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ABSTRACT

In this article, I look at Muhammad Iqbal's legal vision for an Islamic Republic. By focusing on the 1930s, the last decade of his life, I piece together how Iqbal's constitutionalism was hospitable to legal transformation up until sovereign power conflicted with the principles of *tauhid* (unity of God) and the somewhat obscure concept *khatm-e-nabuwwat* (finality of prophethood). In mapping the conceptual tension of Iqbal's thought in relation to the individual, the community and politics in late colonial India, this article speaks directly to debates on Islamic constitutionalism, conceptual counter-geographies of international law and the intellectual history of Pakistan and India's Constitutions.

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Introduction

On 14 December 1948, in Karachi, with ample ceremonial pomp, members of the Constituent Assembly mourned Muhammad Ali Jinnah's sudden death. In their eulogies, the delegates reminisced over Jinnah's startling life, his unrelenting commitment to shield India's Muslims from the All India National Congress and his political foresight to establish institutions that could spur his democratic dream for Pakistan. They also generously seasoned their speeches with verses from Muhammad Iqbal (d. 1938), a Cambridge-educated barrister with a knack for writing poetry.¹ It was Iqbal's patriotic hymn *tarana-e-hind* (India's anthem), full-threadedly chanted by a huge Hindu-Muslim crowd on the eve of independence in 1947, that reassured Gandhi in his belief that "Hindus and Muslims would never resort to the sword for the solution of their difficulties".² Gandhi's words fell on deaf ears in the thick of an on-going civil war that amplified Pakistan and India's birth pangs.³ Nazir

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¹For biographical details see Annemarie Schimmel, *Gabriel's Wing: A Study into the Religious Ideas of Sir Muhammad Iqbal* (Brill 1963).

²*The Collected Works of Mahatma Gandhi: Volume Eighty-Nine* (Publications Division Government of India 1983) 264. Gandhi was not naive. Recent scholarship has unravelled the richness of Gandhi as a political thinker. More refreshing accounts have also challenged the standard view that Gandhi was simply a non-violent universalist: see Faisal Devji, *The Impossible India: Gandhi and the Temptation of Violence* (Harvard University Press 2012); Dieter Conrad, *Gandhi und der Begriff Des Politischen* (Wilhelm Fink Verlag 2006); Karuna Mantena, 'On Gandhi's Critique of the State: Sources, Contexts, Conjunctures' (2012) 9 *Modern Intellectual History* 535; Ajay Skaria, 'Gandhi's Politics: Liberalism and the Question of the Ashram' (2002) 101 *South Atlantic Quarterly* 955.

³Historiography on South Asia has been reluctant to embrace the term civil war to frame the explosion of violence in the wake of India's rushed decolonization in 1947, though most people who lived through this calamity regarded it as such. For a highly illuminating *longue durée* account on the conceptual flip-flopping the term civil war lived through: see David Armitage, *Civil Wars: A History in Ideas* (Yale University Press 2017).

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Ahmad Khan of the Muslim League's conservative wing and a big landowner from West Punjab, sorrowed Jinnah's death by ascribing borderline mythical qualities to him: "A field marshal amongst privates", Jinnah was for Khan, "the hero of Carlyle, the super-man of Nietzsche", and to top it all off Iqbal's "Marde Momin" (man of faith).⁴ Jinnah's astonishing life had established, Nazir Khan reasoned, that there was merit in Iqbal's great man reading of history: the "effort of a single man of faith" could indeed "change the course of destiny".⁵ Iqbal's auspicious foretelling of the messianic "coming of a man of the type of our great Quaid-i-Azam [exalted leader (Jinnah)]", Nazir Khan concluded, had surely catapulted Iqbal from a reluctant politician into the lofty spheres of a "philosopher-poet" and a "seer".⁶

Muhammad Iqbal had been called a philosopher-poet before. While reviewing an early translation of Iqbal's *Asrar-i-Khudi* (Secrets of the Self), a lengthy poem packed with a list of ingredients to bake a "new man" deftly spiced with individuality, the British humanist EM Forster mused in the 1920 issue of the literary magazine *Athenaeum*, whether Iqbal—the "poet-philosopher of the East"—had not simply recycled conventional European ideas. Iqbal's *khudi* (self, individuality)⁷ reminded Forster of Nietzsche's *Übermensch* (superman).⁸ And therefore, in Forster's reading, *khudi* ought to be interpreted as a profoundly modernist undertaking; one that emptied out the historical baggage perpetuating Muslim backwardness, which is to say, the trials and tribulations Muslims faced in battling the alienating forces modernity ushered in from at least the nineteenth century.

Stepping back and looking at Iqbal's thought from a global perspective confirms CA Bayly's suspicion that constitutional liberalism as it emerged in India orbited around "spiritualized, radical and nationalist" doctrines.⁹ In so doing, it took more inspiration from the thoroughbred "liberalism of France, Spain and or Italy" than from the cold utilitarianism and rationalism of the Anglo variety, which so readily lent itself for colonial domination.¹⁰ In contrast to British parliamentary Whiggism, as Bayly persuasively shows in *Recovering Liberties: Indian Thought in the Age of Liberalism and Empire*, Indian liberals from the 1840s onwards appropriated, transformed, and fed back to the West a strong version of constitutional liberalism that sought to curb the despotism of the Company and later the Raj.

Iqbal's worries were different. A member of India's minority Muslim community, he feared what may happen in a democratic India, once the British had left. Iqbal was suspicious

⁴The Constituent Assembly of Pakistan Deb 14 December 1948, vol IV <http://www.na.gov.pk/uploads/documents/1434537775_658.pdf> accessed 22 October 2018.

⁵*ibid.*

⁶*ibid.*

⁷*Khudi* can be understood as acquiring religiously tainted agency or selfhood within the paradigm of colonial modernity. It was principally directed as a critique against the mystical Sufi notion of *fanaa* (annihilation of the self). *Fanaa* had overwhelmingly negative connotations for Iqbal, who regarded it as an expression of resignation, political decline, and altogether obscure Eastern otherworldliness. The act of departing from the Sufi tradition and promoting *khudi* as a counter concept to embrace modernity could easily be read as a result of the split mentality that has infected colonized thinkers. This psychological pattern received plenty of theorization in postcolonial literature: from Frantz Fanon's double-consciousness to Bhabha's hybridity. See, Frantz Fanon, *Peau noire, masques blancs* (Éditions du Seuil 1967); Homi Bhabha, *The Location of Culture* (Routledge 1994).

⁸In his review of Iqbal's poem *Asrar-i-Khudi*, EM Forster is the first to have made this connection: "Like other of his contemporaries he [Iqbal] has been influenced by Nietzsche; he tries to find, in that rather shaky ideal of the Superman, a guide through the intricacy of conduct. His couplets urge us to be hard and live dangerously; tigers, not sheep; we are to beware of those sheep who, fearing our claws, come forward with the doctrine of vegetarianism... The significance of Iqbal is not that he holds [Nietzsche's doctrine], but that he manages to connect it to the Quran.": EM Forster, 'Review: Sheikh Muhammad Iqbal, The Secrets of the Self (*Asrar-i-Khudi*), Translated by Nicholson' (1920) 29 *The Athenaeum* 803.

⁹CA Bayly, *Recovering Liberties: Indian Thought in the Age of Liberalism and Empire* (Cambridge University Press 2012) 4.

¹⁰*ibid.*

of liberal democracy's promise that the rational individual required to constitute the popular sovereign, could transcend and erase the particularities of politics. For Iqbal, such claim to universality clashed with the lived reality of Indian society, divided as it was along ethnic and cultural markers. Hindus, who would effortlessly make up the majority in an independent India, could easily use their numerical strength to permanently boot out minorities from any meaningful representation in parliament, while hiding their majoritarianism under the veneer of parliamentary democracy.

After repeated demands for stronger constitutional safeguards to protect the rights of minorities, Iqbal eventually opted for a separate Islamic Republic instead. As opposed to putting the free and rational individual at the centre of his democratic theory, Iqbal's republic primarily required Muslims endowed with a specific character and smelted together by a peculiar vision of individuality. Like a number of his contemporaries, Iqbal warmed up to the two nation-theory. Unlike the mainstream view, however, which read an eternal struggle of Hindus and Muslims back into Indian history, Iqbal's concept of the Muslim nation was something to be striven towards, not something to be replanted from the past. Iqbal believed that the best way to actualize this national sentiment in the present, was through individual political action.

The 1930s for India, as for most parts of the world, was a decade packed with political upheaval. The constitutional corset that the British government had stitched for India, diligently woven from European cloth and embroidered with generous executive powers, was beginning to suffocate. Gandhi and Nehru, the two towering figures of the Congress Party, openly critiqued colonial rule. Gandhi rung in the decade with a demand for *Purna Swaraj* (complete self-rule) through a "truth force" Hindu nationalism; Nehru selectively piggybacked on this concept by cocktailing swaraj with strands of Indian communism. Iqbal followed these debates closely and eventually started thinking about a constitutional framework that could be accountable to a higher law. For Iqbal, this was ideally done in a Muslim India. Here, the limitations imposed on the exercise of sovereign power ought to be drawn from Islamic theology. But Iqbal was not cheering for the revival of a Muslim golden age long left behind in the dunes of Medina. He knew that in different times societies were confronted with different challenges. A close reading of ancient texts was not enough to confront the problems of the day. As opposed to digging out and hermeneutically polishing an old sharia law, then, Muslim societies needed to come to terms with modernity untied from such ancient constraints. This move was hardly unusual. In the beginning of the twentieth century, especially after the collapse of the Ottoman Empire, Muslim thinkers around the world pushed to transform and modernize their societies and their systems of governance.

In *The Reconstruction of Religious Thought in Islam*, a collection of six lectures delivered in Hyderabad, Aligarh, and Bombay in 1929, Iqbal comes closest to a systematic analysis of his legal vision for Indian Muslims.¹¹ Most scholarly reconstructions have rightly taken these lectures as their main subject of analysis.¹² But Iqbal was not an armchair philosopher caged in an ivory tower who occasionally descended from his carefree metaphysical heights to speak to the common folks. He was, above all, a politician and a poet who laboured hard to bring his political vision into reality.

¹¹Mohammad Iqbal, *The Reconstruction of Religious Thought in Islam* (Oxford University Press 1934).

¹²Notable exceptions are: Iqbal Singh Sevea, *The Political Philosophy of Muhammad Iqbal: Islam and Nationalism in Late Colonial India* (Cambridge University Press 2012); Javed Majeed, *Muhammad Iqbal: Islam, Aesthetics and Postcolonialism* (Routledge 2009); Parveen Feroze Hassan, *The Political Philosophy of Iqbal* (Publishers United 1970).

Iqbal's concrete political gestures from ca. 1930 to 1938 reveal, as this article will show, that his boyish flirtations with universalism--both in the shape of sharia law and Anglo-American approaches to liberal constitutionalism--ultimately gave way to a more tangible and homely outlook on the constitutional scaffolding of a future Islamic Republic in India.

In scholarly writings on South Asian constitutionalism--defined here as thinking about the preconditions for and the limitations of the exercise of sovereign power--and in the historiography of South Asia more broadly, political thought has largely taken a back seat. That political thought has been pushed to the margins of scholarship is hardly surprising. Open a text book on modern South Asia and chances are that it will be centrally concerned with the themes of partition and nation-building. If the textbook has taken the Oedipal turn from ancestor worship to *Vatermord*, it is likely to adopt the stereotypes drawn up by the old Cambridge School or the historians of the post-colonial consortium. You will find here a rather cool assessment of the founding fathers. They enter the narrative largely as self-interested office seekers--the infamous "mimic men", who clumsily imitate their colonial masters--or as hybridized "Macaulay's bastards", men who were middle-class, middle-aged, and for all practical purposes, middle-minded. By shrugging off sentimental nationalist myths, such accounts have ably highlighted the shrewdness of politicians. Yet they have done little to assess the quality of their thought, be it political or otherwise.

In this article, I provide an initial glimpse into what Iqbal's preconditions and limitations for the exercise of sovereign power looked like. The linguistic, cultural and ethnic diversity amongst Muslims in India hampered Iqbal to plunge straight into a technical debate of balancing legislative dos and don'ts. Iqbal first had to think about who the people were that would inhabit his conceptual blueprint of an Islamic democracy. I argue, that Iqbal did this by patching together a new republican subjectivity. This novel vision of man lay at the heart of his political and legal philosophy. Iqbal then confronted issues of constitutional and legal change, making an intriguing case, as I go on to show, for somewhat unorthodox principles of transformation from Islamic legal science. After focusing on the individual and the theoretical foundations of constitutional transformation, Iqbal pondered at length over how to fold India's Muslims into a single nation. In all of this, Iqbal's engagement with the Ahmadis, a tiny Muslim reformist sect from Qadian, provides instructive insights to illuminate Iqbal's position.

These steps are not as neatly separable as the structure of my article suggests. They do overlap and even conflict with one another. The following division into neatly demarcated spaces is still helpful, however, for conceptual clarity. I will therefore take these divisions as a rough guide to walk through the main spheres of Iqbal's constitutionalism: character and individuality, law and politics and finally, solidarity and community.

Part I: character

In late December 1929, at the 44th All India National Congress meeting in Lahore, Jawaharlal Nehru, the then Congress president, assured Indian Muslims that no "future

constitution will be acceptable to the Congress that does not give full satisfaction” to minorities.¹³ Roughly a year earlier, a committee which Nehru chaired had proposed to smash the fragile agreements struck between the Muslim League and the Congress, the so-called Lucknow Pact of 1916.¹⁴ The Pact enshrined separate electorates for minorities, weightage, and provincial autonomy.¹⁵ Nehru’s radical proposition to swap this delicate agreement with the standard liberal dictum that each citizen’s vote should count evenly in the nascent constitution of an Indian Republic, triggered severe anxiety amongst Muslims. They feared an independent India would orphan religious minorities and put them under the irrevocable custody of a Hindu majority.

As Hindus vastly outnumbered all other communities, Muslims feared, that in Nehru’s India the democratic number game would be eternally skewed to their disadvantage. On 31 December 1928, a Muslim emergency conference was hastily organized to respond to the Nehru Committee’s constitutional recommendations. One of the most luminous Muslim intellectuals, Muhammad Ali Jauhar, broke down the report’s content in memorable brevity: “The creation is God’s; the country is Viceroy’s; and the rule is Hindu Mahasabha Bahadur’s [a Hindu nationalist movement]”.¹⁶

Iqbal was in line with this feeling. Parliamentary representation on a numeric basis was not suitable for India. In a response to the colonial government’s critique that “British democratic sentiments” sat uneasy with the added weightage given to Muslims through separate electorates, Iqbal rebutted from the podium of the Muslim League’s 25th annual gathering in Allahabad, that “British democracy cannot be of any use in a land of many nations”.¹⁷ Instead, Iqbal bolstered the claim for constitutionally grounded minority safeguards. A majority community could not brush over minority demands. The one-man-one-vote dogma was, according to Iqbal, only “theoretically correct, if we start from Western premises”.¹⁸ On 6 December 1933, in a statement defending the staunch position adopted by Muslim delegates at the Round Table Conference regarding constitutional minority safeguards, Iqbal explained that the average Muslim cheered for “safeguards not because he is afraid of democracy but because he has reason to be afraid of communal oligarchy in the

¹³India National Congress, *Report of the 44th Annual Session Held at Lajpat Nagar Lahore* (The Reception Committee 1930) 60. The famous Independence Resolution was also passed at this meeting. In it, the Congress enticed the British government to cede to their demands for an independent India.

¹⁴Regarding separate electorates for Muslims, the Nehru Report (as the Committee’s recommendations came to be known) had this to say: “It is admitted by most people now that separate electorates are thoroughly bad and must be done away with. We find however that there has been a tendency amongst the Muslims to consider them as a ‘valued privilege’... Everybody knows that separate electorates are bad for the growth of a national spirit but everybody perhaps does not realise equally well that separate electorates are still worse for a minority community. They make the majority wholly independent of the minority and its votes and usually hostile to it.”: The Committee Appointed by the All Parties’ Conference 1928, *Report 30* (1928).

¹⁵A solid critique of the Lucknow Pact from the viewpoint of other minority communities, who would have to shoulder much of the brunt, was brought forward by BR Ambedkar, one of the makers of the Indian Constitution: “The principal defect in the Lucknow Pact is that in allotting the seats to the Mohamedans it did not take into consideration the effect it will have upon other interests. The framers of the pact, as pointed out by the Government of India, failed to remember that whatever advantage is given to the Mohamedans is taken away from some other interest or interests.”: Vasant Moon and Hari Narke (eds), *Dr. Babasaheb Ambedkar: Writings and Speeches Vol II* (2nd edn, Dr Ambedkar Foundation 2014) 371.

¹⁶Hafizur Rehman (ed), *Report of the All-India Muslim Conference held at Delhi on 31st December 1928, and 1st January 1929* (1930) 33.

¹⁷The League’s entire Allahabad session can be found in: Nripendra Nath Mitra (ed), *The Indian Annual Register 1930 Vol. II* (The Annual Register Office 1932) 343.

¹⁸*ibid.*

garb of democracy in India.” For Iqbal Muslims were merely striving “to ensure the substance of democracy even at the expense of its conventional form.”¹⁹

In Iqbal’s Muslim democracy, a specific character endowed political participation. As he elaborated in a short article for the Allahabad-based magazine *The New Era*, “every human being is the centre of latent power, the possibilities of which can be developed by cultivating a certain type of character”.²⁰ In contrast to European democracies, Iqbal contended, which had originated as a political backdrop to mop up the spills from “the economic regeneration of European societies”, citizenship in India was not hinged upon the fact of Indians becoming economically efficient, or, for that matter, men of letters.²¹ It was futile to mimic the European model of focusing on economic uplift first and on political rights later. Rather, in Iqbal’s telling, a specific Muslim character with enough *khudi* could burst open what we now call the “waiting room of history”, which is postcolonial shorthand for locking colonial subjects into a prison of eternal tutelage; lulling them in with the hypnotic tune that one day they will be mature enough to acquire self-rule.²²

A stone throw away from the Congress’s Lajpat Nagar proceedings, thousands of Muslims had gathered in the largest cemetery of the city, the Miani Sahib Graveyard. They were burying Ilmuddin, a convicted murderer.²³ A few weeks earlier, Ilmuddin had been executed for stabbing and fatally wounding the publisher of *Rangila Rasul*, a foamy booklet that thundered against the prophet Muhammad.²⁴ Ilmuddin had been buried before. Immediately after his court sentenced execution, the British authorities buried Ilmuddin in the Mianwali jail cemetery. This was unacceptable for Iqbal. He lobbied tirelessly for what he called the “earnest” and “legitimate desire” of Indian Muslims to have Ilmuddin’s body unearthed and transferred to Lahore.²⁵ The Governor of the Punjab eventually caved. He cited law and order issues for his earlier reluctance to approve the move, only to witness one of the largest funeral proceedings in Lahore’s modern history.²⁶ For Iqbal, Ilmuddin’s character was a fine example for how the concept of individuality (*khudi*) played out in real life.

This was not the first time Iqbal had spotted *khudi* of Ilmuddin’s magnitude. In one of his earliest works, published in the September 1900 edition of *The Indian Antiquary*, Iqbal rebelled against the standard view that Muslim philosophy was essentially “an unprogressive repetition of Aristotle and Plato”.²⁷ The Islamic philosophy Iqbal knew was full of “originality”.²⁸ In his short article, Iqbal lionized spiritual experiences against the abstract and cold rationality of utilitarianism, and—similarly to Mill, who after an overdose of Bentham sought refuge in Coleridge—ventured outwards to identify

¹⁹Shamloo (ed), *Speeches and Statements of Iqbal* (Al-Manār Academy 1944) 194.

²⁰Muhammad Iqbal, ‘Notes on Muslim Democracy’ *The New Era* (Allahabad, 28 July 1916) 251.

²¹*ibid.*

²²Dipesh Chakrabarty has argued that historicism, which means endowing history with a purpose and aim, in Mill’s eyes “consigned Indians, Africans and other ‘rude nations’ to an imaginary waiting room of history.” But Dipesh Chakrabarty goes a little overboard when he brazenly concludes “That was what historicist consciousness was: a recommendation to the colonized to wait”. See, Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton University Press 2000) 8.

²³Letter from the Government of India Home Department to the Under Secretary of State for India (21 November 1929).

²⁴*Ilam Din v Emperor* AIR 1930 Lah 157 (High Court (HC)).

²⁵Letter from the Government of India Home Department to the Under Secretary of State for India (n 23).

²⁶The Tribune’s correspondent called the gathering “unprecedented”. ‘Ilmuddin’s Body Brought to Lahore’ *The Tribune* (Lahore, 15 November 1929).

²⁷Muhammad Iqbal, ‘The Doctrine of Absolute Unity, as Expounded by Abdu-l-Karim Al-Jilani’ (1900) 29 *The Indian Antiquary* 236, 237.

²⁸*ibid.*

enlightened Muslims able to substantiate his conviction that there really was a “standard higher than intellect itself”.²⁹ Iqbal found these characteristics personified in what he then described as “the profoundest theologian among modern Indian Muhammadans”,³⁰ an elderly saint named Mirza Ghulam Ahmad.

Ahmad had become a household name amongst Indian Muslims in the late nineteenth century for debating Christian missionaries and Hindu revivalists and for establishing his own religious sect, the Ahmadiyya.³¹ In a spectacular East-West mélange, Ahmad had claimed that he was the rebirth of Jesus and of Krishna and Vishnu. After initial criticism to these claims, Ahmad doubled down and claimed shadowy prophethood as well. What made such fundamentally different characters like Ghulam Ahmad, a God-man of solid religious training, and Ilmuddin, an 18-year old carpenter with no formal education at all, subject to Iqbal’s admiration was not their intellectual heft. Instead, Iqbal applauded their zealous will to embrace individuality and use it to canalize their energies for the defence of India’s Muslims. Endorsing a can-do mentality over intellectualism, Iqbal writes in the Allahabad journal *Hindustan Review* in 1909, that “the essential nature of man consists in will, not intellect or understanding.”³²

Individuality, in something close to its contemporary form, first appeared as a concept in the nineteenth-century.³³ As Muslims recovered from the shock of the Mughal crown’s abolishment, they were hard pressed to find explanations as to why the rulership of their religious fellowmen had abruptly ended after 400 years. Most modernists exculpated Islam and blamed backward thinking for having weakened Muslim claims to sovereignty.³⁴ The refusal of Muslims to embrace enlightenment reason wholeheartedly, they analyzed, had excluded them from the spoils of scientific progress. Syed Ahmed Khan, a tremendously impactful nineteenth century Muslim reformer, summed up this feeling crudely when he roared that Indians were little more than “dirty animals” and “imbecile brutes” who needed firm drill if they wanted to rival “able and handsome” Europeans.³⁵

A fresh view on the individual within the framework of religion, Syed Ahmed Khan wagered, would usher rapid economic and moral uplift. Syed Ahmed Khan’s hopes rested on the young. After Sir Syed, as he was known to friends, established the Muhammadan Anglo-Oriental College in Aligarh, his harsh assessment of Indians softened considerably. Inspecting the boarding rooms of the students, Sir Syed recounted that he was “charmed with the way in which they were fitted up. Each youth furnishes his chambers after his own

²⁹ibid.

³⁰ibid 239.

³¹See, Yohanan Friedmann, *Prophecy Continuous: Aspects of Ahmadi Religious Thought and Its Medieval Background* (Oxford University Press 2003) 255; AR Dard, *Life of Ahmad: Founder of the Ahmadiyya Movement* (Islam International Publications 2008) 156.

³²Muhammad Iqbal, ‘Islam as a Moral and Political Ideal’ (1909) 20 *Hindustan Review* 29, 32.

³³This point is heavily contested. Indian philosophy has not shied away from confronting the concept of selfhood. In the context of conceiving an individual human agent as the vehicle for both constant self-improvement and societal change, however, it seems more apt to acknowledge modernity’s profound rupture instead of clinging on to accounts that favour frictionless continuity. The tension between both views turns shrill in historical accounts of Indian nationalism, with Robinson defending the primordial view and Jalal endorsing a modernist reading: Francis Robinson, *Separatism Among Indian Muslims: The politics of the United Provinces’ Muslims 1860–1923* (Cambridge University Press 1974); Ayesha Jalal, *The Sole Spokesman: Jinnah, the Muslim League and the Demand for Pakistan* (Cambridge University Press 1994).

³⁴For an insightful study on the strategies that Indian Muslims adopted to cope with the displacement of Mughal rule, see Peter Hardy, *The Muslims of British India* (Cambridge University Press 1972).

³⁵Syed Ahmed Khan made these remarks in a travelogue he wrote during his journey through Europe in 1870. See, GFI Graham, *The Life and Work of Sir Syed Ahmed Khan* (William Blackwood and Sons 1885) 184.

taste, and there is the same individuality about each that one finds in an Eton boy's room."³⁶ No different than in orthodox liberalism, early Indian modernists attempted to solve the social question in India by increasing individual efficiency. These motives were also picked up by Muslim intellectuals in the twentieth century.

Iqbal absorbed the basic modernist stance to revitalize the individual and strive towards productivity. Yet Iqbal distinguished himself from the conventional modernist trot. In a conservative counterblow, Iqbal alleged that the modernists rhetoric of efficiency was undermining culture.³⁷ Modernists had busied themselves with aping British mannerism and thereby jeopardized their own tradition. While Iqbal conceded that there was good in modern knowledge, it was crucial to approach Western knowledge with a "respectful but independent attitude".³⁸

Iqbal held that the best way to negotiate modernity's stormy arrival was to spark the potential of resistance into individuality. The individuality Iqbal promoted was therefore dynamic and oozed of immediate action. The German governess of Iqbal's two children, who assisted him throughout the 1930s, was stunned by the tension between Iqbal's ailing body and his upbeat message of vitalism. On one occasion, Aunt Doris, as Iqbal's children affectionately called her, remembered that Iqbal was too weak to even lift a pen, yet asked her to conclude a letter to a Dacca-based Muslim student group with the energetic words: "Fight! For in fight there is life."³⁹

Eastern thinkers, Iqbal decried, had for too long praised otherworldly bliss. In some cases, he lamented, Eastern thinkers had gone so far as to renounce the material world altogether, faulting it as a prolonged act of aggression. Once these thinkers had rebuffed the material world, they moved on to the lush playgrounds of neo-Platonic metaphysics. But their lengthy dwelling in metaphysical heights had fattened them. Worse still, the sojourn in Plato's welcoming lounge, for Iqbal little more than a faux "quest after a nameless nothing", had robbed Muslims of the potential to tackle the precarious material conditions that surrounded them.⁴⁰

In extreme cases, like in the Sufi tariqas, metaphysics had wholesomely consumed Muslim lives and stripped them of even their faintest ability to act. In his short treatise *Islam and Mysticism*, Iqbal eerily describes the Muslims condition as floating "aimlessly in the dusky valleys of Hellenic-Persian Mysticism, which teaches us to shut our eyes to the hard Reality around, and to fix our gaze on what it describes as 'Illuminations'—blue, red and yellow Reality springing from the cells of an overworked brain".⁴¹ In Iqbal's telling, this "self-mystification" and this "seeking Reality in quarters where it does not exist", was a form of nihilism and intellectualism, which clearly indicated "the decadence of the Muslims world".⁴²

Iqbal therefore slogged all metaphysical thinking with the blame of hampering the potential for his version of individuality. Indian Muslims were living in miserable

³⁶ibid 330.

³⁷For instance, Iqbal writes: "Our education does not recognise man as a problem, it impresses on us the visible fact of multiplicity without giving us an insight into the inner unity of life, and thus tends to make us more and more immersed in our physical environment. The soul of man is left untouched and the result is a superficial knowledge with a mere illusion of culture and freedom." Muhammad Iqbal, 'The Inner Synthesis of Life' (1926) 27 *Indian Review* 2.

³⁸Iqbal, *The Reconstruction of Religious Thought in Islam* (n 11) 93.

³⁹Doris Ahmad, *Iqbal as I Knew Him* (Iqbal Academy Pakistan 1986) 8.

⁴⁰Iqbal, *The Reconstruction of Religious Thought in Islam* (n 11) 86.

⁴¹Muhammad Iqbal, 'Islam and Mysticism' *The New Era* (Allahabad, 27 July 1916) 250.

⁴²ibid.

conditions; yet boozed from the sweet nectar of metaphysics they could not recognize the material mess of their precarious existence. Iqbal loathed this Eastern quietism. To counter this alleged paralysis Iqbal's poetic and philosophical tracts strive to amplify the "latent power" of individuality that dwells in every Muslim and which, if pitched high enough, makes "Muslim Democracy" and political participation a concrete utopia.⁴³

Part II: law

The colonial legal order destabilized native forms of adjudication from roughly the 1860s.⁴⁴ To soften the blow of galloping legal reforms and to weigh in the cultural specificities of Indian societies, the colonial government decided to cater to religious groups.⁴⁵ In personal law matters, the government animated religious groups to administer their own norms. Though semi-permeable, this doctrine later came to be known as the doctrine of non-intervention.⁴⁶ Laws open to self-regulation related mainly to marriages, succession, inheritance, divorce, alimony, charity and so on. In this way, a lot of the political thinking of India's public men was diverted into the legal sphere. Amongst India's Muslims, legal debates flared typically around the correct interpretation of Anglo-Muhammadan Law, a narrow collection of Islamic legal guidelines and rules, horded together by nineteenth century Muslim modernists and Western Orientalists.⁴⁷

Muslims squabbled over what school of interpretation to follow. Iqbal largely avoided such debates and proclaimed instead that all prevailing methodologies to squash meaning from Islamic Law were outdated and stale. They were in desperate need of fresh inputs. Iqbal thus reduced the legal problem Indian Muslims wrestled with to a simple catchphrase: "while people are moving the law remains stationary".⁴⁸ No longer could jurists rely on a systematic reconstruction of written norms based on analogy and precedent (*qiyas*), the preferred method of Muslim legists, irrespective of how carefully measured their efforts were. Instead, Iqbal proposed, jurists should examine the prevalent mood and the ever-shifting reverberations within society.

Indian Muslims could develop this heightened sensitivity to current societal issues by swinging open the door to *ijtihad*, a classic method for deriving legitimacy of legal codes through the establishment of a wide consensus amongst learned theologians, a process called *ijma*. In Iqbal's telling, electing representatives to an exclusively Muslim

⁴³Iqbal, 'Notes on Muslim Democracy' (n 20) 251.

⁴⁴See only, Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism* (Princeton University Press 2010); Elisabeth Kolsky, *Colonial Justice in British India: White Violence and the Rule of Law* (Cambridge University Press 2010); Radhika Singha, *A Despotism of Law: Crime and Justice in Early Colonial India* (Oxford University Press 1998).

⁴⁵Bernard Cohn famously taunted the British for their severe "epistemological failures" in "understanding Indian society" and religion fully. See, Bernard S Cohn, 'From Indian Status to British Contract' (1961) 21 *The Journal of Economic History* 628.

⁴⁶This non-intervention policy, according to the political theorist Partha Chatterjee, catalyzed the growth of nationalist thought in the religious sphere. Chatterjee's reading of colonialism depicts profound structural similarities with the German historian Reinhart Koselleck's bleak account of the French Revolution. See, Partha Chatterjee, *Nationalist Thought and the Colonial World: A Derivative Discourse* (Zed Books for the United Nations University 1986) 1–54.

⁴⁷Scholarship has picked up on the notion that Anglo-Muhammadan Law was not just a rigid set of rules but that it also opened new spaces for debate and social change: See Muhammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change* (Princeton University Press 2002); Muhammad Zubair Abbasi, 'Islamic Law and Social Change: An Insight into the Making of Anglo-Muhammadan Law' (2014) 25 *Journal of Islamic Studies* 325.

⁴⁸Iqbal, *The Reconstruction of Religious Thought in Islam* (n 11) 161.

parliament and endowing them with the power to exercise *ijtihad*, would allow Muslims to swiftly reform and cure their jurisprudential woes. But some of the laws Iqbal ventured to transform were of divine origin. This complicated Iqbal's reformist agenda. Iqbal had to make the difficult argument in how far sharia law could be pressed into a modern constitutional shape, without depleting its content.

How Iqbal handled this conceptual problem is best exemplified by looking at his direct interventions into Anglo-Muhammadan law. There were a number of cases that excited Iqbal. Amongst Iqbal's prime concerns were cases that touched upon the divorce right for Muslim women. Under Anglo-Muhammadan Law it was close to impossible for women to seek separation from their husbands, even more so if the husband was unwilling. Muslim women from the 1920s onwards thus hopped on a legal provision reluctantly penned in a standard reference work of Anglo-Muhammadan Law, a legal textbook with the self-assured title *The Personal Law of the Mohamedans According to All the Schools*. Composed in the late nineteenth century by the liberal reformer Syed Ameer Ali, the book listed extreme circumstances under which marriages collapsed.

One of these extraordinary conditions that instantly shattered a marriage contract was apostasy, the formal disaffiliation from Islam. In the words of Ameer Ali, for Anglo-Muhammadan law "apostasy has the effect to dissolving the marriage-tie between the parties".⁴⁹ Just like major swathes of Anglo-Muhammadan Law, this legal opinion too was picked from the medieval legal manual *Hedaya*, a reference work heavily cited in colonial courtrooms around that time. In *Hedaya* one finds that "if either husband or wife apostatize from the faith, a separation takes place without divorce".⁵⁰

But *Hedaya's* was not the only legal opinion in circulation. Judges who based their rulings on Hanafi *fiqh* (Islamic jurisprudence), a Sunni school of law prevalent in India, made the case that it had always been permissible for Muslim men to wed across religions. There was no prohibition for men to marry women who followed a religion based on a divine book. For instance, when a woman converted during wedlock to Christianity, her marriage tie to her Muslim husband would continue to remain intact, as the Christian faith was inspired by a divine book. The counter-view highlighted that the explosive act of apostasy ruptured interpersonal relationship between spouses so severely, that it could hardly be compared to a marriage in full knowledge of the spouses' religion.

In one of these cases in the early 1930s, Maryam Bibi, a "young Muslim woman" from Jullundur, rushed into conversion to free herself from an unhappy marriage with Sardar Mohammad. Against Maryam Bibi's repeated appeals, Sardar had married a second wife. Maryam Bibi first moved back in with her parents. When Sardar sued Maryam Bibi for the restitution of their conjugal bond, she converted to Christianity. The ruling judge found that "there was little doubt that Maryam Bibi... was prompted only by the desire to bring about the dissolution of marriage, when she renounced her religion and became a Christian", but continued that this was not "a matter of any consequence". So far as the decision of the present appeal was concerned "a person may

⁴⁹Syed Ameer Ali, *The Personal Law of the Mohamedans According to All the Schools* (WH Allen & Co 1880) 276.

⁵⁰Standish Grove Grady (ed), *The Hedaya, or Guide: A Commentary on the Mussulman Laws* (Charles Hamilton tr, 2nd edn, WH Allen & Co 1870) 66.

embrace a particular religion in order to benefit from a worldly point of view". As long as the "conversion is genuine" even "sordid motives" would not affect the ruling.⁵¹

That Muslim women had to abandon Islam as the only feasible path to leave their husbands was intolerable for Iqbal. In Iqbal's eyes, it also distorted what Islamic Law was about. Islamic law, as Iqbal understood it, encouraged a constant rethinking of its elementary principles with the ultimate objective to secure justice. The founders of the various schools of Islamic jurisprudence, Iqbal asserted, never claimed "finality for their reasonings and interpretations".⁵² The present generation of "Muslim liberals" was therefore free to "re-interpret the foundational legal principles, in the light of their own experience and the altered conditions of modern life".⁵³ Addressing the issues of women in Punjab directly, Iqbal warned that for "a missionary religion" like Islam it was anathema to shove "Muslim women wishing to get rid of undesirable husbands" into apostasy. The interpretation "laid down in the Hedaya", according to Iqbal, had blatantly failed the test to "protect the interests of the Faith".⁵⁴

The "modern Hanafi legists had eternalised the interpretations of the founders and his immediate followers", Iqbal continued more forcefully, as opposed to preserving the spirit and "interest of the Faith".⁵⁵ For Iqbal, the reliance on precedent and analogy had spiralled into a crippling paralysis in India. Yet Iqbal was hopeful that the stagnant legal spirit of India's Muslims could be reanimated. Through "fresh interpretations of the foundational principles" of Islamic Law, Iqbal advocated, Muslim societies could stir legal reform by redirecting their efforts to unravel the true purpose behind the laws. In modern times, Iqbal held, this process of scrubbing open the law's truth could only take a republican shape. Therefore, the most sensible way was to transfer "the power of ijtihad from individual representatives of schools to a Muslim legislative assembly".⁵⁶

Iqbal first addressed the idea of a Muslim Republic in an early 1908 essay titled *Political Thought in Islam*, which appeared in the first volume of *The Sociological Review*, the quarterly publication of the Sociological Society.⁵⁷ The journal escorted the newly established chair for Sociology at the University of London. In the first issue of the journal, Leonard Hobhouse, the incumbent, attempted to pacify the warring fronts on the meaning of sociology with appeasing statements like, "it is precisely the most elementary aspects that remain longest in the dark" and that sociologists "can only know what we are looking for when we have found it".⁵⁸ Nestled between academic articles on "The Definition of Magic", "The Tutelage of Races", and "Chelsea, Past and Possible", Iqbal outlined the role of the caliphate in Islamic governance structures. There had never been a caliphate in India. Yet the downfall of the Ottoman caliphate after the First World War, galvanized massive rallies in India with loud calls for British intervention to protect the caliph's throne.⁵⁹ Iqbal was tepid towards this so-called Khilafat-movement. As Iqbal laid out roughly a decade before the Khilafat-movement

⁵¹ *Sardar Mohammad v Mt Maryam Bibi* AIR 1936 Lah 666 (HC).

⁵² Iqbal, *The Reconstruction of Religious Thought in Islam* (n 11) 160.

⁵³ *ibid.*

⁵⁴ *ibid.*

⁵⁵ *ibid.* 169.

⁵⁶ *ibid.* 165.

⁵⁷ Muhammad Iqbal, 'Political Thought in Islam' (1908) 1 *The Sociological Review* 249.

⁵⁸ Leonard Hobhouse, 'Editorial' (1908) 1 *The Sociological Review* 2, 3.

⁵⁹ For a masterful reconstruction of the Khilafat movement, see Gail Minault, *The Khilafat Movement: Religious Symbolism and Political Mobilization in India* (Columbia University Press 1982).

gained steam, “[f]rom a legal standpoint, the Caliph does not occupy any privileged position. In theory, he is like other members of the Commonwealth. He can be directly sued in any ordinary law court”.⁶⁰ The caliph, Iqbal elaborated, is “open to the criticism of every Muslim.”⁶¹ Since the caliph was not “the representative of God on earth”, or a “source of law”, Iqbal concluded, “the elector has the right to demand the deposition of the Caliph”.⁶²

Consequently then, for Iqbal “there is no privileged class, no priesthood, no caste system” as far as the law is concerned.⁶³ A Muslim Republic bases itself in the “absolute equality of all Muslims in the eyes of the law”.⁶⁴ In Iqbal’s view, the “entire fabric of Islamic law” was composed of “judge-made law”, where “the lawyer performs the legislative function in the Muslim constitution”.⁶⁵ But modernity’s acceleration of time now demanded quick solutions to an increasing number of unforeseen legal problems. Muslims could no longer rely on judges and lawyers alone to solve their legal issues. Instead, they had to tap the “source of law”, which for Iqbal rested in “the will of the whole Muslim community” and which could be made audible through a “general council”.⁶⁶

Iqbal posited his view of legal modernism against the Turkish liberal Ziya Gökalp, who promoted a positivist reading of law and a radical break from clericalism. In *The Programme of Turkism*, Gökalp sketches his legal project with the following words: “all provisions existing in our laws that are contrary to liberty, equality, and justice, and all traces of theocracy and clericalism should be completely eliminated”.⁶⁷ Gökalp’s view derived rights from these standard political abstractions and puffed life into them through democratic procedures. But for Iqbal, Muslims already possessed the latent powers that endowed them with the potential for making laws, and therefore could march straight to fixing social mishaps, skipping, as it were, the prescribed detour through liberal metaphysics of rationality.

Iqbal’s endorsement for legal reform on the issue of women’s rights did not go unnoticed. In 1933, Maulana Ashraf Ali Thanvi of Darul uloom Deoband, a major religious seminary in North India, published a lengthy fatwa (legal opinion) on divorce rights for Muslim women called *al-Hilat al Najiza lil Hailat al Ajiza* (Successful Legal Strategies for Helpless Wives). Thanvi commenced with a warning. There was a grave risk, he claimed, in awarding divorce rights to women. It was common knowledge, Thanvi slithered, that women are “deficient in intellect”. To neutralize this alleged danger the right to divorce for women required “certain restrictions”.⁶⁸ The best move for women to get a divorce, Thanvi advised, was to insist on a specific divorce clause in their marriage contracts. In so doing, the man’s right to seek separation could be conveyed to the woman. Yet Thanvi cautioned that this right should never be

⁶⁰Iqbal, ‘Political Thought in Islam’ (n 57) 254.

⁶¹ibid.

⁶²ibid 255.

⁶³ibid 251.

⁶⁴ibid.

⁶⁵ibid.

⁶⁶ibid.

⁶⁷Niyazi Berkes (ed & tr), *Turkish Nationalism and Western Civilization: Selected Essays of Ziya Gökalp* (Columbia University Press 1959) 305.

⁶⁸Ashraf Ali Thanvi as translated and cited in Fareeha Khan, ‘Tafwid al-Talaq: Transferring the Right to Divorce to the Wife’ (2009) 99 *The Muslim World* 502, 514.

transferred wholesomely. It was much better if the woman named at least two guardians who would, in case of a marital dispute, confirm that there the marriage had indeed collapsed and should be resolved.

To provide women and their guardians with rough guidelines on when separation could be legitimately sought, Thanvi came up with the following list: when the “man is cruel and negligent”; “he fails to provide for the woman’s maintenance,”; “ignores the needs of the wife and children”; “travels to foreign lands and leaves no trace or means of contact”; “turns out to be impotent”, or, if none of the above apply, is simply “inflicted with the disease of madness”.⁶⁹ Iqbal concurred with Thanvi’s view in so far that Indian Muslims had to take measured steps to produce a legal sphere more hospitable to women and stop edging them outside of the Muslim religious fold.

Iqbal also placed conceptual hurdles on legal reform. One of them was the principle of *tauhid*, which roughly translates to the one-ness or unity of Allah and constitutes the bedrock of monotheism. For Iqbal, this affirmation of Allah’s singularity translated directly into an airy global ethical sphere. In Iqbal’s telling, a culturally and ethnically diverse Muslim ummah was not at liberty to abolish a limited set of ritual practices that united them; for instance, to perform the obligatory prayers in the Arabic language.

In 1932, news reached India that the Young Turks planned to change this aspect of the Islamic ritual prayer. To strengthen nationalist sentiments, the Young Turks had allegedly decided that the ritual prayers now ought to be publicly performed in the Turkish language. Iqbal emerged as an early critic of this move. He regarded it as a backward step. On 16 February 1931, in an interview given to the Lahori newspaper *The Light*, Iqbal laid out his reasons for disagreeing with Mustafa Kemal, the secularist leader of the Turkish reform movement. Islam, Iqbal explained, was not merely concerned with the “individual conscience” but strove to raise the collective conscience of a given society so that it may partake in a “universal society”. To conduct the “Muslim prayer in the Turkish language” was to slap a linguistic and “national significance” on Islam, which would be closer to the way “pre-Islamic ancient people” thought.⁷⁰

For Iqbal the congregational prayer in Arabic, the “language of the revelation”, united all Muslims into an ethical “world institution” and nourished a “uniform attitude of mind”. For non-Arabs it was altogether dispensable to understand the Arabic verses uttered during prayer. As Iqbal puts it, “the intelligibility of language, though helpful in securing the uniformity of mind” was of “secondary importance” only.⁷¹ In the congregational prayer, man cultivated the ideal of a “world society”, and therefore the prayer “must always be in the Arabic language the world over”.⁷² Such a uniformly minded world society may one day well rival, Iqbal declared during a speech at a public meeting of the Punjab Provincial Muslim League on 27 July 1937, “the Anglo-French institution miscalled League of Nations”.⁷³

Against the League of Nations, Iqbal posited the idea of an “Eastern League of Nations”, whose success, Iqbal believed, would rest upon the eradication of the national

⁶⁹ibid 508.

⁷⁰Muhammad Iqbal, ‘On Turkish Prayer’ *The Light* (Lahore, 16 February 1932).

⁷¹ibid.

⁷²ibid.

⁷³Iqbal was disgusted by what he saw happening in Palestine, where, as he put it, “rocky desert plus cash” was offered to the Arabs and all “the rich land to the Jews”. See Shamloo (n 19) 198, 199.

superiority myth.⁷⁴ To achieve this Eastern League of Nations, every Muslim nation first had to shake off colonial subjugation and “sink into her own deeper self”, until “all are strong and powerful to form a living family of republics”. This “true and living unity” was manifested “in a multiplicity of free independent units whose racial rivalries”, Iqbal elbowed against the League of Nations “are adjusted and harmonized by the unifying bond of a common spiritual aspiration”.⁷⁵ Equipped with these principles Muslims could, Iqbal broadcasted during an otherwise gloomy New Year speech from Lahore’s All-India Radio station on 1 January 1938, wreck this “so-called democracy, this accursed nationalism and this degraded imperialism”.⁷⁶

Part III: politics

The second conceptual limitation Iqbal introduced to contour his constitutionalism was more earthly. It related to *khatm-e-nubuwwat*, the belief that Muhammad is mankind’s last prophet. While the subject of *khatm-e-nubuwwat* had enthused some theological fissures around the status and role of Muhammad, it had yet to gain salience in legal debates.⁷⁷ If at all, Muslim legists had discussed *khatam-e-nubuwwat* on abstract scholarly terms without any immediate legal implications. For Iqbal, the legal implications of the finality of prophethood were “extremely important”.⁷⁸ The concept determined the individual’s suitability to participate in a Muslim nation and related directly to questions of constitutional loyalty. Iqbal developed this notion from the historical background of the Kashmir liberation movement. By reconstituting the Kashmir Committee and barring Ahmadis from joining it, as long as they were not willed to abandon the community’s caliph, Iqbal created a convenient benchmark for national belonging that pressed most Indian Muslims into a single political fraternity.

On 25 July 1931, the Unionist leader Fazl-i-Husain invited a group of Muslim landowners and, for good measure, a number of intellectuals, to his summer retreat in Shimla. Fazl-i-Husain wanted to talk about Kashmiri Muslims. The princely state of Kashmir consisted of an overwhelmingly Muslim population but through diplomatic elephant-trading in the aftermath of the British conquest in 1846, had been sold to a Hindu raja. Eighty years on, Kashmiri Muslims still grappled for self-determination and felt their movement was receiving little support from Indian Muslims living in richer provinces. To change this situation, Fazl-i-Husain proposed to streamline resistance efforts. In order to achieve this, Fazl-i-Husain advocated for a complete makeover of the defunct All India Kashmir Committee, which had been in existence for some decades but so far largely failed to provide any noteworthy assistance to Kashmir’s Muslims.⁷⁹ For the presidency of the new Committee, Fazl-i-Husain had Iqbal in mind. Fazl-i-Husain considered Iqbal to be a uniting figure for Indian Muslims.⁸⁰

⁷⁴Shamloo (n 19) 199.

⁷⁵Iqbal, *The Reconstruction of Religious Thought in Islam* (n 11) 151–53.

⁷⁶Shamloo (n 19) 146.

⁷⁷For a highly illuminating historical contextualization, see Tahir Kamran, ‘The Pre-History of Religious Exclusionism in Contemporary Pakistan: Khatam-e-Nubuwwat 1889–1953’ (2015) 49 *Modern Asian Studies* 1840.

⁷⁸Muhammad Iqbal, ‘Qadianis and Orthodox Muslims’ *The Statesman* (New Delhi, 14 May 1935).

⁷⁹Mohammad Yasin and A Qaiyum Rafiqi, *History of the Freedom Struggle in Jammu & Kashmir* (Light & Life 1980) 67.

⁸⁰Waheed Ahmad (ed), *Diary and Notes of Mian Fazl-i-Husain* (Research Society of Pakistan 1977) 548.

Yet during the deliberations, Iqbal surprisingly proposed Mirza Mahmud, a son of Ghulam Ahmad and the caliph of the Ahmadiyya, to lead the Committee.⁸¹ Iqbal even convinced the other attendees that Mirza Mahmud was the right man for the position, and that apart from providing much-needed financial support, he could use his agile Ahmadiyya movement to establish stable organizational structures that would help Kashmiris in their fight for political participation.⁸² After Mahmud was elected, Iqbal remained closely attached to the Committee. The issue of Kashmir formed the cornerstone of Iqbal's presidential address at the All India Muslim conference in Lahore on 21 March 1932. In this speech Iqbal argued that the "growing self-consciousness in people all over the world" was now "demanding recognition" to participate in the "administration which govern them".⁸³ Iqbal highlighted that the fight for the political participation of "Kashmiris was absolutely just".⁸⁴ Since *khudi* had crushed the waiting room of history, Kashmir's Muslims were freed to undergo "political tutelage" before determining their own political future in "some kind of popular assembly".⁸⁵

On 4 May 1933, Mirza Mahmud Ahmad was forced to resign from office. A large group within the Kashmir Committee refused to carry on under his leadership. They demanded the introduction of a proper constitutional framework, in which the president of the committee should be held accountable for his actions.⁸⁶ The *Majlis-e-Ahrar*, a religious outlet which gained prominence for its harsh opposition towards the Ahmadiyya and which remained closely aligned to the Congress, took the agitation a step further. They called for a complete boycott of the Committee.⁸⁷ Shortly after Mahmud Ahmad resigned, Iqbal was appointed interim president of the Committee.⁸⁸

On 20 June 1933, Iqbal also stepped down from the presidency. In his letter of resignation, Iqbal clarified his reasons. He could not continue as president with the Committee in its current shape. Iqbal felt surrounded by too many Ahmadi members who would openly refuse to obey his command.⁸⁹ Any efforts to implement a fresh constitution for the Committee, more democratic in its spirit and "thoroughly representative [in] character", Iqbal vented, had repeatedly been frustrated by the Ahmadis.⁹⁰ Their reluctance to support him, Iqbal declared, proved beyond doubt that Ahmadi loyalty was tied more to their caliph and not to the head of the political association they participated in.⁹¹ In Iqbal's reading, this made Ahmadis by default disloyal subjects under any constitutional structure. The Ahmadis' "obedience to the command of their religious leader", for Iqbal, hindered them to follow administrative orders that came from any constitutional authority.⁹²

⁸¹ Adil Hussain Khan, 'The Kashmir Crisis as a Political Platform for Jama'at-i-Ahmadiyya's Entrance into South Asian Politics' (2012) 46 *Modern Asian Studies* 1401.

⁸² Ian Copland, 'Islam and Political Mobilization in Kashmir, 1931–34' (1981) 54 *Pacific Affairs* 231.

⁸³ Shamloo (n 19) 40.

⁸⁴ *ibid.*

⁸⁵ *ibid.* 41.

⁸⁶ Letter from Fazl-i-Husain to Zafrullah Khan (26 June 1933) cited in Waheed Ahmad (ed), *Letters of Mian Fazl-i-Husain* (Research Society of Pakistan 1976) 310.

⁸⁷ Mirza Yaqub Beg, 'The Ahrar and the Kashmir Committee' *The Light* (Lahore, 1 November 1931).

⁸⁸ Letter from Fazl-i-Husain to Zafrullah Khan (26 June 1933) cited in Waheed Ahmad (n 86) 311.

⁸⁹ Latif Ahmed Sherwani (ed), *Speeches, Writings and Statements of Iqbal* (Iqbal Academy Pakistan 1977) 233.

⁹⁰ *ibid.*

⁹¹ *ibid.*

⁹² *ibid.*

The reasons for his opposition to Ahmadis provide a window into the kind of modern republic Iqbal had thought out for Indian Muslims. The peculiar design of Ahmadi rules of succession and governance—which Iqbal labelled sectarian, backward, archaic, and entirely at odds with the modern juridico-political institution of *ijtihad*—even threatened to fragment the political fraternity of Indian Muslims itself.⁹³ While there was little friction between Mahmud Ahmad and Iqbal on the practical steps to be taken to assist Kashmir’s Muslims in their quest for liberation, according to Iqbal, Mahmud Ahmad had violated the formal procedures of the presidency and thereby shattered the trust as a reliable partner. For Iqbal, Ahmad’s acts had rendered impossible the Committee’s “smooth working” and it was thus in “the best interest of all concerned” that “the present Kashmir Committee should cease to exist”.⁹⁴ But this was not a death blow to Kashmir’s independence movement. Iqbal proposed, that Muslims should constitute a new committee through a “public expression of popular will”.⁹⁵ This time, however, Muslims should be careful to include only such members that would honour the prescribed constitutional procedure. All Ahmadis should be blacklisted from joining the new committee.⁹⁶

Iqbal’s ban was not intended to be permanent. On 2 October 1933, Iqbal wrote to Mahmud Ahmad that he should publicly renounce his “dictatorial” demeanour and further promise that Ahmadi “allegiance will not be divided” between religious and political authorities.⁹⁷ If these declarations were made, Iqbal would consider to relax the strict ban on Ahmadis.⁹⁸ Just as the Young Turks had to depose of their caliph in order for the public will to crystallize in an elected assembly, Iqbal held that Indian Muslims too had to revisit the status of their religious authorities. The unrestrained power of the Ahmadiyya’s caliph, Iqbal pinpointed, lay in Ghulam Ahmad’s claim to prophethood and thus was a direct violation of *khatam-e-nubuwwat*. Perhaps Iqbal’s project was, after all, one of secularizing Muslim institutions. His exclusion of Ahmadis could then perhaps be regarded as a brute form of punishment for their alleged fervour to privilege religious leadership over constitutionally bound political alliances. However, the term “secular” falls flat here. It downplays Iqbal’s insistence to carry forward *khatm-e-nabuwwat* and *tauhid*, derived as they were from Divine revelation.

Yet it might be more fruitful to think of Iqbal’s constitutional project as a move towards equality, where Islam was just a place-holder to establish a radical egalitarianism amongst Muslims. As Iqbal penned in a letter to the British explorer Francis Younghusband: “Bolshevism plus God is almost identical with Islam”.⁹⁹ Unlike Bolshevism, however, Iqbal’s egalitarianism was not inclusive. It was limited to Muslims. With the exclusion of the Ahmadiyya on theological grounds, Iqbal opened up the thorny discourse on whose claim to being a Muslim was real and whose fraudulent.

⁹³The institutional structures of the Ahmadiyya were fundamentally reformed during the time of their second caliph, Mirza Mahmud Ahmad. This ultimately led to a split of the group into the Qadian and Lahore groups, with the latter refusing to acknowledge the caliph’s leadership. The reasons for this split can be found in Muhammad Ali, *The Split in the Ahmadiyya Movement* (Ahmadiyya Anjuman Isha’at Islam Lahore 1994); Bashiruddin Mahmud, *Truth about the Split* (Islam International Publications 2007).

⁹⁴Sherwani (n 89) 233.

⁹⁵*ibid.*

⁹⁶*ibid.*

⁹⁷*ibid* 232.

⁹⁸*ibid.*

⁹⁹Shamloo (n 19) 151.

Iqbal perceived political fraternities in conceptual rather than in territorial or genealogical terms. Iqbal frowned upon Europe's nationalism.¹⁰⁰ For Iqbal, building a nation on the basis of ethnicity, territory, linguistic proximity or territory was bound to end in disaster. Such narrow and temporally contingent forms of political unities, Iqbal predicted apocalyptically, would lead to more and greater wars, until mankind would itself "perish" from earth.¹⁰¹ There were no upsides to such narrow forms of nationalism; but even if there were, for Iqbal these flimsy alliances could never cast roots in India. The structural framework out of which European political thinkers pressed their ideas of nationhood—secularism and liberal democracy in particular—was so distinctly European that Iqbal ridiculed its ambition for universality. In Iqbal's telling, Europe's painful entrance into the twentieth century, with the First World War adding a new high point for violent conflicts, had laid bare its profound "need of unity" and desire to regain the universal values that Europe once possessed in the "universal ethics of Jesus".¹⁰²

The method in which national sentiments had been forged in Europe, Iqbal remarked in his famous presidential address at the annual session of the All India Muslim League held in Allahabad on 29 December 1930, would necessarily flounder in India. India's social structure was too complex to allow for an easy repetition of the European script. Hinduism alone, with its emphasis on the caste system, could only superficially stake claim to an inclusive nationalism, Iqbal dissected, but it could never fully break free from the spell of "narrow-minded" affiliations to smaller castes and tribes.¹⁰³ Historical experience had shown, Iqbal claimed, that the various "caste-units" were far too entrenched in the social fabric of India to be rooted out through the bubbly rhetoric of nationalism.¹⁰⁴ The Congress Party's position of inclusive nationalism was therefore doomed for failure.¹⁰⁵

In a "united India" the starting point for nationalism, Iqbal remarked in a statement published immediately after the Round Table Conferences on 6 December 1933, had to take multiculturalism into account since there would always remain "the distinct existence of more than one people in the country".¹⁰⁶ This was a "concrete fact".¹⁰⁷ Iqbal punctured the Congress Party's ambition to "fuse the communities" of India into a singular "biological" whole,¹⁰⁸ with the proposition that the country should be spilt up "on the bases of religious, historical and cultural affinities".¹⁰⁹ This radical step would, Iqbal expected, solve the "questions of electorates and the communal problem in its present form" and secure the "unity of India".¹¹⁰ In his Allahabad speech, Iqbal further stressed the demand for a separate Muslim nation state on Indian soil. Iqbal stated that he would "like to see the Punjab, North-West Frontier Province, Sind and Baluchistan

¹⁰⁰For a detailed elaboration of Iqbal's view on European nationalism, see Sevea (n 12) 2.

¹⁰¹Muhammad Iqbal, *Islam and Ahmadism: A Reply to Questions Raised by Pandit Jawahar Lal Nehru* (Sh Muhammad Ashraf 1980) 49.

¹⁰²Shamloo (n 19) 6.

¹⁰³*ibid.* 8.

¹⁰⁴*ibid.* 9.

¹⁰⁵*ibid.*

¹⁰⁶*ibid.* 194.

¹⁰⁷*ibid.*

¹⁰⁸*ibid.* 193.

¹⁰⁹*ibid.* 195.

¹¹⁰*ibid.* 194.

amalgamated into a single state”, which would be the “final destiny of the Muslims, at least of North-West India”.¹¹¹

Once separated, Iqbal wanted “residuary powers” to rest with these newly founded sovereign and self-governing units. Yet he was confident that all Indian states would immediately recognize the economic and military want for a larger regional conglomerate. Since there would always be “interests common to the various communities of India”, Iqbal firmly anticipated, India’s rebirth as “a greater union of Indian states”.¹¹² In matters of defence and the securing of borders, for instance, the sovereign units could deploy a quota of their armed forces to the federal “Centre” and, while retaining their own provincial armies become part of a “strong Indian Frontier Army” in this new “Federal State”.¹¹³ The army staff would be recruited “from all provinces” and it would be led by “experienced military men” that were drafted “from all communities”.¹¹⁴

For Iqbal, such a new India would be a federation of interests. As Iqbal put it, India was a union based on “common sense”.¹¹⁵ Iqbal disarmed critiques by predicting that the mere contractual nature of the new India would not dent feelings of belonging and “patriotism”. There was no danger that one of the states would switch sides in the case of a foreign invasion. Rather Iqbal believed that every citizen residing in the new federal union would be driven by the “love for one’s land” and therefore always be “prepared to make sacrifices for it”.¹¹⁶ When purified of its European shortcoming and cleansed from potential violations of *tauhid* and the finality of prophethood, Iqbal could come to terms with a sanitized form of nationalism.

In a heated debate with the theologian Husain Ahmad Madani, who endorsed Muslim support for the Congress party, Iqbal linked Congress nationalism more closely to the theological doctrines of the Ahmadiyya. At the time of the correspondence, in the spring of 1938, Madani had been the director of the Darul uloom Deoband and the president of its political wing, the Jamiat-ul-Ulema-i-Hind.¹¹⁷ Iqbal and Madani exchanged views regarding a potential Hindu-Muslim alliance and the nature and form of a united independent India.

Their main point of contention was political representation. For Madani the political goals of Muslims and non-Muslims were largely aligned. Far more united Hindus and Muslims than separated them. The primary unifying factor, Madani argued, was the struggle for independence itself, with shared dreams of economic uplift hard on the heels. Therefore, Madani had no qualms with non-Muslims representing Muslims in parliament or in any other governing body. For Madani, the separation of electorates or states was neither desirable nor practicable. Muslims had always been a constituent part of India’s social fabric. In recent decades, the “social intercourse” with Hindus had even witnessed a drastic increase.¹¹⁸ Madani pointed out, that today Hindus and Muslims shared everything: from the “railway stations” to the “assembly”.¹¹⁹ The current

¹¹¹ibid 12.

¹¹²ibid.

¹¹³Sherwani (n 89) 14.

¹¹⁴ibid.

¹¹⁵Shamloo (n 19) 205.

¹¹⁶ibid.

¹¹⁷For biographical details see Barbara Metcalf, ‘An Argumentative Indian: Maulana Husain Ahmad Madani, Islam and Nationalism in India’ in Anthony Reid and Michael Gilsenan (eds), *Islamic Legitimacy in a Plural Asia* (Routledge 2008) 81.

¹¹⁸Hussain Ahmed Madni, *An Open Letter to Moslem League* (Dewan’s Publications 1946) 44.

¹¹⁹ibid.

political rift between Hindus and Muslims, suspected Madani, was an outcome of imperial divide and rule tactics. To “increase their rule over India”, Madani concluded, the British had produced fissures and discontent among the indigenous population.¹²⁰

Iqbal also held the British responsible for the fiery communal climate in India. The British had “sowed” hatred between Hindus and Muslims, Iqbal writes, so that the “leech of imperialism might go on to sucking their blood without interruption”.¹²¹ Iqbal and Madani diverged however on the issue of representation. For Iqbal, non-Muslims could not represent Muslims. They lacked the latent powers that would enable them to legitimize laws through the process of *ijtihad*. To Iqbal, Madani’s case for a common political future seemed naive at best. Even more so, when Madani adorned his inclusive composite nationalism (*muttahida qaumiyyat*),¹²² a somewhat fuzzy concept that mixed together notions of an Indian caliphate carried by secular institutional structures, with the Quranic term *qaum* (nation).¹²³ Iqbal doubted that the concept of *qaum* was applicable to non-Muslims in the Indian context.¹²⁴

In his response to Madani, published in *Ehsan* on 9 March 1938, Iqbal argued that since Muslims were a “definite party founded on the Unity of God and the Finality of Prophethood”, they could not “leave aside their religious unity” and simply “adopt some social order based upon a different system and law”.¹²⁵ Iqbal also chastized Madani’s nationalism for violating Islam’s revealed universal principles. Through politicizing the concept of territory, well beyond its mere denotation as a geographical marker, Madani had sullied the fundamental principles of *tauhid* and *khatam-e-nubuwwat*. What brought Congress Muslims and Ahmadis together, in Iqbal’s comparison, was that they both utilized urgent “present-day needs” to devise “a position in addition to what the divine law has prescribed and defined”.¹²⁶ While Ahmadis had invented “a new prophethood” and rocked against the principle of *khatm-e-nabuwwat*, Congress Muslims had invented the doctrine of composite nationalism and thereby eroded the principle of *tauhid*.¹²⁷

Iqbal bemoaned that the majority community could simply assert itself by declaring their default cultural position as the starting point for a neutral secular legal order. In such a secular legal order, Iqbal prophesized, Islam would be quickly squashed into a “private affair” and eventually altogether dry down to an sanguine cultural relict.¹²⁸ According to Iqbal, the participation of Indian Muslims in the Congress also required them to depart from the “prophetic mission” of Islam, and replace it with a formula handed down to them by the Congress high command. And since the leadership ranks of the Congress were largely filled with non-Muslims, its Muslim members had

¹²⁰*ibid.*

¹²¹Shamloo (n 19) 202.

¹²²His article in the newspaper *Ehsan* of 21 February 1938 is reprinted in its original Urdu in: Muhammad Akbar Khan (ed), *Millat aur Watan: Maulana Husain Ahmad Madni aur Allama Sir Muhammad Iqbal Ki Behais* (Rooznama Shams Multan 1938) 8–17.

¹²³In contrast, Barbara Metcalf has sketched Madani as truly “rational” and argued that he favoured a “culturally plural and secular state”: Metcalf (n 117) 82.

¹²⁴Shamloo (n 19) 210.

¹²⁵*ibid* 212.

¹²⁶*ibid* 219.

¹²⁷*ibid.*

¹²⁸Muhammad Akbar Khan (n 122) 32.

sacrificed their inert potential for *ijtehad*.¹²⁹ This is key for Iqbal's comparison of Ahmadis with nationalist Muslims: their political missions relied not on a broad consensus of an a priori conceived political community, but rather on trust in political leaders. While Ahmadis denied the "perfection" of Muhammad's prophethood, Iqbal asserted, Congress Muslims provided the corresponding political form.¹³⁰

Iqbal's short treatise *Qadianism and Orthodox Muslims*, written in 1935, petitioned the British government to legally exclude Ahmadis from being counted as Muslims. Iqbal justified this demand by stating that in the past, rulers had to rely on violence to protect the integrity of the communities they governed. Today, however, civilizational progress has replaced the barbaric use of brute force with legal provisions. The crucifixion of Jesus was a case in point. While the killing of Jesus was to be lamented as an immoral act, Iqbal argued, it was politically necessary to uphold the solidarity amongst Jewish synods.¹³¹ Iqbal's direct appeal for government intervention, into an otherwise loosely regulated religious sphere, came as a surprise to many of his interlocutors. Was Iqbal willing to jeopardize the few liberties Muslims enjoyed in exchange for this elusive concept of solidarity?

On 1 October 1935, the head of the Lahore wing of the Ahmadiyya, Maulana Muhammad Ali, published a lengthy reply to Iqbal's charges. He asked Iqbal to further clarify how Muslim solidarity could come about through the iron fist of government intervention. If Iqbal's suggestions were implemented, Muhammad Ali foretold, they would fragment the Muslim community further as opposed to magically producing Muslim solidarity as Iqbal envisioned it.¹³² But what enraged Muhammad Ali even more was Iqbal's suggestion that by crucifying Jesus the Romans had secured political solidarity amongst the Jews. This take on the crucifixion was just "humiliating", Muhammad Ali rumbled. How could maintaining political solidarity override the need for prophetic enlightenment and guidance?¹³³

Iqbal countered with an open letter published in the *New Statesman*. He was not justifying the crucifixion of Jesus. As Jesus "happened to be a genuine prophet", the crucifixion remained morally problematic.¹³⁴ Politically speaking, however, Iqbal maintained, that it was the only viable solution to preserve the solidarity amongst the Jewish community. Since Romans lacked the legal toolkit to resolve the Jesus-issue without resorting to violence, their behaviour was, for Iqbal, absolutely justified politically.¹³⁵

¹²⁹Sherwani (n 89) 255.

¹³⁰ibid 263.

¹³¹"The whole point is that the Romans considered themselves to be constitutionally bound to approve the decisions of the Jewish Synod in matters which the Jews, rightly or wrongly, regarded as dangerous to the integrity of their society. In the particular instance of the trial of Jesus it was unfortunate that the Romans, as a State, had to accept the Synod's demand in connection with a man, who, according to our belief, happened to be a genuine prophet. Had it been a case of a religious adventurer, nobody would have morally blamed the Romans for their approval of the Synod's decision or the Jews for their demand for trial. Personally I cannot deny the value of the constitutional protection given by the Romans to the Jews even though I take a different view of the moral valuation of that protection": ibid 174–76.

¹³²Maulana Muhammad Ali, 'Dr. Iqbal's Statement Concerning the Ahmadiyya Movement' *The Light* (Lahore, 1 October 1935).

¹³³ibid.

¹³⁴Sherwani (n 89) 175.

¹³⁵ibid.

Part IV: solidarity

In the summer of 1935, Iqbal sparred with Jawaharlal Nehru over the meaning of Muslim solidarity. Writing from a prison cell in Almora, where a number of Congress leaders had been locked up on trumped up sedition charges, Nehru attacked Iqbal's petition for a constitutional ban of Ahmadis to count as Muslim. Nehru's arguments oscillated between theological and secular points. First, Nehru pressed Iqbal to explain why Ahmadis had been the sole target of orthodox scorn. If Iqbal were consistent, Nehru prodded, surely quite a large number of modernist movements and religious outlets were equally deserving of Iqbal's scorn. Nehru wondered why Iqbal had been uncharacteristically soft on the Young Turks and the Aga Khan.¹³⁶ Had not such movements deviated much further from Iqbal's "orthodox Islam"?¹³⁷ Some Muslim countries, like Turkey, Iran and Egypt, had even adopted forms of race-based nationalism that Iqbal detested so much. More still, in their quest to achieve national unity these countries had unhesitatingly shoved aside Islamic principles that orthodox Muslims held dear.

How could a traditionalist thinker like Iqbal, Nehru persisted, happily embrace all these modernist trends? Why was Iqbal not reprimanding a large part of the Muslim ummah for having "ceased to be Islamic countries in any sense of the word"?¹³⁸ For Nehru, Iqbal's plea for excluding Ahmadis reeked of opportunism. The exclusion of Ahmadi's from being counted as Muslims, Nehru suspected, stirred just the right amount of antagonism to boost a fragile consensus amongst Indian Muslims that was just about strong enough to challenge the doctrine of inclusive nationalism that the Congress Party promoted.¹³⁹ Iqbal's Ahmadi bashing was, to Nehru, just a continuation of the old elitist script known as "Anglo-Moslem unity", where a bunch of Muslim princes struck favourable deals with the British government that consolidated their power and allowed them to exploit poor Muslim workers. Iqbal's Muslim solidarity had little to say about economic equality, and his theological reasons for excluding Ahmadis were of little help to redeem the weaker sections of Muslim societies of their economic plights.¹⁴⁰

Iqbal addressed Nehru's critique in a lengthy article published in the January 1936 issue of the journal *Islam*. In this article, with the title *Islam and Ahmadism*, Iqbal lashed out against both Indian nationalists and Ahmadis. He claimed that Ahmadis would have long disappeared if it was not for the protection and safeguards of the colonial state. While there was the obvious difference that Indian nationalists wanted to tear down colonial rule whereas Ahmadis could not exist without it, Iqbal gybed that there was something that these two movements had in common: Ahmadis and Indian nationalists both claimed to speak for majorities that they did not represent in any true sense.¹⁴¹

In response to Nehru's point that Turkey under Mustafa Kemal had strayed from Quranic principles, like in her outlawing of polygamy, Iqbal drew a simple distinction between aspects that were constitutive of the Islam faith--again, he could think of only "two propositions": *tauhid* and *khatam-e-nubuwwat*--and what Iqbal labelled "minor points" or guidelines, which ought to be followed but could be, through the practice of performing *ijtehad* and

¹³⁶Jawaharlal Nehru, 'The Solidarity of Islam' (1935) 58 *The Modern Review* 504, 505.

¹³⁷*ibid.*

¹³⁸*ibid* 506.

¹³⁹*ibid.*

¹⁴⁰*ibid* 507.

¹⁴¹Iqbal, *The Reconstruction of Religious Thought in Islam* (n 11) 10.

reaching a consensus (*ijma*), creatively moulded.¹⁴² Iqbal defended the Young Turks and the Aga Khan. He argued that their projects of modernization were compatible with Islamic orthodoxy. For one, the Turkish nationalist movement was fully justified to abolish the Caliphate, which after all had only been an archaic reminder of an imperial Islamic system. For Iqbal, the modern “spirit of democracy” had made the caliph’s throne redundant.¹⁴³ Iqbal quibbled that the Young Turks wholesale adoption of the Swiss Civil Code for all legal matters concerning civic life and their bickering to switch prayer languages, may well constitute “error[s] of judgement”.¹⁴⁴ But they did not in any way undermine the fundamental principles of Islamic solidarity. Rather, “the forces of Islam”, Iqbal found, had undergirded Mustafa Kemal’s radical break with the mullahs, and allowed him to liberate the Turkish people from the clergy’s “dogmatic slumber”.¹⁴⁵

For Iqbal, modern Islam had outgrown its imperial mind-set. In a global conglomerate of Muslim states, Islam would primarily serve as an ethical corrective. In Iqbal’s telling, even if Muslims were to form a global political union, for instance through the establishment of a “World League of Muslim States”, their distinct national heritages would remain.¹⁴⁶ Nationality would always be a political requirement in order to participate in a global political system.¹⁴⁷ For countries that were made up of Muslim majorities, in Iqbal’s view, the reliance on nationalist ideas was not harmful to Muslim society. Since all legislative decisions were based on consensus, the process of *ijtihad* legitimized the legislature as long as the two universal limitations were kept.

For Muslim minority countries, however, particularly in places where the majority religion was non-Abrahamic, Iqbal insisted that it was crucial to keep the spirit of Islam alive. This was only possible by establishing a distinct Muslim national life. Once this national life blossomed into a measurable cultural force, Muslims could make use of their political right to self-determination.¹⁴⁸ Anything that threatened the underlying Muslim solidarity had to be combatted. Iqbal accused Nehru of fundamentally misreading the Ahmadiyya question as one of individual morality, something to be measured along the binaries of “good or bad”.¹⁴⁹ But for Iqbal, the Ahmadiyya question was much more than that. For Iqbal, the question could only be measured in the binaries of “life-giving or life-destroying”, it was a question of self-preservation or death.¹⁵⁰

¹⁴²ibid 17.

¹⁴³ibid 34.

¹⁴⁴ibid 46.

¹⁴⁵ibid 47 and 134.

¹⁴⁶ibid 54.

¹⁴⁷Iqbal, ‘On Turkish Prayer’ (n 70).

¹⁴⁸“It [nationalism] becomes a problem for Muslims only in countries where they happen to be in a minority, and nationalism demands their complete self-effacement. In majority countries Islam accommodates nationalism; for there Islam and nationalism are practically identical; in minority countries it is justified in seeking self-determination as a cultural unit. In either case, it is thoroughly consistent with itself.”: Iqbal, *The Reconstruction of Religious Thought in Islam* (n 11) 52.

¹⁴⁹ibid 15.

¹⁵⁰“The folly of our preachers of toleration consists in describing the attitude of the man who is jealous of the boundaries of his own faith as one of intolerance. They wrongly consider this attitude as a sign of moral inferiority. They do not understand that the value of this attitude is essentially biological. Where the members of a group feel, either instinctively or on the basis of rational argument, that the corporate life of the social organism to which they belong is in danger, their defensive attitude must be appraised in reference mainly to a biological criterion”: ibid 14.

Conclusion

On 21 June 1937, in a letter to Muhammad Ali Jinnah, Iqbal lamented that the constitutional effort “for a single Indian federation is completely hopeless”.¹⁵¹ Iqbal’s bleak assessment was based on “at least four cases of vilification of the Prophet by Hindus and Sikhs”.¹⁵² Iqbal reminded Jinnah that “[t]here have also been cases of burning the Quran in Sind”.¹⁵³ This alone warranted the angst that another “Palestine may be repeated” in India.¹⁵⁴ Iqbal also felt the need to reassure Jinnah that “in each of the four cases, the villifier has been murdered”.¹⁵⁵ While the military presence had temporarily cooled communal sentiments, Iqbal thought that without the establishment of Muslim states in the majority provinces of Bengal and Punjab, “the only other alternative is a civil war”.¹⁵⁶

After further evaluating the issue of communal agitations, Iqbal determined that communal conflicts were “purely political” and reflected “the desire of the Sikhs and Hindus to intimidate Muslims even in the Muslim majority provinces”.¹⁵⁷ The sole reason for this Hindu and Sikh bullying was “the new constitution” (Government of India Act of 1935) under which, Iqbal mourned, “the Muslims are made entirely dependent on non-Muslims”.¹⁵⁸ For Iqbal, the arrangements of the new Constitution, although conceding to some burning political demands of India’s Muslims—for instance, separate electorates and weightage—was fundamentally dishonest. It overwhelmingly benefitted “the sons of upper classes... and the friends or relatives of the ministers”.¹⁵⁹ In Iqbal’s view, the concessions given to Indian Muslims merely amounted to little more than a symbolic recognition of Muslims as political subjects. The Constitution did not view Muslims as a distinct political force.

During the first Indian provincial election, in the winter of 1936–1937, Nehru led the Congress to a landslide victory. Though the Muslim League had emerged as a sizable force, Jinnah’s dream of uniting Muslims under a single political banner had flopped. The League even lost roughly half of the constituencies reserved for Muslims candidates.¹⁶⁰ The electoral segregation on the basis of religion and the concession that the Constitution made towards a strong federalist structure, sat awkwardly with the rhetoric of both the League and the Congress. For the Congress leadership, the Constitution made it difficult to forgo the minority question in their election manifesto, though they somehow still largely rushed over it. For the League the situation was worse. The emergence of provincial Muslim organizations that ran from same reserved seats, like the Unionist party and the Krishak-Proja party in the Punjab and Bengal respectively, undermined the very legitimacy of the League to speak for all Indian Muslims. For Iqbal, there was a way out of the League’s dilemma, a way that would “secure a peaceful India and save Muslims domination of non-Muslims”.¹⁶¹ As Iqbal suggested pointedly: “Why should not the Muslims of North-West

¹⁵¹Letter from Iqbal to Jinnah (21 June 1937) cited in *Iqbal to Jinnah: A Collection of Iqbal's Letters to the Qaid-i-Azam Conveying his Views on the Political Future of Muslim India* (Sh Muhammad Ashraf 1940) 24.

¹⁵²*ibid* 21.

¹⁵³*ibid*.

¹⁵⁴The full sentence reads: “I fear that in certain parts of the country, e.g. N.-W- India, Palestine may be repeated.”

Letter from Iqbal to Jinnah, 28 May 1938 in: *ibid* 18.

¹⁵⁵*ibid* 21.

¹⁵⁶*ibid* 18.

¹⁵⁷*ibid* 21.

¹⁵⁸*ibid*.

¹⁵⁹*ibid* 18.

¹⁶⁰Election results are reprinted in Mitra (n 17) 243–63.

¹⁶¹Letter from Iqbal to Jinnah (21 June 1937) cited in *Iqbal to Jinnah* (n 151) 24.

India and Bengal be considered as nations entitled to self-determination just as other nations in India and outside India are?”¹⁶²

In this article, I have offered an initial sketch of Iqbal’s constitutionalism. The first part outlined how Iqbal pieced together a new republican subjectivity anchored in *khudi*. This individuality, I have argued, was made operational as a collective political force through a detour to the figure of the Prophet Muhammad. For Iqbal, sacrifices for the Prophet ought to be the primary marker to determine Muslim citizenship. Regarding legal and constitutional change, Iqbal largely applauded the transformations modernity ushered in. For Iqbal, a Muslim Legislature should only be bound by a minimal set of rules, leaving much of what was to be decided in the hands of the people. Through *ijtihad* and *ijma*, Iqbal proposed, Indian Muslims could one day govern (almost) unburdened from theological constraints. Yet Iqbal showed surprisingly little hospitality for the participation of non-Muslims in this future republican framework.

The article has further found that Iqbal’s antagonistic gestures towards the Ahmadis resonate with key aspects of his political thought, ranging from questions of political authority and solidarity to constitutional republicanism. Iqbal was aware that antagonisms within societies and religious communities, terms that for Iqbal largely overlapped in India, could not easily be absorbed through liberal political practices of reasoned debate and representation. But if such antagonism went unchecked, however, it would dissolve Muslim solidarity. In order to keep religious communities alive, the legal order had to therefore acknowledge theological differences and accept any internal religious consensus brought before it, however illiberal the demand may appear. Iqbal further held that the legal order had to reflect the will of the popular sovereign: the law had to mirror itself in society and adopt current values and principles, as long as they accommodated the constitutional limitations of *tauhid* and the finality of prophethood.

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¹⁶²ibid.