

Chapter III

Influence of Shariah on dress-code-

The Islamic world however was not a cohesive world geographically, regionally, topographically or ethnically. The Persians had a chauvinistic attitude towards their cultural traditions, while the Central Asians of Balkh, Transoxiana and the people of the North West Frontier regions lived by their tribal loyalties and perceptions. Muslims settled in India had interacted differently with the people here and had themselves met with a myriad of responses.¹ Indian culture is synthetic in character. It comprehends idea of different orders. It embraces in its orbit beliefs, customs, rites, institutions, arts, religions and philosophies belonging to strata of society in varying stages of development. It eternally seeks to find a unity for the heterogeneous elements which make up its totality. At worst its attempt end in a mechanical juxtaposition, at best they succeed in evolving an organic system.²

Quranic injunction made might also, therefore, look to us as compromises between uniformity and existing custom. The famous Quranic laws are to obey God, His Prophet and those in authority could be taken to mean the subject to command the God and his Prophet. In respect of women the Quran recognizes that women have rights similar to those of men, a recognition given partial reflection in the Islamic law of inheritance. The principle derived almost certainly from Islam's insistence on Individual obligation in respect of fidelity to God borne by both men and women³.

Symbolically the Mughal rulers aspired to act within the framework of the Shariat yet the latter was not strictly applied under Indian conditions in all matters.⁴ Islamic orthodoxy revolves around the Shariat which primarily consist of the Quran and the Hadis which deals primarily with the Sultanate period adds new information on the understanding of the Ulema and interpretation of Shariat in the Indian context.⁵ The Ulema a very distinct group

expressing popular voice and came to be seen as a very distinct group to constitute a solid framework behind changing ruling dynasties. Originating as the reciters of the Quran they soon took up the responsibility of guarding Islam against the reaction of vanquished people of other religions. Religion and art are expression of culture in two different media. The evolution of culture may, therefore be traced equally well in either of the, for consciousness of a race changes originally and in all parts together.⁶

Ulema occupy a prestigious position as the guardians, transmitters and interpreters of Islamic religious knowledge. Considered experts on legal issues, they advised the rulers whenever the need arose. Under the Mughals, the state patronage to religious figures had become an established tradition.⁷ The Ulema became a prestigious position and tried to make laws on the social and cultural life of the people during the Mughal period.⁸

During the reign of Akbar the Ulema and orthodox Muslims did not approve many of Akbar's policies.⁹ Akbar, as well as his mother and other members of his family, are believed to have been Sunni.¹⁰ His early days were spent in the backdrop of an atmosphere in which liberal sentiments were encouraged and religious narrow-mindedness was frowned upon. When he was at Fatehpur Sikri, he held discussions as he loved to know about others' religious beliefs. On one such day he got to know that the religious people of other religions were often bigots (intolerant of others religious beliefs).¹¹ This led him to form the idea of the new religion, Din-i-Ilahi and propagated Sulh-e-Kul meaning universal peace. His idea of this religion did not discriminate other religions and focused on the ideas of peace, unity and tolerance. During the early part of his reign, Akbar adopted an attitude of suppression towards Muslim sects that were condemned by the orthodoxy as heretical.¹² However, as Akbar increasingly came under the influence of pantheistic Sufi mysticism from the early 1570s, it caused a great shift in his outlook and culminated in his shift from orthodox Islam as traditionally professed, in favour of a new concept of Islam transcending the limits of

religion.¹³ Consequently, during the latter half of his reign, he adopted a policy of tolerance towards the Shias and declared a prohibition on Shia-Sunni conflict, and the empire remained neutral in matters of internal sectarian conflict.¹⁴ In the year 1578, the Mughal Emperor Akbar famously referred to himself as:

“Emperor of Islam, Emir of the Faithful, Shadow of God on earth, Abul Fath Jalal-ud-din Muhammad Akbar Badshah Ghazi (whose empire Allah perpetuate), is a most just, most wise, and a most God-fearing ruler.”¹⁵

In 1580, a rebellion broke out in the eastern part of Akbar's empire, and a number of fatwas, declaring Akbar to be a heretic, were issued by Qazis. Akbar suppressed the rebellion and handed out severe punishments to the Qazis. In order to further strengthen his position in dealing with the Qazis, Akbar issued a *mazhar* or declaration that was signed by all major Ulemas in 1579.¹⁶ The *mahzar* asserted that Akbar was the *Khalifa* of the age, the rank of the *Khalifa* was higher than that of a *Mujtahid*, in case of a difference of opinion among the *Mujtahids*, Akbar could select any one opinion and could also issue decrees.¹⁷

Jahangir and Shah Jahan to followed the footsteps of his father and grandfather but as an orthodox Sunni Muslim, Aurangzeb felt that his empire should be a land of pure Islam, administered according to the restrictive rules and regulations laid down by the early Khalifas. He was astute and shrewd enough not to be unaware of the administrative and political fall-outs of his zealous and in a sense bigoted following of the precepts of Islam. As a die-hard Sunni Muslim he believed in the Islamic theory of kingship and wanted to follow its precepts. The essential feature of this theory is that the ruler should strictly enforce the Quranic law in the administration of his empire.¹⁸

Aurangzeb imposed Sharia law, which he codified, re-imposed the Jiziya, and as had Babur, destroyed temples in order to build mosques. He is known to have treated non-Muslims harshly.

Under Aurangzeb, Mughal court life changed dramatically. According to his interpretation, Islam did not allow music, so he banished court musicians, dancers, and singers. Further, based on Muslim precepts forbidding images, he stopped the production of representational artwork, including the miniature paintings for which the Mughals are renowned.¹⁹

In 1659, he took the first step in this direction by issuing a number of ordinances to restore the Muslim law of conduct as per the teaching of the Quran. The practice of inscribing the *Kalima* (the Muslim confession of faith) on the coins were discontinued to prevent defilement in the hands of the infidels.²⁰

The celebration of *Nauroz*, the *Zoroastrian* New Year's day, was stopped, thus discontinuing a custom followed by his predecessors in imitation of the Persian kings. Bhang or cannabis Indica was no more to be cultivated because of its addictive harmful properties. *Muhtasibs* or the moral police were placed in all big cities to check on and curb the practice of un-Islamic habits such as drinking, gambling and illicit traffic of women.²¹

They also had the power to punish the Muslims for heresy, blasphemy, failure to say the prayers (*namaz*) and to observe the fast of the Ramzan. The Sufis and Shias were not spared. The Ismailia or Bohra community of Gujarat suffered serious persecutions for heresy among the Muslim communities.²²

Music was banned in the court in 1668 and the musicians were told to go away. They were, however, given pensions. An exception was made for the royal band and it continued. *Tuladan* or the ceremony of weighing the emperor on his two birthdays (according to the solar and lunar calendars) was discontinued as it was un-Islamic.²³

Likewise, *Jharoka darshan*, a custom according to which the Mughal emperors used to appear at the outer balcony of their palaces in the morning to receive felicitations from their subjects, was also stopped. The rejoicings and merry-making on the anniversary of coronation as also on birthdays were prohibited by the emperor.²⁴ However Aurangzeb made various prohibitions on the use of clothes and thus followed Quranic laws for its implementation; he wore simple clothing and always observed the religious prohibition on the wearing of gold and silver by the men.²⁵

Aurangzeb, in his reign increase the role of the Ulema and promulgated laws that overtly conformed to dictates of the Sharia. Aurangzeb gave extensive powers to the Qazis in the civil administration and general and detailed affairs of the state. The state systems of taxation were brought in line with the sharia and patronage of court astrologers ceased.²⁶ Shariat was the civil law available but it remained in a petrified state under Aurangzeb reign the *Mullas* impressed him for making law prohibiting women of the harem wearing tight trousers which were becoming fashion. Aurangzeb had issued some order in the beginning but nobody cared to follow them²⁷. At the insistence of the Ulema Aurangzeb seems to have reissued the orders in 1666. Evidently the ladies of the royal harem did not like it, knowing that the ladies of Ulema also go with latest fashion, to clinch the issue Jahan Ara Begum invited to her palace a number of the wives of the most eminent Ulema. They came dressed in the latest fashion wearing tight fitting trousers and heartily drank the wine offered to them. Soon they got intoxicated and lay pell-mell on the floor. Then Jahan Ara Begum brought Aurangzeb and asked him if it was fair to forbid the ladies of the palace what was permissible for the wives of those who were guardians of the Shariat.²⁸

The complexity of Indian life is ancient, because from the dawn of history, India has been the meeting of conflicting civilisations. Through its north- western gates migrating hordes and conquering armies have poured down in unending successions, bringing with them like

the floods of the Nile much destruction, but also valuable deposits which enriched the ancient soil, out of which grew ever more fresh and ever more luxuriant culture.²⁹

However fashion of wearing gorgeous dresses and ornaments was the personal liking of the royal men and women. In spite of religious prohibition, the royal ladies as well as the men sometimes violated the law and did what was the fashion of the day.

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