how far we are entitled after that to continue placing the restriction on her status as a wife. Her status as a wife is of some importance in society. She belongs to some family, she has got children, she has got other connections too. If she has got a liberal mind, she may not like to continue the same old religion. If she changes her religion, why should we, according to our modern ideas, inflict upon her a further penalty that she will cease to be the wife of her husband. I submit, in these days when we are advocating freedom of thought and freedom of religion, when we are advocating inter-marriages between different communities, it would be inconsistent for us to support a provision that a mere change of faith or change of religion would entail forfeiture of her rights as the wife of her husband. So, from a modern point of view, I have got no hesitation in saying that we cannot, in any way, support the contrary proposition that apostasy must be allowed to finish her relationship with her husband. But that is only one part of the argument.

“ Section 32 of the Parsi Marriage and Divorce Act, 1936, is to the effect that a married woman may sue for divorce on the grounds ‘ that the defendant has ceased to be a Parsi.....’

“There are two things apparent from this. The first is, that it is a ground for dissolution, not from any religious idea or religious sentiment, because, if two years have passed after the conversion and if plaintiff does not object, then either the male or female has no right to sue for dissolution of marriage. The second thing is, that it is the plaintiff who has got the complaint that the other party has changed the religion, who has got the right of getting the marriage dissolved

..... In addition to this Act, as regards other communities we can have an idea of the effect of conversion on marriage tie from the Native Converts' Marriage Dissolution Act, Act XXI of 1886It applies to all the communities of India, and this legislation recognises the fact that mere conversion of an Indian to Christianity would not dissolve the marriage but he will have the right of going to a law court and saying that the other party, who is not converted, must perform the marital duties in respect of him.....then they are given a year's time and the judge directs that they shall have an interview with each other in the presence of certain other persons to induce them to resume their conjugal relationship, and if they do not agree, then on the ground of desertion the marriage is dissolved. The marriage is dissolved no doubt, but not on the ground of change of faith.....So, every community in India has got this accepted principle that conversion to another religion cannot amount to a dissolution of marriage."

Syed Gulam Bikh Nairang, another Muslim member of the Assembly and a protagonist of the Bill, was brutally frank. In support of the principle of the Bill he said* :—

" For a very long time the courts in British India have held without reservation and qualification that under all circumstances apostasy automatically and immediately puts an end to the married state without any judicial proceedings, any decree of court, or any other ceremony. That has been the position which was taken up by the Courts. Now, there are three distinct views of *Hanafi jurists* on the point One view which is attributed to the Bokhara jurists was adopted and even that not in its entirety but in what I may call a mutilated and maimed condition. What that Bokhara view is has been already stated by Mr. Kazmi and some other speakers. The Bokhara jurists say that marriage is dissolved by apostasy. In fact, I should be more accurate in saying—I have got authority for that—that it is, according to the Bokhara view, not dissolved but suspended. The marriage is suspended but the wife is then kept in custody or confinement till she repents and embraces Islam again, and then she is induced to marry the husband, whose marriage was only suspended and not put an end to or cancelled. The second view is that on apostasy a married Muslim woman ceases to be the wife of her husband but becomes his bond woman. One view, which is a sort of corollary to this view, is that she is not necessarily the bond woman of her ex-husband but she becomes the bond woman of the entire Muslim community and anybody can employ her as a bond woman. The third view, that of the Ulema of Samarkand and Balkh, is that the marriage tie is not affected by such apostasy and that the woman still continues to be the wife of the husband. These are the three views. A portion of the first view, the Bokhara view, was taken hold of by the Courts and rulings after rulings were based on that portion.

* *Legislative Assembly Debates*, 1938, Vol. V. pp. 1953-55.

“ This House is well aware that it is not only in this solitary instance that judicial error is sought to be corrected by legislation, but in many other cases, too, there have been judicial errors or conflicts of judicial opinion or uncertainties and vagueness of law. Errors of judicial view are being constantly corrected by legislation. In this particular matter there has been an error after error and a tragedy of errors. To show me those rulings is begging the question. Surely, it should be realized that it is no answer to my Bill that because the High Courts have decided against me, I have no business to come to this House and ask it to legislate this way or that way.”

Having regard to the profundity of the change, the arguments urged in support of it were indeed very insubstantial. Mr. Kazmi failed to realize that if there was a difference between the divorce law relating to Parsis, Christians and Muslims, once it is established that the conversion is genuine, the Muslim law was in advance of the Parsi and the Christian law and instead of making the Muslim law retrograde, the proper thing ought to have been to make the Parsi and the Christian law progress. Mr. Nairang did not stop to inquire that, if there were different schools of thought among the Muslim jurists, whether it was not more in consonance with justice to adopt the more enlightened view which recognized the freedom of the Muslim woman and not to replace it by the barbaric one which made her a bonds-woman.

Be that as it may, the legal arguments had nothing to do with the real motive underlying the change. The real motive was to put a stop to the illicit conversion of women to alien faiths, followed by immediate and hurried marriages with some one professing the faith she happened to have joined, with a view to locking her in the new community and preventing her from going back to the community to which she originally belonged. The conversion of Muslim woman to Hinduism and of Hindu woman to Islam looked at from a social and political point of view cannot but be fraught with tremendous consequences. It means a disturbance in the numerical balance between the two communities. As the disturbance was being brought about by the abduction of women, it could not be overlooked. For woman is at once the seed-bed of and the hothouse for nationalism in a degree that man can never be.* These

* The part played by woman in sustaining nationalism has not been sufficiently noticed. See the observations of Renan on this point in his *Essay on Nationality*.

conversions of women and their subsequent marriages were therefore regarded, and rightly, as a series of depredations practised by Hindus against Muslims and by Muslims against Hindus with a view to bringing about a change in their relative numerical strength. This abominable practice of woman-lifting had become as common as cattle-lifting and, with its obvious danger to communal balance, efforts had to be made to stop it. That this was the real reason behind this legislation can be seen from the two provisions to section 4 of the Act. In proviso 1 the Hindus concede to the Musalmans that if they convert a woman who was originally a Muslim she will remain bound to her former Muslim husband notwithstanding her conversion. By proviso 2 the Muslims concede to the Hindus that if they convert a Hindu married woman and she is married to a Musalman, her marriage will be deemed to be dissolved if she renounces Islam and she will be free to return to her Hindu fold. Thus what underlies the change in law is the desire to keep the numerical balance and it is for this purpose that the rights of women were sacrificed.

There are two other features of this malaise which have not been sufficiently noted.

One such feature is the jealousy with which one of them looks upon any reform by the other in its social system. If the effect of such reform is to give it increase of strength for resistance, it at once creates hostility.

Swami Shradhanand relates a very curious incident which well illustrates this attitude. Writing in the *Liberator** his recollections, he refers to this incident. He says:—

“Mr. Ranade was there to guide the Social Conference to which the title of ‘National’ was for the first and last time given. It was from the beginning a Hindu Conference in all walks of life. The only Mahomedan delegate who joined the National Social Conference was a Mufti Saheb of Barreily. Well! The conference began when the resolution in favour of remarriage of child-widows was moved by a Hindu delegate and by me. Sanatanist Pandits opposed it. Then the Mufti asked permission to speak. The late Baijnath told Mufti Saheb that as the resolution concerned the Hindus only, he need not speak. At this the Mufti flared up.

"There was no loophole left for the President and Mufti Saheb was allowed to have his say. Mufti Saheb's argument was that as Hindu Shastras did not allow remarriage, it was a sin to press for it. Again, when the resolution about the reconversion of those who had become Christians and Musalmans came up, Mufti Saheb urged that when a man abandoned the Hindu religion he ought not to be allowed to come back."

Another illustration would be the attitude of the Muslims towards the problem of the Untouchables. The Muslims have always been looking at the Depressed Classes with a sense of longing and much of the jealousy between Hindus and Muslims arises out of the fear of the latter that the former might become stronger by assimilating the Depressed Classes. In 1909 the Muslims took the bold step of suggesting that the Depressed Classes should not be enrolled in the census as Hindus. In 1923 Mr. Mahomed Ali in his address as the President of the Congress went much beyond the position taken by the Muslims in 1909. He said:—

"The quarrels about ALAMS and PIPAL trees and musical processions are truly childish ; but there is one question which can easily furnish a ground for complaint of unfriendly action if communal activities are not amicably adjusted. It is the question of the conversion of the Suppressed Classes, if Hindu society does not speedily absorb them. The Christian missionary is already busy and no one quarrels with him. But the moment some Muslim Missionary Society is organized for the same purpose there is every likelihood of an outcry in the Hindu press. It has been suggested to me by an influential and wealthy gentleman who is able to organize a Missionary Society on a large scale for the conversion of the Suppressed Classes, that it should be possible to reach a settlement with leading Hindu gentlemen and divide the country into separate areas where Hindu and Muslim missionaries could respectively work, each community preparing for each year, or longer unit of time if necessary, an estimate of the numbers it is prepared to absorb or convert. These estimates would, of course, be based on the number of workers and funds each had to spare, and tested by the actual figures of the previous period. In this way each community would be free to do the work of absorption and conversion, or rather, of reform without chances of collision with one another. I cannot say in what light my Hindu brethren will take it and I place this suggestion tentatively in all frankness and sincerity before them. All that I say for myself is that I have seen the condition of the 'Kali Praja' in the Baroda State and of the Gonds in the Central Provinces and I frankly confess it is a reproach to us all. If the Hindus will not absorb them into their own society, others will and must, and then the orthodox Hindu too will cease to treat them as untouchables. Conversion seems to transmute them by a strong alchemy. But does this not place a premium upon conversion ?"

The other feature is the “preparations” which the Muslims and Hindus are making against each other without abatement. It is like a race in armaments between two hostile nations. If the Hindus have the Benares University, the Musalmans must have the Aligarh University. If the Hindus start Shudhi movement, the Muslims must launch the Tablig movement. If the Hindus start Sangathan, the Muslims must meet it by Tanjim. If the Hindus have the R. S. S. S.,* the Muslims must reply by organizing the Khaksars.† This race in social armament and equipment is run with the determination and apprehension characteristic of nations which are on the war path. The Muslims fear that the Hindus are subjugating them. The Hindus feel that the Muslims are engaged in reconquering them. Both appear to be preparing for war and each is watching the “preparations” of the other.

Such a state of things cannot but be ominous. It is a vicious circle. If the Hindus make themselves stronger, the Musalmans feel menaced. The Muslims endeavour to increase their forces to meet the menace and the Hindus then do the same to equalize the position. As the preparations proceed, so does the suspicion, the secrecy, and the plotting. The possibilities of peaceful adjustment are poisoned at the source and precisely because everyone is fearing and preparing for it that “war” between the two tends to become inevitable. But in the situation in which they find themselves, for the Hindus and the Muslims not to attend to anything, except to prepare themselves to meet the challenge of each other, is quite natural. It is a struggle for existence and the issue, that counts, is survival and not the quality or the plane of survival.

Two things must be said to have emerged from this discussion. One is that the Hindus and the Muslims regard each other as a menace. The second is that to meet this menace, both have suspended the cause of removing the social evils with which they are infested. Is this a desirable state of things ? If it is not how then can it be ended ?

* Short for the Rashtriya Swayam Sevaka Sangh which is a Hindu volunteer corps.

† Khaksar is a Muslim volunteer corps.

No one can say that to have the problems of social reform put aside is a desirable state of things. Wherever there are social evils, the health of the body politic requires that they shall be removed before they become the symbols of suffering and injustice. For it is the social and economic evils which everywhere are the parent of revolution or decay. Whether social reform should precede political reform or political reform should precede social reform may be a matter of controversy. But there can be no two opinions on the question that the sole object of political power is the use to which it can be put in the cause of social and economic reform. The whole struggle for political power would be a barren and bootless effort if it was not justified by the feeling that, because of the want of political power, urgent and crying social evils are eating into the vitals of society and are destroying it. But suppose the Hindus and the Muslims somehow come into possession of political power, what hope is there that they will use it for purposes of social reform? There is hardly any hope in that behalf. So long as the Hindus and the Muslims regard each other as a menace, their attention will be engrossed in preparations for meeting the menace. The exigencies of a common front by Musalmans against Hindus and by Hindus against Musalmans generate—and is bound to generate—a conspiracy of silence over social evils. Neither the Muslims nor the Hindus will attend to them even though the evils may be running sores and requiring immediate attention, for the simple reason that they regard every measure of social reform as bound to create dissension and division and thereby weaken the ranks when they ought to be closed to meet the menace of the other community. It is obvious that so long as one community looks upon the other as a menace there will be no social progress and the spirit of conservatism will continue to dominate the thoughts and actions of both.

How long will this menace last? It is sure to last as long as the Hindus and Muslims are required to live as members of one country under the mantle of a single constitution. For, it is the fear of the single constitution with the possibility of the shifting of the balance—for nothing can keep the balance at the point originally fixed by the constitution—which makes the Hindus a menace to the Muslims and the Muslims a menace to the Hindus. If this is so,

Pakistan is the obvious remedy. It certainly removes the chief condition which makes for the menace. Pakistan liberates both the Hindus and the Muslims from the fear of enslavement of and encroachment against each other. It removes, by providing a separate constitution for each, Pakistan and Hindustan, the very basis which leads to this perpetual struggle for keeping a balance of power in the day-to-day life and frees them to take in hand those vital matters of urgent social importance which they are now forced to put aside in cold storage, and improve the lives of their people, which after all is the main object of this fight for Swaraj.

Without some such arrangement, the Hindus and the Muslims will act and react as though they were two nations, one fearing to be conquered by the other. Preparations for aggression will always have precedence over social reform, so that the social stagnation which has set in must continue. This is quite natural and no one need be surprised at it. For, as Bernard Shaw pointed out:—

“A conquered nation is like a man with cancer; he can think of nothing else.... A healthy nation is as unconscious of its nationality as a healthy man of his bones. But if you break a nation’s nationality it will think of nothing else but getting it set again. It will listen to no reformer, to no philosopher, to no preacher until the demand of the nationalist is granted. It will attend to no business, however vital, except the business of unification and liberation.”

Unless there is unification of the Muslims who wish to separate from the Hindus and unless there is liberation of each from the fear of domination by the other, there can be no doubt that this malaise of social stagnation will not be set right.