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# Shattering the Myth

## ISLAM
## BEYOND VIOLENCE

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to religious norms the litmus test of cultural authenticity. Even though a theocratic experiment is unlikely for either Egypt or Pakistan, elites in both countries will experience the impulse, from the government as well as from the opposition, to seek an Islamic solution to nagging problems. Women will be drawn into the fray from both sides, and their voices will merit close attention, etching sharply the contradictions that face Muslim society as a whole.

CHAPTER 6

# The Shah Bano Case

NOWHERE have the contradictions posed by an Islamist solution become more evident than in the case of a South Asian Muslim divorcee who sought support from her husband through the court system. To examine the case of Shah Bano is to call attention to the pivotal yet problematic role of one mode of governance, the judiciary, as it functions in the three major Muslim states of South Asia: India, Pakistan, and Bangladesh. I will argue two points that emerge when one looks at women as an independent category and the judiciary as a crucial dimension of governance. The first is that women are made to represent the cultural norms shared by men and women alike throughout Muslim South Asia. The second is that court cases involving women's legal rights not only reflect boundary markings between Muslim and other communities, they also heighten tensions about their maintenance, even as they complicate notions of what it is to be both Asian and Muslim in the late twentieth century of the common era.

Shah Bano was the daughter of a police constable.[1] At an early age she had been married to her first cousin, Muhammad Ahmad Khan. During more than forty years of marriage she had borne him five children. Then one day in 1975, according to her account, he evicted her from their home. At first he paid her a maintenance sum, as was required by Islamic law, but he ceased payment after some two and a half years. When she applied to the district court for redress, he divorced her. Uttering the formula disapproved by the Prophet but authorized by the Hanafi school of law, he declared: "I divorce you, I divorce you, I divorce you."[2]

At that point they were fully divorced, but, complying with a further provision of Islamic law, Muhammad Ahmad Khan repaid Shah Bano the dower of about three hundred dollars that he had set aside at the time of their marriage. Legally he had fulfilled all his responsibilities to her.

Shah Bano, however, was left impoverished. She had no means to support herself, having worked only as a housewife for over

forty years in the domicile from which she was now debarred. She sued her former husband by going to the magistrate of a provincial court. The magistrate ruled that Muhammad Ahmad Khan, having violated the intent of Muslim Personal Law, was obliged to continue paying Shah Bano her maintenance. The court awarded her the sum of roughly two dollars a month. She appealed the amount of that award, and two years later, in 1980, the High Court of her state (Madhya Pradesh) awarded Shah Bano approximately twenty-three dollars a month.

It was at that point that Muhammad Ahmad Khan appealed the High Court's decision. A lawyer himself, he took the case to the Indian Supreme Court, arguing that he had fulfilled all the provisions of Muslim Personal Law and hence had no more financial obligations toward his former spouse.

The Shah Bano case dragged on for another five years. Without the financial support of "fairly well-off male family members (in this case, Shah Bano's sons),"[3] she could not have pursued her appeal. Finally, in 1985, seven years after she had begun litigation in the lower courts, Shah Bano was vindicated: the Indian Supreme Court upheld the Madhya Pradesh High Court judgment, and her former husband had to comply with its verdict. The Supreme Court justices, in dismissing Muhammad Ahmad Khan's appeal, cited the Criminal Procedure Code of 1973, one section of which referred to "the maintenance of wives, children and parents."[4]

None of the above narrative makes Shah Bano exceptional. Neither her plight nor the length of her legal battles lacks precedents. Numerous are the studies of South Asian women that underscore the discrimination they continue to experience even after the attention drawn to Third World women during the International Women's Decade (1975–1985).[5] It is no small irony that Shah Bano's legal vindication came just as the International Women's Decade was ending, but the favorable outcome of her case had more to do with a legislative act than with public advocacy of women's rights: it was a change in the Code of Criminal Procedure (often abbreviated Cr.P.C.) enacted in 1973 that made possible the reconsideration of provisions for divorced Muslim women. Under this code, two Muslim women had been awarded maintenance—in 1979 and again in 1980—and it was their cases, though reviewed and modified in the Shah Bano judgment, that provided the precedent with reference to which the Supreme Court opted to rule in favor of Shah Bano.





The legal drama, and its political consequence, are dense. Often the case seems to remain only a watershed for identity politics in the continuing struggle for inclusive norms within postcolonial India. What needs to be stressed alternatively is the nature of the legal system that made all three cases possible. All three women resided neither in Bangladesh nor in Pakistan, the two majoritarian Muslim nations of the subcontinent, but in the Republic of India. As Indian citizens, they lived under an ad hoc system evolved since British colonial rule. It was a system that tended to separate criminal law from Muslim personal law. Throughout the nineteenth and the early twentieth centuries there was no uniform manner of applying Muslim family law within the lower courts. On the one hand, the number of rules applied to questions of marriage and inheritance were restricted, while on the other hand, they were enforced through a strict hierarchical structure where appeals moved haltingly from a subordinate district judge to a state high court to the London Privy Council, replaced after 1947 by the Indian Supreme Court.[6]

Due to the omissions and excesses of this system, it is not surprising that customary law, unfavorable to women, was often applied instead of the more favorable terms of Islamic law. Muslim women in the western and northern regions of India were especially vulnerable to facing the denial of property inheritance and dowry settlements, both provided to them under the *shari'a* or Islamic law. Finally, in 1937, under pressure from Muslim elites, the Shariat Law was passed. It required all Indian Muslims to be governed solely by Islamic juridical norms in family matters, namely, in marriage, divorce, maintenance, adoption, succession, and inheritance. But at independence ten years later, Parliament passed an All India Criminal Procedure Code that applied, as its title suggests, to all Indian citizens, whatever their religious affiliations; one of its provisions stipulated "the maintenance of wife, children and parents." It was that provision which the Supreme Court justices cited in the 1979 and 1980 cases and again in 1985 when they ruled in favor of Shah Bano and against Muhammad Ahmad Khan.[7]

Personal law, in effect, acquired a double tracking, one pertaining to the Muslim community, the other to common Indian citizen-

ship. While that double tracking created tension between secular and religious authorities after Independence, such tension was nonetheless successfully negotiated prior to 1985. Were the issue itself a sufficient provocation, then both the 1979 and the 1980 cases should have set off a nationwide row. In fact, they did not.

The case of Shah Bano became decisive for one reason: its timing. It did not occur in the mid-1970s, when Mrs. Gandhi's declaration of a state of emergency had muzzled the court system, nor will it occur again in the mid-1990s, for reasons that will be made clear below. It was the changed climate of religious identity in the mid-1980s that set the stage for the Shah Bano debacle. There were several necessary conditions, but the one sufficient condition was timing: it was in the mid-1980s, and only in the mid-1980s, that there surfaced an issue that signaled how permeable and volatile were the boundaries of Muslim identity. That issue was Muslim Personal Law, that is, law that applied to the personal status of each Muslim within the family domain. Personal law became the litmus test of Indian Muslim collective identity, its fragility underscored by the creation in 1972 of an All India Muslim Personal Law Board to maintain and defend its application.[8]

Even so, personal law by itself would not have created the Shah Bano debacle. The case came to public attention in the aftermath of Indira Gandhi's assassination at the hands of Sikh extremists. Riots in Delhi and elsewhere had shredded the myth of communal harmony in the Republic of India. Everyone had become more aware and more worried about his or her markings as a Hindu or a Muslim or a Sikh or a tribal. While Sikhs, not Muslims, had been the primary targets of the Delhi riots, Muslims still felt vulnerable.

It was in this charged atmosphere that demagogues sought pretexts to "prove" that the ruling party was but a front for furthering Hindu hegemony, at the expense of all minorities but especially the largest, which was the Muslim, minority. The Shah Bano case provided Muslim ideologues, supported and abetted by the All India Muslim Personal Law Board, with "clear" evidence that there was a juridical slide toward uniform civil codes, codes that would enforce majoritarian Hindu values on all Indians. Rajiv Gandhi's Congress-I was then the ruling party. When Congress-I supported the Supreme Court decision, an incensed Muslim politician ran against the Congress-I candidate (who also happened to be a Muslim). The demagogue won, lambasting the anti-Muslim impact of





the Shah Bano judgment. How could Muslims preserve their separate identity, he argued, if even their personal laws were subject to arbitration in the higher, "secular" courts of India? The Muslim Personal Law Board, having won a victory at the regional level, ratcheted its claims to the next level. Its members pressed on the national front, appealing to legislators, ministers, and, of course, journalists. They were abetted by Muhammad Ahmad Khan, a barrister arguing his own case! Together the aggrieved former spouse and representatives of the Muslim Personal Law Board carried the banner of Muslim juridical autonomy to several members of Parliament, their every move broadcast by the press.

The role of the press in dramatizing the Shah Bano case has been considerable. In volume of print and decibels of emotion it exceeds all other tragedy-laced spectacles, even the storming of the Sikh golden temple in Amritsar, even the assassination of Mrs. Gandhi and later her son, Rajiv. It exceeds even the Rushdie affair, with which it has sometimes been linked, notably by Gayatri Spivak.[9] The Shah Bano case exceeds all these because it concerns a process that has tapped into communal fears, and drawn out appeals to communal loyalty, not witnessed since independence. Its only competitor for sustained media attention is the Ayodhya mandir/Babri masjid dispute. That dispute erupted in 1986 as a politically motivated effort to reclaim all of India as "Hindu" by pinpointing, with scant historical evidence,[10] one pilgrimage site as the birthplace of the god Ram and then alleging that sixteenth-century Mughal invaders built a mosque on this same site in order to affirm their superiority over Hinduism.

Important though the Ayodhya dispute is, in a real sense it occupies adjacent space on the same spectrum of communally marked confrontation as Shah Bano. Ayodhya becomes the sequel to Shah Bano since it was the latter that pushed Muslim-Hindu antagonism to new levels. Unlike the local protagonists of previous communal riots, the India-wide Hindu protagonists of Ayodhya's sacral purity used the media to stage a grievance identical to that of the Shah Bano case, namely, that Muslim and Hindu world views were finally incommensurate and that the Republic of India could not grant both equal representation.

In such a charged atmosphere the value of religious identity is heightened, and appeals to creedal shibboleths abound. The ideological weapon wielded on both sides quickly became identified as

fundamentalism. It was fundamentalism Indian-style, but it was still the bugbear of fundamentalism. The challenge was thrown down by the demagogue who used Shah Bano as the rallying cry for his own election to Parliament in 1985. Syed Shahabuddin decried the Supreme Court decision as "clear" evidence of Hindu contempt for Muslim law. He opposed it not only for himself and for his Muslim constituents but also for all believing Muslims who, like himself, were fundamentalists. Fundamentalists? Yes, fundamentalists, because to be a true Muslim, in his view, was to bind oneself to the literal revelation of the Qur'an. "Historically," declared Syed Shahabaddin, "the Qur'an was revealed to the Prophet 1400 years ago but it is the final message of God to mankind. Not one syllable is subject to change. . . . It is in this sense that the Muslim is by definition a fundamentalist."[11]

There are, of course, enormous contradictions in this assertion, since the Qur'an itself is subject to variant interpretations *within* the believing community of Muslims. Despite the consensus shared by all Muslims that the Qur'an is the final message of God's final messenger, its rare legal passages engender multiple interpretations, arising as they do in a myriad of human circumstances. When Syed Shahabuddin and his followers appeal to Qur'anic finality, they are really staking out a claim for themselves as the sole valid interpreters of what they take to be the simple, singular meaning mandated by Qur'anic verses. Yet other, equally devout Muslims can challenge those claims and offer in their stead equally valid alternative readings of both the Holy Qur'an and Islamic history.

In a time of crisis, to those who perceive themselves at risk, a dispassionate view of the Qur'an may be less plausible than the unequivocal reading claimed by Syed Shahabuddin and other "fundamentalists." The mid-1980s were such a time of crisis for many Indians. India's Muslim "fundamentalists" challenged the Shah Bano ruling at a moment when the center seemed to be unraveling. Their appeal to Parliament to reverse the Shah Bano decree seemed implausible, and the uproar about Shah Bano would have quickly subsided had their appeal failed. But for a variety of political considerations both the Congress-I and Prime Minister Rajiv Gandhi perceived themselves as vulnerable to "the Muslim vote." Out of expediency the Indian Parliament in 1986 passed a bill often referred to as the Muslim Women's Bill.[12] That bill with-





drew the right of Muslim women to appeal for maintenance under the Criminal Procedure Code. In other words, after 1986 Shah Bano could have no successors, for the Muslim Women (Protection of Rights on Divorce) Bill, in fact, discriminated against Muslim women: it removed the right of any Muslim woman to juridical appeal for redress of the award made to her under Muslim Personal Law.

Damaging though that outcome may be to the invisible seam of multiculturalism without which Indian democracy cannot function, its most dire consequences may yet be muted by the logic of its initial success. Rather than closing debate on the Shah Bano case, the legislative reversal of the Supreme Court ruling raised new questions about who has the right to speak on behalf of the Muslim community. The Supreme Court judge who read the majority decision made his own claim to best understand Muslim interests when in concluding his argument for the court's ruling he justified it as "more in keeping with the Quran than the traditional interpretation by Muslims of the Shariat."[13] His move to separate the purity of Qur'anic principles from the obfuscation of Muslim jurists was followed by others, including a score of journalists. In an exchange that enlivened the *Illustrated Weekly of India* during early March 1986, a Hindu journalist, Arun Shouri, argued that "while there was much oppression of women under Islamic law, the Quran, rightly interpreted, would make possible the removal of the injustices they suffered." But, according to his respondent, the Islamic scholar Rafiq Zakaria, Shouri only seemed to be concerned about true Islam; his stated concern actually masked a contempt for Muslims and a not so subtle attempt to undermine Muslim religious identity. Nor did the debate disappear once the Muslim Women Bill became law: women's groups opposed the government's stand in favor of the bill, with the result that leading Muslims spoke out on *both* sides of the issue.[14] Seldom before had religious identity and gender parity been so publicly framed in antithetical, competing terms. No wonder that Shah Bano subsequently rejected the court verdict in her favor and occasioned still another round of debate about the meaning of her subjectivity as a Muslim woman.[15]

What is too easily ignored in the heat of the debate is the further limiting effect it has on the claims of Islamic fundamentalists. Islamic fundamentalism spurs competitors, also religious ideo-

logues, also "fundamentalists."[16] The Islamist move is countered by the effort of Sikh and Hindu others to mark *their* community boundaries with shibboleths. Each shibboleth is said to echo an element of scriptural, linguistic, or ethnic purity. Collectively such shibboleths are upheld as fundamental dicta, that all insiders must defend, but which outsiders also must respect.

While the outcome of ideological warfare, with its frequent eruption into physical violence, is not clear, one thing has now become clear. Though seldom stressed, the status of women in fundamentalist discourse is crucial. Laws governing women have provided the touchstone for Islamist identity in the maelstrom of Indian politics. While much more could be said about how several groups have manipulated the Shah Bano case to their own perceived advantage,[17] that narrative obscures rather than illumines the significance of Shah Bano's gender. It is only when Shah Bano has been highlighted as a Muslim *woman* litigant in modern-day India that one can begin to assess how other Muslim women fare in the judicial systems of Bangladesh and Pakistan.

## Female Litigants in Pakistan and Bangladesh

There are no Shah Banos in the Pakistan of the 1950s and 1960s, nor in the Pakistan and Bangladesh of the 1970s, 1980s, and 1990s. Despite the attention directed to the implications of the Shah Bano case within India, no one has yet examined its implication for India's Muslim neighbors.[18] To ask why Shah Bano is a distinctly Indian test case is to make a comparative move across territorial borders by presuming that Islam as a variable can be tested in each postcolonial state. It is also a move that reveals the major divergences between the advocacy groups claiming allegiance to Islamic fundamentals as they strive to dominate the social and political life of the subcontinent in the 1990s.

One would like to believe, for instance, that there are no test cases of female appellants in Pakistani or Bangladeshi courts because as majoritarian Muslim nations, Pakistan and Bangladesh treat their women citizens fairly, providing them with the entitlements specified in the Qur'an and in Muslim law. Such is not the case. If one could measure, one would probably find as many infractions of Muslim fundamentals in the cases of divorcees or





widows in Pakistan and Bangladesh as in India, and one would also probably find most of these infractions committed by devout Muslims who ignore the "clear" reading of the Qur'an, not so much because it is expedient to do so but because they feel themselves to be legally "protected" from its application to them. They are "protected" because Muslim law is continually being reinterpreted and adjudicated, making it impossible to chart a single, direct line of interpretation from seventh-century scripture to twentieth-century juridical norms. There is no "clear" reading of the Qur'an as law, just as there is not of the Bible or the Torah, or the Adi Granth or the Vedas. Scriptures are themselves symbol systems that allow for multiple, often conflicting, extrapolations of their legal mandates.

Yet there is more than juridical ambiguity that accounts for the absence of publicized cases involving women and personal law in both Pakistan and Bangladesh. One must also look to structural features that have determined, and so delimited, each country's mode of governance. One must confront, in particular, the colonial legacy of Pakistan and Bangladesh. At the most general level their colonial legacy is the same as that of India. It can be traced to the calculated imposition of British administrative norms. The new norms were designed to meet the needs of competing interest groups, but they also impelled these same groups to continue to compete with one another. The final demarcations of territory in 1947 further ensured that groups defined and controlled as rivals would find no intrinsic basis for national cohesion after Independence.[19] Even if one demurs from the wag who quipped that "British rule in India began on 14 August 1947,"[20] one must acknowledge that the structures defining governance in Pakistan and India *after* 1947 diverged more and more from one another. Both nations, and later Bangladesh, had inherited the threefold division of governance into executive, legislative, and judicial branches. But the three branches did not function with equal authority in each polity. It is in examining differences between them that one can begin to understand the ideology of control that has been obsessed with women's status since the mid-1980s, that is, since the advent of competing religious fundamentalisms.

The space created for Shah Bano to protest came out of the mixed legal system inherited from the Raj. On paper Bangladesh and Pakistan have a judicial system similar to India's, one where

criminal law parallels but also diverges from Muslim Personal Law. Yet only in India does one find an independent judiciary functioning as a third branch of government, at once separate from and unbridled by its legislative and executive branches. The Indian court system, despite many challenges, has maintained its autonomous role since 1947. It continues to be

> a single, integrated, hierarchical system, consisting of the Supreme Court of India at the top, high courts in the states, and lower courts in the district and local areas. *The idea of the independence of the judiciary, introduced by the British, has struck deep roots in India.* The Constitution guarantees security of tenure for judges . . . and outlines an exhaustive procedure for dismissal on charges of incompetence or misconduct. . . . Given India's diverse and contentious social groups, the judiciary overall has played an indispensable role in mediating social conflict. Not only the educated elites concentrated in the cities but also the poorer rural and urban sectors of the population have made frequent use of the courts, and Indians in general have gained the reputation of being a highly litigious people.[21]

While opponents of the Shah Bano case have contested the Supreme Court's ruling, they have had to go to great lengths to mitigate its effect. Despite the political debacle produced by the subsequent Muslim Women Bill, the very process that produced the Shah Bano case demands attention if we are to understand why no Shah Banos have litigated their grievances in either Pakistan or Bangladesh.

It is executive supremacy, rather than judicial autonomy, that characterizes the postindependence polities of Pakistan and, since 1971, Pakistan and Bangladesh. From its inception in 1947 Pakistan functioned as a Punjabi-based militocracy, where the influence of British-trained senior army officers determined the political culture of first Karachi and then Islamabad. Although Bengalis resisted West Pakistani disdain for their culture and waged a successful war of independence, with Indian assistance and at great cost, the asymmetry of governance that prevailed in Islamabad was transferred to bhaka. During the past two decades the military has dominated all levels of governance in Bangladesh. Sheikh Mujib, through the Awami party, guided his countrymen to independence and was twice elected to office with massive pluralities. Yet, because of his close ties with India, he lost the confidence of the army,





for despite the fact that India had assisted Bangladesh to gain independence, the officer corps had inherited from their Pakistani counterparts a deep anti-Indian bias. In 1975 a group of young army officers invaded Mujib's Dhaka residence and another residence where some of his family lived, assassinating Mujib and nine of his closest relatives. They justified their mass murder in part because of Mujib's alleged subservience to India.[22] In 1981 Mujib's successor, Zia ar-Rahman, who had tried to form his own political party and to bring new groups into Dhakan public life, was also assassinated by the army. Zia's successor was an army general, Husain Ershad, who imposed martial law on Bangladesh and suppressed all rival political parties. When at last Ershad was forced to hold elections in 1988, the entire opposition boycotted the polls, producing a voter turnout of less than 3 percent! In such circumstances it was nonsensical to talk of a democratic polity: Bangladesh, even more than Pakistan, functioned as a one-party militocracy till the early 1990s. Though the Constitution of 1972, later modified in 1977 and 1988, provided for independent legislative, executive, and judicial branches of government, the legislature consisted of Ershad appointees, as did the court system at all levels, even after Begum Khaleda Zia, the widow of the general assassinated in 1981, became prime minister of Bangladesh in 1990.

While Begum Khaleda Zia is seen as an ineffective executive, her successor, Hasina Wazed, is not. Elected prime minister in June 1996, Hasina Wazed is one of the two surviving members of Sheikh Mujib's family. She promises to usher Bangladesh into a new era of internal justice and external respect. Yet the path beyond military domination remains perilous; it has been difficult even for Hasina Wazed to bring the still living murderers of her own family to trial. In late April 1997 she did succeed in beginning a process of litigation that, when it culminates in 1998, will perhaps demonstrate that at last, more than twenty-five years after its separation from Pakistan, Bangladesh is "finally becoming a nation under law."[23]

Despite the repressive, single-party regime that prevailed in Bangladesh till recently, women still enjoy some benefits. There is a tradition going back to Zia ar-Rahman of Bengali participation in the cause of Women in Development (WID). This program channels international aid to women's cooperatives in the poor rural areas that constitute most of Bangladesh. Since both Zia and

Ershad found it expedient to mobilize at least some women into government-sponsored activities, it is not surprising that two women, though rivals of each other, have made it to the highest executive office, with first Begum Khaleda Zia and now Hasina Wazed serving as prime minister of their nation.

Personal law, however, has fared less well. Not till 1985 were family courts even set up. Though they were said to have been given "exclusive jurisdiction to deal with cases relating to parental and conjugal rights, thereby expediting their resolution,"[24] one may wonder how efficient these courts were. Changes at the executive level may accelerate the snail pace of litigation and appeal, but the legacy of martial law lingers, and as recently as 1987 "there were 29 Supreme Court judges dealing with 21,600 cases."[25]

Throughout the 1980s the cases selected as well as the decisions rendered by the Bangladeshi judiciary were also subject to review by the executive. Since Ershad attempted to make Islam the defining badge of national identity, he did not tolerate a case that questioned personal law, even if the litigant based her plea on Qur'anic precedent. Women, most of them rural, poor, and illiterate, remain subordinate to norms that are un-Islamic because the state-sponsored version of Islam reflects surface expediency rather than scriptural zeal. What few rights Bangladeshi women have gained come from left-wing parties or grass-roots organizations; the anaemic judiciary has left them no other avenue of redress.

The legal situation of women in Pakistan reflects a postcolonial asymmetry that more nearly mirrors the condition of Bangladesh than India. Pakistan, like Bangladesh, is plagued by a history of military interventionism. What seems on paper to be a tripartite government of executive, legislative, and judiciary powers turns out to be a long executive arm enveloping and so curtailing both the legislature and the courts. The high profile of Pakistan in international politics has deflected attention from its structural deficiencies. Unlike Delhi, Islamabad did not develop a legislature that could be regularly elected from different regions and so represent plural constituencies at the center, nor did it sponsor a judiciary that could be freed of political pressure from the head of state. Again, the role of the army provides the principal narrative tracing political power in Pakistan's fifty year history. The first ten years of a lackluster experiment with parliamentary democracy ended





in 1958 when a military coup by General Mohammad Ayub Khan took control of Islamabad. Ten years later Ayub Khan was, in turn, removed from power on charges of corruption and inefficiency, to be replaced by General Mohammad Yahya Khan. Yahya suffered both a military defeat by India and the territorial loss of East Pakistan in 1971. He was replaced by a popularly elected prime minister, Zulfikar Ali Bhutto, whose brand of Islamic socialism produced a 1973 Constitution for Pakistan. His insecurities, however, led him to rig elections in 1977, or at least that was the claim made by his adversaries. The uproar that followed the "disclosure" of rigging provided the cover for an ambitious general to invoke martial law and eventually declare himself president of Pakistan. Zia al-Haqq not only replaced Bhutto, he engineered the latter's execution through a mock trial on trumped up charges. The Lahore High Court as well as the Supreme Court were divided in their decisions to support the government's case against Bhutto, but in the end they both capitulated, and Bhutto was hanged in 1979. Zia proceeded to rule through a small junta consisting of senior generals close to him. His disdain for other branches of government was made evident by his cynical manipulation of elections to the National Assembly but even more by his assault on the courts.

Zia's opposition to the judiciary took two parallel and complementary forms. One was to subordinate the judiciary to the chief executive. This he did through the Provisional Constitutional Order of 1981. When the chief justice and four other justices of the Supreme Court, along with several high court judges, refused to accept this 1981 Order, Zia fired them and replaced them with his own appointees.[26] Still more subversive of judicial independence was Zia's move to impose military courts and Shari'at courts on the traditional court system. The former was to provide security, the latter to introduce Islamic orthodoxy into the fabric of Pakistani society. Both turned out to be extensions of Zia's power-sated personality, and the status of women, in particular, was problematized by the agency of the Shari'at courts.

The benchmark of Pakistan's effort to provide legal rights for all its citizens was the Family Law Ordinance of 1961. Introduced by Ayub Khan when he was attempting to extend the bases for his own limited claim to legitimacy, its provisions were hardly radical,

yet they did curtail polygyny and also enhanced women's rights in the event of divorce. The bill also raised the legal age of marriage for both females (from fourteen to sixteen) and males (from eighteen to twenty-one).

For religious zealots and political conservatives, the Family Law Ordinance was wrong because it interfered in the private domain, which only Muslim law courts could regulate. Bureaucratic and ideological impediments limited enforcement of the ordinance, and it has functioned more as a symbolic point of attack by fundamentalists than as an instrument of large-scale social change. Its bearing on women's status since 1979 has been almost entirely overshadowed by the moves that Zia made to define criminal justice for women. Three ordinances shaped the tone of Zia's allegedly Islamic reforms: the Hudood Ordinance, the Qisas and Diyat Ordinance, and the proposed Law of Evidence. Each downgraded women to a juridical value roughly equivalent to half the value accorded men. It also exalted patriarchal norms to such a definitional cloud zone that adultery and rape became indistinguishable.[27] Not only were there no Shah Banos in Zia's Pakistani courts, but the equivalent case of a woman whose litigation drew nationwide attention was the victim of a double rape who was herself convicted of adultery and punished for her "crime." Under Zia's Hudood ordinance there was both *zina* (adultery) and *zina bil-jabr* (adultery by force, i.e., rape). But the latter crime had to be established by the same procedure as the former, that is, it required the testimony of four pious adult male witnesses. In the case of adultery, such testimony is hard to come by, but in the case of rape, it boggles the mind to think of four pious Muslim males witnessing the act without intervening on behalf of the intended victim!

These obvious contradictions in the Hudood ordinance did not concern the single-minded Zia, and their crowning mockery became evident in the Safia Bibi case. Safia, the daughter of a poor peasant, had been employed in the local landlord's house as a domestic servant. Virtually blind, she could only do minimal chores. She was eighteen years old. According to the statement she made to the police, she was raped first by the landlord's son and then by the landlord himself. As a result she became pregnant and gave birth to an illegitimate child who later died. It was after the death of the child that her father registered a case of rape. The sessions judge in a lower provincial court acquitted both the son and the father of





the crime, claiming insufficient evidence to prove rape under the Hudood Ordinance. Had he stopped his judgment here, the case would scarcely have merited mention in the press, but he then went on to note that Safia Bibi's self-confessed pregnancy was evidence supporting a charge of adultery against her. Having ruled that she did in fact commit adultery, he then gave her what he later claimed to be a light sentence: on account of her young age and near blindness, he sentenced her only to public lashing (fifteen lashes), three years imprisonment, and a fine of Rs. 1,000. When his ruling became public in July 1983, there was an outburst of indignation from several quarters. Especially effective was the advocacy of Safia Bibi's case by the Women's Action Forum, calling attention to the illogic of a judge sentencing a rape victim for adultery on the basis of her own testimony![28]

So embarrassing was the Safia Bibi case to Zia's credibility that the Federal Shari'at Court intervened the following month (August 1983) and requested that the case be transferred to it for review.[29] Chief Justice Aftab Hussein overruled the session judge and, clearly distinguishing between rape and adultery, dismissed the case of Safia Bibi. He also added a note of sympathy for the victim.

The Safia Bibi case underscores what is evident about justice in Pakistan during the past two and a half decades. It depends on the shaky autonomy of an appointed court, the Federal Shari'at Court, to overrule misguided convictions in the lower courts, at the same time that other instruments of Pakistan's militocracy, notably the Islamic Ideology Council and the Qazi Courts, are indifferent to changes in women's status. Their indifference mirrors the indifference of most Pakistani women to their judicial status. There is renewed hope for some women litigants in the reemergence of the Supreme Court in Pakistan as a vigorous, independent voice during the late 1990s. Yet the litigations that take place continue to have a distinct class coloration. The majority of feminists argue within the urban, upper-middle-class professional ranks of the Punjab and Sind. They do not represent women from other provinces, nor do they represent the vast numbers of rural, illiterate women who account for the majority of Pakistan's female population.[30]

It is dangerous to make too much of the class bias in the feminist movement:[31] most sociopolitical protest movements in the Islamic world are limited to urban settings and to the multiple groups that

are at once spawned and alienated by urban conditions. Yet its limited class basis should not obscure the fact that Pakistan, in Nikki Keddie's view, "has the most effective and militant women's movement of any Muslim country."[32] During the 1980s urban groups of professional women, joined by sympathetic male counterparts, did succeed in protesting against a system that masks authoritarian control through the creation of feeble alternatives to executive power.

The excesses of Zia thrived in the cracks: he attempted to reduce or to manipulate the other two branches of government, exploiting their intrinsic weakness to his own ends. Instead of vesting an independent judiciary with the right to pursue guidelines for Islamic justice, Zia sidestepped the existing courts. He supplanted them with courts that reflected his own one-person interpretation of what constituted Islamic orthodoxy. Ironically, the Federal Shari'at Court that was designed to project and enact Zia's views became independent of him in certain instances,[33] at the same time that the Supreme Court of Pakistan appealed to the constitution as the basis for its own noninterference in the process of Islamization, leaving that task to the executive branch.[34]

The shallowness of Zia's moves are further demonstrated by the inability of Islamic groups to win votes in nationwide elections: the people who do care about Islam are not convinced that state-sponsored fundamentalism represents the true intent of Islamic communitarian norms. Not only feminists and moderate professionals but also respected lawyers and judges are intent to remove the judicial process from the arbitrary dictates of a nonjurist ruler, whether Zia or one of his successors.

One must ask the tough structural question: can Pakistan (or Bangladesh) forge a representative, effective polity when one of its three branches of governance functions undaunted, and unchallenged, by the existence of the other two? Not likely. Yet Zia's legacy continues ten years after his death. It continues because a militocracy does not quickly or easily reform itself. Moreover, his successors have been handicapped. The first premiership of Benazir Bhutto was so marred by programmatic contradictions and political opposition that her mere survival became more important than any moves to establish a fairer, more durable polity. Her successor Nawaz Sharif concerned himself with pleasing conservative supporters and military interest groups; he never ventured to intervene in the judicial process. While the Shari'ah Ordinance of 1988 was never enacted,[35] the Federal Shari'at Court introduced by Zia continues to function under his successors, including Benazir Bhutto, during her second term in office as prime minister, and now Nawaz Sharif in his second term. One must note the evident good will of some of justices sitting in the Federal Shari'at Court, but the court as a whole still stops short of functioning as an independent judiciary. In its present form it makes democracy in Pakistan a distant rather than an imminent prospect.





The focus on women's status through the Shah Bano case goes to the heart of many issues raised in the age of Islamic fundamentalism. It is often said—and with considerable truth—that the early Islamic movement effected a revolution in the status of Arab women.[36] Muslim norms provided new rights for women, within limits. The Qur'an makes explicit that male and female believers alike inherit Paradise. In all matters of faith women are, as Stowasser aptly notes, "the spiritual and sexual equals of men."[37] Stipulations concerning divorce and inheritance law also mark an advance over prior practices, and even the oft-cited permission for Muslim men to take up to four wives is hedged with restrictions (Q.4:3: "If you fear that you will not do justice, then marry only one."). Throughout most periods of history Muslim wives have been accorded provisions of justice, even while dependent on their husbands to interpret of what is meant by justice. For Islam, like all premodern societies, remained patriarchal in its norms and values. The Qur'an, like the Torah, the Bible, and the Vedas, mirrors those patriarchal standards. Men count twice as much as women in giving legal testimony, and it is incumbent on men to maintain women, with proportionately greater responsibilities in public matters (Q.4:34).

Reading the Qur'an in tandem with early Islamic history remains, for Muslims, both an act of piety and an interpretive challenge. How does one respond in successive eras to divine revelation? Is submission to the will of God best accomplished by conforming to the patterns of earlier epochs? Or does one have to search anew for the spirit of God's directive and Muhammad's example and try to apply their guidance to today's challenges? In South Asia, as elsewhere, such questions have been raised with insistent urgency in the modern period. Nineteenth- and early-twentieth-century reformers like Sayyid Ahmad Khan and Amir

Ali argued that the spirit of Qur'an and *hadith* alike required the Muslim community to participate in an ongoing effort to improve the social status of women. Contemporary Muslim writers, such as the late Fazlur Rahman, have followed in the same tradition.[38] Despite the controversy of such efforts, no one can escape the question posed by the foremost twentieth-century intellectual from Muslim South Asia. For the poet-philosopher Muhammad Iqbal that question was: can Islamic law, including its provisions for women, develop and change or not? His own answer was an unflinching "Yes." "I have no doubt," he wrote in his most famous theological essay, "that a deeper study of the enormous legal literature of Islam is sure to rid the modern critic of the superficial opinion that the Law of Islam is stationary and incapable of development."[39] And the principle of development rested, above all, on the practice of *ijtihad* as a vehicle for returning to authoritative sources and reexamining them in the light of present-day conditions. Iqbal's was an unabashed reformist voice.

Yet those who oppose Iqbal and all other reformist voices argue that there is no going back, except by way of emulating, without change, the example of earlier generations. For such Muslims, adherence to Islamic tradition, understood as a network of practices ordained by prior custom, becomes the benchmark of Islamic identity, over and against the military, economic, and intellectual power of non-Muslim communities. In South Asia, as elsewhere, Muslims who perceive themselves above all to be engaged in intercommunal struggles dismiss the reformist argument as an alien import: reflecting Western influence, it dilutes true Islam and debilitates its present profile. They consider loyalty to the Muslim community as primary, its core defined, above all, by willingness to subject one's personal and family life—fully and without question—to traditional legal norms. The advocacy of such norms in a charged public forum for explicit group interests is not, however, part of Islamic tradition, and so the nontraditional advocacy of traditional norms is most often called fundamentalism or, less accurately, "neo-traditionalism."

At present, the reformist voices have become muted, or attenuated, in public debates where Islam is invoked. It is the neotraditionalist or fundamentalist approach to Islam that dominates the intercommunal disputes of South Asia. Politicians understand the negative as well as positive force of a fundamentalist agenda





and so often become its most ardent supporters. As long as reformist voices are denied equal access to both media and policy forums, they will have difficulty reshaping institutions that apply to the range of Muslim social life, including those affecting the status of women.

As a consequence, there are no Shah Banos in Pakistan. There have been none in Bangladesh. A cross-national comparison of South Asia's major states confers on the Republic of India a pivotal distinctiveness: despite its struggles with an independent judiciary, India has maintained a claim to impartial review that extends to female as well as male litigants. In Pakistan women continue to suffer from an ad hoc judicial review system that affects too few rural women, at the same time that it is subject to manipulation, rather than consultation, from the center. In Bangladesh one is confronted not only with the neglect of women's rights but also with the absence of all but a few women from any public scrutiny. In part the anonymity of Bangladeshi women is a legacy of that country's belated and brutal entry into the comity of nations, yet postcolonial independence, first from England, then from Pakistan, has not allowed an independent judiciary to emerge in Dhaka. Justice through litigation has become the expectation for a mere handful of Bangladeshis, while the continuing co-optation of the federal courts by the executive branch signals just how difficult it has become, and will remain, for Bangladeshi women to counter fundamentalist or other state-directed ideologies.

## The Future of Islamic Fundamentalism

In recent decades the emphasis of scholars, journalists, and policy makers alike has been almost exclusively on Islamic fundamentalism. The result has been a deficit in understanding the actual nature of Muslim social and cultural values in the modern period. For there is no concerted, uniform movement called Islamic fundamentalism. It varies due to many factors, and after situating it within a broader historical context, we must still examine specific local contexts. The beginning of each of its several manifestations must be ratcheted to specific regions, its ideologues traced to specific countries and then sorted out into specific classes, and specific groups of men and women. At the same time, one must examine

the limits of fundamentalism, to gauge why its appeal is not greater and for what reasons the largest number of pious, observant Muslims remain nonfundamentalist in their outlook as also in their behavior.

It is too easy to follow the opposite course. One can read numerous statements from leading Muslim thinkers and from Euro-American analysts attesting both to the unity of the Islamic world and to its exceptionalism. All Muslims think alike, we are told, and no one else thinks as they do. While Muslims, from the time of the Prophet Muhammad, have been enjoined to function as one community, the foundational ideal has not become a sustainable reality: Muslims have failed to cohere as a single, cohesive group, either politically or ideologically. Their failure is no worse than that of Jews, divided into three major and other minor sects for more than a hundred years, and Christians, likewise divided and subdivided into numerous competing sects since the Reformation. Why, then, should we be surprised that Muslims have failed to obtain either a structural coherence or a creedal/ritual/juridical uniformity? In premodern times there were already Muslim sects, not merely the familiar Sunni-Shi'i faultline but myriad internal divisions within both Sunni and Shi'i communities. More importantly, in modern times sectarian divisions have been surpassed by national ideologies of Islamic identity. Some have tried to suggest that since World War II the major difference is between Islamic states and Muslim states, the latter resting on demographic indices, the former on dedication to a uniform religious culture. But this distinction is moot, for it belies an underlying common function of both Islamic and Muslim states: both states define Islam for their citizens rather than acknowledging an independent or polyphonous source of religious authority. The major characteristic of all modern-day Muslim societies is the centralized authority exercised by the state on behalf of whichever form of Islam best suits its rulers. As one scholar has noted about the profile of statist Islam:

> This rise of "officialized," government-supported forms of Islam and Islamic ideologies is . . . one of the most important developments of Islam in Muslim countries since the mid-century. The government itself benefits from this "officialized" version of Islam because it gives a religious legitimation to the state and its politics, however hard they may





> be on the population. But this "officialized" Islam inevitably evokes responses among the population, including political and religious opponents of the established regime, and these will also be expressed in terms of Islam. As soon as the centralization of state power leads to particular state supported definitions of Islam, its opponents will develop alternative definitions such as one finds in Islamist circles all over the present-day Muslim world.[40]

This point can be expanded. Not only does the state define Islam, but its definition competes with the definition of other Muslim nation-states. Hence the irony that all Muslims, while clinging to ideals of collective solidarity, live within Muslim nation-states that compete with one another. Most were created since World War II, often by colonial administration and imperial diplomacy. As *independent* nation-states they must compete with one another, for, though free from direct foreign rule, they remain separated from the political and social loyalties that characterize their Muslim neighbors. No new state has disappeared (despite the further partition of Pakistan in 1971 with the creation of Bangladesh, and despite the 1990 Iraqi invasion that placed Kuwait's future at risk). Nor have any two states combined, though several attempts were made both by Nasser of Egypt and later by Qaddafi of Libya. Why, we might ask, should Muslim nation-states combine? Could anyone imagine Canada, the United States, and Mexico becoming federated as the Union of American States? As preposterous as that scheme sounds, even more preposterous would be the suggestion that such a federation is mandated on religious grounds, since the majority population of all three is Christian! Yet a parallel suggestion is regularly put forth by those who look at the Muslim world. "Aha!" they exclaim: "The hold of their religion on them is stronger than ours on us. They can unite against us, and we must fear their collective hostility."

This fear would be dismissable if made only by Serbian nationalists trying to cow their Muslim neighbors, as it was in the early 1990s, or by Jewish settlers seeking to curtail a Palestinian presence in West Bank and Gaza. But it is also made by many respectable American academic and foreign policy pundits. It is given credibility because some Muslim leaders, such as Muammar Qaddafi and Saddam Hussein, deliberately play on such fears. Yet the discerning observer must remember time and again to separate the

rhetoric from the reality, the ideals proclaiming unity from the institutions, especially the nation-state, mandating competition. Islam is no different from Judaism or Christianity. Living in a world of compromise, it cannot meet either the goals of founding figures or the ideals of present-day spokesmen.

A related and equally important rule of thumb is to ask: Whose Islam? Whose Islamic revivalism? Or whose Islamic fundamentalism? Is it Arabs or Persians, Africans or Asians who are drawing attention to Islam? Is it those in power or those seeking power? Is it men or women or teenagers? The greatest problem for the best informed non-Muslims, even when they are sincere and well-intentioned, is the absence of acquaintance with real-life Muslims. The only Muslims who are known to most Europeans are Muslims from abroad living either as expatriates or as temporary laborers in their midst. Such Muslims are refugees from the economic, and often also the political, climate in their country of origin. Though concerned about their distant coreligionists, these refugees do not inevitably mirror the outlook or aspirations of those back home. By contrast, in the United States there exist both émigré and indigenous, or African American, Muslims. Despite their small numbers (less than two million[41]), they are no less heterogeneous than Protestant or Catholic or Jewish Americans. They consist of immigrants from Middle Eastern, African, and Asian Muslim nations as well as indigenous converts.

Neither Americans nor Europeans have cause to fear the growth of self-confident Muslim communities in their midst. The great difficulty is to separate the Muslims represented—and too often misrepresented—in the media from the Muslims resident next door. To acknowledge diversity is the first step toward placing Islamic fundamentalism in its proper perspective, and replacing a negative image of Islam with a proper vision of its norms and values. Europeans, like Americans, should learn more about real-life Muslims. Few of them resemble the feared Muslim fanatic or his gun-toting accomplices or his veiled female companions.[42]

And indeed, one sees in the voices of Muslim modernists the continuity of an Islamic alternative to both fundamentalism and praetorian neocolonialism. These are Muslims who have not abandoned Islam but ask familiar questions with an eye to the times in which they live as well as the past which they evoke. They read the Qur'an in tandem with early Islamic history not only as an act of





piety but also as an interpretive challenge. How does one respond in successive eras to divine revelation? Is submission to the will of God best accomplished by conforming to the patterns of earlier epochs? Or does one have to search anew for the spirit of God's directive and Muhammad's example and try to apply their guidance to today's challenges?

I have explored above the answers of a Muhammad Iqbal and also an ʿAli Shariʿati. But how does one frame their contribution, along with that of Izetbegovic and other Muslim modernists? To do so with any hope of interpretive, cross-cultural affirmation, one must introduce a category that does not limit God to the mosque, the school, the court, or the seat of government. One must find a new word that denotes religion and politics alike from their current prestige ranking. In English the most suitable word might be "mentality" or "world view." It eschews a kind of linguistic reductionism by admitting the role of imagination and historical change. It also collates the givenness of key ideas and values with the equally important property of adopting "models of behavior inherited from different traditions."[43]

Muslim thinkers in the context of the late twentieth century who have exhibited the ability to be both traditional and modern can and do embrace elements from the Islamic past while also espousing "models of behavior" from other sources. They are not less Muslim for being adaptive. They exposit a world view or mentality that may over time generate powerful changes, even though they are largely ignored in the current debate. Among their number, in addition to Izetbegovic, Shariati, and Iqbal, one needs to add the names of Egyptian jurist ʿAli ʿAbd ar-Raziq, Algerian semiotician Mohammed Arkoun,[44] and Sudanese exegete Mahmoud Taha.[45]

Though ʿAli ʿAbd ar-Raziq achieved fame—or rather, notoriety—in the early part of the century, the issues he raised continue to inform alternate views of Islam that inform internal debates about the profile of a distinctive Muslim world view, at least in Sunni Muslim circles. For the furor that surrounded ʿAli ʿAbd ar-Raziq concerned the debate about the Caliphate. The Caliphate stood at the apogee of Sunni Muslim symbolic structures, just as the Imamate occupied that rung for Shiʿi Muslims. And it was at the height of Ataturk's challenge to the Caliphate that many Muslims in adjacent countriues, including India, rallied to the support of the Caliphate.[46] At the height of this debate over the Caliphate,

ʿAli ʿAbd ar-Raziq, himself a Shaykh at al-Azhar, posed to other Egyptian scholars a challenge to the very notion of political-religious symbiosis as crucial to Islamic life. His book, *al-Islam wa usul al-hukm* (Islam and the bases of governance), caused an uproar that led eventually to his trial and also his dismissal from the post he held at al-Azhar. As Leonard Binder has deftly shown in his extended analysis of ʿAli ʿAbd ar-Raziq's trial,[47] it was not easy for him to maintain his initial position, and he may have been browbeaten into reversing himself, but the notoriety of his case suggests that he went to the heart of a major issue and provided an alternative that could not be dismissed out of hand, namely, that there is a religious core to Islamic identity that may take multiple political forms, and by the same token, that there is no single political structure announced by the Prophet, perpetuated by the first three Caliphs, or sanctioned by practice in subsequent Muslim dynasties. It is the opposite of current thinking in Islamic fundamentalist circles but also in much of popular perception about the Muslim difference in religio-political norms.

Arkoun is alive and well because he forged his boldly revisionist view of Islam from Paris, not from Algiers. His is a powerful appeal to the transformative power of the Qur'an and its applicability to a range of modern issues, including equality for women and human rights for religious as well as ethnic minorities. He also privileges myth over history, suggesting that there is a narrative kernel in the Qur'an that supersedes all other markers of its revelatory impulse. The task of scholars and activists alike, in Arkoun's view, is to separate mythic from both mythological and ideological invocations of the Qur'anic fact.[48]

One of the ironies of Arkoun's approach is its relocation in English via translations, or references to his works in English-language theoretical works such as Binder's *Islamic Liberalism*. It is ironic because Arkoun's methodology presupposes an acquaintance with, and acceptance of, French discursive subtleties that often elude or just plain annoy English readers and Anglo-American scholars. Binder, who devotes a long section to Arkoun in his own assessment of Islamic liberalism, still has to take him to task for not accepting "either the historicity or the validity of what happened in Iran."[49] Yet Binder misses, or chooses to avoid, the linchpin of Arkoun's argument: that the Qur'anic myth can never be fully or adequately reappropriated at any moment in history.





Every reading is also a misreading. Every truth is also a lie, and so on. Arkoun does privilege post-Enlightenment, poststructuralist methods in his assessment of the Islamic world view, but his approach merits sustained attention, despite its obtuseness for American pragmatists or their British counterparts.

Taha, on the other hand, wrote in Arabic but, like Arkoun, has achieved notoriety in his land of origin as well as in some American academic circles. A Sufi exemplar with distinctive exegetical perspectives, he evolved a way of reading the Qur'an that directly assaulted the traditional approach of most Sunni Muslim scholars. His provocation was more virulent than Arkoun's and more lethal than ʿAli ʿAbd ar-Raziq's because he remained in his native Sudan. Tolerated for a time, he was subjected to a mock trial, conviction, and execution, all engineered by the then ruler of Sudan, General Numeiri, in the late 1980s. Numeiri has ceased to rule Sudan, but Taha's radical view of the Qur'an still inspires debate. Like both ʿAli ʿAbd ar-Raziq and Mohammed Arkoun, he would be deemed heretical by many Muslims, and yet his legacy is to provoke a continuing debate about what comprises an authentic Muslim world view and attendant practice of Muslim norms.

By examining these and other Muslim provocateurs, one begins to see how Islam as world view does more than locate Islam beyond the ideological fray of religion and politics. It also posits Islam as a symbolic resource that has not been exhausted by its relation to Europe and to the triple process of colonialism, postcolonialism, and neocolonialism. But it also requires seeing Islam as less than a sufficient explanation for the ills or the hopes of all Muslims. Islam is but one of several variables determining the social fabric of Muslim communities in Asia, Africa, and America. It does not itself determine the dominant culture, nor does it provide the sole, or even the most adequate, ideology for protesting the disruptive qualities of the high-tech era. In such circumstances Muslims may protest with violence, but they protest as aggrieved parties on the margins of a world system that they did not create and cannot control but in which they participate and refuse not to be counted.

One would like to linger on the hope embedded in the work and vision of Izetbegovic and company. However, they represent but one stratum of modern-day Islam, and their Muslim opponents are numerous. There are also non-Muslims who continue to fear what

some Muslims proclaim as the cornerstone of faith, namely, *jihad*. Is not *jihad* holy war, and is it not always to be waged against the infidel? These are frequent questions, and they need to be addressed, all the more so because new ideological challenges face the increasingly visible Muslim community of Southeast Asia. Unlike their West Asian coreligionists, Southeast Asian Muslims see their battle as economic. Recently that battle has been captioned as "Islam and Corporate Culture." And so at the end of a book exploring Islamic diversity and underscoring the potential for accommodation in the Muslim world, it is salutary to explore both *jihad* and corporate culture. *Jihad* and corporate culture exist together in the minds of many Malay Muslims, but till now they have not been highlighted in an overview of sociocultural tensions and opportunities that face contemporary Muslims, Malay and non-Malay. The time has come to make that step.





# Convergent Signposts: *Jihad* and Corporate Culture

TWO TECHNICAL terms that circulate in the contemporary Muslim world are "jihad" and "corporate culture." One is Arabic and has a long, contested history, mostly applied to the older Muslim regions of Africa and Asia. The other is English and has a lifetime of perhaps a decade, mostly in Southeast Asia, above all in Malaysia. It would seem incongruous to compare the two terms except that together they address the central question of this book: how do Muslim countries in the postcolonial—and now post–Cold War—era move from confrontation to accommodation?

The very word jihad connotes violence. It is most often translated into English as "holy war," war waged against non-Muslims, a kind of Crusade in reverse. Jihad could be, and was, invoked in Muslim protests against European colonial rule, for it embodies ideology; it translates thought into action; it mobilizes the committed for a cause perceived as both just and necessary. But jihad also has a history in Islamic religion prior to the anticolonial and then nationalist movements. All proponents of jihad, whether intellectuals or politicians, are ideologues, but more importantly they are *religious* ideologues. For Muslims, as for others, religion and ideology merge, and during the modern or high-tech era, their merger is crucial for understanding the ambiguities of violence in an Islamic context.[1]

The same prologue informs the brief history of corporate culture as a Muslim idiom. It has no Arabic equivalent. It arises as a technical term describing the framework for competitive business in the high-tech era. The countries most renowned for their attention to corporate culture are non-Muslim industrial powers: Japan and the United States.

Yet Muslim proponents of corporate culture are now in evidence, nowhere more so than in 1990s' Malaysia. And, like propo-