

APENDIKS

A SCHOLAR, A TEACHER AND A TRUE GUIDE (a Tribute to Asghar Ali Engineer)

Qutub Jahan

India

qutubf2006@yahoo.com

During my university days I have done a fair reading of Dr. Asghar Ali Engineer's work on Shah Bano issue. I profoundly recall during a presentation of my seminar paper on 'Shah Bano case and rights of Muslim woman', thanks to my reader of sociology who suggested some good books to refer to prepare my paper, and it was highly appreciated by the panel. I still remember our Sociology department in my University, (SNDT Women's University), was holding a workshop and had invited Anna Hazare and they wanted to invite someone championing for woman's right as well and I requested them to invite Dr. Asghar Ali Engineer. My professors too were great admirer of Dr. Engineer's articles but unfortunately we could not get his dates.

In 2002 I came across a vacancy for Researcher's post in Center for Society and Secularism and I went for an interview. To my pleasant surprise I could see the scholar whom as a student I and my friends were craving to have his one lecture was right in front of me. He was the Chairperson of the Centre. Both as a scholar and as a human being I found him extremely humble and he didn't mind when I opened the plethora of questions and very kindly he responded to all. I was praying that I should be appointed for the post and should get a chance to work under him. I was blessed! My first research was on Uniform Civil Code and Muslim Personal Law in India with the perspective of Islamic rights. Being a Muslim and a woman there were several unexplainable thoughts as far as religion Islam and the status of Muslim woman was concerned. Islam and its history when taught to me by Dr. Engineer it was sheer revelation for me. Like any layman in the community what was inculcated during my upbringing in the family or in the private tutor madarasa, for me that was true and the only right information. During university days we did engaged in gender studies and at length discussed the rights and plights of women in different communities but somewhere religion was portrayed as culprit for all forms of suppression of the fairer sex.

The research topic compelled me to read, discuss and debate Islamic perspective of gender equality. This idea was anonymous to me. How can rights and religion be complimentary to each other? Dr. Engineer would smile to my queries and would teach me the whole concept of religion, culture and society. He said there are four aspects of religion. These are, first the thought system which should encourage reasoning, questioning and change. The second aspect is Value system which remains permanent and transcending. The third is Institutional system where one learns these values and behavior. Finally the fourth aspect is Rituals and this does not liable to change. Religion needs to be understood in the light of the socio-cultural ethos. One can not compare advanced and developed society with under developed one. Every society evolves and consequently norms and behavior changes. Religion has certain values which should be an integral part of life. Inner spiritual development is necessary along with the material gain. Dr. Engineer said "Material gain is like a mirage the more you run the more you become thirsty."

He explained that Islam is the only religion which upholds rights of the woman. This is how he logically narrated that any act in conformity with moral consciousness is a religious act. This too has got subjective elements. Quran gives equal dignity and equal freedom of conscience. When Quran does not discriminate then it is proven fact that man and woman are equal. However feudalization of Islam destroyed the Quranic values of equality and many degrading practices against woman given precedence over Quran. While explaining about Shariah Dr. Engineer said that while formulating Shariah at some point Quranic values were ignored and social needs are given importance. Islam was revealed among the Arab tribals. There was no state and source of law. It was entirely based on oral traditions. Only 17 people were literates when Islam emerged. Among the tribes was *mala'a*, senate which was based on oral tradition. Since the Holy Quran was the first law giver and hence the obsession with Quran for formulating law. He said there were more than 250 verses which gave laws. For the Arabs to establish state like Roman and Greeks they needed source and the source was Quran. Obsession began as law became more important and the intention of the Shariah was to introduce value based law. But values became subsidiary and law became primary.

Dr. Engineer further elaborates that values are of two types. One is Fundamental values and the second is Instrumental values. While explaining the methodology of understanding Quran he highlighted these two values are of great importance to understand Islamic legal science. According to him Fundamental values can never change. Instrumental values are those values which will act as tool or help implementing fundamental values. Instrumental values are contextual and hence it needs to change from time to time. It can be rejected if found inapplicable or reformed or changed. This reasoning also proves that Shariah can be change according to societal needs taking into consideration various dynamics of human society. When dealing with any existing Islamic law whether it is in conformity with Quran or not, we need to examine the Instrumental values in the light of Fundamental values and constantly device new Instrument. Most of the Shariah laws are instruments. If these Instruments are injuring Fundamental values then it should be changed and reformulated.

On methodology of understanding Quran, Dr. Engineer says that the verses in Quran can be divided into two categories i.e. Normative verses and Contextual verses. While formulating Shariah one of the important sources after Quran is Hadiths, traditions of Prophet Mohammad PBUH. Both in Quran and Hadiths we need to understand the context. Hadiths are also based on the context. If the context misfits the present social needs then it can not be applicable. He explains that Shariah has two objectives i.e. *maqasid* (purpose) and *masaalih* (problem). In *maqasid* if the law does not fulfill the object or *maqasid* then it has to be changed. In *masaalih* if that problem doesn't exist the no such law is needed. In Shariah or law *maqasid* is important than *masaalih*. Interestingly having their own significance both are inter-dependent and independent. And he says that Shariah should be such that it should fulfill both the *maqasid* and *masaalih*. Since Hadiths forms the major part of Islamic jurisprudence, Dr. Engineer simplified the whole science of Hadiths by identifying their criteria for its acceptability. He said five things are important to learn to judge any Hadiths. First is to examine the chain of narrators, who narrated this hadiths. Secondly character of the narrator which one can read from *ilm-ul Rijaal* (History of narrators). The third criteria to judge these hadiths are whether the chain of narrators reaches to Prophet PBUH or not. Whether he saw or met the Prophet PBUH or not. If it is *Aahad Hadiths* that means single narration books like Shar-e-Bukhari and Tabqaat-e-ibn Saad a commentary on Bukhari gives comprehensive details of such hadiths. The fourth criterion is when this Hadiths emerged i.e. in which period this hadiths has appeared. This will also give an understanding of the narrators and their context. And a final criteria Dr. Engineer sighted is which according to him is of utmost importance, is *Dirayat* i.e. reasoning. Why *Dirayat*

is important is because of several factors which resulted in fabrication of hadiths. Like tribal and regional prejudices and rivalries, which incited some to forge traditions to be produced as evidence of their superiority over others? Then personal ambition or earning goodwill of the reigning Caliph another stimulant which prompted some to be included among the scholars of *hadith* through forgery. Controversies and differences among Jurists (*fuqaha'*) prompted some scholars to fabricate traditions to be invoked in support of their own legal positions. Dirayat is must so that acceptable traditions can be separated from unacceptable ones.

According to him Quran wanted to give full dignity to the women and declare gender equality. There are equalities on obligation and rights. In length he discussed the rights of woman in Islam. Her rights in Marriage, divorce, maintenance, rights in property etc. To my astonishment, he narrated several incidents in the history of Islam where women tremendously contributed and their contributions were no less than significant. Does women really participated in socio, economic and political front? I hesitatingly posed my doubts that Islam wants women to be like *Umm-ul-momineen* (mother of ummah, the Prophet's PBUH wives). The role and portrayal of Umm-ul-Momineen to me was the one who lives a life of total obedience to men and in Purdah or Hijab. My query led to a discussion of a very crucial issue in the world of Islamic feminism and this issue by and large has its impact on the lives of all the Muslim women. Dr. Engineer asked me to open the chapter in the Quran and read out the verses on Hijab. Chapter 33 is *Surah Al-Ahzab*, verse 53 and 59 says that tell your wives, daughters and women of believers to wear *jilbaab* so that they are not misunderstood or harassed thinking as slave girls. Or wearing *jilbaab* would be a mark of distinction of pious woman. Chapter 24 namely *An-Nur* verse 30 and 31 first commands men to lower their gaze and safeguard their private parts and then the command come for women. Tribal culture was getting transform into urban culture. Nomadic culture was changing into sedentary one. Here one needs to understand the sociology of Quran. The revealing outcome of our discussion is that all the verses in Quran for men are duty based and surprisingly for the women are right based. Islam began with right based discourse. There is no verse in Quran which is duty based for woman. Even as a mother if she does not wish to breastfeed her baby her husband should provide a wet-nurse. However in reality the practice is topsy-turvy and to get duties internalize by women the socially constructed gender role is legitimized by religious sanction. Therefore *pardah* in reality has become a duty based define by our patriarchal society and it is not a Quranic recommendation.

He said Quranic contextual injunctions is the product of societal reference and verses on values does not require any social situation. One should understand the circumstances and don't accept it as an absolute. In most of the verses to guard one's chastity is addressed to both men and women. Both have to dress in modest and dignified way. Also one has to understand the background of the verses like the influence of the society its cultural practices. Holy Quran has kept the space to rethink and reason. On reasoning he said is very important though but it is a double edge sword. It can be used to justify the traditions and also can be used to critically evaluate these traditions. Reasoning can be done when one has the basic premises. In our case Quran is the premise to build our reason. First understand this premise to develop reason and evaluate our traditions.

Dr. Engineer threw light on how to understand the holy Quran. There are four ways to understand Quranic verses Normative, Contextual, Obligatory and Recommendatory. Normative verses are those Quranic verses which provide us with principles and values. These verses are transcending in nature. It is applicable in all period and ages. The values like justice, compassion, benevolence and wisdom are the pillars of the Quran. Our reasoning should be based on these premises, these values which are central to Quran and Islam. The second is contextual verses. These verses were

revealed as a result of social, cultural and political circumstances and applicable to that particular context. Its relevance diminishes if the context does not exist any more. It is important to take into account the occasion of revelation which is known as *asbaab- un- nuzul*. The third category of verses is Obligatory verses. In these verses one is addressed to follow particular injunctions compulsorily. It is an absolute command and this too is transcending in nature. Like the five *Ahkamaat* in Islam all the *ibaadaat* Kalma, namaaz, fasting, haj and zakat are obligatory. The fourth category of verses comes under Recommendatory verses. It means certain practices or traditions are recommended. What is the purpose behind particular injunctions. You are asked to follow a rule for more specific purpose and hence are not applicable all the time and can not be made compulsory as obligatory verses. Where ever there is a social matter discussed one has to use reasoning and find out the purpose like women's issue or of the other weaker sections in the society we need to rethink and make necessary change. Shariah is based on contextual verses and contextual hadiths and one need to take into account the changing time and world and frame a law accordingly. Over all Quranic values and natural justice these are important criteria for practicing right teaching of Islam. No blind following or blindly rejecting of the traditions but one needs to think analytically. Unbiased and open mind is the biggest *ni'amat* for the human being, Dr. Engineer said. What a wisdom he carries in this line. He further said that a Muslim needs to be duty bound to spread knowledge and thinking without any expectation. Sense of mission is very crucial and our conviction can only bring that.

It is the need of the hour to frame a new Shariah law incorporating only normative verses given in the Quran. Customs and traditions got inserted in Shariah law namely '*Aadat*. Present Shariah law is full of Arab '*Adaat* which does not have any resemblance to the non-Arab '*Adaat*. We can judge these traditions by setting criteria of values given in Quran. Hadiths is not an unanimous text and therefore there is ambiguity and disputes. Sometimes it negates Quranic values. Dr. Engineer said it is every Muslims duty to understand Quran. A knowledgeable Muslim is the one who is close to Allah than anyone else. With *Imaan*, *I'lm* is necessary and one needs to understand the right interpretation. He said like physical health is necessary, spiritual health is equally necessary. Holy Quran emphasize on reflection and observation and then decide.

Islam's contribution is that it evolved in a society which was in transition. This society was in need of norms and values which Prophet articulated it. Pre-Quranic discourse was completely duty based for women but Quran completely changed it to rights based discourse. Quran is actually a liberator for women. The concept gender is shaped by the society. I raised my doubts that religion is part of culture and hence somewhere religion dominates individual or society's behavior. To this Dr. Engineer replied that religious practice shaped by the social ethos. It is not religion which defines social or cultural behavior or role. Hence the point of origin of gender role is actually patriarchal or feudal ethos of certain society. The whole gender role of Muslim women in India is constructed by Indian feudal culture. If one conforms with the assigned gender role or any role of both men and women they become a part of 'collective consciences. While those who are non-conformist will always challenging the status-quo. Non-conformism brings progress and dynamism.

While discussing about the issues in Islamic feminism Dr. Engineer clarified that there are qualitative differences in western feminism and Islamic feminism like bodily rights, sexual rights etc which went to extreme in course of time. Islamic feminism movement started very recently in 80's challenging old concept within the framework of Islam. The feminist movement started in Egypt, Morocco, Tunisia and Algeria. These were French colonies so there was awareness in these countries. Islamic feminists discovered that Quran has proclaimed gender equality in every sense. Dr. Engineer

elaborated by saying that Quran has different levels, one is the given practice in the society which was reform and included and the other is what we call is values which will remain permanent. Quran proclaimed gender equality and through various verses supports this claims. Like in verse 71 of Surah 9, *At-Taubah*, which says that, both believing men and women are protector of each other. Both men and women are given responsibilities to spread good words and contained wrong deeds. Both are require enforcing what is good and fighting what is evil.

This verse declares equality of sexes in all aspects in the society whether social, cultural, political and economic.

The most interesting part during my study course with my teacher was to develop an understanding of the Quranic discourse and to analyze the social behavior to extract whether it is culturally assigned Islamic role for a women or it is sheer socio-cultural ethos which is given religious sanctity. Dr. Engineer gave a very enlighten discourse here. He said Holy Quran provides knowledge to both commoner and intellectuals. The basic understanding requires here is that verses in Quran can be categorized into two *Mohakamaat* and *Mutashabihaat*. *Mohakamaat* verse gives direct command and it is imperative where else *Mutashabihaat* here one can explore new understanding or there is a space for doubts. While explaining the philosophical aspect of learning Shariah he said that any phenomenon in society is related to Superstructure. He means to say any act, behavior or role is the structure build on base. And the base of this Super structure is the structure of society i.e. patriarchal ethos and traditions. So to understand any super structure it is equally important to know its base. He further explained that to connect the two mechanically will be unfair. Superstructure and base both are autonomous. Therefore while dealing with Islamic law or Shariah one need to penetrate into the history of Islam when Shariah emerged. And it emerged in feudal society. Feudal system is based on patriarchy. It is considered as divine and manufactured Hadiths to support it.

In my previous paragraphs I shared my enriching experience of what it means to be the student of Dr. Asghar Ali Engineer. I would also like to share about him at personal level. There is no doubt about his intellectual credibility but his magnanimity is seen in his approach to life and his interpersonal relationship. It occurs to me that during my study period under him he never discouraged me to ask questions. Infact he would love to answer any queries without any hitch. He is great figure of wisdom not just in his thoughts but in action as well. The hardwork and dedication is tremendous and when it comes to commitment to cause he would never bow down what may come. I recall a peace and conflict resolution workshop in Kashmir and some mischievous elements intended to sabotage the workshop. Few speakers invited for the camp were biased and started accusing Dr. Engineer and labeling him 'Indian Dog'. The students in the hall shouted slogan 'Azadi lekar rahenge' "Go back Indian Agents". I feared some attack, lot of commotion and deafening slogans from the audience I could hear but Dr. Engineer bravely made his way to the dais and holding the mike he said "I accept that I am an Indian Dog but listen to us and allow us to answer your queries. We want youth to play role in the peace making and we don't want you to play in the hands of vested interest". I admire his courage and the way he addressed the unruly crowd. Security personnel's wanted him to live the venue but he refused and said "I will never allow young blood in Kahsmir being used for one's own interest." I also pleaded to him that we will halt the programme and continue next day. I still remember his word, he said "Our Prophet PBUH has faced more atrocities and opposition than this but he never ran away and these challenges will come on our path and we have to stand these challenges with truth and commitment."

Since I was working with the Center I had a privilege of accompanying him to many such camps and workshops. I found him firm on his principles for the cause of communal harmony

when any communal elements tried to counter his views with their provocative questions. I have observed his audacity, being a part of such camps more often than he never ever tried to escape or skip the questions from the RSS people present in the camp. Mostly the speakers cleverly escape such encounters with communal elements but Dr. Engineer would step down from the dais and come into the audience to clarify their views. He always preached Gandhian principles whether the session is on Islamic issues, history of communalism in India, Secularism in India or the peace process in Indian Sub Continents. In humor I used to tell him that "Sir there are three Gandhis in India". He would curiously ask "what do you mean?". I replied "There is one Mahatma Gandhi, another we had Frontier Gandhi and the third one is you who is '*Behadd Gandhi*'. Very humbly he used to give a huge smile.

Dr. Engineer lived a life with complete devotion to communal harmony and Muslim woman's right. He would never indulge in activities or behavior which would harm any other individual or their sentiments irrespective of any religion, caste or creed. He never used harsh terms even for his opposers. Since he is leading a Reformist movement in his Bohra community he suffered for decades for being not a silent watcher of such exploitative system. He was attacked numerous times and in one attack he almost lost his eyesight but fortunately his well wisher helped him to go for a surgery in Russia and he gained his eyesight. My point here is even after being mistreated and maligned by his opposers he never used his pen to demean them. He only made people aware of an exploitative set up where there is gross violation of human rights and Islamic values by their *Dai*. Dr. Engineer's character reminds me of our great Sufis who never bear any grievances and never retaliated against their enemies. They preached and practiced '*ishq*' (Love) and '*sabr*' (Patience) and simple living. I always asked him from where you imbibe so much of patience and never react. He always advice to control one's anger. He says anger leads to irresponsible behavior which will harm one's own self.

There were several occasions in the official matters where he was advice that a small bribe can make our work done but he denied giving bribe even if we have to wait for several years. Since I was looking after the administration and programmes, never ever he did not allow nor did he misuse even a rupee of the donors. He often forgoes his honorarium. During tours for camps and workshops he never made any fuss for his lodging and boarding and readily agrees to sleep even on the floor to take his afternoon nap. He would never complain even if the accommodation or the venue is not up to the standard. All he wants is the quality of trainees who are attending our camps. The number and the sincerity of the participants make him happy and contented.

I would like to narrate one more experience where I salute his hardcore activism and dedication for the Muslim woman's cause. In March, 2010 Institute of Islamic Studies as usual was holding its three days national level training camp. There were participants from most of the states in India. Few days before the camp Dr. Engineer was critically ill and was hospitalized. I was away in Pakistan and when I heard about his ill health and the camp is going on, immediately I rushed to Mumbai and arrived at the venue where programme was being held. Later in the evening I went to see him in the hospital. I found him very restless and seeing me he kept on insisting that "I want to take my sessions." I assured him that camp is going well and we have other speakers too. He was grumbling on hospital staff saying they love to keep patient even if there is no need. He told me that if he is unable to deliver lectures on the topics which provide a strong base for the Muslim women to assert their Quranic rights then he will not be at peace. These women have come from far places and it is our duty to train them giving complete information. To this I replied that we all need you and treatment is important so that you continue to remain active and deliver as many lectures as you could. He said that even you are not supporting me. I was praying for his health but was truly sad to

see him craving to be among the participants. Unbelievable, he staunchly adheres to the principles he derived from the Quran to support and voice weaker section's plight specially the women in Muslim community. And here he is in critical condition and still wants to work. I succumbed to his immense dedication and commitment and promised him that I will arrange your lecture on phone and we will ON the phone speaker and will place a mike so that everyone in the venue could hear you. Next day he gave a call from the hospital and spoke at length for one and half hour, replying to the queries of the participants. We all were amazed and speechless. He feels himself so deeply and inwardly connected to gender equity in Islam that he always wishes that Muslim community should produce woman theologian who will counter the misogynist groups.

Not to forget his sensitivity towards the sufferings and apathetic attitude of government often kept him restless and he condemned defiantly the unjust and divisive policies and governance. His voice is minority's voice. Any riots or blast incidents happen he would be first to condemn and write extensively to expose the elements and questioned the authorities. He widely exposed all the vested interest in the society which worked for communal divide, through his writings. At international level he maintained that Islam and Muslims is peace lover and vehemently condemned American policies and failure of the Arab world for the outcome.

His life is an inspiration for a generation where we lack great saintly personalities or community leaders who thinks and acts with wisdom. He would teach me on the issues even while we are traveling in the vehicle, discussing Islamic feminism. Sometimes for hours on the beach he takes my class, while buying his daily dose of *paan* he would take a session standing under the tree near the *paan* shop. There are numerous memories which I will be sharing in another article about which I feel I am truly fortunate to have a teacher and a guide like Dr. Asghar Ali Engineer. He has a very precious and well-known collection of books and literature in Islam. He attached great importance to these collections. His work is characterized by knowledge, moderation and tolerance having insight of the issues. He was born in a priestly family so had the atmosphere deeply imbued with the religious activities of his Bohra community. . His father was a wise and tolerant man and he owes his present expertise to his father. In his early age, he came under the influence of Marxism and several scholastic work and progressive work in the world of Urdu literature. However he found the answer to all his queries in the Holy Quran and with his deep conviction he is promoting and projecting the true image of Islam and Muslims. I witnessed several high profile people and experts of various subjects like Islamic jurisprudence and religious studies who condemned his work earlier, are now confessing to be reformed after reading him and paying highest tribute to his scholastic work. Some people termed his as a real son of India, a true Muslim and a man of wisdom. He advocates Islam in a true sense whether it is human rights, socialism, economic justice, environmental awareness or spiritualism.

In all I would say a true living figure with tremendous humility without the slightest tinge of pride or vanity. It will not be wrong to call him 'DERVISH'. A soul equipped with serenity is dignified, balanced, confident and assuring in his behavior and if these values are personified becomes my teacher Dr. Asghar Ali Engineer. Alas he left for his '*visaal*' (Union with God).

