

## Comparative study of Arthashastra and Islamic Jurisprudence

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### Abstract:

*In the intellectual world the comparative study of the different religions and religious beliefs has emerged as a positive trend, before and after the Middle ages in a time when the Grecian, Roman, Persian and Islamic philosophies were comparatively studied which benefitted not only Muslims in terms of reading the Grecian logic, philosophy and the oratory, whereas the Islamic knowledge was introduced to the outer world with the help of the Spanish Jews.*

*The comparative study of Islamic and the human mind knowledge convinced the other nations that the Islamic knowledge is the result of supernatural ideas and despite being a philosophy and in a philosophical form; it has a deep relationship with humans e.g. that both the Greek and the Islamic knowledge presents the concept of God but the modern day access to learning has termed the Greek concept of God as absurd, unpractical and heretical whereas they termed the concept of God in Islam as an irrefutable manifestation of truth.*

*In this paper the organization, management, government and the society laws of the two(02) different major religions(Hinduism & Islam) will be compare in the light of their solid and primary sources.*

### Keywords:

Arthashastra, Acharya Kautiliya Chanakya, Hinduism, Islam

### Introduction

The varied comparison of different subjects also founded the concept of orientalist. Although West couldn't ensure the impartial appreciation of Islamic knowledge and exploited any weakness if found, despite of it some intellect of the

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EFA	Education for All
EMIS	Education Management Information System
FBS	Federal Bureau of Statistics
GER	Gross Enrolment Ratio
GoP	Government of Pakistan
GDP	Gross Domestic Product
HEC	Higher Education Commission
IT	Information Technology
ICT	Information Communication Technology
MoE	Ministry of Education
MRO	Madressah Reforms Ordinance
NER	Net Enrolment Rate
NEAS	National Education Assessment System
NGO	Non Governmental Organisation
NPA	National Plan of Action
UNESCO Organization	United Nations Education, Scientific & Cultural

right of having scarf on head like in France. The French government has banned any kind of veil or scarf for Muslim women only. Why is it not banned for Christian Nuns?

Madaris are basically the Muslim Faith schools and if other religions also have faith schools these are their madaris. In all over the world almost all the religions have their madaris or faith schools. This is a welcome note by a Christian faith school in UK

*Christian Faith School: \_ General Info Welcome!\_ At Christian Faith School we believe that a strong academic program in a Christian environment is essential for student success. We believe our students will be leaders who will change every aspect of the world: ministry, education, business, medicine, fine arts, athletics, science, and technology. Our mission: Developing students who impact the world through spiritual fortitude, academic excellence, physical strength, and unleashed creativity.*

What is the difference between the message of an Islamic madressah and this faith school? Numbers of Faith Schools in the UK only in 2001, there were 7000 state faith schools. 6384 primary and 589 secondary (of a total of nearly 25000 schools). About 40 are not Christian.<sup>32</sup> Jewish state faith schools, 7 Muslim state faith schools (all created since 1997 and 3 more coming into the state sector in 2007 September). At least one Sikh and Greek Orthodox (both also created since 1997).

### Conclusion

The purpose of this paper was to answer the rising questions about Madaris floating in domestic and international media. The historical perspective, vital statistics, curricula and problems and prospects have been discussed in the preceding pages. The setting up of Madressah is an established tradition of Muslim Ummah that can be traced back to the era of Prophet Muhammad (PBUH). The study brought to light the facts. As a researcher it was my first research to go directly to some madressah and collect data. I have seen for my self that madaris have their own educational system. It is the largest NGO of Pakistan which is providing food, shelter, clothing, books and education to thousands of children.

### Terms Used In This Paper

AEPAM	Academy of Educational Planning and Management
AIOU	Allama Iqbal Open University
CMIS	College Management Information System
ESR	Education Sector Reforms

*President Pervez Musharraf saying that as president, he would be prepared to order U.S. troops into that country unilaterally if it failed to act on its own against Islamic extremists.*

A great deal has been written on madaris in the West in the wake of the September 11<sup>th</sup> tragedy and the U.S. war on terrorism. Several reports on CNN and PBS, as well as Jessica Stern's article in *Foreign Affairs* and Jeffrey Goldberg's article in the *New York Times Magazine*, besides several dozen columns of Thomas Friedman, have suggested that the madaris in Pakistan have become a hotbed of Islamic extremism and the breeding ground of terrorism. They have been variously described as "dens of terror," "jihad universities," "jihad factories," .In general perception, madaris have become synonymous with terrorism and terrorist training camps. Many journalists and commentators have suggested that these madaris teach "jihadi literature" in their course of studies and that their entire curriculum is intended to produce "holy warriors." It has also been suggested by many Western scholars that there is an inherent relationship between what is taught in the madaris on the one hand and religious extremism, Talibanism, militancy, anti-Americanism, and even terrorism, on the other. It is also argued that madressah students, through their reading of religious texts, become "soldiers of God" and engage in militant activities against those they consider enemies of Islam. Let us critically examine these assertions. First, if the madressah education is the only or the main cause of Islamic militancy, radicalism, and anti-Americanism, why did these tendencies not manifest themselves before the 1990s? The curriculum of madaris has remained the same for about 150 years. Second, those who suggest an inherent relationship between the madressah curriculum and Islamic militancy and describe madaris as "jihad factories" are probably unaware of the fact that this curriculum is the most pacifist in its orientation. Its approach to Islam is ultra-conservative, literalist, legalist, and sectarian, but definitely not revolutionary, radical, or militant. It is interesting to note that in the standard syllabus on the study of Hadith, chapters on jihad in all the six standard collections of the Prophetic tradition are not discussed at all. There is absolutely nothing in the madressah curriculum that can be deemed as promoting or encouraging militancy, not to mention terrorism. Radicalism that we see in some madaris in Pakistan today is an extraneous phenomenon brought into madaris by some international and domestic political actors who wanted to use the religious capital and manpower of these madaris for their own objectives.

These are the madaris, when I visited there, all *Nazims* (Administrators) willingly showed me around and offered if one wants to come and see their activities. Muslims all over the world are being called extremists and radicals and this is a one sided frame of picture. What about those who are against the basic human

Wealthy , educated and modern people are sending their children to madressah. A lot of madaris have their own websites and the ways for the selection of certain courses are based on aptitude tests and I.Q. tests. For example at JamiaturRasheed , Karachi, they offer a four year graduation course *Kulyatush Sharia*. The basic eligibility for applying is a bachelor degree holder and 50% marks. Here is the criterion:

Language Skills

General Knowledge

Book Reading & Grasping

Perception of Problems of Islamic World

Aptitude Test

Mental Approach & Perception (I.Q. Test)

Group Discussions

Interview

### **Criticism on Madaris**

It seems as if everyone from US to Pakistan feels his duty to criticize madaris. America and Europe try to seek every kind of vice in Islamic Madressah. Following are some statements by European media about Pakistani madaris.

*British Prime Minister Tony Blair says he is looking for new ways young Britons can confront Islamic extremism. "There is a strong desire to have people from the community able to talk to the Muslim community, particularly young Muslims in their community," says the prime minister, "and confront this evil ideology, take it on, and defeat it by the force of reason and argument." (Washington, 20 July 2005). (Voice of America News)*

### **Mark Silverberg correspondent of CNN feels free to opine:**

*Pakistan's Dilemma: Pakistan may well be the single largest state sponsor of terrorism in the world, possibly even greater than Iran, yet it has never been listed by the U.S. State Department as such, even in the wake of the 9/11 Commission Report and the recommendation of the State Department's counter-terrorism director. That is because the prevailing attitude in past U.S. administrations has been that such a designation would destroy U.S. influence in Islamabad. That attitude, however, seems to be changing. In August 2007, then Presidential candidate Barak Obama issued a pointed warning to then Pakistani*

*Source:*

Provincial/ Regional EMISs

National Education Census, 2005

Public Acceptance of Madaris

Parents send their children to madaris for a variety of reasons. Madaris are free.

Madaris provide children with a place to sleep and meals as well as books and instruction. The most obvious reason for sending one's child to a madrasah is often overlooked. A madrasah provides the opportunity to strengthen one's children's faith. It is important to many parents that their children may become pious Muslims. Parents also want to teach their children *adaab* [manners]. Parents of madrasah students express the hope that their children will learn to obey their elders and to be disciplined in life. Children are instructed in how to greet and converse with people of different ages and status and how to address family members and others respectfully. Madaris also provide protection from a vagrancy law under which thousands of Pakistani children are in jail. Parents also hope that madrasah education will keep their children protected from gangs, drugs, and the violence of everyday life. Madaris often serve as care-providing institutions for parents who cannot take care of their children. All madaris are single-sex institutions and most are for male students. One hundred thousand Pakistani girls and young women are students in female madaris.

One must also note that madrasah education has been and remains one of the surest paths of social mobility for the lower level occupational castes and artisans of the rural areas of Pakistan. Whatever occupational backgrounds the students have, upon the completion of their madrasah education, they are certain to take a step forward in the

hierarchy of social stratification, in terms of both income and social status. Thus the social significance of the madrasah education lies not only in the fact that it imparts religious education to a large number of students, but that it also ensures access to employment. It has been observed that while there has been considerable unemployment

Among the youth educated at secular schools and colleges, the graduates of madaris have rarely faced such problems and usually find jobs commensurate with their training. A survey in 1979 showed that among the graduates of the 1978 class of two major madaris one in Karachi and one in the KPK (old NWFP), only 6 percent were unemployed by the middle of 1979. Now a days there is a vital change not only in madaris but in the people also.



Provincial Public Service Commissions , graduates of madaris are eligible for all the exams.

Government of Pakistan has tried to do different amendments to control these madressah but the main point is no madressah takes any kind of financial or other help from government. All the finances of madressah are run by charities and donations by the general public. According to the Ministry of Education, it is doing a lot for madressah but at the grass root level the authorities of madressah clearly say that they do not get any thing from government or any other country of the world.

*Ministry of Education Government of Pakistan , Revised August 01, 2009.*

6. The students of Madaris shall be brought at par with the students of formal public secondary schools through the introduction of formal subjects. Here are the names of different madaris boards as recorded by Ministry of Education.

**Table -3**

**DeeniMadressah**

**2005-06**

Name of Wifaq / Tanzeem / Rabita	Institutions	Enrolment	Teachers
Wifaq-ul-Madaris	3,431	545,825	21,106
Rabita-tul-MadarisIslamia	903	127,800	4,885
Tanzeem-ul-Madaris	2,633	338,097	12,157
Others	927	101,241	3,742
NotAffiliated	3,507	344,473	11,086
NotReported	752	55,009	1,933
Total	12,153	1,512,445	54,909

where competent Ulema are available, students after their graduation take up post-graduate and doctorate courses of study in tafsir, hadith, or fiqh.

The purpose of the Dars-i-Nizami was to come up with a blend of Islamic teachings with rational sciences so that the graduates become lawyers, judges and administrators. This curriculum has passed through many stages and many changes have been incorporated in it. The basic structure, however, remains the same.

According to the declaration made by Wifaq-ul-Madaris on 20<sup>th</sup> October 2003, all the examinations from 5<sup>th</sup> class to Matriculation will be taken at the respective Boards of Intermediate and Secondary Education of that area. The students taking exams for the bachelor's degree will perform this activity under the jurisdiction of their respective universities.

However, it is interesting to note that even after spending eight years in the system, the graduates can hardly speak or write Arabic. The reason might be lack of tools

Required for language learning and writing skills. The disciplines included in the curriculum are Mathematics, English, Urdu, Persian , Social Studies, Logic, Philosophy, Quranic Phonology, Arabic Grammar & Syntax, Fiqh, Islamic Jurisprudence , Exegesis , Hadith and Principles of Hadith etc.

### **Takhassus (Doctorate)**

Takhassus is for the Doctorate Degree. Students must have completed the 'Alim course to be admitted in Takhassus. The course duration is two years. The course of Takhassus is offered in these subjects:

1. Takhassusfil-Fiqh-al-Islami
2. Takhassus fit-Tafseer
3. Takhassusfil-Hadees

Job Market Value and Governmental Acceptance

All the universities of Pakistan and the Higher Education Commission recognize the degrees of madaris. BahauddinZakariya University issues an equivalence certificate after the completion of 16 years of education, which is equal to masters. Higher Education Commission has launched a programme called 'Mua'adla'. HEC verifies the certificates from Wifaq-ul-madaris and then issues an Equivalence certificate.

According to the rules and regulations of Federal Public Service Commission and

## **Methodology**

For the purpose of collecting data, I visited certain madaris and amongst the five Boards of Madaris, I selected *Wifaq Al Madressah Al Arabia* for my main research. The reasons why I selected this board are:

Wifaq-ul-Madaris was selected because it is the largest board of all the existing boards of Pakistani madaris. The affiliated and registered madaris with Wifaq are maximum in number. I contacted other office holders of other boards also but they were not willing to cooperate. They were suspicious about the research.

The head office of Wifaq-ul-Madrasah Al Arabia Pakistan is in Multan and the office cooperated with me fully. They provided the required information from finances to curricula.

To get first hand data I visited the following madrasah and offices, collected data, took photographs of the buildings and library and discussed different matters with the teachers and students.

Head Office of Wifaq-ul-Madaris Al Arabia Pakistan, Multan

DarulUloomFatehulBarakat, Multan

JamiaKhair-ul-Madrasah, Multan

Jamia Khalid bin Walced, Vehari

Jamia Masjid Baghwali, Vehari

Jamia Quran Mahal, Multan

Masjid Al Furqan, Multan

Moreover I gave a questionnaire to Mr. Qari Muhammad Hanif Jalandhary who is the Secretary General of WifaqulMadaris and President of JamiaKhair-ul-Madrasah, Multan. In response to which he replied me in black and white.

## **The Syllabus**

The religious madaris in Pakistan follow a curriculum called "*Dars-e-Nizami*". In terms of levels of education, the madaris in Pakistan are categorized as: (1) TahfeezulQuran, where only the Quran is memorized and taught; (2) Madrasah e Dars-e-Nizami, where the entire Dars-e-Nizami is taught. In some madaris

## Literature Review

Khan (2002), in his *Din-o-Shariat: Din-e Islam Ka Ek Fikri Mutala'* clearly opines that in the aftermath of the failed 1857 Revolt, the Indian Ulema changed their focus, diverting their attention to the field of education by setting up scores of madressah. So, one could say that the madressah shifted the struggle of the community from violent conflict to peaceful educational activism. The Ulema sacrificed themselves so as to keep the community alive and to maintain the tradition of religious knowledge, surviving on meager incomes and leading simple lives, without expecting worldly rewards. The madaris that they established provided free education, which particularly helped the poor. The Ulema decided that they would depend on community donations, and not on government funding so that they could thereby retain their autonomy. They thus faced numerous hurdles, including financial yet carried on with their work with a sense of mission and dedication.

In *Religious Madressah in Karak*, Ahmad (2007) observes about the Indian sub-continent partition into India and Pakistan in 1947, there were about 137 Dar-ul-Uloom functioning in the areas that comprised Pakistan. Soon after the establishment of Pakistan, a rapid development took place and the number of such Madressah increased enormously because the very basis of the creation of Pakistan was the urge for a separate homeland for the Muslims where they could shape their lives according to Quran and Sunnah.

Many critics like Rooney (2003), blame Madressah for promoting terrorism. According to him many of the Madressahs have built extremely close ties with radical

Militant groups, both inside and outside of Pakistan. In this capacity, they have increasingly played a critical role in sustaining the international terrorist network.

Abbasi (1999), is of the view that the madressah are not taking or charging anything by force from any one. All of the madressah are being run on the charity and zakat etc. of people.

A historical event of a general gathering of three different sects Deobandi, Bareilvi and AhleHadis in Multan nearly forty years ago is well-stated by Siddiqui (2009). He tells the tolerance, brotherhood and sharing of ideas among the Ulema of all three sects.

Ahmad (2010), expresses a reality that all the companions (Ashab-e-Rasool) of the Holy Prophet were not only Alim but also *Mujahideen*. Not even a single Sahabi-e-Rasool sat at home; preaching was with Jihad.

After ten years of the War of Independence, on May 30, 1867 A.D Maulana Mohammad Qasim Nanutwi founded a Dar-ul-Ulum at Deoband, District Saharanpur (U.P). It was a land mark decision. The Deoband seminary earned tremendous recognition from Muslims of India so much so that it became an identity of Muslim educational system in the subcontinent. All the other sects follow the same Dars-i-Nizami except for Shia and AhleHadis. Madaris are basically of three kinds : (a) Tehfeez (memorizing Quran by heart) , (b) Dars-e- Nizami (education of scholastic theology) and (c) Khankah (spiritual training alongwith religious practices). In Pakistan all three kinds of madaris are found.

The era of General Muhammad ZiaulHaq (1977-88) was quite conducive for flourishing of religious seminaries. Ahmad (2005) . is of the view: "Following the 1979 USSR invasion of Afghanistan, large sums of money was injected ...to educate Afghan children growing up in refugee camps and brainwash them against the non-Muslim Soviet occupation of their land".

### **Madaris in Islamic World**

In *West Africa*, most of the Islamic learning takes place in Tehfeez-ul-Quran Madressah. There are only a few Madaris in West Africa where students obtain detailed Islamic education. The *Arab world*, the governments who control the curriculum taught in these institutions finance most Madaris. In *Indonesia* and *Malaysia*, governments follow more or less the same pattern as in the Arab world. In the South Asia region, a

Large number of Madaris, although financed by special boards of religious education that operate under the Ministry of Religious Affairs, is free to acquire other funds from private donors. The common curriculum in Madaris, in all regions, is Islamic studies and acquisition of greater understanding of Islamic principles that govern day to-day lives of the Muslims. Therefore, to-subjects such as *Fiqh*– Islamic law, *Hadith* – Prophet's saying, *Sunnah*- Prophet's procedure of life continued by Sāhaba, *Tafseer*– interpretation of the Quran, and logic form the crux of Madressah curriculum.

### **Research Questions**

What type of syllabus is taught in madaris and what is the job market value and governmental acceptance of the madaris graduates?

What are the reasons of public acceptance of madaris?

What kind of criticism is done on madaris?

Madaris are basically the Muslim Faith schools; do other kinds of faith schools or madaris of other religions exist in the world?