Making New Muslim Arains: Reform, Law, and Politics in Colonial Punjab, 1890s-1940s

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To my beloved parents

and

To my wonderful sisters

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INTRODUCTION

> Behind them an angry farmer brandished a bamboo pole. He was a market-gardener, Arain by caste, growing vegetables and flowers for Umballa city, and well Kim knew the breed.
>
> 'Such an one,' said the lama, disregarding the dogs, 'is impolite to strangers, intemperate of speech and uncharitable. Be warned by his demeanour, my disciple.'
>
> 'Ho, shameless beggars!' shouted the farmer. 'Begone! Get hence!'…
>
> 'And by what sign didst thou know that we would beg from thee, O Mali?' said Kim tartly, using the name that a market-gardener least likes.[1]

In the third chapter of Rudyard Kipling's famous novel *Kim*, the eponymous protagonist, passing through the outskirts of Ambala City, encountered an Arain man diligently cultivating vegetables and flowers on his small patch of land. Taking Kim and his companion for beggars, the Arain tried to shoo them off, to which Kim responded by derogatorily calling the farmer a *Mali* (gardener), "the name that a market-gardener least likes." Chastened by the insult, the Arain man's demeanor changed quickly into one of a self-consciously dignified famer, respectful to passers-by and generous toward travelers.[2] In referring to the farmer as a mali, Kim insinuated that someone who cultivated vegetables on a narrow piece of land was neither a real landowner nor a true farmer.

This brief encounter encapsulates the socio-economic position of the Arains of colonial Punjab. The Arains inhabited a context in which landownership was the primary determinant of socio-economic status and political personhood. Landholders (*zamindar*), who might include proprietors with estates of varying sizes as well as non-proprietor cultivators and tenants,

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[1] Rudyard Kipling, *Kim* (Auckland: The Floating Press, 2009): 82-3. First published in 1901.
[2] Kipling, *Kim,* 83-84.

dominated the landless service-providers (*kamin*), who earned their livelihood by providing services to the village, such as carpentry and well-digging.[3] A change in economic standing—through a profitable marriage, land grants, education, acquisition of official power, or proximity to someone who exercised official power—could elevate a family's status and contribute to its upward mobility. Theoretically, a Kumhar (potter) could purchase land and become a zamindar, although this economic change might not erase social perception of his family as kamin. Similarly, claims of foreign descent among Punjabi Muslims did not automatically translate into a high social status. In many western Punjab villages, although Sayyids and Mughals claimed to be of superior foreign stock, their social status was determined on the basis of their occupation and economic standing.[4]

Underneath this broad dichotomous division of Punjabi society into zamindars and kamins lay a more complex system of social organization based on *biradari* (literally, brotherhood). Sometimes referred to as *zat,* biradari was usually an urban or rural endogamous community composed of multiple exogamous clans or lineages. Sociological definitions of the term described communities grounded in a range of social relationships, such as shared descent, occupation, place of origin, or spiritual discipleship. In its narrowest sense, a biradari was a corporate group tracing patrilineal descent to a common ancestor. In its broadest sense, it included all those individual households who participated in a ritualized, recurrent, unequal, reciprocal, form of gift exchange called *vartan bhanji* or *neondra*. Although biradari could signify kinship based on shared descent, it could also denote a broader, more flexible group of

[3] Kammi or kamin is a blanket term used to describe those rural groups in Punjab who provide services in return for payment in kind. Kamins are most often either entirely landless, or owners of small plots of land, dependent on such payments for adequate livelihood. They are often collectively called a biradari, but since its borders are defined by conditions of employment, kammi status can change with an improvement in one's economic situation.
[4] Zekiye Eglar, *A Punjabi Village in Pakistan.* (New York: Columbia University Press, 1960).

households, not necessarily related by blood. Punjabi biradaris were, and continue to be, cross-religious, such that there exist, for instance, Hindu, Muslim and Sikh Jats. Further, over time, the economic situation of a biradari might change, with landowners losing their property due to indebtedness or landless biradaris acquiring land and moving to cities. However, such economic alterations did not always result in change of social status, such that an Arain might be (derogatorily) perceived as a gardener in spite of being a wealthy landholder or an educated professional.[5]

Although colonial ethnographers translated biradari as 'caste,' 'tribe' or 'class,' often interchangeably, I have used the Urdu/Punjabi term biradari in this dissertation instead of its colonial equivalents for three reasons. First, biradari was a term of self-description among Punjabi communities, including the Arains, which was sometimes used synonymously with other Urdu terms such as *zat* and *qaum.* As terms of ascription and self-description, biradari, zat or qaum indicated membership in a corporate group defined by kinship and endogamy, in addition to economic status.[6] Second, using the term biradari distances this dissertation from the synonymous use of 'caste,' 'tribe' and 'class' in colonial ethnographic literature. Partly on account of their reification in colonial ethnographies, this English terminology evokes communities with set definitions, failing to communicate the variety of criteria on which biradari

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[5] Hamza Alavi, "The Politics of Dependence: A Village in West Punjab" *South Asian Review* 4.2 (January 1971): 111-128 and "The Two Biraderies: Kinship in Rural West Punjab" in T. N. Madan, ed., *Muslim Communities of South Asia: Culture, Society, and Power* (New Delhi: Manohar, 1995): 1-62; Paul Hershman and Hilary Standing, *Punjabi Kinship and Marriage* (Delhi: Hindustan Publishing Corporation, 1981); Saghir Ahmad, "Social Stratification in a Punjabi Village" *Contributions to Indian Sociology,* New Series, 4 (December 1970): 105-25.

[6] Qaum and biradari have a wide semantic range in Urdu. Although both can be used to signify an endogamous kin group, only the former is usually used to refer to a religious community. Depending on context, qaum can signify nation or caste or tribe or religious community. Therefore, while qaum would be used for the Muslim community as a whole, the Arains, the Jats or the Rajputs might be called a qaum or a biradari.

identity could be based. For instance, while the Kashmiri biradari of Punjab was defined by a common geographical origin, the Chamars (leather-workers) were an occupational group.

Finally, colonial terminology obscures the historical dynamism of biradari identity and biradari-based hierarchies in Punjab, some of it, ironically enough, enabled by colonial policies. The epistemological and administrative imperatives of imperial authority generated spaces wherein some biradaris consolidated their socio-economic position and expressed their social precedence in newly-produced narratives of high birth or other markers of superior social status. For instance, by the early decades of the twentieth century, the Awans, a minor landholding biradari, began to claim descent from 'foreign' soldiers who came to north-western India with Mahmud of Ghazni.[7] To some extent, such descent claims were a response to colonial ethnography, but at the same time, they invoked histories deeper than the temporal span of British rule in South Asia. Similarly, by exploiting opportunities generated by colonial-era urbanization, Mian Amir al-Din, a member of the otherwise largely artisanal and impoverished Kashmiri biradari of Lahore, acquired wealth and political influence in early twentieth century Punjab. However, affluence and political position did not automatically alter social perception of a biradari's status—Chamars were, and continue to be, considered a low-status biradari. Neither the socio-economic status nor the borders of a Punjabi biradari were, then, set in stone.

The cross-religious nature of Punjabi biradaris underlines the complexity of the relationship between biradari and caste—a term common in both colonial ethnography and scholarship on South Asia. Colonial translation of biradari as caste was accurate in a limited way. Punjabi biradaris tended to be endogamous and some had started claiming a shared descent

[7] Lft. Col. J. M. Wikeley, *Punjabi Musalmans.* (Lahore: The Book House, n.d.). Second edition. 66-67. This second edition includes data from the 1931 Census, putting its publication date at least in the early to mid-1930s. The first edition of this handbook may have been published during the 1910s.

by the end of the nineteenth century. However, partly on account of colonial standardization of Hinduism as a text-centric religion, caste was, and continues to be, commonly understood as a religious phenomenon peculiar to Hindus. At the heart of this religious view of caste is the four-fold, theologically grounded, *Varna* system, which divides Hindu society into priests (brahmins), warriors (ksatriyas), merchants (vaishyas), and menial castes (shudras). Based on notions of ritual purity and pollution, caste status is embodied and hereditary, with the ritually purer castes (brahmins and ksatriyas) dominating the ritually impure ones. Post-colonial scholarship on the theory and practice of caste, while vast and wide-ranging, is disproportionately focused on caste as a Hindu institution. Related to this is the scholarly literature on social mobility, which conceptualizes change in caste status in terms of a gradual ascent toward the top of the Hindu caste hierarchy, encapsulated in the terms 'Sanskritization' and 'Brahmanization.'[8]

The ubiquitous and near-intuitive association of the Hindu varna system with caste poses interpretive challenges for a study of cross-religious Punjabi biradaris in general, and Punjabi Muslim biradaris in particular. If caste is equated with the varna system, then how might we understand the persistence of caste-based practices, such as endogamy, among Punjabi Muslims? Scholarly explanations of caste-based practices among Muslims in South Asia indirectly reiterated the religious foundations of caste. Louis Dumont argued that since most South Asian Muslims were converts from Hinduism, their adherence to caste-based practices was a result of

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[8] For an articulation of caste as a theological, primarily Hindu phenomenon, see Louis Dumont, *Homo Hierarchicus: The Caste System and its Implications.* Complete Revised English Edition. (Chicago: University of Chicago Press, 1980). Dumont's formulation has been criticized on multiple grounds. For a recent review of this literature, see Sumit Guha, *Beyond Caste: Identity and Power in South Asia: Past and Present.* (Leiden: Brill, 2013): Ch. 1. Selected literature on caste which deals largely with Hindu communities: Nicholas Dirks, *Castes of Mind: Colonialism and the Making of Modern India.* (Princeton, N.J.: Princeton University Press, 2001); Susan Bayly, *Caste, Society and Politics in India from the Eighteenth Century to the Modern Age*. (Cambridge: CUP, 1999); Anupama Rao, *The Caste Question: Dalits and the Politics of Modern India.* (Berkeley: University of California Press, 2009). On social mobility, see essays on caste and social structure in Part II of M. N. Srinivas, *Collected Essays.* (New Delhi: OUP, 2002).

Hindu cultural influence, which continued despite conversion to Islam.[9] Making a similar argument, Imtiaz Ahmed argued that since notions of inherited purity and pollution had no basis in Islamic theology, 'caste-like' practices among South Asian Muslims were results of Hindu influence and a remnant of the Muslim community's Hindu past.[10] Within this framework, scholars compared caste-based practices among Hindus and Muslims, with some concluding that caste hierarchies among Muslims were less rigid than those among Hindus.[11]

The interpretive association of caste with the Hindu varna system did more to obstruct our understanding of Punjabi biradaris than explicate them. Often based on occupation and geographical origin, biradaris were cross-religious, socio-economically heterogeneous, and subject to transformations, especially in the face of urbanization and political changes brought about by colonial rule. As Denzil Ibbetson[12] noted in his seminal report on the 1881 Census, caste-based hierarchies in Punjab did not conform to the varna framework. Instead, Punjabi social hierarchy was flexible, especially in rural areas, and shaped more by the material conditions and political structures in which a biradari found itself.[13] Post-colonial scholarship on Punjabi society also emphasized that unlike a varna, a biradari's status depended on its economic and political standing. If a biradari claimed ritual purity or superior birth, then such claims were

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[9] Dumont, *Homo Hierarchicus,* 201-16.
[10] Imtiaz Ahmed, ed., *Caste and Social Stratification Among Muslims in India*. (Delhi: Manohar, 1978).
[11] Mattison Mines, "Muslim Social Stratification in India: The Basis for Variation" *Southwestern Journal of Anthropology* 28: 4 (Winter, 1972): 333-49.
[12] Sir Denzil Charles Jelf Ibbetson (1847-1908) was an Indian Civil Service officer who served first as a Settlement Officer during the early 1870s, the Superintendent of Census Operations in Punjab during the 1870s and 1880s, the Director of Public Instructions during 1884-5, and as the Lieutenant-Governor of Punjab briefly from 1905 until 1907. As a Settlement Officer, he toured the Punjabi countryside extensively, basing his conclusions about the province's social, economic and religious landscape on ethnographic observation.
[13] Denzil Ibbetson, *Panjab Castes: Being a reprint of the chapter on "The Races, Castes, and Tribes of the People" in the Report on the Census of the Panjab published in 1883 by the late Sir Denzil Ibbetson, K.C.S.I.* (Lahore: Government Printing, 1916): Part I. Also see Bayly, *Caste, Society and Politics,* Ch. 3.

often a reflection of its socio-economic and political power. Ritual purity and high birth, then, even when expressed by a biradari, were rarely the sole determinants of its social status.

In a significant departure from the scholarly perspective which explained caste in terms of ritual purity, Sumit Guha's *Beyond Caste* questioned the religious foundations of caste. Guha defined caste as a "bounded social group defined by the exercise of power"[14] and argued that social hierarchies were not determined by notions of ritual purity and pollution alone. Theological explanations of, or arguments for, caste were not its causes. Instead, notions of purity were one among many expressions of social hierarchy, which rested on a community's access to economic and political power in a given historical context. Caste hierarchies operated in delimited geographies, usually villages in nineteenth and twentieth century India, whose boundaries were reproduced and reinforced during successive systems of political authority, down to colonial rule.[15] This argument corroborated earlier findings on the social reality of caste and upward mobility, which, as M. N. Srinivas and Imtiaz Ahmed pointed out decades before Guha, emerged from socio-economic differences and transformations more than theological arguments.[16] Although purity and pollution might well be the theoretical frame through which caste status was articulated and explained, the pragmatic functioning of caste rested on the socio-economic and political structures that determined the lived experiences of communities in specific localities and contexts.

Although Guha did the invaluable interpretive work of freeing caste from its association with ritual purity, caste-like hierarchies among South Asian Muslims in general, and Punjabi

[14] Guha, *Beyond Caste,* 211.
[15] Guha, *Beyond Caste*, Introduction, Chs. 1-3.
[16] Imtiaz Ahmed, "The Ashraf-Ajlaf Dichotomy" and M. N. Srinivas, "A Note on Sanskritization and Westernization" in Srinivas, *Collected Essays,* 200-20.

Muslims in particular, received relatively little attention in his work. Punjab's social organization appeared only toward the end of *Beyond Caste,* where Guha focused on colonial policies which reinforced landownership as the basis of social differentiation and political power, facilitating Punjabi landowners' political dominance in the province until the mid-twentieth century.[17] By explaining colonial Punjabi society in these terms, Guha underlined the formative significance of a specific political context in the making and maintainence of a social hierarchy. And since Punjabi biradaris were often cross-religious, tying colonial Punjab's social hierarchy to its specific political location supported his reconceptualization of caste as a political phenomenon divorced from ritual purity.

Despite its relatively minor presence in Guha's work, Punjab's biradari hierarchy falls in line with his definition of caste. Punjabi biradaris, and their hierarchical organization, were rooted in differential access to socio-economic and political power in a bounded locality, instead of being determined solely by presumably universal notions of ritual purity. As cross-religious corporate groups, biradaris seemed to endorse Guha's idea that religion was only one among multiple idioms through which stratification might be expressed. According to Guha's framework, then, Punjabi biradaris were castes—not because they were based on notions of ritual purity and pollution, but because they were social groups whose borders were determined through well-policed social interactions (marriage), economic status (landownership or occupation) and political power (access to state authority). Economic and political differences among such groups generated vertical socio-economic organization, such as the broad distinction

[17] Guha, *Beyond Caste,* 197-205.

between zamindars and kamins in colonial Punjab. Religious differences, while present and relevant, did not necessarily determine the definition or the hierarchical organization of biradaris.

Insofar as this dissertation explores the case of a Punjabi biradari which used religion to redefine itself socially and politically, I begin where Guha's *Beyond Caste* ends. As the trajectory of the Arains will show, the complex world of Punjabi biradaris, doubtless grounded in landownership and colonial politics, also encompassed dynamic relationships with religion. Guha's objective of distancing caste from ritual purity, besides being analytically productive for the scholarly understanding of caste, is also conceptually enabling for this dissertation. Using the Arains' story, I contend that Guha's argument against associating caste with ritual purity is not an argument for dismissing religion from our understanding of caste-based and caste-like social hierarchies. I argue that a move away from ritual purity removes scholarly reliance on the Hindu theological framework of caste and facilitates investigation of the place of multiple religions in processes which define and preserve social hierarchies.

I mark my own analytical departure from Guha in two ways. First, I reveal the deep significance of religion for defining and redefining caste-based identity and hierarchy among Punjabi Muslims by telling the story of a Punjabi biradari whose members made creative use of an Islamic idiom to differentiate themselves from other Muslims and non-Muslims. Second, I underline the specific political landscape and material context in which caste-like hierarchies operated in colonial Punjab by using the Urdu/Punjabi term biradari (instead of caste) in this dissertation. Together, these two features of this dissertation build on Guha's arguments, while exploring a province that makes only a marginal appearance in *Beyond Caste* and turning toward a non-Hindu religious and intellectual universe.

In illuminating the historical nature of biradari identities and hierarchies in colonial Punjab, I use biradari as an operative category of historical analysis for understanding social stratification among Muslims of colonial Punjab. Through my focus on the Arains, I trace a biradari's historical trajectory from its turn-of-the-century re-articulation as a corporate group with a specific religious identity and history, to its establishment as a cohesive, powerful unit of political mobilization. As a political entity, a biradari was grounded as much in social relations of endogamy and kinship on the one hand, as in colonial-era economic changes, colonial epistemology, policies and law on the other. Functioning within the parameters of colonial politics, biradaris adapted to the demands of new political ideologies and movements, and rapid shifts in colonial representative structures. By the mid-twentieth century, biradari emerged as a remarkably resilient political entity—one that, as the Arains' story will show, could be deployed in a variety of ideological and political spaces, ranging from religious identity and practice, to colonial law and representative politics.

Commonly associated with market-gardening and vegetable-selling, the Arains stood somewhere in the middle of colonial Punjab's biradari hierarchy. They were socio-economically inferior to large landowning biradaris such as Jats and Rajputs, but superior in status to kamin biradaris such as Chamars, Kumhars and Tarkhans (carpenters). When Kim belittled the Arain farmer by calling him a mali, the insult worked because it suggested that the man was no better than a kamin service-provider—a gardener selling vegetables to urban residents of Ambala City. The Arain farmer, however, responded decorously, proud and protective of his small piece of land, but respectful of outsiders at the same time. In many ways, the story I tell in this dissertation is that of a middle-ranking biradari of colonial Punjab, often derided for what contemporaries believed was its traditional occupation (gardening), seeking to erase the

lowliness attached to its name. The Arains of early twentieth century Punjab claimed a higher social and political status for themselves by articulating a new biradari identity grounded in an Islamic genealogy. Weaving together selected elements of reformist Islamic thought, Islamic history and colonial epistemology, Arain landed and professional elites reinvented their biradari as a community of respectable zamindars who were well-born, progressive Muslims open to changes brought about by colonial rule and imperial institutions, particularly those concerning education, law, and political representation, that connected British Indian society to structures of colonial authority.

Colonial knowledge and policies in late nineteenth century Punjab

The British East India Company defeated the Sikh forces in 1849 to complete its annexation of Punjab. The Despatch of 1849 constituted a three-member Board of Administration to govern the province and directed it to "uphold native institutions" and establish a British system of administration gradually.[18] Under this system of direct executive rule, later called the paternalistic Punjab School of administration, the Company's most experienced administrators were sent to govern Punjab, and district officers invested with judicial and administrative authority. Company administrators initiated infrastructural development such as the building of roads and canals, alongside attempts to determine landholding patterns for purposes of revenue collection. The fruits of these efforts became apparent during the Rebellion of 1857 when Punjab

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[18] Charles Lewis Tupper, *Punjab Customary Law.* Vol. I (Calcutta; Office of the Superintendent of Government Printing, 1881): 2. [Hereafter *PCL*].

remained largely loyal and many Punjabi landholders supported the Company and provided recruits for its army.

In 1858, direct sovereignty of the Crown replaced Company rule, with the British Government now promising to cease territorial expansion and focus instead on building an efficient administration. Partly to consolidate its hold on Punjabi society, the colonial state rewarded those who had supported the British during the 1857 Rebellion with honorary offices and land grants. This deliberate strengthening of ties between a foreign government and an indigenous elite was accompanied by administrative reorganization of the province. The province was demarcated into a pyramid comprised of divisions, districts, tehsils and zails (a circle of 10 to 30 villages).[19] Officials at the lower reaches of this pyramid, such as tehsildars, *zaildars* and *lambardars*, were often local landholders. These indigenous landlord-officials occupied a crucial mediatory position between the colonial state and Punjabi society, with newly-acquired proximity to political authority overlaying their pre-existing socio-economic influence as landholders. Perhaps more importantly, their incorporation into the colonial administration provided the state with a political base that kept educated Indian elites, often critical of colonial authority, at bay.[20]

In order to consolidate this hierarchical, mediated structure of administration, the colonial state needed systematic knowledge about Punjab and its inhabitants. Colonial administrators

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[19] Punjab was reorganized into five divisions, each under a Commissioner. The five divisions contained twenty-nine districts, each led by a Deputy Commissioner who was aided by an Extra Assistant Commissioner, the latter appointed from Indian civil servants. Each district was sub-divided into tehsils, wherein tehsildars and naib-tehsildars exercised revenue and judicial authority. And each tehsil contained zails which were led by a zaildar who controlled village headmen (lambardars) and possessed policing powers. Ian Talbot, *Punjab and the Raj: 1849-1947.* (Delhi: Manohar, 1988), 35.

[20] Talbot, *Punjab and the Raj,* 33-35; David Gilmartin, *Empire and Islam: Punjab and the Making of Pakistan*. (Berkeley: University of California Press, 1988): Ch. 1.

carried out pointed investigations into the social, economic, religious and cultural life of Punjab as well as the province's geography, demography, and history. The obsessive taxonomic impulse at the heart of this enterprise was justified as an administrative need—like the rest of India, to rule Punjab, the British had to know it.[21] Often carried out at the district-level by deputy commissioners and other district officials through interviews with village headmen, these investigations were part of the revenue settlement and census operations conducted during the second half of the nineteenth century.[22] Data gathered through these means filled the pages of settlement reports, district gazetteers, census reports, and compendia of customary laws and practices, cumulatively emphasizing the centrality of land, agriculture, and village-based, customary socio-religious practices in Punjab[23] Colonial ethnographers recorded the version of Punjabi society, history and tradition they heard from their indigenous informants, simplified and systematized it, to produce neat categories for naming and classifying Punjabis. The knowledge so produced would inform colonial laws and policies which, in turn, required colonial subjects to conform to the state's understanding of Punjab. Such epistemological determinations about indigenous society were, therefore, instruments of colonial power.[24]

Over the course of protracted observation and documentation, colonial officials concluded that unlike other parts of British India, Punjab was better understood in terms of its peoples' relationship with land than in terms of religion or religious differences. Colonial

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[21] Dirks, *Castes of Mind,* 9-10; Bernard Cohn, *An Anthropologist among the Historians and Other Essays.* (Delhi; New York: OUP, 1987): 224-254.
[22] Colonial officials also produced guides for conducting these ethnographic interviews among Punjabi communities. For a look at what such interviews entailed, see Denzil Ibbetson, *Memorandum on Ethnological Inquiry in the Panjab 1882.* Second Edition.
[23] For an account of the centrality of revenue documentation to colonial rule in Punjab, see Richard Saumarez Smith, *Rule by Records: Land Registration and Village Custom in Early British Panjab.* (Delhi: OUP, 1996).
[24] Bernard Cohn, *Colonialism and its Forms of Knowledge: The British in India.* (Princeton, N.J.: Princeton University Press, 1996): 3-15.

officials were baffled by the vast array of cross-religious social practices and corporate identities that they encountered in the province, even though many Punjabis professed a Hindu, Muslim or Sikh religious identity as well. They found Punjabi society so enmeshed in customary laws and practices that identifiable doctrinal tenets of Hinduism or Islam seemed inapplicable to it. Land and agriculture seemed to be the only consistent criteria for defining the economic and political personhood of Punjabis and delineating rural from urban Punjab. Village communities held together by agrarian relationships generated their own social and cultural hierarchies, such as those separating zamindars from kamins, which could not be accurately comprehended in religious terms alone, mainly because these socio-economic groups crossed religious borders frequently, especially in the countryside. Customary socio-religious practices that cut across religious boundaries produced communities that could not be disaggregated on religious grounds. Given Punjab's overwhelmingly agrarian economy and the existence of families who traced their landholdings to pre-colonial regimes, the colonial state understood the landed elite as the province's 'natural' leaders.

Confronted with the inadequacy of religion as an organizational category, colonial officials relied on landownership to systematize their understanding of Punjab's complex social reality. Colonial ethnographers differentiated between those Punjabi biradaris which relied primarily on agriculture for their livelihood and lived in rural areas, such as Jats, Rajputs and Arains, and those which depended on non-agrarian occupations, such as Banias (moneylenders), Chamars and Kumhars. Some biradaris were more homogeneous in terms of religion, such as the predominantly Hindu Banias and the predominantly Muslim Arains. Rural Punjabis, given their rootedness in agriculture and village communities, followed customary practices, particularly in socio-religious aspects such as divorce, marriage, inheritance, and adoption. In contrast, urban

Punjabis' socio-religious practices were usually determined by religious personal law. While religious personal law could be Hindu or Islamic, customary practices were, by implication, not grounded in religion but traditional usage.

As many colonial ethnographic texts noted, for Punjabi Muslim communities, differentiation between custom and religious law had specific implications for inheritance. While Muhammadan Law provided for fixed shares in parental property to sons and daughters, Punjabi custom had traditionally prohibited daughters from inheriting landed natal property. This practice was arguably based on landholders' economic imperative to prevent sub-division of estates, which would inevitably happen when a daughter was married and her husband acquired rights to her property. Rural Punjabi Muslims' adherence to customary inheritance practices, recorded in multiple colonial ethnographic texts, was thus situated in contrast to urban Punjabi Muslims who followed Muhammadan Law in matters of inheritance.

During the last quarter of the nineteenth century, knowledge produced through colonial ethnographic endeavors informed legislation with far-reaching consequences for Punjab. The Punjab Laws Act of 1872 instituted custom, recorded in colonial ethnographic texts as largely a feature of rural biradaris, as the primary basis for deciding civil cases, particularly those pertaining to matters of personal law such as marriage, divorce, and inheritance. Religious personal law could be applicable only in the absence or unavailability of custom. By enshrining the ethnographic documentation of rural Punjabi custom into Punjab's legal code, the Act of 1872 strengthened the divide between rural and urban, agricultural and commercial Punjabis.

The Punjab Alienation of Land Act of 1901 was a further consolidation of the colonial ordering of Punjabi society. It classified Punjabis into two seemingly neat, occupational

categories. First, the largely rural, custom-observing 'agriculturalists' who relied on land and agriculture for sustenance, and second, the mostly urban 'non-agriculturalists' who followed religious personal law and relied on commercial occupations. Both categories, consisting of groups identified by their biradari names, were listed in an official schedule appended to the Act, making it possible to speak of Jats and Rajputs as agriculturalists and of Khatris and Banias as non-agriculturalists just by glancing at an official document. The Act regulated transfers of land, via sale or mortgage, from agriculturalists to non-agriculturalists, effectively preventing commercial groups such as Khatris and Banias from buying land from rural landowners. Alienation of land via sale or mortgage could occur only among agriculturalists of the same district, rendering transfers from agriculturalists to non-agriculturalists effectively illegal.[25]

Throughout the last decades of the nineteenth century, official opinion had been growing that Punjab's landed proprietors lived beyond their means, spending inordinate amounts of money on social occasions, and often falling into debt. Eventual loss of their estates generated absentee landlordism, and posed dangers to the village unit which, in the official view, was a vital feature of Punjabi society and its customary structure. Further, the fear that agriculturalists' widespread discontent could create political instability led the government to pass this regulatory legislation in the hope that prevention of land transfers would undercut the chances of a rebellion in rural Punjab which had become the sword arm of the Empire in British India.[26] Intended to

[25] N. G. Barrier, *The Punjab Alienation of Land Bill of 1900.* (Durham: Duke University, Program in Comparative Studies on Southern Asia, 1966). Although the Act listed agriculturalists and non-agriculturalists by caste name, it left a lot unsaid about the legal implications of these classifications. Between 1900s and 1940s, colonial courtrooms would be flooded with property disputes wherein litigants, many of whom were Arains, contested their agriculturalist status by claiming that they owned no land, did not live in a village, and were, therefore, not subject to custom. These disputes would occasion extensive legal and judicial commentary on the definition of an agriculturalist. See, for example, Shadi Lal, *The Punjab Alienation of Land Act XIII of 1900 as amended by Punjab Act I of 1907 with comments and notes of cases.* Second Edition. (Lahore: Addison Press, 1907): 15-37.
[26] Septimus S. Thorburn, *Musalmans and Moneylenders in the Punjab.* (Edinburgh: William Blackwood, 1886).

protect Punjab's agricultural economy from the political consequences of landowners' indebtedness, the Act was a legal means of strengthening the political relationship between colonial authority and Punjabi society.[27] Whether a landholding group would be included in the schedule as agriculturalists depended on the extent to which its numbers and influence were, as a colonial bureaucrat put it, "of sufficient political or social importance to be considered an agricultural tribe."[28]

The multi-layered classificatory principle at the heart of the Acts of 1872 and 1901 was of tremendous import for Punjabi society. Together, these laws cemented a long-term, mutually-beneficial alliance between Punjab's landholding elite and the colonial state. Colonial policies created a list of statutory agriculturalists whose political and economic positions were protected by law and steady official patronage. In return, statutory agriculturalists became the colonial state's ideal provincial allies, providing it with much-needed ideological support, mediating the state's authority over an expanding agrarian economy, and assuring the British Indian army of a supply of men and materials. The underlying political considerations of the Act meant that Punjabi landholders remained loyal to the colonial state and populated the Legislative Council from the 1920s onward. However, the Act also generated an undercurrent of anti-colonial

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[27] The Punjab press, however, continued to question the efficacy of the Act in checking these supposedly numerous land transfers. For instance, in 1911, *The Tribune* wrote that the Act did not prevent agriculturalists from mortgaging their land to non-agriculturalists, but only restricted them to a length of twenty years. The newspaper remarked that such mortgages, although legally not sales or transfers of land, could be renewed at the end of twenty years, thereby transferring effective control of the land to non-agriculturalist mortgagees. See *PNR* dated 9 July 1912 for 1911, p. 20-21. For a discussion of contemporary critique of the 1901 Act and agriculturalist status, see Gilmartin, *Empire and Islam,* 30-38.
[28] P. J. Fagan, District Commissioner of Hoshiarpur, commenting on the criteria for classifying a biradari as agriculturalists, as cited in Barrier, *The Punjab Alienation of Land Bill of 1900,* 112.

critique among urban commercial groups against both rural Punjabi landholders and the colonial structures that created and protected them.[29]

In the aftermath of the 1901 Act, it was no longer sufficient to own or cultivate land. One had to be listed in a schedule to be recognized as an agriculturalist. At a time when colonial legal categorizations shaped access to economic and political power, a community's ownership of land was crucial to its official recognition as an agriculturalist group. When the state-sponsored irrigational development projects opened up new land for cultivation from the 1890s onward, statutory agriculturalists such as Jats and Arains were settled in these new canal colonies, on the grounds that their exceptional farming skills would generate maximum revenue.[30] Statutory agriculturalist status, therefore, brought political patronage from the state as well as economic benefits from the state's development projects. This carefully-constructed hierarchy, tying Punjabi society to the colonial state through Punjabi landholders, was challenged by urban groups who, relying on ideals of egalitarian, cohesive and purified religious communities, opposed the hierarchies inherent to colonial rule in Punjab. In defending themselves against the rising tide of urban criticism, Punjabi landholders coalesced into the Unionist Party which dominated Punjabi politics well into the 1940s.

The racialized basis of colonial military recruitment policy added another epistemological layer to this already dense web of ethnographic categories. To the homogenizing dualities of rural and urban, agriculturalist and non-agriculturalist, custom and Muhammadan Law, colonial recruitment policy added the binary of 'martial' and 'non-martial.' The martial race theory

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[29] Neeti Nair, *Changing Homelands: Hindu Politics and the Partition of India* (Cambridge, Mass.: Harvard University Press, 2011): 13-18.
[30] Imran Ali, *The Punjab Under Imperialism, 1885-1947.* (Princeton, NJ: Princeton University Press, 1988).

postulated that men belonging to some indigenous races were inherently more masculine and better suited to military service than others, owing to their biological or cultural origins.[31] Broadly, martial races included upper-caste communities of north and north-western India, such as the Rajputs of Rajasthan, the Jats (Muslims and Sikhs) of Punjab, and the Gurkhas of Nepal. Men of these communities made good soldiers on account of their physical hardiness, moral character and inherent obedience, which, in turn, arose from their acclimatization to a harsh terrain and social conditioning to a feudal-agrarian society. In the non-martial category, systematically excluded from recruitment from the British Indian Army, fell urban groups such as Banias, rural kamin biradaris such as Kumhars, and high-caste Hindus of southern and eastern India. Men belonging to higher status rural peasant families were believed to be the ideal candidates for military recruitment because as proprietors, they were personally invested in a stable polity, and, as sturdy, marginally educated farmers, they obeyed their British superiors without question and possessed the moral uprightness to serve in the British Indian army.

Although some lower-caste groups, such as the Mazhabi Sikhs of Punjab and the Mahars of Bombay, had been allowed to join the early twentieth century presidency armies, political developments during the second half of the nineteenth century reinforced the official belief that an army able to withstand internal conflict and external threats must be built from the best

[31] For an overview of the martial race theory and its ideological connections with imperial notions of masculinity, see Heather Streets, *Martial Races: The Military, Race and Masculinity in British Imperial Culture, 1857-1914.* (Manchester and New York: Manchester University Press, 2004).

martial groups in British India, such as Jats and Gurkhas.[32] After annexation in 1849, Company officials had been reluctant to recruit Sikhs who might resent the British for ending Sikh sovereignty. They viewed Punjab largely as a financial resource, hoping to rely on its agrarian economy for revenue. However, during the 1857 Rebellion, when large sections of the Bengal Army revolted against the Company, Punjabi soldiers, many of them from rural agrarian backgrounds, helped defeat the rebels. During the Anglo-Afghan Wars of the 1880s, rising disquiet among colonial officials about Russian collusion with the Afghan Amir reinforced the colonial policy of building an army from the most martial of India's communities. Given their record of loyalty to the Company, Punjabi recruits were top contenders. By this time, ethnographic literature inflected with Social Darwinism had identified Jat Sikhs and Muslims as sturdy peasants who possessed just enough intelligence to follow an officer into battle without question. Some of the communities identified as martial had pre-colonial traditions of military service, which reinforced their inherent suitability for fighting in the eyes of colonial officers.[33]

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[32] Before the rebellion of 1857, the East India Company had raised its local soldiers or sepoys from areas within and surrounding the presidency cities of Calcutta, Madras and Bombay. While religious and caste-based diversity characterized the Bombay and Madras armies, the Bengal Army was dominated by high-caste Brahmins and Rajputs who formed the high-caste peasantry of northern India. After the 1857 Rebellion, Bengal Army's regiments organized along caste and religious lines were believed to be the reason for the rapid spread of the Mutiny. In order to counteract any future cross-regional, cross-religious rebellions, the government divided this new British Indian army into regional regiments, composed of soldiers raised from within a province and serving within its borders. In 1892, the presidency armies were abolished and the British Indian Army was constituted. See Dirk Kolff, *Naukar, Rajput, Sepoy: The ethnohistory of the Military Labour Market in Hindustan, 1450-1850.* (Cambridge, NY: CUP, 1990); Rajit K. Mazumder, *The Indian Army and the Making of Punjab.* (New Delhi: Permanent Black, 2003): 7-19; Tan Tai Yong, *The Garrison State: The Military, Government and Society in Colonial Punjab, 1849-1947.* (New Delhi: Sage Publications, 2005): 31-69; Douglas M. Peers, "The Martial Races and the Indian Army in the Victorian Era" in Daniel P. Marston and Chandar S. Sundaram, ed., *A Military History of India and South Asia.* (Connecticut; London: Praeger Security International 2007): 34-52.

[33] The categories of martial and non-martial that animated colonial recruitment policy were hotly contested by British military officials as well as colonial subjects. Some British officers believed that the theory engendered a dangerous degree of reliance on selected indigenous communities, when balancing the numbers of Indians from various communities in the Army would be a strategically sounder move for preventing rebellion. See Peers, "The Martial Races and the Indian Army in the Victorian Era," 43-46.

By the early decades of the twentieth century, a substantial part of the British Indian Army came from Punjab, predominantly Jats and Rajputs belonging to both Sikh and Muslim communities. By 1900, one-half of the recruits in the Army came from Punjab, compared to one-quarter in 1875. About 60 percent of the 700,000 recruits who joined the Army in World War I also came from Punjab.[34] Until the outbreak of the Second World War, Punjab's share in recruitment to the colonial army never fell to less than sixty percent.[35] The largely rural landholding biradaris that these recruits belonged to were among the beneficiaries of the restrictions placed on transfers of land by the 1901 Act. Moreover, ex-soldiers were entitled to land grants in newly-irritated canal colonies, making martial agriculturalists the dominant settlers in these areas. For Punjabis of lower-status biradaris, apart from a steady salary and state patronage, military service was also an avenue for claiming higher social status and prestige. The intersection of military and legal classifications, alongside colonial development projects and policies, strengthened the rural landholding biradaris on whom the state relied for ideological and military support. This arrangement, which lasted until the end of colonial rule, reinforced the political interdependence between the colonial state and Punjab's agrarian society.

Arains, Islam and politics in colonial Punjab

As a cultivating community, albeit one which held less land than Jats and Rajputs, the Arains were classified as custom-observing statutory agriculturalists by the Acts of 1872 and 1901. The legal and political advantages of this categorization were available as much to the Arains as to

[34] Peers, "The Martial Races and the Indian Army in the Victorian Era," 48.
[35] Yong, *The Garrison State.* 18. For the social and economic impact of army recruitment in Punjab, see Mazumder, *The Indian Army,* Ch. 3 to 5.

large Jat or Rajput landowners. However, as Kim's sharp insult suggested, the Arains' privileged statutory agriculturalist status co-existed with deep-seated notions of inferiority associated with the occupation of market-gardening in colonial Punjab.

The lowly associations of the Arain name had many antecedents in late nineteenth century colonial ethnographic literature and the reformist Islamic perception of the Arains and other Punjabi Muslims. Colonial ethnographers described the Arains as indigenous converts to Islam who were usually lower-status, small-scale Muslim cultivators with an unorthodox approach toward religious practice. Many Arains ignored the doctrinal Islamic requirements of prayer and fasting and, like almost all Punjabi Muslims, followed customary practices instead of Islamic personal law. Concomitantly, colonial ethnographers commended the Arains' ability to cultivate the smallest piece of land with the utmost industriousness.[36] Given their inclusion as middle-ranking, custom-observing cultivators in Punjab's rural social hierarchy, colonial law, especially as enshrined in the Acts of 1872 and 1901, recognized the Arains as statutory agriculturalists who followed customary inheritance practices instead of religious personal law, and whose estates were protected from loss via sale or mortgage to urban commercial groups.

For contemporary reform-minded Muslims, Arains epitomized all that was wrong with Punjabi Muslims' practice of Islam. Followers of Sayyid Ahmad Khan's (1817-98) modernist Islamic thought as well as reform-minded ulama saw Punjabi Muslims as egregious offenders when it came to canonical Islamic practices. Nowhere was this more evident than in the controversial issue of inheritance law. While Sayyid Ahmad and the Deobandi theologian

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[36] This was the standard representation of the Arains in colonial ethnographies. See, for instance, Denzil Ibbetson, *Report on the Census of the Panjab taken on the 17th of February 1881.* Vol. 1 (Calcutta: Government Printing, 1883): 265-6, 142.

Maulana Ashraf Ali Thanvi (1863-1943) both criticized custom (*rivaj, rusum*) as the cause of Indian Muslims' religious shortcomings, customary inheritance practices particularly irked reform-minded Punjabis.[37] Reformers such as Sayyid Mumtaz Ali (1860-1935) and his wife, Muhammadi Begum (1878?-1908), believed that customary inheritance practices—which disinherited daughters from ancestral landed property—contravened explicit shares of natal property allotted to sons and daughters by the Quran.[38] However, colonial legal endorsement of rural Punjabis' adherence to customary inheritance practices meant that the state upheld custom over Islamic law. Colonial law and policy, therefore, undermined the reformist ideal of bringing all British Indian Muslims under the purview of Islamic personal law as a means of politically unifying the community.

It was in this context that in 1919, an Arain author named Maulvi Muhammad Akbar Ali Sufi Jalandhari (b. 1863) published a voluminous didactic genealogical history of the Arain biradari entitled *Salim al-tavarikh*[39] which contested contemporary uncharitable representations of the Arains. Jalandhari contended that the Arains were descendants of Syrian warriors who had participated in the Umayyad general Muhammad bin Qasim's early eighth century conquest of

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[37] Barbara Metcalf, *Perfecting Women: Maulana Ashraf 'Ali Thanawi's Bihishti Zewar: a Partial Translation with Commentary*. (University of California Press, c1990) and *Islamic Revival in British India: Deoband, 1860-1900*. (Princeton: Princeton University Press, 1982); Gail Minault, *Secluded Scholars: Women's Education and Muslim Social Reform in Colonial India*. (New Delhi: Oxford University Press, 1998) and "Sayyid Mumtaz Ali and 'Huquq un-Niswan': An Advocate of Women's Rights in Islam in the Late Nineteenth Century" *Modern Asian Studies* 24: 1 (Feb., 1990): 147-172. For a deeper analysis of Sayyid Ahmad's religious views, see Christian Troll, *Sayyid Ahmad Khan: A Reinterpretation of Muslim Theology.* (New Delhi: Vikas, 1978).

[38] Mumtaz Ali and Muhammadi Begum were a husband-wife team who championed Muslim women's education and Muslim women's rights, primarily inheritance rights, in late nineteenth-early twentieth century Punjab. Based in Lahore, Mumtaz Ali wrote a treatise on the rights of women in Islam entitled *Huquq al-nisvan* and Muhammadi Begum edited an Urdu women's journal called *Tahzib al-nisvan*. Mumtaz Ali was also an active member of All India Muhammadan Educational Conference, the flagship organization for Muslims' socio-religious reform established by Sayyid Ahmad Khan in Aligarh in 1886. See Gail Minault, *Secluded Scholars.* Also see excerpt from *Taḥzib al-nisvan* (Lahore) 2 October 1915 as cited in *Selections from the Indian Newspapers Published in the Punjab examined up to the 9 October 1915.* 593. [Hereafter *PNR*].

[39] Maulvi Muhammad Akbar Ali Sufi Jalandhari, *Salim al-tavarikh: yani tarikh qaum arain hind-o-sindh aur Panjab ki mashhur zamindar qaum raeen ke mafsil tarikhi halat* (Amritsar: Shaikh Abdul Aziz Printers, 1919). Hereafter *Salim al-tavarikh.* Contemporary colonial records sometimes spelt Arain as Raeen or Raee (pl. Raiyaan). For the sake of consistency, I use the more common spelling Arain (pl. Arains) in this dissertation.

Sindh. Settling in Sindh soon after, these Syrian men carved out a niche for themselves during subsequent centuries as cattle-herders (*al-Rai* in Arabic), cultivators, administrators and soldiers serving various political regimes. By the nineteenth century, they had settled in Punjab, where they came to be known as Arain, a local corruption of the Arabic al-Rai. In Jalandhari's telling, the Arains emerged as a distinctive Muslim community, with their exemplary Syrian-Arab ancestors, different from non-Arain Muslims as well as non-Muslims. Instead of being unorthodox, small-scale Muslim gardeners, the Arains in this representation were inherently pious Muslims of Arab descent who had become prominent landholders in colonial Punjab.

Although not without its critics, *Salim al-tavarikh* provided the ideological foundation for colonial Arain elites' attempts to mobilize the biradari politically. Jalandhari's representation of the Arains as a well-born biradari of high social standing was largely well-received by contemporary landed and professional Arain elites who contributed their personal family histories to the book and sought to disseminate its narrative of Arain history and identity. To that end, the Anjuman Raiyan-i Hind (the Arain Anjuman), established in Lahore in 1915, pronounced *Salim al-tavarikh* as the community's official history and awarded Jalandhari the title of 'historian of the community' (*Muarrikh-i-qaum*) in 1920. Even before the book's official publication, Jalandhari's narrative facilitated the reversal of a military recruitment policy which barred the Arains from the British Indian Army.

Concomitant to their mobilization as a biradari, Jalandhari's genealogical history of the Arains also facilitated Arain elites' political participation in the wider Muslim community of colonial India. Eminent Arain leaders, such as the lawyer Mian Muhammad Shafi (1869-1932) of Lahore's well-known Mian family, held office in the Arain Anjuman alongside participating in organizations geared toward the pursuit of Muslims' socio-religious reform, such as the All-

India Muhammadan Educational Conference (established 1886), and expression of their political aspirations, such as the All-India Muslim League (established 1906). On the one hand, Jalandhari's reinterpretation of the Arains' adherence to custom as a Quranic practice grounded in their 'pure' Muslim selfhood generated common ground between colonial privileging of custom and its denigration by contemporary reformist Muslims. On the other hand, Jalandhari's assertion of the Arains' essential Muslim-ness afforded Arain politicians the ideological footing from which to bridge their place in Arain politics with the broader arena of Indian Muslim politics. This phenomenon is evident in the political thought and public career of Mian Muhammad Shafi, arguably one of the most well-known Arain politicians of early twentieth century Punjab. Shafi articulated a political ideology which recast biradari-based mobilization as a building block of Indian Muslim mobilization and reinterpreted customary inheritance as a Quranic practice, albeit in a different way than Jalandhari. Through such arguments, Arain men such as Jalandhari and Shafi provided a critical ideological foundation to organizations such as the Arain Anjuman which sought to maintain the Arain biradari as a distinct, bounded political entity and ensure the biradari's simultaneous inclusion in the larger Indian Muslim community and its mobilization.

However, the relationship between Arain mobilization and Muslim mobilization underwent a peculiar change in the rapidly shifting political landscape of mid-twentieth century colonial India. Representative politics in Punjab had been dominated by the Unionist Party, established in 1923. Led by Mian Fazl-i-Husain (1877-1936) until the mid-1930s and by Sikandar Hayat Khan (1892-1942) till the early 1940s, the Unionists were a cross-religious party of landholders allied with the colonial state. During the 1940s, however, in the aftermath of the Muslim League's reorientation toward the objective of Pakistan, the Unionists' power was

challenged by the League which sought to mobilize Muslims on the grounds of shared religious identity alone. Throughout these momentous and swift changes, the Arain Anjuman continued to regulate the biradari's electoral behavior, even as Arain politicians supported different political parties, with some supporting the Unionists and others joining the League. In spite of the League's attempts to establish itself as the exclusive representative political party of colonial India's Muslims, the Arain Anjuman's influence over Arain politicians and Arain voters continued well into the 1940s.

The story of the Arains' reinvention and political mobilization is one of a strengthening of biradari borders through recourse to a religious idiom in the context of colonial Punjab. Whether it was Jalandhari's claim that the Arains were pious Muslims of Arab origin, or Shafi's arguments that the Arains' customary inheritance practices were sanctioned by the Quran, the Arain elites solidified their distinctive biradari identity by asserting their Muslim-ness. This same paradoxical dynamic animated the Arain Anjuman as well. Even when mid-century League politicians excoriated Punjabi Muslims for supporting candidates who belonged to their biradaris without regard to his/her ideological or party affiliation, the Anjuman continued to determine which Arain candidates would contest elections. While the League and its supporters sought to build a unified Muslim community in colonial Punjab and India, the Anjuman's regulatory activities sustained the Arain biradari as a political unit connected to, but also separate from, the broader Muslim community.

Thesis Statement

In this dissertation, I argue that the Arains' trajectory in colonial Punjab illuminates a paradoxical phenomenon wherein political efforts aimed at building a unified Muslim

community generated a space for the consolidation of Punjabi Muslims' biradari identities, which were often based on non-religious criteria such as shared occupation or common descent. Whether it was Muslim reformers promoting a return to the 'pure' Islam of the Prophet's time, or Muslim politicians urging their constituents to vote for the ideal Muslim nation-state of Pakistan, such universalizing ideological projects did not render social differences and hierarchies internal to Punjabi Muslims politically irrelevant. Instead, strident idealization of a politically homogenous Muslim community facilitated the re-articulation of Punjabi Muslims' biradari identities in Islamic terms by, for instance, claiming genealogical proximity to the sacred time and place of Islam's origin. For biradaris which had strengthened their socio-economic status through participation in colonial political and administrative structures, such appropriation of a deep Islamic past was an ascriptive technique of imparting historical depth to their Muslim self-image.

In the case of the Arains, claims of upward mobility were articulated through a literal writing of the biradari into the history of Islam, giving colonial Arains a genealogical history which connected them with Islam's origin and early expansion in South Asia. Concomitantly, the purported inherent Muslim-ness of Arains provided an ideological foundation for its privileged access to reformist Islamic piety and the incorporation of biradari-based mobilization into the broader universe of Indian Muslim political mobilization. Seeking room for itself in the idealized Muslim community envisioned by Muslim reformers and politicians, biradari became an effective and powerful unit of Arain mobilization in early twentieth century colonial Punjab. A group defined along lines of occupation and descent, then, consolidated its boundaries and social status through ardent claims of religious belonging and membership in the wider Muslim community.

Although the colonial state's understanding of India as a society composed of multiple religious communities shaped the structure of colonial politics, such repositioning of religious identity at the center of politics and Muslim leaders' adoption of a religious idiom for political mobilization did not erase or dilute the markers that set some Muslims apart from others. Indeed, erasure of differences was not the primary goal of Muslims' mobilization on religious grounds. Biradari identities, and the multiple intertwined notions of belonging these entailed, determined the social reality of Indian Muslims, as much as Hindus or Sikhs in Punjab. A biradari's identity was grounded in complex, long-standing structures of socio-economic control and political authority—a status which rarely altered on account of discursive claims alone. Urgent calls for reform of socio-religious practices and vociferous appeals for Pakistan were directed at Muslims who inhabited these complex collective identities and were situated within structures of colonial power and authority.

By focusing on the Arains of colonial Punjab, this dissertation will reveal and examine the processes through which vigorous claims of religious belonging solidified biradari-based differences in a political context shaped by colonial epistemology and the policies that emerged from them. The Arains offer a relatively rare instance of a Muslim community whose political self-image rested on multiple strands, each with its own history—a creative approach to the pursuit of reformist Islamic ideals built around an Arab genealogy, sustained collaboration with the colonial state and its policies, and, a political trajectory that encompassed mobilization as both Arains and Muslims. More than an opportunity for understanding the complex processes underlying the articulation of biradari identity in colonial Punjab, the Arains' story reveals the extent to which such collective identities, instead of being final, were historically dynamic, entailing near-continuous adaptation to changing political contexts.

Along with revealing the complexity of the relationship between biradari and religion, the Arains' political trajectory underscores the fact that the production of a new Arain identity in colonial Punjab was a historical process which encompassed complex interactions between the Arains' imagination of their collective identity on one hand, and the colonial state's ongoing documentations of it on the other.[40] In colonial Punjab, bureaucrat-ethnographers generated standardized images of Punjabi biradaris with the intention of organizing Punjabi society into neat, horizontal categories and vertical hierarchies. And colonial subjects produced self-images that rejected colonial representations of their communities by drawing upon selected elements of colonial epistemology as much as intellectual universes which transcended colonial authority. This phenomenon is evident in the case of the Arains. Anxiety about the Arains' origin and history, partly fueled by colonial investigations of Punjabi society, drove Jalandhari's research and the Arain elites who sponsored his work. Although notions of social inferiority attached to the Arain name and the profession of gardening persisted in turn-of-the-century Punjab, the discursive claim of Arab descent, encapsulated in Jalandhari's *Salim al-tavarikh,* came at a moment when many Arain landholders' wealth and position had been confirmed through participation in the colonial administration.

If colonial epistemology and law consolidated the economic and political power of zamindars, then shifts in colonial policies generated unexpected avenues for upward mobility and political expression in colonial Punjab. Late nineteenth-early twentieth century Punjab witnessed agrarian expansion, educational changes, urbanization and electoral reforms. In this

[40] To the extent that the Arains contested the colonial representations of their biradari and succeeded in changing them, as chapter one will discuss, my perspective is shaped by the research agenda outlined by Frederick Cooper and Ann Laura Stoler who emphasize the need to study imperialism as a process contingent not just on ideologies generated in the metropole but also by the ways in which imperial subjects negotiate and navigate them to their own advantage. See Frederick Cooper and Ann Laura Stoler, "Between Metropole and Colony: Rethinking a Research Agenda" in Cooper and Stoler, ed., *Tensions of Empire: Colonial Cultures in a Bourgeois World.* (Berkeley: University of California Press, 1997): 1-56.

context, the Arains sought to elevate their social status by rejecting colonial representations of their biradari and constructing an alternative image of themselves. Colonial policies, therefore, sustained the state's collaborationist political relationship with Punjabi agriculturalists but also produced perhaps unforeseen opportunities for colonial subjects to challenge the state.

The Arains' pre-colonial past, re-imagined in *Salim al-tavarikh,* was central to who the Arains had been, who they were and could become in colonial Punjab. To contest colonial descriptions of the Arains, Jalandhari took recourse to a range of intellectual and political resources that had a pre-colonial history—a remembered Islamic past, Islamic genealogy, reformist Islamic thought, and the Arains' contributions to the pre-colonial Mughal and Sikh administrations. In the hands of Arain elites seeking a place within the Muslim community, these elements took on a life of their own, shaping the relationship between biradari and religion in the representative politics of mid-twentieth century Punjab. If Jalandhari's Arains were Arab-descended Muslims who were ideal reform-minded agriculturalist allies of the colonial state, then for Arain politicians who supported the establishment of Pakistan in the mid-1940s, biradari identity was something to be shunned publicly in the interest of unifying Muslims, even as its political utility remained unchanged. Defined and redefined in course of these processes, Arains' political identity straddled biradari and religion precariously, making its content a site of contestation during the period covered in this dissertation.

Although Arain identity remained rooted in and relevant to colonial Punjab, it also retained the potential of becoming intelligible beyond colonial knowledge systems. If Jalandhari's documentation of Arain zamindars and educated professionals contested colonial representations of the biradari as market-gardeners, his reliance on a deep Islamic past and Arab genealogy to define Arains as martial Arab Muslims with a long history of proximity to political

power meant that his Arains could be contrasted with all non-Arains – in colonial Punjab, British India, or the *umma*. As chapter two will show, had his intention been merely to discredit the colonial representations of Arains, an account of their landownership and political positions would have been enough. But Jalandhari did not stop with ethnographic documentation of influential Arain landlords and educated professionals. Instead, he gave them a history—one that pre-dated British rule and reached into the origins of Islam. His attempt to write the Arains into Islamic history and underline their contributions to pre-colonial political regimes, while distinguishing them from non-Arain Muslims, infused his narrative with elements that transcended the Arains' historical location in colonial Punjab.

Historiographical contributions and chapter outline

This dissertation examines the intertwining of the Arains' biradari and religious identities in the three domains of reformist Islam, colonial personal law, and colonial representative politics, each of which has implications for a set of interlinked historiographical questions. Chapters one and two show that when Arain elites launched organized efforts aimed at their biradari's socio-religious reform during the early decades of the twentieth century, their creative approach toward ideal Islamic praxis rested on a purported Arab genealogy which set Arains apart from other Muslims. Arain elites' claims to an intrinsic Muslim-ness were voiced from the platform of a biradari anjuman, and their attempts at an Islamic refashioning were directed at the Arain biradari.

Chapter one begins with a socio-economic portrait of colonial Arains, and analyzes reform-minded Arain elites' mobilization against their military classification as non-martial during the 1890s—a moment which occasioned collective reflection on the nature and

component strands of Arain identity. Arain landholders of varied standing, many of whom had received land grants from Mughal and Sikh rulers and were now zaildars in the colonial administration, expressed the need for a uniform narrative of Arain identity which could counter contemporary representations of the biradari. By the 1910s, partly on account of their reformist inclinations, younger sons of Arain landholding families had embraced English education and become lawyers and pleaders. These reform-minded educated Arains with landowning backgrounds would lead the biradari's organized efforts for reformist reshaping and later, between the 1920s and the 1940s, its electoral participation. This historical moment, when Arain elites had acquired social influence and economic affluence, proved to be fertile ground for Jalandhari's narrative of the biradari's superior Arab descent. Chapter two examines Jalandhari's *Salim al-tavarikh* in which he offered an elaborate genealogical account of the biradari's past to represent colonial Arains as Arab-descended pious Muslims, who were intrinsically skilled warriors and cultivators, open to education and cooperation with the colonial state. Centered on challenging the colonial representation of Arains as kamin market-gardeners, *Salim al-tavarikh* was critical to the organization of the Arain Anjuman and its emphasis on socio-religious reform as a way of recovering the Arains' lost, but inherent, Muslim-ness.

As will become clear from these two chapters, Jalandhari's attempts to define the borders of Arain identity were in conversation with the colonial state and its developing perception of the Arains and Punjabi society, but also drew upon intellectual universes that transcended the colonial context he and his Arain supporters inhabited. A genealogical claim on 'pure' Islamic practices of the Prophet's time was meant to underline the Arains' inherent advantages as Muslims pursuing reformist Islamic ideals. At the same time, Arab descent also functioned as a boundary marker that determined who was an Arain and who was not. Such claims of foreign

descent, while not uncommon among colonial Muslims, represented the Arains as one among many reform-minded Muslim communities, and differentiated them from all non-Arain Muslims and non-Muslims simultaneously. The socio-economic profile, educational and professional accomplishments of colonial Arain elites functioned as the foundation on which Jalandhari rested his contestation of colonial portrayals of the biradari as lower-status market-gardeners and 'bad' Muslims.

Together these chapters afford re-examination of three historiographical issues. First, by tracing the Arains' organization in the Arain Anjuman, they reveal the political viability of biradari as a unit of political mobilization among Punjabi Muslims—a phenomenon largely overlooked in scholarly literature on Punjab. Although some research on the Jats has traced the political power of biradari loyalties, little is known about the Arains' political mobilization.[41] Second, I build on and depart from the vast literature which has revealed the diversity and complexity of reformist Islamic thought in colonial South Asia largely through a focus on Muslim reformers and reformist institutions.[42] I pay attention to the ways in which reform-minded elites belonging to a provincial cultivating community adapted well-known reformist Islamic ideals to suit the demands of their particular political context. Jalandhari's creative reinterpretation of customary inheritance as a Quranic practice, ideologically grounded in the

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[41] Prem Chowdhry, *Punjab Politics: The Role of Sir Chhotu Ram.* (New Delhi: Vikas Publishing, 1984) and Nonica Datta, *Forming An Identity: A Social History of the Jats.* (New Delhi: OUP, 1995). David Gilmartin has examined the phenomenon of biradari politics in colonial Punjab in an essay. See Gilmartin, "Biraderi and Bureaucracy: The Politics of Muslim Kinship Solidarity in Twentieth Century Punjab" *International Journal of Punjab Studies* 1.1 (Jan.-June, 1994): 1-29.

[42] Gail Minault, *Secluded Scholars*; Minault, trans., *Voices of Silence: English translation of Khwaja Altaf Hussain Hali's Majalis un-Nissa and Chup Ki Dad* (New Delhi: Chanakya, 1986); Metcalf, *Perfecting Women* and *Islamic Revival in British India;* David Lelyveld, *Aligarh's First Generation: Muslim Solidarity in British India*. (Princeton, NJ: Princeton University Press, 1978); Francis Robinson, *The Ulama of Farangi Mahall and Islamic Culture in South Asia*. London: C. Hurst and Company, 2001; Muhammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change.* (Princeton: Princeton University Press, 2002) and *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism.* (Cambridge, NY: CUP, 2012).

narrative of the Arains' Arab origin, illustrates this dynamic particularly well. The Arains' purported Arab origin provided an ideological basis for the biradari's claims to higher social status by connecting them to the early history of Islam without taking recourse to a Sayyid genealogy. Instead of the historiographically more familiar technique of Ashrafization,[43] whereby lower-status Muslims claim descent from the Prophet, Jalandhari gave the Arains an Arab origin which did not rest on a genealogical connection with the Prophet or his family. Rather, a narrative of descent from soldiers who had helped Muhammad bin Qasim conquer Sindh bestowed on colonial Arains the values accruing from superior birth (compared to other Muslims) and the exemplary pious conduct of ancestors who had brought Islam to South Asia.

Chapter three examines the ways in which the Arains' newly refashioned Muslim self intersected with colonial law which categorized Punjabi Muslims into agriculturalists who observed customary law and non-agriculturalists who adhered to religious personal law. The chapter analyzes the critical significance of colonial inheritance law for shaping Arain identity and determining the ways in which Arain elites negotiated their biradari's statutory agriculturalist status and their own reformist Islamic aspirations. It uncovers Arain elites' and litigants' divergent approaches toward the biradari's legal status as custom-observing agriculturalists. In this process, the chapter underlines the extent to which an Arab origin narrative facilitated Arain elites' reinterpretation of customary inheritance practices, even as elite expectations of the biradari's reformist refashioning had a limited impact on Arain litigants' self-representation in colonial courtrooms. In a context where Punjabi agriculturalists were subject to

[43] Ahmed, *Caste and Social Stratification Among Muslims in India*; Arthur F. Buehler, "Trends of Ashrafization in India" in Kazuo Morimoto, ed., *New Horizons in Islamic Studies Sayyids and Sharifs in Muslim Society* (Florence, KY, USA: Routledge, 2012), 231-46.

customary law instead of Muhammadan Law,[44] the Arains' recognition as an endogamous biradari altered the stakes for Arain disputants in inheritance cases, leading many Arain litigants to confirm their subjectivity to customary law, indirectly muddying the narrative of the biradari's 'pure' Arab-Muslim self-image. Questions about Arain identity and its legal features were central to such disputes. Whether it was Arain lawyers attempting to recast custom as Quranic, or Arain litigants identifying as custom-observing, endogamous agriculturalists in colonial courts, both scenarios entailed claims and counter-claims based on biradari identity, reinforcing the Arains' exclusiveness as a biradari in the process.

The political alliance between the colonial state and Punjabi zamindars is a standard and well-worn motif in the historiography of colonial Punjab. Reiterating the wide-ranging legal implications of this alliance, Chapter three offers a close look at its functioning from the perspective of colonial subjects who interacted with colonial institutions as lawyers and litigants. In this process, it underlines the extent to which both colonial inheritance law and Arain identity remained in a state of flux. Colonial judges constantly debated the nature and content of both custom and Arain identity, often berating colonial ethnographers for not documenting customs in enough detail. Furthermore, in contrast to recent scholarship which emphasizes the agency of

[44] I use the term 'Muhammadan Law' or 'Anglo-Muhammadan Law' to indicate Islamic law as enumerated and codified in British India. Although both the colonial state and colonial subjects conflated Muhammadan Law with Islamic Law/Sharia, there is much conceptual slippage among these terms. Anglo-Muhammadan Law or Muhammadan Law, as it developed historically in colonial India, privileged a textual approach toward Islamic law and overlooked the diversity of Islamic legal thought in general as well as Islamic legal practice. Assuming that classical Islamic texts reflected a law code applicable to all Muslims equally, British jurists selected some classical Hanafi legal texts and derived their version of 'Islamic Law' by interpreting, translating and publishing them as legal digests and textbooks. These included works by William H. Macnaghten, Neil B. E. Baillie, Roland Knyvet Wilson, Dinshah Fardunji Mulla, and Syed Ameer Ali. For an insightful reading of how the colonial state homogenized and simplified Islamic Law for administrative certainty, see Michael Anderson, "Islamic Law and the Colonial Encounter in British India" in David Arnold and Peter Robb, ed., *Institutions and Ideologies: A SOAS South Asia Reader.* (UK: Curzon Press, 1993): 165-85. Also see Scott Alan Kugle, "Framed, Blamed and Renamed: The Recasting of Islamic Jurisprudence in Colonial South Asia" *Modern Asian Studies* 35:2 (May 2001): 257-313.

elite educated Parsi lawyers in reshaping colonial law as it pertained to Parsis in British India,[45] this chapter demonstrates the limits of Arain lawyers' arguments about custom. Regardless of their pronouncements about 'Islamic' customs and their expectation that the progress of reformist ideas would eradicate customs and turn Arains into reform-minded Muslims who preferred Muhammadan Law, Arain litigants continued to adopt the language of custom for representing themselves in colonial courts.

Chapters four and five address the swiftly changing domain of colonial representative politics by focusing on Arain leaders' political visions, public careers, and party affiliations between the 1900s and the 1940s. These chapters show that biradari loyalty provided a powerful basis of political mobilization despite the colonial state's privileging of religious demographics as the basis of political representation and the League's campaign for Pakistan as the political fulfilment of an idealized, unified Indian Muslim community. Chapter four focuses on prominent Arain politicians from the Mian family who attempted to bridge biradari-based mobilization with the wider arena of Muslim politics primarily by asserting the Arains' Muslim self-image. Here, I analyze the ideological universe of Mian Muhammad Shafi and Mian Muhammad Shah Din (1868-1918), and the public careers of some women of the Mian family. These Arain politicians envisioned a political structure which could harness the overlapping, multiple loyalties of the Indian electorate, such as those based on biradari, through a hierarchical system of representation. In this political universe, biradari-based mobilization would be a building block of religious mobilization, so that Muslims mobilized on any grounds (and not religion alone) would contribute to the political consolidation of the Indian Muslim community as a whole. The

[45] Mitra Sharafi, *Law and Identity in Colonial South Asia: Parsi Legal Culture, 1772-1947.* (New York: CUP, 2014).

Arains' biradari identity and religious identity, as far as these leaders were concerned, did not undercut or contradict each other.

Turning to the arena of electoral politics in colonial Punjab, Chapter five analyzes the complex relationship between biradari-based mobilization and Muslim mobilization during the 1930s and the 1940s. The chapter reveals the endurance of biradari loyalty as a decisive electoral force during decades when the Muslim League articulated its goal of Pakistan and urged all Indian Muslims to support it as a symbol of their political unity. In exhorting Muslims to transcend their internal differences and unite in favor of Pakistan, League leaders relentlessly condemned biradari identity and loyalty as primitive and un-Islamic relics that Indian Muslims needed to rid themselves of, in the interests of building a cohesive political community. However, throughout the 1940s, League leaders wooed Punjabi landlords whose political power rested on the loyalty of their biradari members—a loyalty which translated into votes. The Arain Anjuman directed the Arains' electoral participation during these decades, maintaining the exclusivity of Arain mobilization and regulating the biradari's voting patterns by controlling the choice of Arain electoral candidates. Arain politicians, some of whom were also office-bearers in the Anjuman, joined different political parties. While many Arains supported the Unionist Party during this period, some Arain politcians drifted toward the League by the mid-1940s. Although political unanimity was rare in the biradari, electoral and party-based linkages integrated Arain politicians into the broader sphere of Muslim politics, while maintaining the Arains and the Arain Anjuman as bounded political units.

The League's resounding victory in the 1946 provincial elections further reinforced the efficacy of biradari-based mobilization. In an election which League politicians touted as the ultimate test of popular support for Pakistan, its candidates, instead of relying solely on the

ideological force of an ideal Muslim nation-state, exploited biradari loyalties to secure votes. Far from being blind to biradari identity, the League chose its candidates on the basis of the demographic distribution of biradaris in electoral constituencies. Once again, the project of building an ideal Muslim community, and efforts to claim a place within it, cemented the Arains' biradari identity. As the conclusion to this dissertation will show, biradaris continued to be powerful units of political mobilization and sources of electoral support in post-1947 Pakistani Punjab. In this context, the Arain biradari re-visited the question of its origins and re-articulated its history to suit the nationalist imagination of Pakistan as a Muslim nation-state.

While the story of the Unionist Party's entrenched status in colonial Punjab and the League's late forays into the province is well-known, a study of biradari-based mobilization which underlay the mid-century politics of both parties is still relatively novel terrain.[46] Chapters four and five reveal the endurance of biradaris as political entities in early twentieth century Punjab. Commitment to Pakistan as the ideal political expression of a unified Indian Muslim community did not erase or overcome biradari-based social hierarchies. Instead, support for the League and its ideal of Pakistan was mediated through biradari organizations, solidifying biradari identities in the process and giving them a formative place in the domain of representative politics. Even as Punjabi voters and politicians supported Pakistan, biradari identities and biradai-based mobilization remained entrenched in the social and political fabric of Punjab. The lasting presence of biradari identities in representative politics illuminates a political universe wherein Muslims were mobilized more as members of corporate groups (religious or biradari-based) than as individual political beings—a phenomenon Christopher Bayly has

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[46] Talbot, *Punjab and the Raj*; Gilmartin, *Empire and Islam*; N. G. Barrier, "Muslim Politics in the Punjab, 1870-1890" *Punjab Past and Present* 5 (1971): 84-127, "The Punjab Government and Communal Politics, 1870-1908" *The Journal of Asian Studies* 27: 3 (May, 1968): 523-539 and *The Punjab Alienation of Land Bill of 1900.*

described as colonial Indian leaders' adaptation of liberal political thought.[47] As these chapters demonstrate, in attempting to regulate the Arain electorate's voting behavior, the Anjuman operated as though the Arain biradari was a cohesive political entity, albeit one prone to occasional factionalism and dissensions.

Together, these chapters underscore two significant aspects of the Arains' story. First, by focusing on the Arains' political trajectory, the chapters illuminate the complexity of the relationship between biradari-based and religious mobilization in colonial Punjab. The tension between biradari and religion was at the heart of the Arains' project of self-refashioning, just as it remained central to electoral processes in mid-twentieth century Punjab. A constant push-and-pull between biradari and religion defined Arain elites' efforts to change colonial recruitment policy as much as their forays into electoral politics. Second, these chapters reveal the profound and formative ways in which the Arains relied on their religious self-image to articulate their biradari identity and navigate the colonial political landscape. In a seeming paradox, the Arains distanced themselves from other Muslims by claiming a specific kind of Muslim-ness available only to their biradari. At the same time, however, their Muslim identity enabled Arain leaders to develop common ground with reformist Islamic ideals and negotiate the biradari's place in Punjabi politics. In many ways, the rest of this dissertation explores this complex and conflicted relationship as it unfolded for the Arains of colonial Punjab.

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[47] Christopher A. Bayly, *Recovering Liberties: Indian Thought in the Age of Liberalism and Empire.* (Cambridge, England; New York: CUP, 2012).

CHAPTER 1

MAKING ARAINS MARTIAL: COLONIAL POLICY AND POLITICAL MOBILIZATION

In his note dated 1 April 1894, Captain Alexander Hamilton, a district recruiting officer, classified the Arains as a kamin, non-martial biradari of gardeners unsuitable for military service. Categorizing the Arains as one of the "inferior classes of Punjabi Muhammadans" alongside Kumhar, Dhobi, Kassai and Chuhra, he noted that they "…could not possibly as a body make good soldiers."[1] Hamilton's recommendation that Arains be excluded from the British Indian army relied on their generic association with market-gardening and vegetable-selling common in colonial ethnographies. According to the 'martial race' theory which dominated military recruitment in turn-of-the-century Punjab, only those Punjabi Muslims who belonged to biradaris of high social and political standing were worthy of recruitment. Access to employment in the army was, therefore, restricted by the selective logic of this theory.[2] Identification as a kamin, service-providing biradari brought the Arains' military recruitment to a halt. And as some Arain leaders noted, it also diminished their biradari's prestige among Punjabi agriculturalists.[3]

Hamilton's observations foregrounded the subject of the Arains' history and origins. The need for determining and elucidating their collective identity underlay the question of the Arains'

[1] Captain A. Hamilton, *Notes on Punjabi Muhammadans* as reproduced in Mushirul Hasan, ed. and intro., *Writing India: Colonial Ethnography in the Nineteenth Century.* (New Delhi: OUP, 2012). 145.
[2] Yong, *The Garrison State,* Ch. 2.
[3] Petition to Kitchener, Abdul Aziz Collection, Lahore. 1. I am grateful to David Gilmartin for sharing selected documents from this collection with me.

worthiness for battle. Although *Salim al-tavarikh* was published more than two decades later in 1919, Jalandhari's research, which he had been conducting since at least the late 1880s, now acquired vital political value.[4] His critique of the colonial representations of the Arains and his documentation of the biradari's history and contemporary socio-economic status became the basis for Arain leaders' contestation of this classification. His narrative of the Arains' Syrian-Arab stock, their martial ancestors who had conquered Sindh with Muhammad bin Qasim and settled in Punjab, and lists of Arain bureaucrats in the colonial administration later included in *Salim al-tavarikh*—all became evidence buttressing Arain leaders' argument that their biradari was not exclusively composed of gardeners and vegetable-vendors, but included many landowners and educated professionals. Proving their agriculturalist credentials and distancing themselves from kamin biradaris went a long way in asserting their martial identity. In other words, the need for a coherent critique of colonial ethnographic descriptions of the Arains had perhaps never been this urgent. And Jalandhari's research could not have been better suited for this purpose.

The educated elite of the Arain biradari used Jalandhari's research to contest the government's categorization of their biradari as kamin and non-martial. Led by landowners and lawyers well-versed in the language of the colonial administration, such as Shafi and Shah Din of the Baghbanpura Mian family, Arain leaders drafted a petition which argued that their biradari was descended from Muslim warriors who had conquered Sindh in the early eighth century. Elite mobilization for this short-term project occasioned other, more enduring, developments. In 1915, these leaders established Anjuman Raiyaan-i Hind (Arain Anjuman) in Lahore for the promotion of education and reform-minded socio-religious practices in the biradari. Such concerted efforts

[4] Chapter two will analyze *Salim al-tavarikh* in detail. Here, I am more concerned with Jalandhari's interaction with Arain elites and the biradari's political mobilization.

at creating and disseminating a single, coherent, historically-informed narrative image of the biradari tapped into multiple intellectual resources simultaneously. These resources included South Asian episodes in early Islamic history, colonial categories and knowledge systems, the Arain elites' historical relationships with pre-colonial South Asian political dynasties, and the reformist Islamic intellectual tradition.

Jalandhari's representation of the Arain biradari as a cohesive Muslim community came at a time when Sayyid Ahmad Khan, in spite of contemporary criticism of his modernist approach toward Islam, had emerged as a towering intellectual and leader of the educated elite among Indian Muslims.[5] Sayyid Ahmad once remarked that living together in one boarding house on the campus of the Muhammadan Anglo-Oriental College would shape Muslim students into a real, unified community. For him, such cohesion, transcending regional, linguistic, and cultural differences, was an expression of God's unity.[6] Shafi, president of the Arain Anjuman, was an active participant in the All-India Muhammadan Educational Conference (AIMEC), established by Sayyid Ahmad in 1886, and served as the president of its 1916 annual session. His cousin, Shah Din, was twice the president of the AIMEC, in 1894 and 1913. If Sayyid Ahmad Khan was part of the reformist intellectual lineage of Arain leaders, then how can we explain reform-minded Arain Muslim elites' endorsement of biradari-based mobilization? If mobilizing Muslims as one community and erasing the implications of their internal differences was a sacred act, then how can we understand efforts to mobilize Muslims along biradari lines by elites sympathetic to reformist Islam?

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[5] Christian W. Troll, *Sayyid Ahmad Khan: A Reinterpretation of Muslim Theology.* (New Delhi: Vikas, 1978): Ch. 1. For contemporary critique of Sayyid Ahmad Khan's religious and educational views, see 19-23.
[6] David Lelyveld, "Disenchantment at Aligarh: Islam and the Realm of the Secular in Late Nineteenth Century India" *Die Welt des Islams*, New Series, Bd. 22, Nr. 1/4 (1982). 99.

By the early twentieth century, Muslim leaders of British India, many of whom had been associated with Sayyid Ahmad's AIMEC until then, were beginning to realize the need for a separate organization for advocating Muslims' political interests. The colonial government's consideration of political reforms at this time raised the possibility of Indian representatives' inclusion in legislative councils. The imminence of this political change accentuated Muslim leaders' anxiety about establishing an organization that could, unlike the Aligarh-centric AIMEC, include representatives of all Indian Muslims. The All-India Muslim League, established in 1906, was in many ways a product of this realization. The presence of Muslim landowners, industrialists and merchants from areas outside of Aligarh and the United Provinces, especially Punjab and Bombay, addressed concerns about the League's representative character, especially when presenting itself to the colonial authorities as leaders of Indian Muslims.[7] At a time when the imminence of political representation fueled the formation of a political party with a better claim to representing Indian Muslims as a single unit than the AIMEC, how can we explain the creation of an anjuman advancing a Muslim biradari's specific political interests and communicating with the colonial state on its behalf?

Scholarly attention to the emergence of biradari identity as a unit of collective self-expression and political mobilization has been sporadic at best. Scholars of colonial Indian politics have examined biradari-based mobilization among the Hindu Jats of Punjab and the Muslim Momins of north India. While these analyses examine political mobilization among specific Hindu and Muslim biradaris, they do not interrogate the category of biradari as a historical phenomenon. For instance, Nonica Datta has demonstrated the ways in which the colonial state's identification of Jats as martial agriculturalists enabled their inclusion among the

[7] Faisal Devji, *Muslim Zion: Pakistan as a Political Idea.* (Cambridge, Mass.: Harvard University Press, 2013).

landowning elite who shared a mutually beneficial relationship with the colonial state. She examines nineteenth century narratives of Jat identity which relied on Hindu reformist movements, particularly the Arya Samaj, to construct a unified Hindu Jat identity. These developments facilitated the political mobilization of Hindu Jats under Sir Chhotu Ram's (1881-1945) All India Jat Mahasabha (established 1905). As agriculturalists invested in the colonial political structure, the Jats allied with the landlord-based Unionist Party (established 1923) led by Mian Fazl-i-Hussain—a cross-religious alliance based on shared economic interests that lasted until the mid-1940s under state patronage.[8]

Among South Asian Muslims, the Momins of north India have attracted some scholarly analysis. Colonial ethnographic representations of *julahas* (weavers) as illiterate bigots, their classification as low-caste Muslims, and the influence of reformist Islamic ideas shaped their political mobilization as Momins and the formation of the All India Momin Conference in 1928.[9] Among Punjabi Muslims, Arains, Awans and Gujjars also asserted their biradari identity by supporting reformist Islamic ideas and education. These biradari identities acquired political value during the middle decades of the twentieth century when limited electoral representation was introduced in colonial India. Arain leaders, for instance, relied on the geographic distribution and support of their biradari for staking claims to party tickets and electoral constituencies.[10] Belying the inconsistency of historiographical attention to this subject, political mobilization based on biradari identities, reinforced by religious ideologies and economic interests, shaped mid-twentieth century Punjabi politics in profound ways.

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[8] Datta, *Forming An Identity*; Prem Chowdhry, *Punjab Politics.*

[9] Vasanthi Raman, *Warp and the Weft: Community and Gender Identity among the Weavers of Banaras.* (New Delhi: Routledge, 2013), Ch. 2. Also see Nandini Gooptu, *The Politics of the Urban Poor in Early Twentieth Century India.* (Cambridge, England: CUP, 2004).

[10] David Gilmartin, "Biraderi and Bureaucracy" 8-14; Gilmartin, *Empire and Islam,* 89-95.

Relying partly on Arain and Jat cases, David Gilmartin contends that biradari offered colonial state's Punjabi subjects a unique site for collective political mobilization, one that was part of colonial ethnography but not completely absorbed within it. Largely because of biradari's inherent mutability and local variability, it remained a looser and seemingly more unstable category based on shifting social relationships and ritual gift exchange. This looseness made biradari a less attractive option for categorizing Punjabis, than the manufactured categories of agriculturalists and non-agriculturalists enunciated in the Punjab Alienation of Land Act of 1901. However, the variability of biradari as a category and its incomplete appropriation by colonial epistemology made it a politically potent site.

> Though biraderi fitted into the general structure of state reliance on local patrilineal kinship organisation, it defined a form of local solidarity that remained, to an important degree, bound up in local networks of reciprocal obligation and social contestation. Biraderi solidarity thus provided a vehicle for both accommodation *and* resistance by Punjabi villagers to the power of the increasingly bureaucratic colonial state. It linked landholding organisation to the state, but also defined an arena of on-going status and power negotiation and competition which was independent of it.[11] [Emphasis original]

Paralleling its complex relationship with colonial knowledge and religious identity, biradari identity lent itself to both contestation of and compliance with colonial ethnography and policies.

This chapter is in broad agreement with Gilmartin's understanding of the political purchase of biradari identity in early twentieth century Punjab. Arain elites' mobilization against their classification as kamin bears out his argument about the dual political potential of biradari identity. On the one hand, Jalandhari's petition rejected colonial representations of Arains by dissociating the biradari from markers of kamin, non-martial status in terms intelligible to the colonial state.[12] While Jalandhari did not contest the underlying principle of martial race theory,

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[11] David Gilmartin, "Biraderi and Bureaucracy," 7-8.

[12] After martial race theory had acquired official sanction in late nineteenth century India, the British Indian Army was reconstituted in 1892. The lower-caste Mahars of Bombay, who had been freely recruited into the Bombay Army, were now categorized as non-martial owing to their lower-caste status. Although they contested this

he and his Arain supporters did challenge the application of the 'non-martial' label to their biradari. Loss of martial status, tied as it was to landownership, was a blow to a biradari's social status and prestige. Jalandhari utilized a range of intellectual resources to build an alternative image of Arains – early Islamic history, Arains' history of economic and military accomplishments in South Asia, colonial Arains' educational and professional achievements. At the same time, he used selected elements of colonial epistemology and law to identify the Arains as a martial, agriculturalist, pious Muslim biradari. Constructed from both colonial and non-colonial forms of knowledge, Arain leaders used this counter-image of their biradari for mobilizing against the state's recruitment policy. In doing so, Arain leaders rejected parts of colonial ethnography and sought to reshape the state's perception of their biradari.

On the other hand, this resistance continued to rely on colonial ethnographic categories for facilitating the Arains' entry into the colonial military structure. Throughout this campaign, Arain leaders negotiated the corridors of colonial bureaucracy without directly challenging colonial authority. Engaging the colonial state as representatives of the Arains articulating Arain identity and interests, Arain elites' conversation with the colonial administration occurred through strictly constitutionalist means, and was defined by loyalist lobbying of colonial bureaucrats. Even as Arain elites contested the state's understanding of their biradari, they reiterated their faith in the colonial administration's capability to address their concerns. In critiquing processes and outcomes of colonial knowledge production and altering the colonial state's understanding of Arain identity, they sought an accommodation with the colonial state and a place for their biradari within its political and military structure.

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characterization by claiming that they were descended from the traditional warrior (ksatriya) varna, they were unsuccessful in changing their military classification. Unlike the Mahars, the Arains' protest of their non-martial classification was successful. See Philip Constable, "The Marginalization of a Dalit Martial Race in Late Nineteenth- and Early Twentieth-Century Western India" *The Journal of Asian Studies* 60: 2 (May 2001): 439-478.

This chapter will discuss Arain elites' protracted campaign to overturn this undesirable military classification to demonstrate that for Arain leaders, this unforeseen development underscored the potential value of Jalandhari's research for mobilizing their biradari as a political unit. Section one of this chapter will provide a socio-economic profile of the Arains to contextualize the biradari's mobilization around the issue of their military classification. Section two will discuss the story of Arain elites' mobilization against their classification as kamin, establishment of the Arain Anjuman and Arain newsletters. It will show how selected elements of Jalandhari's arguments cohered into a counter-narrative which attempted to dissociate the Arains' from vegetable cultivation and underlined their martial ancestry. Section three will analyze the nature of the Arains' engagement with the colonial administration, their political strategy, and the implications of biradari-based mobilization for contemporaneous Indian Muslim mobilization.

Arains of Colonial Punjab

In his seminal report on the 1881 Census, Denzil Ibbetson classified Arains as a "minor landowning and agricultural" Muslim community alongside Kambohs and Sainis—all socially inferior to large landowning biradaris such as Jats and Rajputs, but superior to *kamin* service-providers such as Chamar and Kumhar.[13] However, the generic colonial ethnographic representation of Arains was that of small-scale farmers and market-gardeners who cultivated vegetables, sold their produce in village markets or cities, and were known for their exceptional skill at eking out a living from the smallest parcel of land. The 1883 gazetteer of Lahore district described Arains as

[13] Denzil Ibbetson, *Report on the Census of the Panjab,* vol. 1, 265.

> …most laborious cultivators…well described as market gardeners. They are seldom or never found located where the soil is bad or irrigation difficult…Manure is largely used by them, and garden produce of all kinds thrives under their hands. They are much sought after as tenants, and appear a most orderly, quiet and inoffensive set of men. They own some 90 villages in this district, and cultivate in many others.[14]

Ownership of ninety villages notwithstanding, Ibbetson speculated that it was the use of night-soil as manure that led Jats and Rajputs to look down upon Arains and the cultivation of vegetables.[15] While some district gazetteers called Arains "the great market-gardeners" and "most industrious and careful cultivators,"[16] others commented on their inferiority to Jats.

> …They [Arains] are generally small, wiry men capable of a great deal of labour. As cultivators they rival the Hindu Jats, but are inferior to the latter in intellect. An *Araien* will support himself and his family on a very minute area of irrigated land, on which no one else could possibly exist; but as the owner of a large holding he is less successful than the Jat, and does not seem to have the power of managing a farm.[17]

Ibbetson acknowledged the existence of a socio-economic hierarchy among Arains when he noted that they were "admirable cultivators, skillful and industrious, but like all vegetable growers, of low standing among cultivating classes. Where, however, they are found in very large numbers, their position is higher as they are general cultivators rather than market gardeners."[18] But the acknowledgement of socio-economic diversity among the Arains did not undermine the generic association of the biradari with small-scale market-gardening which, in the Act of 1901, contributed to Arains' official classification as one of Punjab's agriculturalists.

The image of Arains as hardworking market-gardeners exploiting their land and family labor persisted till the mid-twentieth century. Features such as industriousness and exceptional

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[14] *Gazetteer of the Lahore District, 1883-84* (Lahore: Sang-e-Meel Publications, 1989): 68.
[15] Ibbetson, *Report on the Census*, vol. 1, 265.
[16] *Gazetteer of the Hoshiarpur District, 1883*-4 (Lahore: Civil and Military Gazette Press, n.d.), 61.
[17] T. Gordon Walker, *Panjab Customary Law Vol. 5, The Customary Law of the Ludhiana District* (Calcutta: Calcutta Central Press Company Limited, 1885), 10-11.
[18] Ibbetson, *Report on the Census,* vol. 1, 267.

agricultural talent became almost synonymous with Arains. Calling an Arain "the prince of market-gardeners,"[19] Malcolm Darling, civil servant and prolific chronicler of changes in the Punjabi countryside, wrote

> For sheer ant-like industry there is no one in the Punjab to touch the Arain.…Though often a farmer, he is by tradition and instinct a market-gardener….'For cattle,' says the proverb, 'give me the cow, and for a cultivator, give me the Arain.'…too humble in origin to trouble himself like the Jat about the social disabilities of market-gardening, he pushes the cultivation of tobacco and vegetables almost beyond its economic limit….Content with a low standard of living…To feed and clothe his family, and if possible acquire more land for his many sons is his only ambition….[He has] a physique much less sturdy than that of the Jat and a mind as narrow as the plots he cultivates. He is too absorbed in his work to have any of the Jat's flair for making money…. More accustomed, too, to serve than to rule, he is peculiarly susceptible to the influence of his social superiors.[20]

The picture of Arain women's labor complemented this image of Arain men diligently cultivating their small vegetable patches. Ibbetson noted that the women of minor agricultural communities such as Kambohs, Arains and Sainis regularly worked in the fields, whereas the more affluent among them kept their women away from cultivation.[21] Darling noted in much the same vein.

> The women of the Arains…carry in the fodder for the cattle, spread the manure on the fields, help with the reaping, and even drive the bullocks at the well….they take their unweaned children to the fields and nurse them in the intervals of their work. And in addition to everything else, many sell the vegetables that their husbands grow. These women are nicknamed 'khari-chak' or carriers of the basket (khari), for poising a basket of vegetables on their heads they go to town or village and hawk them from shop to shop or door to door.[22]

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[19] Malcolm Lyall Darling, *The Punjab Peasant in Prosperity and Debt* (London; New York; Bombay: Oxford University Press, 1928), 123.
[20] Darling, *The Punjab Peasant*, 45-46.
[21] Ibbetson, *Report on the Census*, vol. 1, 387.
[22] Malcolm Lyall Darling, *Rusticus Loquitur or The Old Light and The New in the Punjab Village* (London; New York; Bombay: Oxford University Press, 1930), 51.

Reiterating the common image of Arain women as cultivating and selling vegetables in this way, Darling also underlined the continued social stigma attached to this occupation when he reported that many Rajputs, even when in financial distress, refused to do this lowly job.[23]

Although the dominant image of the Arains in colonial ethnographic literature was that of industrious market-gardeners skilled at intensive cultivation of small plots of land, colonial documentation of landholding patterns revealed that, in many parts of Punjab, Arains were not small-scale vegetable-sellers. Instead of solely cultivating and selling vegetables, Arain farmers in many districts of the province were landed proprietors, hereditary tenants, and tenants-at-will, confirming the overall image of the biradari as a predominantly agricultural one, albeit a more heterogeneous one than the traditional association with market-gardening suggested. While the Arains' estate sizes varied across the province, and nowhere in Punjab did Arains own more land than Jats, many Arain farmers were landowners of enough standing to become zaildars. Ironically, then, official documentation of Arains' landholding pattern contradicted the colonial ethnographic representation of the biradari's socio-economic status.

The Arain biradari comprised approximately a million people in turn-of-the-century Punjab. Although decennial censuses recorded a steady increase in their population between 1881 and 1921, the Arains did not surpass Jats and Rajputs demographically in colonial Punjab. The Census of 1881 put the Arains' population in Punjab at 800,041 which was 6.6% of the province's Muslim population and 3.5% of its total recorded population, with the districts of Jalandhar and Lahore containing the highest Arain concentration.[24] By 1901, the biradari

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[23] Darling, *Rusticus Loquitur*, 7

[24] Ibbetson, *Report on the Census,* 266. Jalandhar District contained 123,323 Arains, while Lahore district had 94964 Arains. The total population of Punjab stood at 22,712,120 with 11,662,434 Muslims. See Ibbetson, *Report on the Census of the Punjab taken on the 17th of February 1881.* Vol. 2 (Lahore: Superintendent of the Central Gaol Press, 1883). Tables I and III. Other districts with substantial Arain presence included Sailkot, Ferozepore, Amrisar

comprised just over a million people, but remained most thickly concentrated in Jalandhar and Lahore districts, with a substantial presence in the newly-instituted Chenab Colony. Their total population stood at 1,007,000, which amounted to about 8.3% of the province's Muslim population and a little over 4% of its total population.[25] By 1921, Arains' share in Punjab's population had increased to approximately 5.3%.[26]

The Arains' influence as landowners and zaildars was especially visible in the Jalandhar district where members of the biradari held about 15% of the land as proprietors and tenants and paid one-seventh of the revenue.[27] Along with the Jats, they owned land in the Nakodar-Phillaur area, where most farmers were owner-cultivators.[28] Nakodar tehsil was an Arain stronghold[29] where they, despite outnumbering Jats demographically, owned 33% of the land, compared to Jats' 39%. Arain villages dotted Jalandhar and Nawanshahr tehsils, and in Phillaur, Arains lived in Phillaur Town, Talwan and Nurmahal. From Nakodar to Jalandhar Town, there existed a near-continuous strip of Arain population. W. E. Purser, the author of Jalandhar district's settlement report, noted that while Arains were traditionally associated with market-gardening, this representation was not accurate in Jalandhar of the 1890s where Arains equaled Jats in large estate farming and surpassed them in intensive cultivation. The fact that at least eight zails in

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and Ambala. Also see Sayyid Muhammad Latif, *Lahore: its history, architectural remains and antiquities with an account of its modern institutions, inhabitants, their trade, customs, & c.* (Lahore: New Imperial Press, 1892): 259.

[25] Punjab's total population in 1901 was 24,754,737 of whom 12,183,345 were Muslims. See *IGI,* vol. 20, 279, 288-89. According to 1901 census figures published in *IGI*, vol. 16, p. 98, they formed about 17.8% of Lahore's Muslim population. For district-wise distribution of Arains, see Table XIII, parts IA and IIA in *Census of India 1901,* vol. 17, part II. There were about 143,472 Arains in Jalandhar and 127,688 in Lahore, with substantial numbers in the Chenab Colony, Ferozepore, Ambala, Amritsar, Sialkot, Gurdaspur and Hoshiarpur.

[26] J. T. Marten, *Census of India, 1921,* v. 1, part II, 40, 43, 162. See Tables VI and XIII. Arains numbered 1,093,116 persons in Punjab's total population of 20,685,024. The next Census, of 1941, did not carry a caste-wise distribution of Punjab's population, confining itself to distribution based on religion alone. See Khan Bahadur Sheikh Fazl-i-Ilahi, *Census of India, 1941*, vol. 6. (Delhi: Government Publication, 1941). See Appendix I of this dissertation.

[27] W. E. Purser, *Final Report on the Revised Settlement of the Jullundhur District in the Punjab.* (Lahore: Civil and Military Gazette Press, 1892): 2. Jalandhari also listed two villages in Jalandhar district where Arains held land: in Ghazipur be-chirag as landowners and in Doghadi as tenants. *Salim al-tavarikh,* 157.

[28] Purser, *Final Report on the Revised Settlement of the Jullundhur District,* 6-7.

[29] *Gazetteer of the Jalandhar District 1883-4.* (Lahore: Arya Press, 1884): 25

Jalandhar district had Arain zaildars endorsed this image of the Arains as substantial landowners.[30] Further, a substantial number of the Arains lived in Jalandhar Town where they had purchased property periodically.[31]

In Lahore district, the Arains were one of the principal landowning biradaris, alongside Jats and Rajputs.[32] They held land in all four tehsils of the district, dominating Jats and Rajputs in some zails. For instance, the Arains were the dominant agricultural biradari in Mazang and Mian Mir zails of Lahore tehsil, Sharakpur zail of Sharakpur tehsil, Burj Kalan and Sultan Shahwala zails of Kasur tehsil.[33] By the 1890s, Arains and Labanas held 10% of the land in Lahore district, sharing one-fifth of the Sharakpur tehsil and a little less than one-third of cultivated land in Kasur and Chunian tehsils. At the same time, however, a large proportion of tenants-at-will were Arains who did not own enough land to subsist as proprietors alone.[34] In the Lahore zail of Lahore district, where the Arains had been the largest landholders until the 1880s, almost one-third of the Arain landowners had either sold or mortgaged their land by the early 1890s. Many Arain cultivators in this area were in debt, with some having sold their land to urban buyers and moved to Lahore city in search of wage labor. Colonial officials noted that this was largely due to subdivision of landholdings and population pressure, although some believed that Punjabi farmers' habitual extravagance had contributed to their impoverishment. At the

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[30] Purser, *Final Report on the Revised Settlement of the Jullundhur District,* 82. Appendix IX in this report lists the following Arain zaildars: Kutba, zaildar of Kot Badal Khan, zail of 18 villages; Ghulam Nabi, Arain of Phillaur, zail of 23 villages; Ahmad Bakhsh, Arain of Dherian, zail of 15 villages; Abdul Rahman, Arain of Talwandi Bharon, zail of 17 villages; Umra, Arain of Kili, zail of 23 villages; Faiz Bakhsh, Arain of Nangal Anbiya, zail of 16 villages; Shahab Din, Arain of Parjian Kalan, zail of 14 villages; Ali Muhammad, Arain of Madahpur, zail of 26 villages. The 1883 gazetteer of Jalandhar district lists the following zails with Arain zaildars: Nangal Anbiya of 34 villages, Parjiya Kalan of 17 villages, Dherian of 14 villages, and Bakhsha of 8 villages in Nawanshahr tehsil; Kili of 20 villages, Mahatpur of 23 villages, and Madahpur of 28 villages in Nakodar tehsil; and, Phillaur zail of 22 villages in Phillaur tehsil. See *Gazetteer of the Jalandhar District 1883-4,* 37-9.
[31] *Gazetteer of the Jalandhar District 1883-4,* 66.
[32] *Gazetteer of the Lahore District 1883-4.* (Lahore: Sang-e-meel, 1989): 65, 68.
[33] *Gazetteer of the Lahore District 1883-4,* 77-78.
[34] G. C. Walker, *Final Report on the Revision of the Settlement of Lahore District.* (Lahore: Civil and Military Gazette Press, 1894): 24, 50.

same time, wealthy individuals who purchased this land from poor farmers did so not just as a financial investment, but as a means of acquiring the social status associated with landownership.[35]

The Arains held land as proprietors and tenants in other districts of Punjab as well. In Ferozepore district, where Arains formed a substantial part of the rural population, they were small-scale landed proprietors in parts of Zira and Ferozepore tehsils. Although many of them were proprietor-cultivators, the biradari as a whole was plagued by indebtedness resulting from population pressure and subdivision of estates.[36] In Hoshiarpur district, Arain villages existed in Dasua tehsil where many Arains were proprietors. While the biradari was known for vegetable-cultivation, and some Arains were small-scale market-gardeners, they co-existed with Arain proprietors who owned and farmed large estates.[37] By the 1910s, Arain proprietors owned approximately 13,097 acres of land in Dasua, Hoshiarpur, and Garhshankar tehsils—a number which placed them in the middle of the landholding hierarchy, much below Jats and Rajputs but on a near-equal footing with Awan and Pathan landholders in the district.[38] In the Ambala district, where Jats and Muslim Rajputs were the dominant agriculturalists, Arains were, once again, a middle-ranking agriculturalist group consisted of cultivating-proprietors, non-cultivating

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[35] Walker, *Final Report on the Revision of the Settlement of Lahore District*, 58-60.

[36] Financial Commissioner's Review of the Revised Settlement Report of the Northern Part of the Ferozepore District in E. B. Francis, *Final Report on the Revision of Settlement (1884-1889) of the Northern Part of the Ferozepore District in the Punjab.* (Lahore: Civil and Military Gazette Press, 1890): 3. The 1881 Census recorded 51,043 Arains in the district which rose to 64,703 in 1901, making Ferozepore the district with the fifth-largest Arain population in the province. See Ibbetson, *Report on the Census of the Punjab,* vol. 1, 266 and *Census of India 1881,* vol. 17, p. II, Table XIII.

[37] *Gazetteer of the Hoshiarpur District 1883-4.* (Lahore: Civil and Military Gazette Press, n.d.): 55, 61, 151. Arains were landowners in villages Khokhran Bechirag, Pindori Araiyan, Baghpur and Walamwal, and tenants in village Ajdam of Hoshiarpur district. *Salim al-tavarikh,* 157. On 68, the Hoshiarpur Gazetteer also mentions Ilahi Bakhsh, an Arain zaildar in Hoshiarpur tehsil, who was responsible for a zail of 17 villages otherwise dominated by Jats and Rajputs.

[38] R. Humphreys, *Final Report of the Second Revised Settlement 1910-1914 of the Hoshiarpur District.* (Lahore: Superintendent Government Printing, 1915): 7. Arains owned 8289 acres in Dasoya tehsil, 4164 acres in Hoshiarpur tehsil, and 644 acres in Garhshankar tehsil.

proprietors and non-proprietor cultivators in Rupar, Khurrur and Naraingarh tehsils.[39] The Arains maintained a similar middle-ranked status in Sialkot district as well. They populated 43 villages spread over 13,014 acres of land farmed by 2257 proprietors and 4963 cultivators. Their landholdings were comparable in size to Awans in the district, but much lower than Rajputs and Jats and higher than that of Gujars and Sayads.[40]

The opening of canal colony lands in various districts of Punjab also benefitted the Arains, particularly after the Punjab Alienation of Land Act of 1901 recognized them legally as agriculturalists. In the lands made available for cultivation through the construction of irritation canals, the government settled agriculturalists groups understood to be traditionally skilled at cultivation. Since the 1880s, colonial district gazetteers had recorded Arains as landed proprietors in the Multan and Montgomery districts, where several canal colonies were later located. In Multan district, the Arains were substantial landowners, owning a number of villages in Mailsi, Multan and Lodhran tehsils. Like in Jalandhar, Arain landowners were zaildars as well, and the biradari was considered equal in status with other agriculturalist biradaris.[41] In Montgomery, Arain farmers populated villages in Gugera and Dipalpur tehsils, and were prominent agriculturalists in various zails of Dipalpur tehsil.[42] The colonial perception of the Arains as industrious intensive farmers, reinforced by their official agriculturalist status, enabled

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[39] P. S. Melvill, *Report on the Revised Settlement of the Northern Pargunahs and some other portions of the District of Ambala.* (Lahore: Chronicle Press, 1859): 4, Appendix VII. According to Appendix VII, Arains predominated in the Rupar and Kharar tehsils more than in Naraingarh. In total, the district contained 640 Arain cultivating-proprietors, 84 Arain non-cultivating proprietors and 248 Arain non-proprietor cultivators.
[40] *Gazetteer of the Sialkot District 1883-84.* (Lahore: Civil and Military Gazette Press, n.d.): 43, 51-52.
[41] *Gazetteer of the Mooltan District 1883-84.* (Lahore: Arya Press, 1884): 65. The gazetteer listed the following Arain men of influence: Sardar Muhammad of Kikri in Mailsi and Nur Muhammad Jailah in Lodhran, and Hasan Bakhsh of Jallah in Mailsi, and Mulla Isa of Kabirpur near Multan. The first two were zaildars while Mulla Isa was "a man of very considerable influence, owing to his personal character."
[42] *Gazetteer of the Montgomery District 1883-84*. (Lahore: Arya Press, 1884): 68, 82-84. Arains were one of the dominant biradaris in Hujra, Shahpur, Basirpur, Haveli, Imli Moti zails of Dipalpur tehsil and Malka Hans zail of Pakpattan tehsil. However, the district only had one Arain zaildar.

the biradari to become the second largest recipients of canal colony lands after the Jats by the 1920s. The Arains received lands in the colonies of Sohag Para in Montgomery district, Sidhnai in Multan district, Lower Bari Doab and Nili Bar in Multan and Montgomery districts, Chunian in Lahore District, and Chenab which was spread across Gujranwala, Jhang, Lyallpur, Lahore and Sheikhupura districts.[43] By the mid-1920s, in the Jhang and Gugera circles of Lyallpur district, Arain proprietors held about 13% of the cultivated acreage, second only to Jats in the area, with Arain farmers predominating in the Toba Tek Singh tehsil.[44]

While colonial documentation of the Arains' landholding patterns contradicted the stereotypical ethnographic representation of an Arain farmer as a vegetable-seller, the co-existence of these divergent images illuminated the biradari's internal socio-economic hierarchy and heterogeneity. Colonial descriptions of the Arains as landowners as well as market-gardeners suggested that the biradari was predominantly agricultural, although not a homogenous one. The Arain elites who contested the biradari's classification as non-martial kamin also highlighted the Arains' internal heterogeneity, emphasizing that the biradari was not composed exclusively of market-gardeners. In terms of estate size, however, their ranking in-between large landowners and kamin biradaris remained consistent in colonial records. In spite of a disjuncture between ethnographic descriptions of the Arains as vegetable-vendors and other official records documenting them as substantial landholders, the Act of 1901 classified Arains as rural, custom-observing agriculturalists on account of their consistent association with agriculture.

The emergence of English-educated Arain professionals in early twentieth century Punjab further reinforced the biradari's internal socio-economic diversity. Belonging often to landed

[43] Imran Ali, *The Punjab Under Imperialism: 1885-1947.* (Princeton, NJ: Princeton University Press, 1988). Ch. 2, especially 43-61.
[44] J. D. Penny, *Final Settlement Report of the Jhang and Gugera Branch Circles of the Lyallpur District.* (Lahore: Government Printing, 1924): 9-10.

families, these professionals lived and worked in cities, where they often owned property and gained considerable influence in intellectual and political circles. By the early decades of the twentieth century, some wealthy Arain families, such as the Mian family of Baghbanpura and the Katarbandh family of Lahore, had begun to gain social recognition on account of their ancestral wealth and professional accomplishments. The Baghbanpura Mians had retained their rural agrarian connections while gaining visibility in the political world of Lahore City. The family's earliest known ancestor, Muhammad Ishaq, had established their ancestral village of Ishaqpur. Muhammad Yusuf, also known as Mian Mangu, Ishaq's fourth lineal descendant, gave up Ishaqpur for the construction of Lahore's famous Shalimar Garden during the reign of the Mughal Emperor Shah Jahan (r. 1628-58). In return for their village, the family received land for settling the new village of Baghbanpura as well as the hereditary custodianship of the Garden built on their ancestral land. Maulvi Qadir Bakhsh, the sixth lineal descendant of Muhammad Yusuf, was a well-known poet and an expert in gunnery and medicine during Ranjit Singh's reign. Men of subsequent generations in the family became pleaders, revenue officials, and lawyers, along with maintaining their landholdings. Mian Nabi Bakhsh, another member of the family who had inherited the custodianship of Shalimar Gardens, received land grants in reward for his support to the East India Company during the 1857 rebellion. His son, Mian Jalal al-Din, retained the custodianship of Shalimar Garden and was the zaildar of Baghbanpura during the 1890s. Mian Shah Din, well-known poet, lawyer and the first Muslim judge of the Punjab Chief Court, was Maulvi Qadir Bakhsh's grandson. His cousin, Mian Muhammad Shafi, eminent lawyer and politician, was descended from a parallel patriline within the family.[45]

[45] Latif, *Lahore,* 344-45 *and Salim al-tavarikh,* 518-19. See Appendix II of this dissertation for the Mian family's genealogy. Also see David Gilmartin, *Empire and Islam,* 89-95.

The Katarbandh family of Lahore was another prominent Arain family in turn-of-the-century Punjab. Like the Mian family's ancestors, men of this family too were landowners who had served Mughal and Sikh rulers. Under British authority, their descendants retained their landholdings and joined the colonial administration. Mian Imam Bakhsh and his son, Mian Allah Bakhsh, both served as zaildars. Allah Bakhsh's son, Mian Ahmad Bakhsh, was Jalandhari's contemporary, and a zaildar and honorary magistrate of Lahore.[46] Although the traditional association of the Arains with market-gardening continued to dominate colonial-era representations of the biradari, these Arain families had long surpassed the socio-economic implications of small-scale cultivation.

Across periods of Mughal, Sikh and colonial rule in Punjab, these Arain families had maintained their socio-economic status as landowners. Collaboration with sovereign rulers and participation in their administrations appears to have been the primary method through which these families acquired and consolidated their landholdings. Under colonial rule, they occupied administrative positions such as that of zaildar on account of their status as landowners. Throughout the 1910s and 1920s, even as Shafi's and Shah Din's professional and political commitments took them to Lahore and other cities, their families maintained the ancestral property in Baghbanpura. Men of the Katarbandh family remained prominent in the Lahore-based Arain Anjuman. A concurrent proximity with rural life and agriculture on one hand, and structures of political authority (pre-colonial and colonial) on the other, characterized these elite Arain families. Late nineteenth century urbanization expanded the limits of Lahore City and turned hitherto rural areas, such as Baghbanpura, into suburban ones.[47] As a result of these socio-

[46] *Salim al-tavarikh,* 513-4.
[47] William J. Glover, *Making Lahore Modern: Constructing and Imagining a Colonial City.* (Minneapolis: University of Minnesota Press, 2008).

economic changes, the Arains of early twentieth century Punjab had become a heterogeneous, although largely agrarian, community of small and large-scale landowners, educated professionals, revenue administrators and bureaucrats.

When Hamilton classified the Arains as non-martial kamins, he effectively labeled the biradari as a service-providing community with little or no standing as landowners. This classification contradicted not just official documentation of the Arains' landownership, but also the self-image of educated and wealthy Arain elites. The Act of 1901 classified the Arains as a rural, custom-observing, agriculturalist biradari—one among the privileged provincial allies of the colonial state. Classification as kamin sat ill at ease with their newly-acquired statutory agriculturalist status. More importantly for purposes of Arain mobilization, classification as non-martial placed their landownership in doubt and closed a relatively lucrative avenue of steady employment and social prestige for the biradari. It was no surprise, then, that Hamilton's categorization of the Arains as non-martial kamin spurred Arain elites' mobilization around an issue which potentially affected the whole biradari.

Although the Arain Anjuman was led by wealthy and educated elites such as the Mian family, the campaign to overturn the biradari's military classification would enable the recruitment of any Arain man, regardless of his socio-economic status, into the British Indian army. The prospective advantages of military recruitment, such as steady cash income, prestige of military service, and a place in the colonial administration, facilitated the elite-led mobilization of the Arains as a single unit in spite of internal stratification along social, economic and educational axes. In attempting to prove the Arains' suitability for military recruitment, Arain elites argued against the biradari's stereotypical association with market-gardening by drawing upon colonial documentation of Arain landowners and zaildars on one

hand, and emphasizing the existence of educated professionals in the biradari on the other. In highlighting these features, they attempted to recast the Arains as an important agriculturalist community with martial Arab ancestors and educationally progressive colonial-era leaders.

The image of the Arains as a biradari of landholders, professionals, administrators, and bureaucrats was significant also because it straddled the two colonial categories of urban non-agriculturalists and rural agriculturalists set up by the Act of 1901. Although the Arains were legally classified as rural agriculturalists under the terms of this Act, their economic and educational status, as articulated by Arain elites, aligned better with that of a biradari with rural agrarian roots as well as a rising urban presence.[48] The Arain elites' articulation of their biradari identity, partly in response to Hamilton's arguments, rested on multiple elements, ranging from landownership, education, claims to an Arab descent, religion, participation in the colonial administration, and co-existence of urban and rural socio-economic connections. And the campaign against their classification as non-martial kamin occasioned the production of a single origin narrative which could encompass these multiple, diverse markers of Arain identity.

Arain elites, biradari history and military recruitment

Arain leaders had begun to express an interest in the subject of biradari history since at least the 1890s. On 4 April 1896, Arain leaders from Delhi, Lahore, Karnal and Jalandhar met at Munshi Muhammad Bakhsh's residence in Jalandhar to raise funds for research on this subject.[49]

[48] Gilmartin, *Empire and Islam,* 89-95.
[49] Jalandhari claims that this was the first biradari meeting held to discuss the question of Arain history. Ali Asgghar Chaudhary, however, claims that the first Arain meeting was held at Munshi Nabi Bakhsh Nayab's residence in Nakodar, Jalandhar district. Nayaab was a poet, municipal commissioner and head of the Panchayati Board of Nakodar. *Salim al-tavarikh,* preface and Ali Asghar Chaudhary, *Mujahid-i-azam muhammad bin qasim ke rafaqa yani shaami mujahidin ke halat par mushtamil tarikh-i-araiyan.* Fourth Edition (Lahore: Ilmi Kutub Khanah, 1977): 564-5. Hereafter AAC.

Attendees included Khan Sahab Mehar Nizam al-Din, Subedar-Major Mian Ghulam Hussain, Maulvi Muhammad Ibrahim, Nambardar of Karnal, and Honorary Magistrate Sardar Nur Muhammad (d. 1912) of Ganjah Kalan Lahore. Even though their efforts yielded limited results, interest in the matter persisted. Throughout the 1890s and 1900s, Arain leaders such as Mian Muhammad Shafi and Malik Taj al-Din organized informal gatherings to discuss the biradari's reform and its future in British India. In two meetings held at Lahore and Mazang in August 1897, Arain leaders determined that genealogies preserved by *mirasis* lacked accuracy beyond the contemporary period, because often at the behest of their patrons, they indiscriminately attached a patron's family with the lineage of his choice. Jalandhari presented his own findings to biradari leaders at a subsequent meeting held in Baghbanpura in September 1898. Partly with the support of Shafi and his family, Arain leaders organized meetings aimed at bringing together local Arain leaders in various towns and cities of Punjab over the next few years.[50] At Ferozepore in 1898, Sardar Nur Muhammad presided over another meeting of Arain leaders from Ferozepore and Lahore districts who included Mian Jalal al-Din, Mian Shah Din, and other Arain men from Lahore. Speaking at this meeting, Sardar Nur Muhammad emphasized the need to organize the biradari, encourage the Arains to reduce expenditure on weddings and other festivals, and observe all rituals frugally. He reiterated the need for encouraging Arains' education and reforming their socio-religious practices during another Arain conference held in Jalandhar in 1903.[51]

The Arains who led these reform-minded efforts were elite men of wealth, education and position. Their affluence and influence came from landownership, service in the colonial administration, education, and professional service. In addition to owning land, many of them

[50] *Salim al-tavarikh,* preface. Also see AAC, 510-11, 605.
[51] AAC, 605.

were educated professionals or employed in the colonial administration as zaildars and tahsildars, district magistrates and municipal commissioners, pleaders and barristers. Others worked for the departments of education, railways, police, and post in colonial Punjab.[52] Such multi-dimensional ties to the colonial administration defined this group of Arain leaders and their loyalist politics. Their commitment to preserving and elevating their place within the colonial political structure was reinforced after the Arains were classified as agriculturalists in the Act of 1901.

When Arain leaders came to know of the directive classifying their biradari as kamin and non-martial, they initiated a protracted campaign for overturning this classification. Sardar Shams al-Din, a subedar in the military police, asked Jalandhari, then engaged in research for *Salim al-tavarikh*, to compose a petition expressing the biradari's opposition to this categorization. Presenting this petition as a means of rectifying the government's mistaken perception, Jalandhari used arguments later elaborated in *Salim al-tavarikh* to contest the portrayal of Arains as a kamin biradari.[53] Composed in Urdu, and later translated into English,[54] and endorsed by a little over fifty Arain leaders, the petition replicated *Salim al-tavarikh*'s loyalist and admiring tone toward the colonial government. Overall, it presented an idealized image of colonial Arains, underlining their ancestors' military valor as soldiers in Muhammad bin Qasim's army as well as their service in the militaries and administrations of Mughal and Sikh rulers. As would be the case in *Salim al-tavarikh* later, Jalandhari constructed an image of the Arains as a prominent Punjabi Muslim biradari with a distinguished lineage and many

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[52] Petition to Kitchener, Appendices II-VI.
[53] *Salim al-tavarikh*, 768-769. On 768, Jalandhari reproduces a letter he sent to Arain leaders informing them that in response to Arains' classification as kamin, he had been asked to write a petition to the Government protesting this classification. I am unsure of the exact official trajectory of the Arain protest against this classification because I have so far been unable to find this petition or other related documents in colonial records.
[54] *Salim al-tavarikh*, 769-70.

military accomplishments. In the petition, Shaikh Salim al-Rai and his immediate descendants featured as Arains' Arab ancestors and Muhammad bin Qasim's conquest of Sindh remained the definitive moment of their entry into Sindh. Shaikh Salim's grandson, Halim al-Rai, was one of the Syrian-Arab soldiers who had been a member of Muhammad's army which defeated Raja Dahir of Sindh in 712 CE. After Muhammad's assassination in 714 CE, these soldiers settled in areas around the Indus, and eventually spread from Sindh to Multan, Punjab and the United Provinces. He also noted that the Arains' preference for widow remarriage and Arab names and titles differentiated them from other Punjabi Muslims who considered widow remarriage a sin.[55]

The narrative of the Arains' historical association with righteous military conquest and power structures distanced them from small-scale farming and market-gardening, and reiterated their martial agriculturalist status. Reinforcing this point, the petition argued that the Arains were different from the Malis and the Baghbans, and comparable in status as agriculturalists to the Jats and the Rajputs. The petition emphasized the wealth and learning the Arains had accumulated as landowners, administrative and military personnel, ulama and mashaikh serving various political dynasties. Names of accomplished Arain men appeared as evidence of this service. Zobair Rai had been a famous military general during the reign of Emperor Babar (r. 1526-1530). Shaikh Muhammad Arif, another Arain general, had received a jagir from Emperor Aurangzeb (r. 1658-1707). Mehar Mokhdam Din of Lahore and Mian Muhammad Waris of Amritsar had both served in Ranjit Singh's army (r. 1801-1839). The hundreds of educated Arain men who occupied posts in the colonial administration demonstrated the biradari's reform-minded, agriculturalist and

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[55] Petition to Kitchener, 4-6. The petition was signed by 52 Arain landholders, lawyers, pleaders, district judges, and other bureaucrats.

educated-professional identity. Appendices to the petition, prescient of *Salim directory,* listed names of colonial Arain bureaucrats and administrators, police officers and military men.[56]

In light of the Arains' socio-economic status in colonial Punjab, the petition claimed that colonial Arains' official classification as a kamin biradari unfit for military service was nothing more than gross misrepresentation resulting partly from the Arains' ignorance of their history. The colonial officials who had collected data for the Census of 1881 had been unable to record the biradari's 'true' history because their rural Arain informants were unaware of it. The truth, according to the petition's summation of Jalandhari's research, was that for a biradari that had served various pre-colonial political dynasties, the onset of British rule was merely a change of regime, not of material conditions. The Arains were descendants of brave Arab Muslim warriors who had brought Islam to the sub-continent and later served a number of pre-colonial regimes as military men and administrators. Their presence in the colonial administration only strengthened their image as a biradari of wealth, influence and learning—a far cry from Punjab's kamin, non-martial communities. In building this historically and ethnographically informed counter-narrative, the petition sought to amend the colonial state's carefully-constructed gaze on its Arain subjects.

As was evident from the socio-economic status of the petition's signatories, the aim of challenging their military classification brought urban and rural Arains together. The Arains who signed the petition included landholders, zaildars, tehsildars, as well as municipal commissioners, district judges, soldiers, policemen, and employees in the postal and other administrative departments. The confluence of men with rural and urban ties underlined the biradari as a site of engagement with the colonial state and the socio-religious reform of the

[56] Petition to Kitchener, 1-4. Appendices I-VI included lists of Arain zaildars, tehsildars, policemen, postal officers, soldiers and lawyers.

biradari. As landholders and zaildars, these Arain leaders could maintain a connection with the colonial political structure which was defined by the alliance between the Punjabi landed elite and the state. At the same time, as reform-minded Muslims looking to change the religious practices of their biradari, they were part of the broader reform-minded Muslim community in the province, which was largely concentrated in urban Punjab.[57]

Although the production of this petition brought rural and urban Arain leaders together, and made the need for documenting the Arains' history more urgent, Kitchener's impending departure from India delayed its presentation to the Government. Arain leaders, preferring to approach the authorities through bureaucratic channels, signed the document on 25 September 1907, but decided to wait for a more opportune moment to formally present their case. Arrangements to translate, print and distribute the petition continued in spite of this deferral. Arain men of education and experience in the colonial system, such as lawyers Maulvi Muhammad Bakhsh and Shafi, a pleader named Chaudhary Shah Muhammad, and zaildar Mian Ahmad al-Din, refined its language. Another lawyer named Mian Ehsan al-Haq translated it into English. Shafi and Shah Din, sitting judge of the Punjab Chief Court at this time, reviewed its language.[58] Arain leaders met again in August 1908 to plan the petition's presentation to the new Commander-in-Chief. A year later, in August 1909, Jalandhari took the document to Simla. In consultation with Mian Maula Bakhsh, then attaché to the Viceroy, Arain leaders decided to wait until the publication of Jalandhari's research and the establishment of a biradari anjuman could strengthen their case.[59]

[57] Gilmartin, *Empire and Islam*, 91-2.
[58] The document was then printed at the New Albion Press in Jalandhar. Jalandhari, *Salim al-tavarikh*, 769-70.
[59] *Salim al-tavarikh*, 769-71.

The outbreak of World War I afforded Arain leaders an immediate opportunity to reconsider this question. Wartime needs compelled the colonial government to extend recruitment in the British Indian Army. For Arain leaders, this development added a sudden urgency to the situation. The Arains' classification as kamin would, if left unchallenged, prevent biradari members from taking advantage of accelerated wartime recruitment. Munshi Nabi Bakhsh Nayab repeatedly drew Shafi's attention to this matter by stressing that military recruitment would be a valuable means of ensuring the Arains' social and economic betterment.[60] Arain leaders had the petition reprinted in August 1914, and began to put together another delegation to approach the government. Simultaneously, they encouraged Arain men to enlist. The Commissioner of Jalandhar City was persuaded to correspond with the army recruiting officer on behalf of the Arains, who permitted their enlistment even though their classification had not been officially changed yet.[61]

A year later, this mobilization contributed to the formal establishment of an Arain anjuman. Arain leaders came together on 28 February 1915 to form the Anjuman Raiyaan-i Hind at Malik Taj al-Din's residence in Lahore. On 5 April 1915, Shafi presided over the first session of the Arain Anjuman, with Malik Taj al-Din, Mian Abdul Rashid and Mian Jalal al-Din Faruq acting as the Honorary General Secretary, Joint Secretary and Financial Secretary, respectively. Others present included Shah Din, his father Mian Nizam al-Din, Mian Ghulam Haider of the Katarbandh family, and Mian Nur Burhan of the Ganjah Kalan family.[62] Attendees from Punjab, Sindh and United Provinces, after reiterating their loyalty to the British Government, passed a resolution asserting that the Arains were an educated, reform-minded, martial, agriculturalist

[60] AAC, 564.
[61] *Salim al-tavarikh*, 771.
[62] AAC, 281.

Muslim biradari. Reiterating concerns voiced at previous biradari meetings, the Anjuman's goals also included the biradari's religious reform, with special emphasis on the promotion of education and the reform of social and religious rituals in the largely rural biradari.[63]

The Anjuman emphasized the simplification of religious rituals and condemned excessive expenditure on social events such as marriages among the Arains. Members of the Anjuman popularized its reformist objectives in their villages and districts.[64] During his speech to the Zamindars League in 1926, Shafi mentioned that one of the first acts of the Arain Anjuman's Executive Committee had been to frame a "model *Dastur-ul-amal*" giving guidelines to the Arains for avoiding lavish expenditure at social events such as births, deaths, marriages and betrothals. Circulated among district-level branches of the Arain Anjuman, Shafi reported that the document had substantially increased thriftiness in the biradari.[65]

Men of the Mian family held offices in the Arain Anjuman until the mid-twentieth century. Until the late 1930s, Shafi, Shah Din and the latter's nephew, Mian Muhammad Shah Nawaz served as the Anjuman's presidents. After Shah Nawaz's death in 1939, Shah Din's son, Mian Bashir Ahmad was approached for the position, but he declined the offer. In his stead, Arain leaders elected Mian Abdul Aziz, a lawyer based in Lahore, as the Anjuman's president. However, this did not end the Mian family's relations with the Anjuman. Begum Jahanara Shahnawaz (1896-1979), Shafi's daughter and Mian Shah Nawaz's wife, was elected as the Anjuman's vice-president. She continued in this post at least until the mid-1940s.[66]

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[63] *Salim al-tavarikh.* 772-5 and AAC, 410-420. Also see David Gilmartin, "Biraderi and Bureaucracy."
[64] AAC, 281-2.
[65] Mian Muhammad Shafi, *Some Important Indian Problems.* (Lahore: Model Electric Press, 1930). 174.
[66] "Mian Bashir Ahmad: An Account of his Services to Mussalmans and Muslim League" *The Eastern Times* 8 January 1946, 2-3.

As part of their efforts to mobilize the biradari, Arain leaders embraced the medium of print. During the 1900s, Malik Taj al-Din asked Jalandhari to edit a biradari newsletter. But Jalandhari's engagement with research for *Salim al-tavarikh* prevented him from taking on this project. So in 1908, Taj al-Din engaged an Amritsari writer named Hakeem Miraj al-Din to edit and publish a monthly Urdu journal called *Arain Magazine.*[67] It continued to be published from Lahore until December 1917 by which time it had reached a circulation of 570 copies.[68] Arain leaders also financed the publication of a weekly Urdu newsletter named *Al-Rai,* started in February 1916 as the Arain Anjuman's official organ. Also published from Lahore, it was edited by Qazi Fateh Muhammad with an initial circulation of 500 copies.[69] At a time when popular Urdu newspapers such as *Paisa Akhbar* reached a circulation of over 6000 copies, *Arain Magazine* and *Al-Rai* appear to have had a limited reach. But individual donations and subscriptions from within the biradari kept these enterprises afloat. It is also likely that Arain leaders' investment in print aided the publication of Jalandhari's books in 1919, after delays due to paper shortages during the First World War.[70]

Arain leaders' concerted efforts against their kamin classification soon bore fruit. In 1916, Shafi—president of the Arain Anjuman, once a member of Punjab Legislative Council and twice of the Imperial Legislative Council by this year—presented a letter on behalf of the

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[67] *Salim al-tavarikh,* 773. Jalandhari claims that *Arain Magazine* was started in 1908. However, the earliest reference to this journal I have been able to trace is in a *PNR* dated 12 September 1914 which confirms Miraj al-Din as its editor and publisher. Later lists of periodicals in *PNR* confirm this journal as an organ of the Arain community. It is possible that the journal was started in 1908 but only came to the notice of the CID department in 1914.
[68] *PNR* dated 31 December 1917. Each PNR is prefixed by a brief tabulated statement giving names of periodicals, their editors and publishers, place of publication and number of copies in circulation.
[69] *Salim al-tavarikh*, 773. *Al-rai* appears in *PNR* for the first time in the report dated 26 February 1916. The reports for May 1916 note its circulation at 500 copies. See weekly *PNR* for February 1916 and May 1916. From their inclusion in *PNR,* it appears that *Al-rai* was published alongside *Arain Magazine* for a period of nearly two years, from February 1916 to December 1917. *Al-rai* continued to be published fitfully for some years until the 1920s. It was restarted during the early 1970s in post-independence Pakistan, continuing as an organ of the Arain Anjuman in contemporary Lahore.
[70] *Salim al-tavarikh,* preface.

biradari to Michael O'Dwyer, the Lieutenant-Governor of Punjab. O'Dwyer's administration accepted the Arains' claims and took steps to erase their name from the list of kamin biradaris. Calling the Arains' classification as kamin a 'blunder,' L. French, Additional Secretary to Government of Punjab, wrote an apologetic letter to Shafi on 19 October 1916.

> I am desired to inform you that the Adjutant-General has written to say that he is extremely sorry, the feelings of Arain community should have been hurt by this pamphlet and has issued instructions for its immediate recall. He will do all that is possible to put the matter right.[71]

Emphasizing the value of this hard-won victory, Jalandhari, for his part, exhorted biradari leaders to encourage young Arain men to enlist in the army and convince the Government to form a separate Arain regiment. Extolling the advantages of military service, he noted, "Everyone knows that the respect accorded to military service is more than that given to any other kind of employment. Government greatly respects you, gives you pension, and grants you landed estates too."[72]

In recognition of Jalandhari's contributions to the biradari, the Arain Anjuman recognized *Salim al-tavarikh* as the biradari's official history and awarded him the title of *Muarrikh-i-qaum* (historian of the community) in 1920, just a year after *Salim al-tavarikh* was published from Amritsar. Partly with Shafi's support, an Arain Building was established in Lahore the same year.[73] Shafi also voiced his confidence in Jalandhari's narrative of Arain identity. In conversation with a male relative who accused him of neglecting his fellow Arains' poor socio-economic condition, he passionately declared that he had already started mobilizing the biradari and that "…before he [Shafi] died, the tribe [Arains] would be so well organised that

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[71] L. French to Mian Muhammad Shafi, 19 October 1916 as reproduced in *Salim al-tavarikh,* 775.
[72] *Salim al-tavarikh*, 776. Appeal dated 6 April 1917.
[73] AAC, 611. The offices of the Arain Anjuman in contemporary Lahore are still located in this building.

people would clamour to be known as Arains" instead of wishing to proclaim themselves Sayyids or Rajputs.[74]

The Arains' newly-confirmed classification as a martial biradari produced measurable results during the final years of the First World War. A report about Punjab's contributions to the War noted that recruits from "humbler tribes" such as Arains, Kambohs and Sainis of Ambala, Hoshiarpur, Jalandhar, Gurdaspur and Lyallpur, were obedient soldiers. It speculated that their numbers in the army could have increased had they been permitted to join the same regiments as agriculturalists from their regions.[75] The restriction on the Arains' recruitment implied in this description may explain the existence of an Arain "special company" during the War.[76] It also hints at the persistence of social stigma attached to soldiers belonging to lower-status biradaris, in spite of their recruitment into the army. In fact, it suggests that perceptions that animated the social hierarchy of Punjab were replicated within the army. Social perceptions and organizational restrictions notwithstanding, these descriptions differed markedly from a 1908 reference in the *Imperial Gazetteer* which noted that Arains, Kambohs and Sainis rarely enlisted in the army.[77]

Although the absolute quantum of Arain recruits never surpassed that of Awans, Jats and Rajputs, their numbers in the army increased steadily until the early 1940s. They appeared as a separate group in the *Annual Caste Returns of the Indian Army* for the first time in 1925. By 1940, the number of Arain recruits had nearly doubled. Experiencing a sudden boost due to wartime recruitment, Arain numbers doubled again in 1941 in the middle of the Second World

[74] Jahanara Shahnawaz, *Father and Daughter: A Political Autobiography.* (Lahore: Nigarishat, 1971). 23.
[75] M. S. Leigh, compiler, *The Punjab and the War* (Lahore: Government Printing, 1922). 48-9.
[76] During World War I, 'special companies' functioned either as external attachments to regiments or were absorbed into other battalions according to need. *Recruiting in India, before and during the war of 1914-18* (Delhi: Army HQ India, Oct 1919) IOR/L/MIL/17/5/2152. 31, 75 and 128.
[77] *IGI: Provincial Series on Punjab*, vol. 1, 48.

War.[78] If these statistics were any indication, Arain leaders had successfully countered an unfavorable colonial recruitment policy and effectively prevented their biradari's exclusion from the British Indian army.

The politics of biradari mobilization

The Arains' mobilization hinged on elite-led collective efforts to document the biradari's history and define themselves in terms that were familiar to the colonial state but also challenged official ethnographic descriptions of the Arains. Ethnographic productions such as Ibbetson's 1883 census report, and the series of district gazetteers that contributed to it, had generated a standardized, official image of the Arains as Punjab's quintessential market-gardeners. Jalandhari's continual engagement with district gazetteers in *Salim al-tavarikh,* often to reject their assumptions about the Arains, evinced his discomfort with colonial ethnography. His research into Arain history may have been sparked by this uneasiness. The fact that despite his admittedly life-long interest in the question of Arain history, he started research for *Salim al-tavarikh* only during the late 1880s and early 1890s, a few short years after Ibbetson's report was published, lends some credence to this notion.[79]

If Ibbetson's work was a probable trigger for Jalandhari's research, then the role of colonial policy in energizing Arain elites' mobilization was undeniable. Not only did classification as kamin give new life to their efforts, it underlined the need for publishing a counter-narrative of Arain identity, and occasioned their direct engagement with colonial

[78] A comparison of Arain enlistment reveals that their numbers increased from 514 in 1925 to 1,017 in 1940, jumping to 2,495 the following year in 1941. See grand totals of Arain recruits in *Annual Caste Returns of the Native Army* IOR/L/MIL/14/231: 1922-27, IOR/L/MIL/14/234: 1938-40 and IOR/L/MIL/14/235: 1941.
[79] Ali Asghar Chaudhary drew the same conclusion when he noted that Jalandhari's interest in Arains' origins started in 1883 (the year Ibbetson's Census report was published) when he was pondering ways to reform their socio-religious practices. AAC, 510 and *Salim al-tavarikh,* preface.

policymakers. In the process of distancing the Arains from kamin biradaris, Arain leaders' efforts produced an alternative image—that of a martial, agriculturalist Arain of Syrian-Arab descent who had a long history of military service and was, therefore, well-suited to recruitment in the British Indian army. The Arains' growing presence in the army from the First World War onward suggests that their leaders were successful in convincing the government to dispense with an undesirable policy, resulting in concrete benefits for members of the biradari.

Moreover, this moment of success underscored the political power embedded in Jalandhari's genealogical history of Arains. The chronological depth in his portrayal of the biradari distanced Arains from vegetable-vending and small-scale farming without obliterating the connection with land and cultivation critical for their agriculturalist status in colonial Punjab. Specific elements of his narrative possessed political value as grounds for questioning the knowledge that underlay the Arains' classification as kamin. Prominent among these elements were the Arains' purported Arab descent, their association with Muhammad bin Qasim, centuries of military and administrative service and landownership under pre-colonial regimes, and the presence of educated professionals alongside landholders among colonial Arains. Jalandhari's ideas, therefore, became useful for the biradari in a way which he had perhaps not anticipated.

Concurrently, this episode augmented Arain elites' investment in the results and dissemination of Jalandhari's research. During the 1890s, biradari members' responses to his questionnaires about Arain history had been too meager for his satisfaction. Some of his respondents had doubted the utility of determining the Arains' pedigree. Classification as a non-martial kamin biradari during the 1900s, however, presented such detractors with an immediate challenge. Faced with the loss of military recruitment as an option for salaried employment, Arain elites realized the emergent need for developing a sustained critique of the colonial

knowledge that supported the idea that the Arains were kamin. The sudden emergence of this problem made Jalandhari's research pertinent and useful for Arain elites looking to convince the colonial administration that Arains could be good soldiers.

Led by Arain men of wealth and position, the political campaign against their classification as kamin and non-martial was characterized by a studied approach to colonial bureaucratic hierarchies. Rather than dismiss the logic of colonial policy, Arain leaders sought to alter its implications for their biradari. In other words, the existence of colonial ethnography, in and of itself, did not discomfit them. Its claims about the Arains, and their economic and political ramifications, did. Although the Arain Anjuman's establishment sped up on account of this campaign, its reformist aims and endorsement of Jalandhari's research also revealed a broader concern with improving the Arains' socio-economic conditions and religious practices. Affirming their status as martial agriculturalists and keeping the army's doors open was one way of ensuring the Arains' entry into the structures of colonial governance. Encouraging education and reform of ritual life was another.

Such focus on altering the colonial state's perception of the Arains through petitions and calculated exploitation of bureaucratic channels, alongside a more inward-looking reform of socio-religious practices, was in broad consonance with the political philosophy of elite Muslim leaders in late nineteenth and early twentieth century colonial India. The AIMEC had become a champion of Muslim education in colonial north India by this time. And when the Muslim League was established in 1906, one of its guiding objectives was to ensure adequate space for Muslims in colonial India's future representative institutions. The language of constitutional negotiation and political reform, particularly in the years leading up to and after the Morley-Minto Reforms of 1909, was the stock-in-trade of the League's members. At a time when the

Indian National Congress was ideologically divided between 'moderates' and 'extremists,' mass protests had helped overturn the 1905 partition of Bengal, and politicians dissatisfied with 'moderate' methods had united parts of the League and the Congress through the Lucknow Pact of 1916 forged in the midst of World War I, Arain leaders preferred constitutional loyalism and bureaucratic negotiations. If the League's elite Muslim leaders (Shafi among them) had become Indian Muslims' constitutionalist representatives in the eyes of the colonial state, then members of the Arain Anjuman, in leading this campaign, now occupied a similar position with regard to the Arains.

Jalandhari's recasting of the Arains as Muslims of Arab stock, and the Arain Anjuman's endorsement of this narrative, suggested that conceptually, at the very least, Arain elites' mobilization as Arains neither undercut nor contradicted their concomitant mobilization as Muslims. As Arab Muslims who had participated in the conquests that brought Islam to India, the Arains' place among Indian Muslims was incontrovertible. Prominent Arain leaders such as Shafi and Shah Din were members of the Arain Anjuman and the League simultaneously. For Arain leaders, mobilization of the biradari along reformist and constitutionalist lines was a sub-set of broader Indian Muslim mobilization during these decades. Intersections between reformist ideologies and aims of the Arain Anjuman and the AIMEC, particularly their shared emphasis on education, reinforced this congruence. Within the borders of this overlap, what the Arain Anjuman envisioned for Arains, the AIMEC envisioned for all Muslims. In this political universe, mobilizing as a biradari was both legitimate and politically beneficial.

Arain leaders' constitutionalist approach to the problem of their classification as a non-martial kamin biradari simulated political methods preferred by early League leaders. After painstakingly building their case, they waited patiently for the right moment and officials to

present it to relevant authorities. Shafi, whose political prominence in the colonial government facilitated the resolution of this issue, was a signatory to Indian Muslim leaders' 1906 memorial to Lord Minto which articulated the expectations of Muslims from the impending reform of colonial India's political structure. While the Arain Anjuman's activities confirmed its correspondence with the AIMEC's reformist orientation, the nature of its campaign to overturn the Arains' military classification signaled its consonance with the League's constitutional political methods. The story of Arain leaders' efforts to change their military classification and reinvent their biradari offers a glimpse of the manner in which such political methods could become enabling for a community with well-connected leaders during this period.

In choosing to establish a biradari anjuman, Arain leaders followed a pattern of mobilization familiar in early twentieth century colonial India. These decades had witnessed a substantial rise in voluntary associations started by urban educated elites and geared toward defining, protecting and advancing a range of collective interests. Whether it was Punjabi associations such as the Anjuman-i-Punjab or the Jat Sabhas, or all-India ones such as the Anjuman-i-Khuddam-i-Kaaba or Anjuman-i-Khawatin-i-Islam, associations with literary, social and educational aims had become common spaces for collective expression by this time.[80] One of Punjab's first Muslim anjumans was Anjuman-i-Islamia, established in 1869 in Lahore for administering the Badshahi Mosque, protecting Muslims' interests and encouraging a pro-British attitude among Muslims. In 1884, the Anjuman-i-Himayat-i-Islam (AHI) was established for the promotion of Muslims' interests. The AHI established schools for Muslim boys and girls and

[80] Jeffrey M. Diamond, "The Orientalist-Literati relationship in the Northwest: G. W. Leitner, Muhammad Hussain Azad and the rhetoric of Neo-Orientalism in Colonial Lahore" *South Asia Research* 31 (2011). 25-43; Robert Ivermee, "Shari'at and Muslim Community in Colonial Punjab: 1865-1885" *Modern Asian Studies* 48: 4 (2014). 1068-95; Datta, *Forming An Identity*; Kavita Sivaramakrishnan, *Old Potions, New Bottles: Recasting Indigenous Medicine in Colonial Punjab (1850-1945).* (New Delhi: Orient Longman, 2006); Harjot Oberoi, *Construction of Religious Boundaries: Culture, Identity and Diversity in the Sikh Tradition.* (Chicago: University of Chicago Press, c1994).

also defended Islam against the attacks of Christian missionaries and leaders of other religious communities.[81] Both Shafi and Shah Din were active in the AHI. Among urban biradaris of Lahore, Kashmiri Muslims had also established an anjuman during the 1890s. The Anjuman Kashmiri Musalmanan, under the patronage of influential urban Kashmiri men such as Mian Amir al-Din, articulated a Kashmiri Muslim identity based on shared heritage and history as well as a commitment to reformist Islamic ideals, especially Anglo-Muhammadan Law.[82]

Similarly, the establishment of *Arain Magazine* and *Al-Rai* as biradari newspapers came at a time when many voluntary associations, whatever their organizational criteria, published their own journals.[83] Late nineteenth century Punjab witnessed an impressive growth in the number of Urdu periodicals. Newspapers like *Paisa Akhbar* and *Zamindar* attracted thousands of readers.[84] By the 1910s, these newspapers had acquired a substantial following among urban artisans and laboring groups by championing issues specific to Muslims, such as the protection of the Caliphate during the Khilafat movement, and upholding Muslims' religious identity as superior to their parochial loyalties.[85] At a time when the press had emerged as an efficient and desirable means of mobilizing support for political issues, the Arain leaders' decision to establish

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[81] Gilmartin, *Empire and Islam,* 77-8.
[82] Gilmartin, *Empire and Islam,* 83-6. Mian Amir al-Din, one of Lahore's notable Kashmiri leaders, was a member of the Punjab Legislative Assembly from 1941-46, and a member of the Lahore Municipal Committee.
[83] This is evident from tables documenting periodicals in all languages prefixed to every PNR. Also see Gail Minault, *Secluded Scholars;* Ulrike Stark, "Politics, Public Issues and the Promotion of Urdu Literature: Avadh Akhbar, the First Urdu Daily in Northern India," *Annual of Urdu Studies* 18 (2003): 66–94; Francesca Orsini, *The Hindi Public Sphere, 1920-1940: Language and Literature in the Age of Nationalism.* (New Delhi: OUP, 2002); Farina Mir, *The Social Space of Language: Vernacular Culture in British Colonial Punjab.* (Berkeley: University of California Press, 2010).
[84] *Paisa Akhbar* reached a circulation of 13,000 in 1899 and *Zamindar*'s circulation stood at 15,000 in 1914. Both newspapers were published from Lahore. *Paisa Akhbar* was owned and edited by Maulvi Mahbub Alam, the noted reformist author, and *Zamindar* was edited by Zafar Ali Khan, the well-known journalist. See N. G. Barrier and Paul Wallace, *The Punjab Press 1880-1905.* (East Lansing, Michigan: Asian Studies Center, Michigan State University, 1970): 101-02 and *PNR* dated 10 November 1914.
[85] Gilmartin, *Empire and Islam,* 78-80.

an anjuman and biradari newsletters to facilitate public exchanges within and outside the biradari was not surprising.

Although the Arain Anjuman employed means common in late nineteenth-early twentieth century Punjab, biradari was a unique site of political mobilization, one that rested as much on colonial policy as Arain elites' organizational efforts and ideological commitments. As Arains and Muslims, elite Arain leaders simultaneously pursued two kinds of objectives. First, they engaged with the colonial state as representatives of a legally-recognized social group. By the time Arain elites started to build institutions for the biradari, the Arains were part of colonial epistemology, law and policy. In this context, Arain mobilization was deeply imbricated with colonial knowledge, just as Arain elites' political positions rested on their participation in the colonial administration. When Arain elites demanded that their military classification reflect their ancestral connections with Muslim warriors, they spoke from a position reinforced by their location in colonial economic and political structures. Their ability to represent their biradari in the corridors of colonial bureaucracy, and potentially reshape the way the state understood the Arains, was founded upon their privileged political and economic position.

Second, as reform-minded Muslims, Arain elites pursued religious and intellectual aims articulated in terms specific to the biradari but shared with non-Arain Muslims as well. One of the Arain Anjuman's objectives was the promotion of reformist Islamic practices and education in the biradari. The Anjuman was, therefore, as much a site of negotiation with colonial structures as a place for the didactic reform of the Arains' religious practices. Such multi-dimensional engagement with issues relevant to the biradari was facilitated by colonial Arain elites who inhabited the intellectual world of reformist Islam and possessed the ability to mobilize the press, the colonial bureaucracy and the biradari. Not only did these elites tell the

colonial state who the Arains really were, but they also re-educated the Arains in their ‘true’ Arab-Muslim history. The Arains’ biradari identity, as recorded by the colonial state and articulated by Arain elites, afforded these leaders a space for simultaneously engaging with the colonial state as representatives of their biradari and pursuing reformist aims that united the biradari with the broader Muslim community.

What made the Arain Anjuman remarkable was its deceptively smooth mobilization of two parameters of Arain identity—biradari and religion. When it came to the issue of the Arains’ military classification, mobilization as Arains offered a political space that mobilization as Muslims did not. Arain leaders engaged the colonial state as Arains in order to achieve political ends specific to the biradari, as distinct from non-Arains of all religions. The Arains’ Muslim-ness, while a significant part of Jalandhari’s portrayal of the Arains, was extraneous to Arain leaders’ anxiety about their military recruitment, rendering mobilization as Muslims somewhat unsuitable in this instance. At the same time, however, their self-identification as Muslims enabled their participation in political bodies established by and for Indian Muslims. A discursive biradari (Arain) identity folded into a discursive religious (Muslim) identity facilitated this two-pronged political presence. Arain leaders could speak as both Arains and Muslims. Whether all Arains identified themselves as Muslims or not remained irrelevant to the political mobilization grounded in the idea of Arains’ inherent Muslim-ness. Just as the objective verifiability of Jalandhari’s genealogical claims about the Arains’ Arab stock was immaterial to his narrative of Arain identity.

To some extent, the simultaneity of the Arains’ biradari-based and religious mobilization was made possible by socio-economic elites who could inhabit representative spaces generated by both kinds of politics. As Arain leaders engaging the colonial state on the issue of their

military classification, these reform-minded, educated elite leaders sponsored the production of a single, marketable Arain identity founded upon a specific historical and ethnographic narrative. This elite-led initiative and the discursive, singular Arain identity it produced were aimed, in this instance, at the colonial state. However, many Arain leaders involved in this campaign were also leaders of the Muslim League. These included men such as Shafi and Shah Din. In their capacity as Muslim leaders too, these men engaged with colonial authority.

Mobilization as an officially-recognized biradari with a definite religious identity made good political sense in early twentieth century Punjab. Although Jalandhari's petition criticized some aspects of the colonial representations of the Arains, the terms he chose for contesting their kamin, non-martial classification were tied to colonial epistemology and remained intelligible to the colonial administration. Claiming Arab descent and a history of military service and landownership imparted temporal depth to the Arains' Muslim, martial and agricultural identity. Mobilizing as Arains—a social unit recognized alike by colonial ethnographers and colonial legislation—reinforced the biradari as a viable basis of political mobilization. When the colonial government overturned the Arains' non-martial classification, biradari-based mobilization proved to be a successful political strategy and biradari a valid political entity. Perhaps more importantly, if all Arains were Muslims both in the Arains' self-representation and in colonial descriptions of the biradari, then political mobilization of the Arains could not militate against Muslim mobilization.

The Arains' mobilization against their classification as a kamin non-martial biradari, the formation of the Arain Anjuman, and the overall support for Jalandhari's research it generated underlined the concrete ramifications of biradari-based mobilization for colonial subjects. Biradari mobilization was an important and valuable strategy for engaging with the colonial state

and navigating the corridors of power in pursuit of a biradari's collective interests. For the Arains, Jalandhari's research was of practical political and economic consequence in a campaign that ended in demonstrable success. This elite-led mobilization ultimately shaped the futures of Arain men who had not been party to the closed negotiations that changed their biradari's military classification. As objects of the state's recruitment policy as well as the elite's homogenizing new imagination of Arains, they were at the center of an intellectual project which, in this instance, demonstrated its pragmatic utility and power of intervening in colonial knowledge and policy.

While Arain elites' campaign against their non-martial classification demonstrated that biradari identity could be a site for both contestation of and collaboration with colonial authority, Arain elites' support for a narrative of Arab origin had deeper implications than its immediate utility of asserting the biradari's inherent military abilities. Jalandhari's history of the Arains rested on a vital pre-colonial component. Why did colonial Arains invoke early Islamic events and political association with pre-colonial sovereign rulers for constructing a new Arain identity? Why did reformist Islamic thought become central to colonial Arains' imagination of their biradari? The next chapter will analyze Jalandhari's *Salim al-tavarikh* in depth and examine the discursive techniques he used for constructing an alternative Arain identity which drew upon pre-colonial and colonial elements. If his petition against the Arains' kamin classification had asserted their Syrian-Arab descent and their valorous past in a few pages, then *Salim al-tavarikh* was the full fruition of his complex representation of Arain history and identity.

CHAPTER 2

SALIM AL-TAVARIKH: ARABNESS, REFORMIST ISLAM, AND SOCIAL MOBILITY

In *Salim al-tavarikh,* Jalandhari sought to construct a unified, simultaneously prospective and retrospective narrative of Arain identity.[1] A didactic genealogical history spanning almost eight hundred pages, central to its narrative was the claim that the Arains were descendants of Syrian soldiers who had come to India with Muhammad bin Qasim's early eighth century conquering army. In this voluminous 1919 publication, Jalandhari narrated the Arains' history from their first influx into Sindh to their exploits in South Asia until his own time. By his own account, he was inspired to undertake the task of writing the Arains' history for two reasons. First, a profound realization that Arains' "religious and worldly progress"[2] depended on appropriate reform of their social, religious and economic lives. And second, an equally deep-seated awareness that his biradari needed to remember its illustrious history and the virtuous conduct of its ancestors in order to successfully implement any reformist project.[3]

Himself an Arain, Jalandhari was an employee of Punjab's Education Department and author of books about Islam and Arabia, parda and Quranic education. Originally from Sirsa, one of Jalandhari's ancestors had founded and settled in Talwandi village (now in Kasur district of

[1] One thousand copies of *Salim al-tavarikh*'s first – and as far as I know, the only – edition of Jalandhari's book were printed in 1919. In *Salim directory,* a complementary published the same year, he listed names and occupational details of historical and contemporary Arain men of wealth, influence and learning. Maulvi Muhammad Akbar Ali Sufi Jalandhari, *Salim directory: yani fehrist ohdadaran wa muazzizin raeen* (Amritsar: Shaikh Abdul Aziz Printers, 1919). Hereafter *Salim directory.*
[2] *Salim al-tavarikh*, Preface.
[3] *Salim al-tavarikh*, 757.

Pakistani Punjab) during early nineteenth century Sikh rule. After initial education in his village and instruction in Arabi, Farsi and Urdu in Lahore, he joined the linguistics branch of Punjab's Education Department, and eventually settled in Jalandhar where he worked in a Normal School. Jalandhari was also a disciple and spiritual successor of a Qadiri *pir* named Hazrat Pir Allah Shah. At the same time, he was committed to Sayyid Ahmad Khan's educational reform and Sayyid Mumtaz Ali's campaign for Muslim women's education. His sons were educated at universities in Punjab and England, and were employees in various branches of the colonial administration.[4]

Aimed at documentation of the Arains' past and a reformist reshaping of their future, Jalandhari's genealogical narrative unfolded as follows. After giving an abridged account of the history of Islam from the Prophet's lifetime to the end of the Abbasid Caliphate,[5] he narrated the story of Muhammad bin Qasim, the nephew and son-in-law of Hajjaj bin Yusuf, the governor of Iraq during the reign of Caliph Walid I (r. 705-15 CE). Positing Muhammad as a righteous young Muslim warrior fighting a villainous Hindu king, he focused on his conquest of Sindh. When Raja Dahir, a ruler of Sindh, intercepted merchant vessels bound for Arabia from Sarandip (Lanka) and imprisoned all passengers on board, one Muslim woman cried for Caliph Walid's protection in distress. When the news of Dahir's tyranny reached Walid, he demanded Dahir release all prisoners and return all seized property. Predictably, Dahir refused, opening his kingdom to attacks by Muslim armies. After several of Walid's initial military campaigns failed, Muhammad led a valorous army of Syrian warriors to victory against Dahir in 712 CE, restoring Walid's prestige as the protector of all believers and establishing a small kingdom for himself in

[4] AAC, 512-514. Also see *Salim al-tavarikh*, title page and 570.
[5] *Salim al-tavarikh*, 14-53. I have taken the chronological details for each Caliph from the *Encyclopedia of Islam*. Jalandhari's own narrative is quite sparse when it comes to dates.

the region. Unlike the tyrannical Raja, he was a just ruler who did not exploit his subjects, accepted *jizya* from non-Muslims and allowed them to practice their faith, helped the poor and treated his enemies well. However, Suleiman (r. 715-17 CE), Walid's brother and successor, did not look upon Muhammad with favor. Due to political intrigue in the Caliphal court, Muhammad was recalled to Damascus in 714, imprisoned and ultimately assassinated.[6]

Having set up Muhammad bin Qasim as a virtuous Muslim warrior and ruler tragically cut down in his prime, Jalandhari turned his attention to the Arains' ancestors. He traced their descent to one Shaikh Salim Ansari who had migrated from Madina to Syria during the reign of Caliph Yazid I (r. 680-3 CE). While living in Syria, he acquired the Arabic epithet for cattle-herder, *al-Rai*.[7] His son, Shaikh Habib al-Rai, became a disciple of Salman Farisi, one of the Prophet's Companions. Habib's son, Shaikh Halim al-Rai, joined Muhammad bin Qasim's army along with other close relatives before the conquest of Sindh.[8] He was one of the "well-born, famously brave and valorous" recruits selected from among a group of six thousand Syrian-Arab youth by Hajjaj himself.[9] After Muhammad's assassination, these soldiers were forbidden from returning home. Left to fend for themselves, they took up cattle-herding and cultivation, and settled down in the lower Indus region. Jalandhari speculated that these men must have moved their women and families from Arabia to Sindh, adopted local culture and lifestyle, and came to be known as Arain, a local corruption of the Arabic al-Rai. While this cultural adaptation made

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[6] *Salim al-tavarikh*, 45-46, 54-59.
[7] We do not hear anything else about Shaikh Salim Ansari in Jalandhari's narrative. He offers no explanation for Salim's migration or a time frame for Salim or his sons. Perhaps the year 680 is significant. The year of Karbala, this may be read as a subtle hint at Salim's Sunni-ness at this early stage in the emergence of sectarian identities among early Muslims.
[8] *Salim al-tavarikh*, 63-64. Jalandhari mentions Salman Farisi by name, expecting his readers to recognize the significance of this connection.
[9] *Salim al-tavarikh*, 55. Even though Jalandhari connects each of these ancestors to known figures in early Islamic history, he does not provide chronological details or other information about their lives.

them externally indistinguishable from local Sindhis, they retained Arab titles, names, and some defining Arab socio-religious practices.[10]

Jalandhari then chronicled the Arains' exploits in Sindh and Punjab. During the late twelfth century, some of them joined Shahab al-Din Ghori's army who rewarded them with land grants. Arain communities later settled as sedentary agriculturalists and traders in areas around the Indus river system. Under Khilji and Tughlaq rule, they prospered as cultivators, landowners, traders, soldiers and administrators. This trend of agricultural prosperity and professional service continued during the Mughal and Sikh periods when many Arains again received land grants in return for their military and administrative services and established villages on their lands. However, intermittent political turmoil, dynastic shifts, and climatic catastrophes led them to migrate toward areas east of the river Sutlej, with some moving towards Pilibhit during the eighteenth century. In his own time, the Arains populated cities and villages of Lahore, Jalandhar, and other areas of central Punjab, and parts of the United Provinces such as Bareilly and Pilibhit.[11]

Jalandhari pointed out that over centuries, two regional branches had emerged among the Arains: Multani, or those who migrated up the Indus toward central Punjab. And Sarsawal/Kewali, or those who migrated east of river Sutlej toward Sirsa and eventually settled in areas around the river Jamuna. He noted that the Arains should have been known as *Salimi* after Shaikh Salim Ansari, but because they were pastoralists, the Arabic title for cattle-herders, al-Rai, stuck. As they spread to the territories east of Sutlej, the name Arain morphed into Raeen. And it was with these two titles—Arain and Raeen—that Mughal, Sikh and later British officials

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[10] *Salim al-tavarikh*, 59-62.
[11] *Salim al-tavarikh*, 71-92.

recognized this community.[12] Their fortunes tied to political change, the Arains accumulated political experience and socio-economic status by working as skilled cultivators, educated elite administrators, military men and soldiers under successive regimes. In Jalandhari's representation, the Arains were a valorous and resourceful Arab-Muslim community who had inhabited and cultivated the South Asian landscape for centuries.

But there was more to Jalandhari's Arains than this history of success. In addition to being a significant part of India's Islamic past, they shared an intimate connection with the history of Islam itself. Tucked away on the very last page of *Salim al-tavarikh* was a *shajrah* placing Salim al-Rai in a patrilineal line of the Quraysh, the Prophet Muhammad's tribe.[13] A series of paternal figures otherwise unmentioned in *Salim al-tavarikh,* connected Halim al-Rai, Muhammad bin Qasim's contemporary, with one Lu'ay al-Makki al-Qurayshi—marked, by his appellations, as a member of the Quraysh. The shajrah offered no biographical details about these purported Arain ancestors other than their names and relationships to one another.[14] And such a notable genealogical claim remained oddly absent from the rest of *Salim al-tavarikh* which highlighted the Arains' connection with Muhammad bin Qasim and their ancestors' exemplary conduct. In a text which embraced a singularly ethnographic approach toward its subject, and dedicated nearly half of its pages to biographical sketches of prominent Arain men

[12] *Salim al-tavarikh*, 70-1, 80-84.
[13] *Salim al-tavarikh*, 796.
[14] The genealogy contains the following names: Halim al-Rai, son of Habib al-Rai, son of Shaikh Salim al-Rai, son of Haris, son of Abd al-Dar, son of Mughira, son of Umar, son of Qays, son of Lu'ay al-Qurayshi al-Makki. Jalandhari tells us that Halim was a contemporary of Muhammad bin Qasim and Salim that of Caliph Yazid I. If we follow the chronological logic of this genealogy, then that suggests the Arains' ancestors were members of the Meccan Quraysh in pre-Islamic Arabia. Apart from Halim, Habib and Salim, none of these ancestors appear in the main text of the book. Jalandhari tells us nothing about them other than their names. Jalandhari cites a text by one Maulana Muhammad Khan Qandahari. See Appendix III of this dissertation.

and their families,[15] the lack of similar detail about figures populating this presumably significant genealogy was striking.

A genealogy potentially going back to the Prophet's tribe and a long history of excellence notwithstanding, Jalandhari was acutely conscious of the fact that this glory had belonged to the Arains in the past. The Arains of his own time gave him much cause for disillusionment. Not only were they ignorant of their history, they were almost completely absorbed in the local Punjabi social and religious landscape, giving enough reasons to contemporary colonial ethnographers and Muslim reformist intellectuals to dismiss the Arains and Punjabi Muslims as bad Muslims. He wrote *Salim al-tavarikh* to remedy the shortcomings that had crept into his biradari, and reorient the Arains toward their inherent, although now lost, Arab-ness. *Salim al-tavarikh* would educate colonial Arains in their history, and its didactic reformist program would facilitate colonial Arains' return to ideal Islamic practice befitting their illustrious genealogy.

In this chapter, I argue that in *Salim al-tavarikh,* Jalandhari constructed a new, idealized Arain identity by discursively reshaping colonial Arains' past, present and future using carefully chosen, contextually intelligible genealogical, historical and ethnographic indices. These indices enabled Jalandhari's contestation of colonial and reformist representations of the Arains, and underscored his anxiety about rejuvenating colonial Arains 'true' Arab-Muslim practices, grounding his representation of Arain identity in values derived from a combination of superior birth and ideal conduct. His invocation of these identity markers was profoundly shaped by the Arains' historical location as an agriculturalist biradari in colonial Punjab. Some of these indices

[15] 369 out of *Salim al-tavarikh*'s total 796 pages (pp. 366-735) contain brief biographical sketches of Arain men of wealth, learning, education and status. Ch. 15 (366-496) contains biographical sketches of sixty historical and contemporary Arain ulama and Sufi pirs. Ch. 16 (497-672) describes over a hundred families of Arain landowners, administrators, soldiers and military personnel. The biographies in Ch. 16 are remarkably detailed, complete with family genealogies and land deeds. Pages 673-734 contain lists of notable contemporary Arains.

derived from colonial ethnographic literature, while others drew upon a locally remembered Islamic past and contemporary reformist Islamic thought. Put together, they wrote the Arains as much into Islamic history as into a South Asian one, imputing to them a genealogical history grounded in Arab descent and a chronicle of settlement and steady progress in South Asia, all of which asserted that they were much more than just lowly market-gardeners.

Arain elites' support for the production of this composite, singular narrative underscores the fact that Arain identity during this period was a multi-dimensional historical process. Jalandhari and the reform-minded Arain elites who supported his project wished *Salim al-tavarikh* to be the authoritative account of Arain history and identity—one that could supersede colonial and reformist representations of their biradari. However, the production of *Salim al-tavarikh* illuminated the extent to which this new Arain identity was something that Arain elites constructed in the historical context of colonial Punjab. While colonial ethnographers recorded a multiplicity of origin stories collected from Arain informants, Arain elites, themselves embedded in the social and political structure of the colonial state, desired a single origin narrative that could place colonial Arains in proximity to Islamic history as well as the colonial state.

The facticity of the identity markers Jalandhari used to construct his ideal image of the Arains was ultimately irrelevant to his ambitious project. Regardless of whether his claims could be objectively verified in textual or oral records, what mattered was the set of intangible, but powerful, values that each marker ascribed to colonial Arains. Syrian-Arab stock and a potential genealogical connection with the Prophet underlined their difference from, and superiority to, other Muslims. From ancestors who fought alongside Muhammad bin Qasim, colonial Arains inherited the religious merit earned by the original mujahidin of Sindh and the righteous valor intrinsic to this act. Associations with the Quraysh and Salman Farisi, although documented only

tenuously in *Salim al-tavarikh,* hinted at colonial Arains' innate Islamic worth. Their settlement in South Asia over generations meant that the Arains had cultivated this landscape and made it their home. In a frame of reference built upon values emanating from the Arains' connections with early Islamic figures and events, demonstrable chronologies and detailed ancestral biographies were of limited use at best.

Jalandhari's Arains emerged in conversation with at least two sets of interlocutors. First, late nineteenth century colonial ethnographers who described the Arains as bad Muslim vegetable-vendors of indigenous origin. And second, contemporary reform-minded elite Muslim intellectuals who also saw Punjabi Muslims, the Arains among them, as egregious offenders against canonical Islamic practices, not the least offensive of which was their adherence to customary law. Much of what Jalandhari had to say about the Arains came by way of rebuttals of these characterizations of his biradari. His documentation of the Arains' Arab ancestry and past greatness served as the evidentiary basis for his rejection of such uncharitable representations of the biradari. The narrative of the Arains' temporal and spatial proximity to early Islam and its initial expansion appropriated for them an innate Arab-Muslim identity, which colonial Arains could recover by implementing Jalandhari's carefully-designed reformist program. His repeated assertion of the Arains' essentially incorruptible Muslim-ness evinced his concern about articulating an exclusive Arain identity—one based on their genealogical claim to 'pure' Islamic practice and their record of social, economic and intellectual accomplishments in pre-colonial and colonial South Asia.

Jalandhari's discursive emplacement of the Arains into the remembered history of early Islam and the early Muslim conquest of India draws attention to an intriguing moment in colonial India when other communities enumerated in colonial ethnographies were writing their

own histories, partly in response to these colonial accounts. The Muslim weavers (*julaha*) of Barabanki in north India contested their traditional low-caste status by claiming descent from Ayub Ansari, a contemporary of the Prophet, through whom they connected themselves to the weaving of Adam's first cloth. Calling themselves Momin and/or Ansari instead of julaha, they saw weaving as a spiritual, ritual-laden lifestyle centered on the loom and accompanied by ritual prayers associated with every step of the weaving process.[16] In a similar deployment of historical, mythic and colonial ethnographic features in late nineteenth century Punjab, Jat leaders constructed a separate Jat identity by claiming that their pre-colonial language, rituals and religious practices distinguished them from other Punjabi communities. Claiming Jatu and Bagri as Jat dialects, karewa as a Jat ritual, and devotion to Sitala Mata, sun god and rivers, and the mythic snake-god Guga as Jat religious practices, they differentiated themselves from upper caste Hindus and Muslims alike. Somewhat similar to Jalandhari's mobilization of reformist Islamic ideas, Jat leaders claimed that karewa was the conceptual precursor to Arya Samaj's advocacy of widow remarriage.[17] Other scholars have pointed to the complex appropriation of historical narratives in the construction and reconstruction of Maratha and Rajput identities from the seventeenth to the twentieth centuries.[18]

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[16] Deepak Mehta, *Work, Ritual, Biography: A Muslim Community in North India.* (Delhi: OUP, 1997), 68-9, and Ch. 4. Also see Nita Kumar, *The Artisans of Banaras: Popular Culture and Identity, 1880-1986.* (Princeton, NJ: Princeton University Press, 1988).

[17] Datta, *Forming an Identity,* Ch. 2 and 3.

[18] Prachi Deshpande, *Creative Pasts: Historical Memory and Identity in Western India, 1700-1960.* (New York: Columbia University Press, 2007); Ramya Sreenivasan, *The Many Lives of a Rajput Queen: Heroic Pasts in India, C. 1500-1900.* (Seattle: University of Washington Press, 2007). Muhammad bin Qasim's place in Jalandhari's narrative was akin to that of Ghazi Miyan in the lineages of Awadhi families. Sayyid Salar Masud Ghazi, a semi-fictional figure remembered as a nephew of Mahmud of Ghazni, is believed to have conquered north India sometime during the eleventh century. He achieved martyrdom when, on the day of his wedding, he died protecting his supporters' cattle from the depredations of his local Hindu rival. Somewhat like Muhammad, Ghazi Miyan was both conqueror and protector, and the fact that some Awadhi families claimed descent from him reiterated the contemporary social power of a locally commemorated Islamic past. See Shahid Amin, *Conquest and Community: The Afterlife of Warrior Saint Ghazi Miyan* (New Delhi: Orient Blackswan, 2015), 149, 170 and 195.

While Jalandhari's attempt to construct a new Arain identity using genealogical-historical, colonial and ethnographic elements may not have been entirely unique in colonial South Asia, *Salim al-tavarikh* illuminates new aspects of two familiar historiographical questions. First, Jalandhari's representation of the Arains as bearers of high social status derived from their genealogical history and Islamic conduct challenges standard sociological accounts of upward social mobility in South Asia. According to these models, lower-status communities improve their social standing by adopting, first, the socio-religious practices, and later, the name of the dominant community in their locality or region. With reference to lower-caste Hindu communities, sociologists have termed this process Sanskritization and Brahmanization, indexing the gradual adoption of brahmanical rituals and practices by lower caste groups.[19] In the case of Muslims, scholars have identified a parallel process called 'Ashrafization,' which refers to low-status Muslim groups adopting practices such as seclusion of women and claiming descent from the Prophet (Sayyid) or his Companions (Shaikh) to underline their respectable (*sharif*) status.[20] As Imtiaz Ahmed noted, claiming Sayyid status in and of itself was rarely enough for achieving social mobility. Instead, such claims were often preceded by complex

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[19] The model of Sanskritization was postulated for lower-caste Hindu communities by the celebrated Indian sociologist M. N. Srinivas in a series of scholarly writings from the 1950s to the 1980s. For a collection of his essays on caste, see M. N. Srinivas, *Collected Essays* (New Delhi: Oxford University Press, 2002).

[20] Ahmed, ed., *Caste and Social Stratification Among Muslims in India;* Buehler, "Trends of Ashrafization in India." For a critique of Sanskritization, see Lucy Carroll, "Caste, Social Change, and the Social Scientist: A Note on the Ahistorical Approach to Indian Social History" *The Journal of Asian Studies* 35:1 (Nov. 1975). 63-84. For her wider critique of Sanskritization as a model, see Lucy Carroll, ""Sanskritization," "Westernization," and "Social Mobility": A Reappraisal of the Relevance of Anthropological Concepts to the Social Historian of Modern India" *Journal of Anthropological Research* 33: 4 (Winter, 1977). 355-71. Chandra Mallampalli has recently argued for an alternative form of Sanskritization in his *Race, Religion and Law in Colonial India: Trials of an Interracial Family* (New York: CUP, 2011). 32-33. He analyzes a case where colonial courts identified an Indian Christian inter-racial family as Hindu for resolving a property dispute. He sees this imposition of Hindu family law on a family not really Hindu as an instance of an 'alternative, top-down' form of Sanskritization.

changes in a low-status community's socio-economic conditions.[21] In both these models, birth and socio-religious practices became vectors of high status, and hence, subject to contestation.

Although *Salim al-tavarikh* shared with the Ashrafization model an emphasis on both descent and practice associated with early Islam, Jalandhari's project constituted a conceptually different route to upward mobility. Remaining within the broad framework of early Islamic history, his narrative emphasized the Arab birth of the Arains' ancestors and their exemplary participation in one of South Asia's earliest recorded military encounters with Islam. Although Jalandhari hinted, in tantalizingly meagre detail, that these Arain soldiers might have had a Meccan Quraysh ancestor, one of whose descendants might have been one of the Prophet's Helpers (*Ansar*), he did not trace the Arains' lineage to the Prophet, his family or Companions. On the contrary, he distanced the Arains from Sayyids, Shaikhs, and other high-status birdaris such as Rajputs and Jats. His narrative centered on the idea that the Arains were a distinctive Muslim community with their own illustrious Arab-Islamic genealogical history which set them apart as much from other Muslims as from Hindus and Sikhs. In his telling, the soldiers who conquered Sindh with Muhammad bin Qasim imbued colonial Arains with the heritable values of Arab birth, military valor, and righteous Islamic conduct. And these values, when resurrected through a reformist return to Quranic practices, would facilitate their educational and socio-economic progress in colonial Punjab.

Second, *Salim al-tavarikh's* program for colonial Arains' reform illuminates an aspect of reformist Islamic thought often overlooked in existing scholarly literature on the subject. Scholars of reformist Islam have underscored the variety of reformist orientations in colonial

[21] Imtiaz Ahmed, "The Ashraf-Ajlaf Dichotomy in Muslim Social Structure in India" *Indian Economic and Social History Review*, 3 (July 1966): 268-78.

South Asia, ranging from modernists such as Sayyid Ahmad Khan and Altaf Hussain Hali (1837-1914) to reform-minded theologians such as Maulana Ashraf Ali Thanavi (1863-1943) and Sayyid Abul Hasan Ali Nadwi (1914-1999). They have drawn attention to the ways in which reformers such as Hali criticized Muslim landowners for their decadent lifestyles, un-Islamic practices, and unfounded pride at their superior lineages. Often focusing on reformers' ideas and institutions, these scholars have revealed the historical and complex forms, content and the gendered politics of reformist Islam.[22] Although this literature often deconstructs reformist images of an ideal Muslim man and woman, it has paid relatively less attention to the ways in which provincial reform-minded Muslim elites adapted reformist Islamic ideals to their specific political contexts.

While parts of *Salim al-tavarikh* were pedagogical in nature, its chief concern was to develop techniques for implementing reformist Islamic ideas in a political context that privileged the Arains' agriculturalist identity. As an employee of the colonial administration inspired by a variety of contemporary reformers such as Sayyid Ahmad Khan and Ashraf Ali Thanavi, Jalandhari was part of a colonial, reform-minded elite who envisioned rural Muslims as most in need of reformist re-education. However, in colonial Punjab, colonial epistemology shaped the Arains' access to economic and political power and colonial law sometimes ran counter to reformist ideals. This political context shaped Jalandhari's vision in profound ways, especially with regard to controversial issues such as seclusion and women's mobility, and customary inheritance practices. In order to accommodate Arain elites' reformist aspirations as well as their

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[22] Minault, *Secluded Scholars* and *Voices of Silence;* Metcalf, *Perfecting Women* and *Islamic Revival in British India*; Lelyveld, *Aligarh's First Generation;* Zaman, *The Ulama in Contemporary Islam, Modern Islamic Thought in a Radical Age*, and *Ashraf Ali Thanavi*; Usha Sanyal, *Devotional Islam and Politics in British India: Ahmad Riza Khan Barelwi and His Movement, 1870-1920.* (Delhi; NY: OUP, 1996) and *Ahmad Riza Khan Barelwi: In the Path of the Prophet*. (London: Oneworld, 2005); Christopher Shackle and Javed Majeed, trans. *Hali's Musaddas: The Flow and Ebb of Islam* (New Delhi: Oxford University Press, 1997).

status as statutory agriculturalists, he developed an iteration of reformist Islam which drew upon the Arains' purported Arab descent to reinterpret their socio-religious practices in Quranic terms.

Jalandhari's arguments about seclusion and women's inheritance rights were more than minor variations on well-known reformist themes. Rather, his interpretations were clever adaptations, which used a reformist method—an epistemic return to the Quran and Hadith—to develop Quranic justifications for practices otherwise condemned by contemporary reformers but supported by colonial policies that protected Punjabi agriculturalists. Accommodating these contextual demands led Jalandhari to embrace some reformist ideals more passionately than others. While he unequivocally endorsed calls for the Arains' educational progress, his recasting of Arain women's mobility and customary inheritance as Quranic practices was more cautious. Such conceptual accommodations reveal the ideological challenges confronting historical actors who wished to implement reformist Islam's universalistic ideals in spaces shaped by particular political exigencies. It also illuminates the ways in which a provincial, largely agrarian community practiced reformist Islam and in the process, arguably adapted and reshaped its contours in colonial Punjab.

Jalandhari's attempts to re-interpret the Arains' socio-religious practices in terms acceptable to contemporary Muslim reformers signaled the potential for upward mobility embedded in adoption of reformist Islamic practices. As Margrit Pernau has noted, commercial Muslim groups in late nineteenth century north India adopted new forms of piety, such as the social and ritual practices advocated by contemporary Muslim reformers, to claim a social status more in consonance with their newly acquired wealth. Adopting reformist Islamic practices was

a way of upward mobility, one defined by a confluence of wealth and ideal religious conduct.[23] In Punjab, colonial policies which shored up the power of landlords had benefitted members of the Arain biradari. In this context, the socio-economic and political power that colonial Arain elites commanded, endorsed by their statutory agriculturalist status and the political prominence of some Arain lawyers, provided fertile grounds for a narrative of Arab descent which imparted historical depth to the Arains' collective self-image and grounded Arain identity in notions of 'pure' Islamic conduct.

The following pages will explore Jalandhari's multi-layered narrative in four sections. Section one will discuss the genealogical narratives collected by colonial ethnographers from Arain informants to show how the colonial understanding of the Arains' history remained fairly consistent over the course of colonial rule in Punjab. Section two will discuss Jalandhari's arguments against the colonial representation of Arain history and identity, and underline his selective appropriation of colonial ethnography to protect the Arains' agriculturalist status. Section three will focus on the reformist roadmap he developed for the Arains and show the centrality of Arab birth and ideal Islamic conduct to his reformist vision. Section four will analyze the conceptual accommodations he was compelled to make in order to fit his reformist program with the demands of the Arains' agriculturalist status.

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[23] Margrit Pernau, *Ashraf into Middle Classes: Muslims in Nineteenth-century Delhi*. (New Delhi: OUP, 2013). Introduction.

Arains' history in colonial ethnography

Since at least the 1850s, the Arains had figured in colonial ethnographies aimed at developing a coherent understanding of Punjab's inhabitants and socio-economic landscape. These records took many forms, ranging from settlement reports and customary law compendia to district gazetteers, census reports, travelogues and memoirs. They contained data crucial, initially, for delineating landholding patterns and revenue settlements, and increasingly toward the end of the nineteenth century, for elucidation of laws governing social practices such as inheritance and marriage. A community's history and occupation were crucial for determining their relationship with land and the socio-economic hierarchy built around its ownership. As discussed in the previous chapter, most colonial ethnographers categorized Arains as a minor agricultural biradari of market-gardeners, socio-economically inferior to large landowning biradaris such as Jats and Rajputs, comparable to other minor agriculturalists such as Awans and Kambohs, and superior to service-providing kamin biradaris such as Chamars and Kumhars.

Contrary to Jalandhari's narrative of the Arains' Arab origins, most late nineteenth century colonial ethnographers agreed that Arains were Muslims of indigenous origin.[24] Even though some colonial records contained isolated references to Hindu and Sikh Arains, most classified Arains as Muslims. For instance, a settlement report published in 1873 noted that barring some Hindu Arain families in Chunian tehsil of Lahore, all Arains were Muslims.[25] This

[24] This was a widely held view of Arains' religious identity. See *Imperial Gazetteer of India* (Oxford: Clarendon Press, 1908), vol. 20, 288. Also see Ibbetson, *Report on the Census,* vol. 1, 267 and H. A. Rose, *A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province* (Lahore: Civil and Military Gazette Press, 1911), vol. 2, 13. *Report on the Settlement under Regn. IX of 1833 of the District of Jullundhur, trans-Sutlej States by R. Temple.* (Lahore: Lahore Chronicle Press, 1852), 13-14.

[25] See, for example, *Report on the Revised Land Revenue Settlement of the Lahore District in the Lahore Division of the Panjab effected by Leslie E. Saunders 1865-69* (Lahore: Central Jail Press, 1873): 27; *Gazetteer of the Lahore District 1883-4*: 65, Table IX.

classification appears to have remained consistent, overcoming colonial surveyors' frustration at what they felt was an utter lack of clear-cut religious boundaries among Punjabis. Colonial statistics on 'Hindu,' 'Muslim' and 'Sikh' distribution in any given Punjabi village represented bureaucratic attempts to standardize maddeningly complex and intertwined religious practices that often seemed to contradict scriptural religion. Despite their vastness, such ethnographic data often occluded more than they revealed.[26]

In this background, Denzil Ibbetson's commentary on Punjabi Muslims' religious lives comes as no surprise. Author of the seminal 1883 Census report on Punjab,[27] he described rural Punjabi Muslims as incomplete and insincere converts lacking all catholicity of practice. Unaware of their faith, they ignored requirements of prayer and fasting, continued to observe caste and village rituals even after conversion, and deviated from the Sharia in their inheritance practices. For Ibbetson, "Musalmans of the villages were Musalmans in little but name" and in spite of the post-1857 revival among Indian Muslims, the Punjabi villager remained "a very bad Musalman."[28] This image of Punjabi Muslims, Arains among them, persisted until at least the early decades of the twentieth century when a major colonial ethnographic text hinted at a change among the Arains' religious attitudes. H. A. Rose's monumental *Glossary of Punjab Castes and Tribes* published in multiple volumes during the 1910s described the Arains as

[26] Demographic statistics often belied colonial assertions about the religious identities of Punjabis. This is evident in ethnographic data about Arains in various Punjab districts wherein the total number of Arains often exceeded the number of recorded Muslim Arains substantially. See, for example, Tables IX and IXA in *Gazetteer of the Mooltan District, 1883-84* and *Gazetteer of the Montgomery District, 1883-4*. For the complexity of colonial ethnographic knowledge and its interaction with Indian subjects' religious identities, see Cohn, *Colonialism and Its Forms of Knowledge;* Dirks, *Castes of Mind;* and Christopher Harding, *Religious Transformation in South Asia: The Meanings of Conversion in Colonial Punjab* (Oxford; New York, OUP, 2008).
[27] Ibbetson's *Report on the Census* influenced the descriptions of Punjabi biradaris in H. A. Rose's *Glossary*, various customary law volumes compiled under the direction of Charles Tupper, as well as the discussion of caste in the 1901 Census.
[28] Ibbetson, *Report on the Census,* vol. 1, 142.

Muslims who were "strongly inclined to orthodoxy" despite adherence to local customs and rituals.[29]

Colonial ethnographers also recorded a dizzying array of narratives about Arains' ancestral homes and migration patterns. Even though district gazetteers of Multan and Montgomery spoke of the Arains as people who could "give no particular account of their own history"[30] and knew "nothing of their origin,"[31] Ibbetson's census report recorded various origin stories prevalent among the Arains across the province. While many Arains claimed Uchh and Sirsa as their ancestral homes, he recorded no references to Muhammad bin Qasim or any Arab antecedents. The Arains of Bareilly and Rampur claimed that they were originally Rajputs of Multan who, forced by local political turmoil during the fifteenth century, had migrated and settled down in the Sirsa area. Famines and conflicts among local chiefs in Sirsa during the late eighteenth century drove them further east toward Bareilly and Rampur. In Ibbetson's own time, these Arains had become an endogamous community, refusing to intermarry with Arains outside of Bareilly. In Punjab, where the Arains were variously referred to as Mali, Maliar, Baghban, and occasionally Jat and Shaikh,[32] Arains of Sirsa, Ludhiana, Ferozepore, Ambala, Hissar and Lahore claimed Uchh and its neighboring areas in Multan as their place of origin.[33]

The memory of past habitation in Multan and Sirsa also appeared in origin stories reported from the Arains of Jalandhar, the district with the highest reported population of Arains in the 1881 and 1901 Censuses.[34] One story claimed that (mostly Muslim) Arains and (mostly

[29] Rose, *Glossary,* v. 2, 13.
[30] *Gazetteer of the Mooltan District, 1883-84,* 65.
[31] *Gazetteer of the Montgomery District, 1883-4,* 68.
[32] Ibbetson, *Report on the Census*, vol. 1, 267 and Rose, *Glossary*, vol. 2, 13. For lists of Arain clans, see 269 of Ibbetson and 14-15 of Rose.
[33] Ibbetson, *Report on the Census,* vol. 1, 267-8; *Gazetteer of the Lahore District 1883-4*, 65.
[34] For 1881 statistics, see Ibbetson, *Report on the Census*, vol. 1, 149. For 1901 statistics, see *IGI,* vol. 14, 225.

Hindu) Kambohs were the legitimate and illegitimate descendants, respectively, of a common ancestor. During the seventeenth and eighteenth centuries, these Arains had migrated from Multan in the direction of Hissar, and thence to Jalandhar. Another story claimed that the Arains of Jalandhar were descendants of Rai Chajju of Ujjain, a ruler of Sirsa, and that Sirsa was their ancestral home.[35] In a third narrative, some Arains of Jalandhar claimed that they were originally Hindu Rajputs who were the descendants of Rai Jaj, the grandson of Lav, the mythical founder of Lahore. Converted sometime in the twelfth century, they had immigrated to Jalandhar from Sirsa sometime during the fifteenth century.[36] Paying little attention to the mythical and royal lineages referenced in his own description of Arain genealogies, Ibbetson concluded that Arains were local converts to Islam who had originally inhabited the lower Indus regions and gradually migrated upwards into the land irrigated by Punjab's five rivers.[37]

Ibbetson's conclusions determined the official perspective on the Arains for the next few decades. Both the 1901 Census and Rose's *Glossary* reiterated Ibbetson's narrative. The 1901 Census classified the Arains as a "degraded class" composed mainly of low-caste Hindu converts to Islam. It distinguished the Arains from "better class Muhammadans" such as Mughals and Pathans (Muslims claiming foreign origin) as well as "lower class Muhammadans" such as Rajputs and Jats (claiming local lineages).[38] A little more than a decade later, Rose speculated that the core of the Arains likely came from Hindu Kamboh and Saini cultivators, some of whom had converted to Islam during the eleventh or twelfth century. He also recorded other origin stories specific to different Arain clans. Bhuttas, an Arain clan in Jalandhar district, claimed

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[35] Ibbetson, *Report on the Census*, vol. 1, 268.
[36] Rose, *Glossary*, vol. 2, 15; Purser, *Final Report of the Revised Settlement of the Jullundhur District,* 82-3.
[37] Ibbetson, *Report on the Census,* vol. 1, 268.
[38] H. H. Risley, *Census of India 1901* (Calcutta, Superintendent of Government Printing, 1903), vol. 1, 51. The census labels 'better class Muhammadans' as *Ashraf*, 'lower class Muhammadans' as *Ajlaf* and 'degraded class' as *Arjal*.

descent from Raja Bhuta, the fifth lineal descendent of Raja Karan, and were settled in Ucch and later forcibly converted to Islam by Mahmud of Ghazni. Janjua, another Arain clan, identified a Hindu Rajput of Pindi Bhattian in Gujranwala as their ancestor. They also claimed Mehr Mardana, the Mughal official who laid out the Shalimar Gardens in Lahore, as one of their ancestors. Dhinga, another Arain clan, claimed to be descendants of one Fattu, son of Mitha, a Dhariwal Jat of Dhola Kangar, who had converted to Islam during Emperor Akbar's reign (1556-1605). The Bot claimed descent from Maluk, Jahangir's (r. 1605-27) tutor, who received a land grant from the emperor when Nurmahal was established near Jalandhar.[39] Arains of Montgomery claimed to be Surajbansi Rajputs who migrated from Delhi.[40]

Even though Rose pointed to this co-existence of Hindu and Muslim figures in Arain genealogies as evidence of his theory, he, like Ibbetson, ignored the specific socio-religious hierarchies invoked by each genealogy in the interests of maintaining a standard official narrative. Once he had recorded these genealogical claims, Rose, like Ibbetson, concluded that the Arains were indigenous converts who had moved from the lower Indus regions toward Punjab's central doabs. He saw further evidence of this migration pattern in Ambala's two Arain branches—Sirsawala and Multani—also referenced in *Salim al-tavarikh.*[41] With Rose's 1910s *Glossary* reinforcing Ibbetson's 1883 census report, this colonial narrative achieved normative status as *the* account of Arain history and identity. It was only in the mid-1930s that a military handbook about Punjabi Muslims noted the Arains' claims to Arab descent alongside a history of migration up the Indus river system from Ucch, Multan toward Sirsa and central Punjab doabs.[42]

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[39] Rose, *Glossary*, vol. 2, 14-15; Purser, *Final Report of the Revised Settlement of Jullundhur District,* 82-3.
[40] *Gazetteer of the Montgomery District, 1883-4,* 69.
[41] Rose, *Glossary*, vol. 2, 14.
[42] Wikeley, *Punjabi Musalmans,* 66.

The geographical loci of this migration pattern, from Multan to Sirsa to central Punjab and eastward to Bareilly, corresponded with the migration story of *Salim al-tavarikh.* Given Jalandhari's own recording of Sirsawali and Multani branches of the Arains, and his continuous engagement with colonial categories and ethnographic literature in *Salim al-tavarikh,* it is conceivable that he was aware of these colonial accounts. And in the process of writing *Salim al-tavarikh,* perhaps he drew upon their contents as much as he criticized and rejected their conclusions. In the petition composed for Lord Kitchener, Jalandhari had claimed, like some colonial ethnographers, that the Arains who provided information about their biradari to census officials were unaware of their 'true' origins. Perhaps the multiplicity of origin narratives recorded in Ibbetson's census report also fueled Jalandhari's and his reform-minded Arain supporters' desire for a unified history of the biradari.

The Arains of colonial ethnography continued to be marked by the curious co-existence of a documented diverse genealogical imagination and economic conditions alongside long-standing stereotypes about their intellect and occupation. While for colonial officials such as Ibbetson, Rose and Darling, this complexity became comprehensible only when tamed within a consistent, standardized narrative of Arain history, elite Arains such as Jalandhari, committed to a specific collective self-image of the biradari, sought to disrupt this carefully-constructed image. If colonial ethnographers recorded Arains' multiple genealogies only to develop a coherent narrative of their identity, then this documented diversity provided men such as Jalandhari the analytical hooks necessary for developing an alternative picture of the Arain biradari.

Contesting Arains of colonial ethnography

In many ways, *Salim al-tavarikh* was an attempt to create a counter-narrative of Arain identity using the tools and motifs of colonial ethnography. Jalandhari's preoccupation with Ibbetson and colonial gazetteers' depiction of the Arains was evident in his continual rejection of their conclusions about the biradari's economic circumstances and religious practices. However, for rejecting colonial portrayal of the Arains, Jalandhari fashioned a narrative of the Arains' past which drew upon their centuries-old proximity to political power and service to pre-colonial regimes. Such invocation of the Arains' pre-colonial past was aimed at facilitating the production of a certain collective self-image of the biradari in colonial Punjab. At the same time, claiming a longer trajectory of intimacy with political power and sovereign rulers, from Muhammad bin Qasim to Ranjit Singh, created an image of the Arains which could potentially become intelligible beyond colonial knowledge systems.

Jalandhari challenged the colonial representation of the Arains by building a counter-narrative using his own intra-biradari ethnographic method. He collected information about Arain families from elite Arain men of wealth and influence.[43] In open letters (*qaumi chhitthi*) addressed to biradari members, he elicited information pertaining to their ancestors' professions, migration patterns, and their current education and occupations. In one such letter dated 1 June 1894, he requested answers to a set of sixteen questions dealing with a variety of issues, ranging from etymological origins of the term 'Arain' and its correct Urdu spelling, the Arains' origins, dress, rituals and customs, to their demographic distribution in British Punjab, and names of famous contemporary and historical Arain men.[44] Even though the biradari's responses remained

[43] *Salim al-tavarikh*, preface.
[44] *Salim al-tavarikh*, 754-56.

too scattered for his satisfaction, the details he gleaned from them contributed to his documentation of Arain families' history in *Salim al-tavarikh.*[45] To the extent that the better part of *Salim al-tavarikh* contained this ethnographic information, Jalandhari's work was more a product of conversations within the biradari than the result of one author's isolated research. Arain correspondents' responses contributed descriptive details to *Salim al-tavarikh* and offered the biradari's endorsement for his project. His methodology generated an image of colonial Arains as actively engaged in their own representation.

To challenge the image of the Arains as bad Punjabi Muslims, Jalandhari offered a detailed account of religious and social characteristics that set them apart from other Punjabi Muslims and indicated their eminent, though forgotten, Arab past. He noted that, unlike other Punjabi Muslims, colonial Arains were an unusually devout and observant biradari. Mostly Sunni, they fasted during Ramzan, performed hajj if they could afford it, offered namaz five times a day, and made charitable donations. Arain villages had well-maintained mosques where Arain children studied the Quran with a local imam. Intrinsically spiritual and pious Muslims, a large section of the biradari followed Sufi pirs, with Shah Abdul Qadir Gilani, the founder of the Qadiriyya Sufi tariqa, attracting a major share of Arain devotees.[46] Arguing that Sufi discipleship was "Allah's grace,"[47] he pointed to the popularity of Qadiri pirs among the Arains, making

[45] *Salim al-tavarikh*, Ch. 15 and 16. In many instances, he refers to the correspondents who provided him with detailed family trees and property information about their families. Also see *Salim al-tavarikh*, 85-92 where he quotes individual Arain men's testimony about their antecedents. In *Salim directory* too, he used this information to compile his list of influential men among colonial Arains.
[46] *Salim al-tavarikh*, 93-4, 198, 349-350. According to Jalandhari, Arains were predominantly Sunnis, rarely ever Shia. In matters of Islamic law, they followed the Hanafi mazhab without considering Shafi, Maliki or Hanbali mazahib as incorrect. Arain followers of the Ahl-i-hadith movement did not adhere to any legal school.
[47] *Salim al-tavarikh*, 147.

special reference to Bulleh Shah, famous poet and disciple of the Arain Sufi saint Shah Inayat Qadiri (d. 1748).[48]

Jalandhari reiterated the Arains' Muslim identity by explaining away Hindu and Sikh Arains documented in colonial gazetteers. He argued that these communities were known as Arains because they lived in Arain-dominated villages and were also cultivators. Referring to Hindu and Sikh Arains of Chunian tehsil, he noted that after being recorded as such in the 1881 Census, they had successfully petitioned the government to change their official classification from Arain to Jat. He reminded his readers that "there was nothing surprising about Hindu farmers who lived among Arain farmers to become known as Arains" because they had lived together for long periods of time and shared an occupation.[49] A similar strategy explained *got* names that Arains shared with other Punjabi birdaris.[50] He argued that these were merely nicknames or titles referring to idiosyncratic traits of a lineage, such as place of origin or current residence, its occupation, an animal or instrument it worked with, or a virtue with which its members were associated. For instance, *Rete* were those who lived near the sandy banks of a river, *Chanchad* were those who came from Chanchad village near Bahawalpur, *Jitale* were a family who had, in the past, defeated someone in a dispute, *Mullane* were a family who may have had a mullah among their remote or recent ancestors. If two biradaris shared a *got* name, it

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[48] *Salim al-tavarikh,* 146-9. He discusses Shah Inayat's life on 366-75 and that of Bulleh Shah on 375-97. Jalandhari came from a family of sajjada-nishins who had been disciples of a Qadiri saint named Hazrat Pir Allah Shah. So perhaps his stance on Sufism was personal. I have been unable to determine whether the Arain leaders who supported his research endorsed his views on Sufi practices. It is conceivable that men such as Shafi and Shah Din, who adhered to Sayyid Ahmad Khan's modernist ideology, may have found Jalandhari's Sufi leanings unacceptable. Apart from this reference to Arains' Sufi devotion, Jalandhari did not discuss or denounce Sufi practices in *Salim al-tavarikh.* It is possible that his family was part of the revivalist Sufi-Barelwi milieu of Punjab wherein some Sufi pirs combined reformist education and leanings with revivalist Sufi practices. See Gilmartin, *Empire and Islam,* 56-62. At the very least, this might suggest that his reformist intellectual leanings may not have contradicted his commitment to Sufi practices.

[49] *Salim al-tavarikh,* 138. See 136-9 for larger discussion of this issue.

[50] A *got* is the Urdu/Punjabi term denoting an exogamous lineage within a biradari.

did not necessarily point to common ancestry or indigenous origin.[51] For Jalandhari, this phenomenon did not erase the distinct religious and ancestral identities of such communities.

Jalandhari pointed out that the Arains' religious piety governed their social behavior as well. Some of their social practices indicated their lost Arab-ness and differentiated them from fellow Punjabi Muslims who imitated the practices of locally dominant biradaris such as Rajputs and considered widow remarriage a sin. Contrary to this, the Arains emulated the example of the Prophet and the first generation of Muslims in matters of marriage and divorce. Arain widows could remarry, and the Arains followed Quranic injunctions about divorce scrupulously. Further, in accordance with the Prophet's example, many colonial Arains maintained a simple and austere lifestyle, avoiding pompous festivities on weddings and other social occasions.[52] In spite of the fact that some Arains took wives from other biradaris, he insisted that most Arains preferred strict endogamy in the interest of "protecting their lineage."[53] They preferred to give their daughters in marriage to fellow Arains only. If an Arain married an outsider, he and his family could be ostracized by the biradari.

The Arains' devout Muslim identity reiterated, Jalandhari tackled what he considered misconceptions about his biradari common in the imprecise content of colonial district gazetteers. He began by contesting the colonial image of the Arains as Punjab's quintessential

[51] *Salim al-tavarikh*, 116-24. As an example, he pointed out that the medieval emperor Sher Shah Suri had no connection with the *suri* got of Khatri Rajputs. He also listed 25 *got* names prevalent among Arains on 122-24, though he acknowledges his inability to gather explanations for or even record all of them in this book.
[52] *Salim al-tavarikh*, 94-5.
[53] *Salim al-tavarikh*, 97. Other 'Arab' features that Jalandhari claims for Arains were: preponderance of 'Arabic' titles and names such as Shaikh, Mullah and Malik, a preference for dark-colored clothing, especially in blue, and uncompromising hospitality. See *Salim al-tavarikh*, 93-115. On the preference for blue, Rose's *Glossary* noted that 'In Multan, they prefer the blue *majhla* or waistcloth to the white and those of one village (Jalla in Lodhran tehsil) are in consequence known as the *nili paltan* or 'blue regiment.' Rose, *Glossary*, vol. 2, 16. An earlier reference to Arains' preference for dark-colored turbans comes in *Report on the Revised Settlement of the Southern Parganas of the District of Amballa, in the Cis-Satlaj States, effected by W. Wynyard* (Lahore: Chronicle Press, 1859), 32.

market-gardeners. Without denying that many Arains cultivated and sold vegetables, he drew attention to the fact that many of them were also substantial landowners and hereditary tenants. He claimed that the Arains held land in twenty-two out of Punjab's twenty-nine districts, and were classified as agriculturalists under the provisions of the Punjab Alienation of Land Act of 1901. In this instance, he drew upon colonial records that endorsed the Arains' close relationship with land and their superior abilities as cultivators to underline their status as an influential farming community, far more than mere vegetable-vendors.[54] He narrated the stories of various Arain landowning families, reproduced pre-colonial royal edicts granting Arains land, and pointed to the existence of many Arain zaildars and nambardars as additional proof.[55]

Further, Jalandhari argued that gardening, associated commonly with the Arains, was an important branch of agriculture. Sayyids, Muslim Rajputs and other high-status biradaris regarded farming communities as socially inferior because they believed all manual labor, including agriculture, was demeaning.[56] He noted that "good gardening was a skill of the highest order. Not everyone could do it well. But many courageous Arains had acquired this skill and were now better gardeners than any other biradari."[57] Additionally, many biradaris in and around cities, and many landowners in rural areas, also cultivated vegetables for sale and personal consumption. Answering Ibbetson's speculation that the use of manure for vegetable cultivation explained the stigma attached to this profession, he contended that all cultivators—Jats, Rajputs, Pathan, Sayyid—used manure. Finally, he rejected the colonial claim that Arain women sold vegetables in markets. He argued that poor women of all biradaris worked in the fields and did

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[54] *Salim al-tavarikh*, 157-67. Here he provides a list of areas where Arains either owned land or cultivated it as tenants.
[55] *Salim al-tavarikh*, 513-632, 633-72, 726-32, respectively.
[56] *Salim al-tavarikh*, 132-3.
[57] *Salim al-tavarikh*, 135.

whatever they could to feed their families.[58] "Poor people of all biradaris do lowly work….it is God's kindness that the poorest of Arains are not forced to beg for survival."[59] Instead of denying the Arains' association with cultivation and sale of vegetables, he sought to attenuate the stigma attached to this work.

Accusing colonial officials of "letting their imaginations run wild"[60] when defining the Arains' biradari identity, he argued that overlaps between the Arains on the one hand and the Malis, Maliars and Baghbans on the other, were due to shared occupation, not common ancestry. Like agriculture, gardening was a profession shared by people of all biradaris. The fact that Arains, Malis, Maliars and Baghbans worked as professional gardeners had led district officials to believe that they were different names of the same biradari. However, he pointed out that Mali and Maliar were separate biradaris with whom Arains had no family relations or social interaction. And Baghban and Arain were not synonymous terms because all Arains were not gardeners. Further, Malis, Maliars and Baghbans were recognized as distinct agriculturalist biradaris by the Act of 1901. Undercutting a possible cross-religious occupational basis for Arain identity, he stressed that Hindu Sainis and Arains, contrary to colonial officials' claims, were distinct Hindu and Muslim biradaris with no ancestral connections.[61]

Another aspect of the colonial narrative that irked Jalandhari was the belief that the Arains were largely illiterate farmers. Claiming that the Arains had always nurtured a positive attitude toward education and learning in accordance with the Quranic command to pursue knowledge,[62] he stressed that they had historically been an educated and learned community.

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[58] *Salim al-tavarikh*, 139-42.
[59] *Salim al-tavarikh*, 141.
[60] *Salim al-tavarikh*, 135. '*khayali maidan mein ghode bahut dodhaye hain aur tahqiq se bahut kam kaam liya hai*.'
[61] *Salim al-tavarikh*, 134-6.
[62] *Salim al-tavarikh*, 363.

Most Arain children learned to read the Quran, others memorized it in full, and some trained as maulvis and muftis. Prior to colonial rule, many were fluent in Persian. Arain women were rarely illiterate, and would commonly receive religious education at home. As proof of Arain presence in circles of religious and professional education, he listed Arain ulama, educated professionals, and employees in numerous departments of the colonial administration.[63] Under British rule, this educational progress had also begun to encompass Arain women. For instance, Maulvi Fateh Muhammad's daughter was an expert on fiqh, tafsir and hadith. Women of the famous Baghbanpura Mian family had helped establish an anjuman for promoting women's education in Punjab. At a time when reformers such as Nazir Ahmad (1830-1912), Altaf Husain Hali and Sayyid Mumtaz Ali had produced literature suitable for sharif Muslim women's education, and the colonial government had extended aid to girls' schools, Arain women were beginning to take advantage of such positive developments.[64]

From Jalandhari's perspective, colonial records, particularly district gazetteers, were based on inadequate research and generalized socio-economic features of some Arains to the biradari as a whole. However, his response to colonial ethnography was not one of uniform rejection. While he objected to the content of most gazetteers, he simultaneously relied on other colonial records, such as Ibbetson's census report and the Act of 1901, to buttress his own arguments. His narrative, therefore, often confirmed some colonial assertions about his biradari, while vehemently denying others. He admitted that many Arains were market-gardeners, but also

[63] *Salim al-tavarikh*, Ch. 15, 366-496. Here he provides biographical sketches of sixty Arain ulama and mashaikh dating to both pre-colonial and colonial times. Ch. 16, 497-672, contains biographical sketches of a little over hundred prominent Arain families, pre-colonial and colonial. These descriptions include family genealogies and histories as well as reproductions of sanads which these Arain families had received from pre-colonial rulers. On 673-695, he includes names and biographical details of more Arain ulama and mashaikh. On 707-732, he includes a list of Arain men who held various positions in the colonial administration.
[64] *Salim al-tavarikh*, 362-3. Also see Gail Minault, "Urdu Women's Magazines in the Early Twentieth Century," *Manushi* 48 (October 1988): 2–9; "Sayyid Mumtaz Ali and 'Huquq un-Niswan'" and *Secluded Scholars.*

documented at length those who were substantial landowners and tenants. Such acknowledgment of his biradari's contemporary shortcomings informed his vision for their future.

Reforming Arains

The selective rejection of the colonial representation of the Arains notwithstanding, Jalandhari believed that contemporary Arains had a long way to go before they could reclaim the glory of their Arab origins and past achievements. Once Arains became aware of the abilities their genealogy and history had imbued them with, they would prosper under colonial rule. To make this possible, Jalandhari offered his fellow Arains a carefully-crafted program for reform in *Salim al-tavarikh.* In a strong didactic voice, he described ideal patterns of economic, social and religious behavior that were already visible among some reform-minded colonial Arains who had successfully altered their socio-economic conditions and religious practices. He urged his biradari to emulate the example of these progressive Arains, often underlining the Islamic authenticity of this conduct through references to Quranic passages, Hadith, and reformist writings of intellectuals such as Hali and Nazir Ahmad.[65] In quoting the Quran and Hadith often, and pointing to the exemplary conduct of the Prophet and the first Muslim generation, Jalandhari's intellectual framework evokes that of *Bihishti Zewar,* the influential reform-minded guide written by Maulana Ashraf Ali Thanavi.[66] If Thanavi intended *Bihishti Zewar* as a guide to righteous conduct for all Muslim men and women, then Jalandhari's *Salim al-tavarikh* was

[65] Jalandhari quotes from a wide variety of authorities in *Salim al-tavarikh.* In addition to Quran and Hadith, he often quotes from a range of Urdu and Persian poets and writers such as Hali, Nazir Ahmad, Shibli Numani, Shaikh Sadi, Rumi, Ibn Khaldun, and others.
[66] Metcalf, *Perfecting Women.*

meant to similarly reorient the Arains toward their intrinsic, true, correct Arab-Islamic selves through a thorough reform of their social, economic, religious and intellectual practices.

Jalandhari's reformist roadmap encompassed three aspects of ideal conduct. The first, and perhaps the most transformative, aspect of Jalandhari's ideal conduct related to education and learning. While *Salim al-tavarikh* would educated the ignorant among colonial Arains in their own history, all Arains needed to embrace formal education. Declaring that the Arains possessed an inherent propensity toward acquisition of both religious and secular knowledge, he pointed to learned ulama and educated professionals among colonial Arains as exemplary men. With the advent of colonial rule, many rural Arains had begun to favor agricultural training because of clerical disapproval of English education, lack of adequate financial resources and educational institutions in rural areas. He emphasized that even those Arains who had earned college degrees and worked in the colonial administration had not forsaken religious learning. And those who had studied law in England had received religious instruction in their local mosques as children.[67] Using education to differentiate the Arains from other Punjabis, he noted that "among the agricultural communities of Punjab, Arains were making progress in the realm of education."[68] Pointing to educated Arains as exemplars all Arains ought to emulate, he urged his biradari members to embrace their innate capacity for balancing religious and secular knowledge, give up the "darkness of ignorance" and "taking advantage of the British Government's rule, achieve every kind of progress in this peaceful epoch when there is no obstruction to religious practice and no fear of discrimination."[69] In line with the Prophet's

[67] *Salim al-tavarikh*, 349-52.
[68] *Salim al-tavarikh*, 145.
[69] *Salim al-tavarikh*, 354.

command to pursue knowledge, he urged the Arains to capitalize on state-funded educational opportunities to secure their future under colonial rule.

The second aspect of Jalandhari's reformist program for colonial Arains concerned their economic practices. He noted that ideal economic conduct entailed taking up a respectable profession, working diligently to preserve and improve one's financial status, and adopting a frugal lifestyle. He argued that earning an honest livelihood fulfilled basic human needs and prevented dependence on others. He narrated an anecdote in which Prophet Muhammad advised a poor man to sell his meagre possessions, purchase an axe and earn his living by chopping and selling wood. Since societies depended on division of labor to fulfill various human needs, no profession ought to be considered disreputable.[70] Gainful employment, therefore, fulfilled an individual's material needs and simultaneously oriented him toward actions approved by the Prophet. Laziness invited penury and destroyed families. Pointing to high-status Muslims such as Sayyids and simultaneously distancing the Arains from them, Jalandhari noted

> …many Sayyids and Pirzadas do not have any occupation. They waste their time in laziness and sloth. And they believe that hard labor is the lot of other people. The strangest thing is that these very people claim to be the leaders of the umma.[71]

Urging the Arains not to fall for such deplorable examples, he reminded them that good fortune and prosperity came from action and not indolence: *Harkat mein barkat hai*.[72]

Amid this general appreciation of all economic labor, Jalandhari hierarchized the value of different professions, privileging agriculture (the occupation of most colonial Arains) over other occupations. While he acknowledged that trade and handicrafts were also respectable

[70] *Salim al-tavarikh*, 169-72.
[71] *Salim al-tavarikh*, 188.
[72] *Salim al-tavarikh*, 189.

professions, he believed that agriculture was the most beneficial of all occupations. Combined with cattle-rearing and gardening, it ensured the perpetuation and prosperity of human life and grounded human lineages in land.[73] The ideal economic set-up for a farmer was to be a landowner, regardless of which crop he cultivated or the size of his estate. Hereditary tenancy rights were the next best option. If a peasant neither owned his land nor had hereditary rights to it, then his productivity was bound to suffer, precluding his chances of improving his economic status.[74] Noting that many Arain families had gained wealth and status by serving in different branches of the colonial administration, he recognized that salaried employment was also a respectable way of earning one's livelihood.[75]

Jalandhari's understanding of ideal economic conduct also encompassed appropriate spending habits. Using one's wealth for good deeds and charity, instead of frittering it away on an extravagant lifestyle, was just as important as earning a living. He exhorted his biradari members not to spend their wealth on wasteful hobbies often pursued by affluent Muslims, such as pigeon-keeping, chess, extravagant weddings or fireworks.[76] He drew attention to the fact that the Arains were well-suited for frugality because they believed in honest work and were constitutionally averse to disreputable acts such as robbery.[77] Further, reform-minded Arain families frowned upon excessive spending and were beginning to discourage others from doing

[73] *Salim al-tavarikh*, 172-4.
[74] *Salim al-tavarikh*, 156.
[75] *Salim al-tavarikh*, 177-79.
[76] *Salim al-tavarikh*, 192. Altaf Hussain Hali's *musaddas* offers one of the sharpest critiques of landlords wasting their money on fireworks and their time on playing chess. See Shackle and Majeed, trans. *Hali's Musaddas*. The *IGI* also noted Punjabis' tendency to splurge on wedding festivities: "The ceremonies connected with marriage are of infinite variety, the wedding especially being made an occasion for much costly hospitality and display." *IGI*, vol. 20, 285.
[77] *Salim al-tavarikh*, 193-5. As proof, he pointed to the fact that Arains were not listed in the officially-recognized 'criminal tribes' of Punjab.

it.[78] For Jalandhari, this proved the Arains' inherent propensity towards honest labor instead of laziness, and their recognition of the ills of extravagance.

The third and final aspect of Jalandhari's reformist program related to social and religious conduct. He encouraged colonial Arains to renounce local customs and adhere exclusively to Quranic rules in all aspects of their social life. The fact that the Arains, unlike other Punjabi Muslims, permitted widow remarriage was one example of correct Islamic practice. He commended Arains who lived an austere and pious life and condemned customs that delayed performance of obligatory Islamic rituals. For instance, he noted that many Muslims were forced to delay circumcising their sons until they could afford to celebrate it with the customary feast, even if the expenditure proved financially crippling.[79] Among funerary rituals, he approved of Quran recitations and distribution of food to the poor, but the customary practice of *Siyapa* drew his ire. Claiming that it was most common among rural women, Jalandhari expressed the hope that they would soon learn the inadvisability of such excessive practices "through the good endeavors of ulama."[80] He criticized child marriages because they increased the likelihood of divorce, weak progeny and early widowhood.[81] He argued that elaborate rituals associated with births, deaths and marriages were established by rich landowners as a means of extending

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[78] *Salim al-tavarikh*, 145. On 707-32, he provides a list of educated professional Arain men serving in the colonial administration in various capacities.
[79] *Salim al-tavarikh*, 211-60. This chapter gives details about births, deaths, circumcisions, bismillah, weddings, and other life-cycle events. Jalandhari applauds all efforts to curtail ceremonial expenditure and follow Quranic rules about these rituals without indulging in excessive expenditure and elaborate celebrations. He urges all Arains to adopt this approach and advises them to use the money they would otherwise spend on elaborate feasts for charity.
[80] *Salim al-tavarikh*, 246. Siyapa was a traditional public mourning ritual in which a group of women would undress and wrap their bodies in black cloth, wail and beat their chests to the accompaniment of dirges sung by professional domni women. Contemporary Hindu and Sikh reformers too objected to this practice as one manifestation of an unregulated women's cultural sphere. See Anshu Malhotra, *Gender, Caste, and Religious Identities: Restructuring Class in Colonial Punjab.* (Delhi: Oxford University Press, 2002), Ch. 5.
[81] *Salim al-tavarikh*, 238-40. Among other practices he disliked: women wearing too much jewelry, children wearing jewelry, ear and nose piercing among girls and women. He found excessive jewelry wasteful and piercings fit only for cattle. See *Salim al-tavarikh*, 218-23.

patronage to local religious institutions. Pointing to the exemplary lifestyle of the Prophet and his Companions,[82] he urged all his biradari members to renounce such local practices and perform Islamic rituals in a simple and timely fashion. Not only did lavish weddings and festivals militate against Prophetic example, they also drove families into financial ruin.[83]

What Arains stood to gain from implementing Jalandhari's meticulously designed reformist program was a contemporary social location befitting their distinguished history and ensuring their future prosperity. *Salim al-tavarikh,* with its genealogical, reformist, and ethnographic dimensions, could function as an all-encompassing guide for achieving this elusive end. But the discursive articulation of such a project was subject to its own set of contextual challenges. Colonial ethnographers' bureaucratic requirements had forced them to produce a generalized account of Arain identity. And in contesting their conclusions and producing his own image of the Arains, Jalandhari too was compelled to make conceptual accommodations that revealed the politics of his project.

Reforming Arains in colonial Punjab

Jalandhari sketched his image of the Arains in a political context marked by the alliance between the colonial state and Punjab's landed elite, its regional allies. Colonial law since the Punjab Laws Act of 1872 had been aimed at protecting Punjabi landowners' socio-economic power by recognizing custom as the primary source of personal law in the province. Unlike Anglo-Muhammadan law, custom disinherited daughters from paternal property, ensuring that

[82] *Salim al-tavarikh*, 250-57.
[83] *Salim al-tavarikh*, 224-34.

landowners did not lose part of their estates to married daughters. The Punjab Alienation of Land Act of 1901 had been another step in the same direction. As discussed in the introduction, the Act regulated transfers of land through sale or mortgage from statutorily defined rural, custom-observing agriculturalists to urban non-agriculturalists. In combination with the Act of 1872, the 1901 Act protected rural landowners' estates from disintegration through inheritance by daughters and loss through sale to moneylenders. Furthermore, many agriculturalists were categorized as 'martial races' of Punjab whose men were allowed to recruit in the British Indian army. During the first two decades of the twentieth century, the Arain Anjuman had, through expert elite-led navigation of the colonial bureaucracy, ensured that their biradari was classified as 'martial' and Arain men were permitted to join the colonial army. With such legislation in place, the colonial state could continue to rely on Punjab's landed elites for political support, as well as supply of men and materials for the army. Official recognition as an agriculturalist protected a biradari's landed property, upheld its customary system of inheritance, and opened the army as a source of prestigious employment.[84]

Even while it challenged the colonial image of the Arains, Jalandhari's narrative was tailored to protect their agriculturalist status in early twentieth century Punjab. The 1901 Act had classified the Arains as agriculturalists, affirming their place among the privileged, legally-protected provincial allies of the colonial state. Jalandhari's reformist program required cautious articulation and implementation in a way that could consolidate, instead of undermining, their political classification. A straightforward recasting of the Arains as urban, educated professionals

[84] For a look at the historical development of this alliance, see Gilmartin, *Empire and Islam;* "Customary Law and Shariat in British Punjab," in Katherine Ewing, ed., *Shariat and Ambiguity in South Asian Islam.* (Berkeley: University of California Press, 1988), 43–62; Ali, *The Punjab Under Imperialism;* Mazumder, *The Indian Army and the Making of Punjab;* Yong, *The Garrison State;* Matthew J. Nelson, *In the Shadow of Shar¯iʻah: Islam, Islamic Law, and Democracy in Pakistan.* (New York: Columbia University Press, 2011).

was rendered unattractive due to this political necessity. It also meant that his portrayal of the Arains could not stray too far from their official classification and its legal and economic implications. His consistent stance of loyalty and appreciation toward the "peace-loving" British Government was unsurprising in light of this political necessity.[85]

In order to cement the Arains' place within the colonial political structure, Jalandhari reaffirmed the Arains' intimacy with cultivation throughout *Salim al-tavarikh,* even as he encouraged them to take up English education and admitted that many of them had become successful lawyers and bureaucrats. He privileged agriculture, landownership and hereditary tenancy rights—all tying Arains to land, the real source of economic and political power in colonial Punjab—over salaried employment or commerce. As skilled farmers, gardeners, and landowners, with a long history of residence in India, his Arains came across as one of Punjab's premier agriculturalists. Further, his emphasis on the Arains as religious, law-abiding and peace-loving people portrayed them as ideal subjects and allies of the colonial state. In his representation, the Arains were hard-working peasants who could turn into brave soldiers when the need arose. And as inherently conscientious spenders who preferred a simple lifestyle, they avoided extravagance and indebtedness, thereby preserving Punjab's rural economy.[86]

The influence of colonial ethnography and politics on Jalandhari's image of the Arains was matched only by his intellectual debt to contemporary reformist ideas. The legitimacy of his reformist program rested on the unquestionable authority of the Quran, Hadith and the Prophet's exemplary life. Whether it was the obligation to earn one's livelihood, or the injunction to pursue knowledge, divine revelation and early Islamic history remained the ultimate source of guidance

[85] *Salim al-tavarikh*, Preface.
[86] *Salim al-tavarikh*, 198-203.

for the Arains in colonial Punjab. In taking recourse to the authority of the Quran and Hadith, and in encouraging the Arains to embrace both Islamic and Western education, his didacticism intersected with the ideas and methods of reformers such as Nazir Ahmad, Hali and Mumtaz Ali. Nazir Ahmad's reformist novels and Hali's writings had set the standard for sharif Muslim women's education and ideal social and religious conduct. And by the 1910s, Mumtaz Ali, in concert with his novelist wife Muhammadi Begum, had been publishing the Urdu women's journal *Tahzib al-nisvan* for nearly two decades.[87] Much like these intellectuals, Jalandhari argued that the idea that education ruined boys and girls was a result of the "inexperience and foolishness of shortsighted people"[88] who had forgotten the many learned Muslim women of the Prophet's family and Islamic history. He applauded Muhammadi Begum's efforts for promoting the correct blend of Islamic and secular education for Muslim women through her novels and women's journal.[89]

Jalandhari's reformist leanings also informed his position on the much-debated subject of polygamy among Muslims. He interpreted the Quranic verse permitting Muslim men up to four wives in light of its concomitant command to remain impartial among them. He argued that since it was humanly impossible for a man to treat all his wives equally, the spirit of the Quran actually endorsed monogamy. A man could lawfully marry a second time only if his first wife was infertile, severely ill, or otherwise incapable of running his household. Even then, his second marriage could not take place without permission from his first wife.[90] Only a couple of years

[87] Minault, *Secluded Scholars* and Minault, trans., *Voices of Silence.*
[88] *Salim al-tavarikh,* 355.
[89] *Salim al-tavarikh*, 356-63.
[90] *Salim al-tavarikh*, 29. He explained the Prophet's many marriages by arguing that he married to save some women from social stigma, widowhood, or to spread the message of Islam. See *Salim al-tavarikh*, 30-3. On the complexities of the reformist position on polygamy, see Asiya Alam, "Polygyny, Family and Sharafat: Discourses amongst North Indian Muslims, circa 1870–1918," *Modern Asian Studies* 45, no. 3 (November 9, 2010): 631–68.

before the publication of *Salim al-tavarikh*, the All-India Muslim Ladies Conference (established 1914) had incited a storm of protest among male reformers when its members passed an anti-polygamy resolution which made this same argument.[91]

If his stand on polygamy underlined Jalandhari's reformist credentials, his ambivalent approach to another much-debated issue—the replacement of custom with Anglo-Muhammadan Law in matters of inheritance—revealed the hold of Punjab's political context on his reformist aspirations and the vital importance of the Arains' Arab genealogy for justifying his clever adaptation of reformist ideals. According to customary law governing inheritance under the provisions of the Punjab Laws Act of 1872, daughters were entitled only to a share in paternal property, often given as dowry. They were excluded from inheriting landed paternal property by male heirs. Most contemporary reformers considered this custom the very epitome of un-Islamic behavior because it contravened inheritance rules set down in the Quran itself.

But Jalandhari, though an ardent believer in Quranic rules about education and monogamy, was surprisingly terse on this issue. Admitting the criticism this practice faced in his time, he reported that most landowners believed that depriving daughters of a share in landed property precluded sub-division of estates, prevented family disputes over property, and protected the productivity of land. And these same landowners gave daughters their share of natal property in installments, as dowry at the time of marriage, and substantial gifts at every ritual occasion of their and their children's lives afterwards. By curtailing grounds for family disputes, this practice obeyed the Quranic injunction to resolve differences instead of creating

[91] Gail Minault, "Sisterhood or Separatism? The All India Muslim Ladies' Conference and the Nationalist Movement," in *The Extended Family: Women and Political Participation in India and Pakistan* (Columbia, Mo.: South Asia Books, 1981), 83–108.

them.[92] He ended this indirect justification of customary inheritance by reminding landowners that the "fulfilment of every obligation rests on an individual's true intention (*niyat*)."[93] This somewhat cryptic warning about divine retribution against ill-intentioned landowners tempted to deprive daughters of their rightful inheritance ended his brief discussion on the subject. Conspicuously lacking in open condemnation of this un-Islamic behavior, his delicate negotiation of this controversial issue evinced a broader struggle between reformist Islamic ideals and the ontological reality of colonial Punjab's Arain landholders.

Jalandhari's opinion on practices of seclusion (*parda*) among Muslims further revealed his accommodation of contemporary reformist ideas with the Arains' socio-economic reality by relying on the biradari's purported intrinsic Arab-Muslim selfhood. Reformers like Sayyid Mumtaz Ali were openly critical of parda practices that curtailed women's social interactions and mobility to a ridiculous, and sometimes dangerous, degree.[94] Jalandhari whole-heartedly agreed with this assessment, and asserted that the Quran directed believers to conduct themselves with "proper methods of modesty and veiling" and not use parda to imprison women and keep them illiterate.[95] He concluded that the legitimate practice of parda varied with a family's economic condition. For women of rich families, seclusion in the zanana, where they interacted with a limited number of men and women, was legitimate parda. For poor and rural women, this

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[92] *Salim al-tavarikh*, 258-60. He lists all the occasions – birth, wedding, circumcision, bismillah, birthday, husband's death, in-laws' death – at which a woman's natal family (father or brother) sent ritual gifts to their daughter or sister. Even after their daughter's death, her natal family continued this gift exchange with her children and marital relatives. Muslim women's inheritance rights remained a controversial and unresolved issue in Punjab until the mid-twentieth century. I will address this issue in a subsequent chapter on customary law.
[93] *Salim al-tavarikh*, 260.
[94] *Salim al-tavarikh*, 340-4. Jalandhari agreed that a system of parda which prevented women from seeking help under life-threatening situations or from seeking education was un-Islamic. He quoted an essay from Maulvi Mahbub Alam's *Paisa akhbar* which narrated how women's lives were lost in fires and other hazardous circumstances because they refused to come out or scream for help in the presence of strangers. He also agreed with Sayyid Mumtaz Ali's argument that such un-Islamic parda inhibited women's education and kept them illiterate, opening them up to the bad influence of idleness and superstitious maid-servants.
[95] *Salim al-tavarikh*, 337.

parda was both unaffordable and impractical because they needed mobility for earning a livelihood. He reasoned that the Quranic injunction to earn one's livelihood and behave modestly essentially meant that Muslim women were permitted mobility as long as they conducted themselves modestly in terms of clothing, public behavior and social interactions.[96]

> The truth is that a woman's parda resides in her heart. In other words, if she is herself conscious of her respect and modesty, then alone is it true parda. Then it does not matter if she lives inside the four walls or outside them. And it is entirely correct that a woman's modesty and her parda is in her own hands. If she does not have control over herself, then the highest of walls will be futile. Nor will veils or palanquins be of any use.[97]

In a remarkable interpretive move, peasant women became Jalandhari's vehicle for marrying this 'parda of the heart' with the Arains' social reality. Setting up a less structural, but more powerful chastity not subject to walls, veils and palanquins, he argued that rural women's busy lives, with domestic chores, childcare, and farm labor, made them naturally modest and chaste, physically strong and diligent. Unlike women of rich families, they had little time to spare for frivolous pleasures, laziness or idle gossip.[98] He encouraged rich Arain women to learn from rural women, and do household chores on their own without depending on servants for their needs.[99] Jalandhari's peasant women possessed a modesty independent of physical seclusion in the zanana, truer than that of rich ashraf women. Although unveiled and less privileged than

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[96] *Salim al-tavarikh*, 274-331. Jalandhari noted that Shah Waliullah permitted women to expose body parts necessary for identifying her and for work, such as face, hands and feet. He quotes Mumtaz Ali's *Huquq-an-niswan* to emphasize that women's manner and dress could be unrestrained at home and in the presence of their *mahram,* but they must observe parda when a stranger visits their house or when venturing outside. For him, the parda enjoined by Quran and Hadith and reiterated by Waliullah and Mumtaz Ali, permitted women's mobility, though within the framework of modest dress and behavior. Poor women who could not afford to remain unemployed at home had the option of wearing a burqa or naqab to maintain their modesty in public. He noted that the burqah was a legitimate method of maintaining sharafat for poor women because of hadith attesting to its use among women of the Prophet's era who tended to the sick and wounded during battles.

[97] *Salim al-tavarikh*, 339.

[98] *Salim at-tavarikh*, 343-4.

[99] *Salim al-tavarikh*, 270-3.

upper class women, their lives represented an ideal fulfilment of Quranic commands about productive economic labor and virtuous feminine conduct.

The conceptual demands of an identity that could simultaneously fit reformist and colonial molds also clarifies the concurrently elaborate and cryptic genealogy Jalandhari ascribed to the Arains. The unspoken value of this genealogy rested on Arain ancestors' contribution to the battles that brought Islam to the subcontinent. While Arain ancestors' conduct as India's first mujahidin remained the central event of Jalandhari's genealogy, he also drew upon, however tentatively, the Arains' connection with the Quraysh through Salim al-Rai's antecedents. On one hand, this genealogical history appropriated for colonial Arains the elemental martial valor and religious merit of Muhammad bin Qasim and his army's righteous defeat of a tyrannical Hindu king. On the other hand, Salim al-Rai's potential genealogical connection with the Prophet's tribe reinforced colonial Arains' Arab and Islamic credentials, even while it did not confirm their descent from the Prophet himself. This genealogical history allowed Jalandhari to claim the advantages of both high birth and good conduct for Arains without conflating them with Sayyids and Shaikhs.

Reflecting this concomitant significance of good ancestry and individual conduct, Jalandhari opened *Salim al-tavarikh* with a discussion of the relative power of birth and individual conduct in determining human identity.

> The true origin and ancestry of a person is called *nasab*. And *hasab* is the name of that honor and dignity which a person's family or future generations retain due to his wisdom, wealth or knowledge or sovereign power or prophetic power or spirituality or some other virtue. In respect of *nasab*, all human beings are

> branches of the same tree or leaves of the same branch. No one is superior to another.[100]

Knowing one's antecedents allowed an individual to learn from his ancestors and correctly follow Quranic injunctions about responsibilities toward one's family and relatives, such as guardianship of orphans and distribution of property. However, since all human beings were ultimately equal in divine judgment, good birth was cause for gratefulness but never ought to be grounds for considering some inferior to others.[101] When it came to social status, what truly distinguished one individual from another was his conduct, which had the power to reshape the destiny of a low-born person. "The dignity of a human being rests on his virtues, not his birth. If a person possesses the right capabilities, then good birth is as an added advantage. Otherwise, mere birth amounts to nothing."[102]

This conclusion illuminated the hierarchical and intertwined relationship of good conduct and good birth in Jalandhari's Arain genealogy. In addition to claiming the advantage of good birth or descent from the Quraysh and Syrian-Arab warriors for the Arains, he documented their wealth, knowledge, piety and valor over centuries of habitation in South Asia. Justifying the need for determining the Arains' ancestry to a detractor who believed such projects could only engender false pride at the cost of attention to contemporary problems facing the biradari, Jalandhari wrote

> …it is important to ascertain facts about one's biradari. And the Government itself is always engaged in this endeavor….no community can achieve progress without developing community consciousness and community mobilization, especially Arains…who are totally unaware of their descent.[103]

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[100] *Salim al-tavarikh*, 1. Jalandhari expresses his views on this subject through a lengthy extract on pp. 1-13 from an essay published in *Tahzib al-akhlaq* on this subject which contains quotations from the Quran and Hadith, Ibn Khaldun, Hali's *Musaddas*, and Nazir Ahmad to make its point about hasab and nasab.
[101] *Salim al-tavarikh*, 3-7.
[102] *Salim al-tavarikh*, 11.
[103] *Salim al-tavarikh*, 757.

The Arains' mobilization and progress depended on gaining knowledge of their origins, especially in a context where the Government was trying to determine their identity. He claimed that a Muslim community's emphasis on its ancestry did not undermine its commitment to the fundamental egalitarianism of Islam. In other words, emphasizing biradari identity did not undermine the Arains' Muslim-ness. Instead, self-knowledge could prove empowering and rectify the conduct of those Arains who adopted titles such as 'Maulana' or 'Shaikh' to escape the connotations of lowliness associated with their name. At the same time, such knowledge reminded the biradari of their true, intrinsic Arab Muslim identity.[104]

Jalandhari's attempts to highlight the numerous ways in which Arains were innately superior to other biradaris meant that his reformist ideas privileged a rural lifestyle alongside signaling his approval of educated, professional, urban Arains. On the one hand, he suggested that the Arains, whether peasants or lawyers, possessed an inborn capacity to reshape themselves according to the needs of their time. All they needed was a strategy to cleanse their social and religious lives of local customs, and remember their genealogy and history. On the other hand, rural Arain peasants remained the objects of his pedagogical voice, and wealthy reform-minded landowners and educated professionals the exemplars he wanted them to emulate. His explanation of the Act of 1901 and the undesirability of taking recourse to colonial courts for resolution of property disputes[105] was directed at the rural, illiterate Arain peasant who most needed education in his history and whose customs needed reform. To a great extent, the image of a poor Arain peasant or vegetable-vendor, as unaware of his origins as of correct Islamic conduct, remained at the center of Jalandhari's reformist vision. What was indubitable was this

[104] *Salim al-tavarikh*, 759.
[105] *Salim al-tavarikh*, 733-52.

rural Arain peasant's capacity for change on account of his illustrious Arab genealogy and the intrinsic Islamic worth it bestowed on him. This dual attitude—appreciative of educated, wealthy Arains and didactic toward the less fortunate ones—suggested that the Arains could reinvent themselves as educated professionals without losing their agriculturalist identity in colonial Punjab. If Jalandhari's reformist ideas were put into practice, the Arains could reform themselves while retaining the political and economic opportunities offered by their classification as statutory agriculturalists and colonial policies.

This is perhaps why in spite of hinting at the Arains' connection with the Quraysh, Muhammad bin Qasim's story dominated Jalandhari's genealogical narrative. In his representation, connection with Muhammad's original conquest of India made the Arains a community of martial warriors who lived and survived in South Asia despite centuries of political conflict, dynastic and socio-economic shifts. And during this process, they became famous for their agricultural skill, landownership, wealth, learning and piety. Descent from the Quraysh, in and of itself, while useful for recasting the Arains' socio-religious practices in Islamic terms, could not attribute to colonial Arains this wide a range of values. A long-standing connection with political power, from Muhammad bin Qasim to the colonial state, represented the Arains as a biradari which possessed the advantages of high birth, military valor, socio-economic prominence, and proximity to political power.

Perhaps more importantly, Muhammad bin Qasim was part of the local memory of Islam in Sindh and Punjab. By the late nineteenth century, his status as Sindh's original Muslim conqueror had been standardized through multiple iterations in medieval accounts and chronicles. He had become a locally remembered and recognized Islamic figure by the time

Jalandhari set out to write his account of the Arains' past.[106] Compared to various lineages of the Quraysh, Muhammad bin Qasim was a more proximate and recognizable figure for colonial ethnographers as well. Muhammad and his conquest of Sindh was part of the standard colonial narrative of Punjab's historical encounter with Islam.[107] Situating his Arains in relation to Muhammad bin Qasim, therefore, made Jalandhari's account more intelligible both to the colonial state and to his fellow Arains.

Jalandhari crafted an identity for Arains that succumbed neither to the colonial image of the biradari nor to reformist Islamic ideals, but intersected with both. He appropriated selected elements from colonial ethnography, contemporary reformist thought and early Islamic history to construct a multi-layered narrative of Arain identity. Unlike Arains of colonial ethnography, Jalandhari's Arains were connected to the Prophet's tribe, through a generation of brave warriors who had conquered Sindh and made it their own. And as evinced by the conduct of reform-minded colonial Arains, his biradari possessed an inherent capacity for reform without abandoning its privileged political status in Punjab. The genealogical, historical and ethnographic elements in his narrative thus projected a new Arain temporality which encompassed their past, present and future.

Jalandhari relied on the definitive power of ideal conduct for fashioning his narrative of Arain identity, but he stopped short of denying the advantages that high birth could bring to a

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[106] Manan Ahmed, "The Many Histories of Muhammad B. Qasim: Narrating the Muslim Conquest of Sindh" (Ph.D. diss., University of Chicago, 2008). Also see Manan Ahmed Asif, *A Book of Conquest: The Chachnama and Muslim Origins in South Asia.* (Cambridge, Mass.: Harvard University Press, 2016).

[107] For example, Muhammad bin Qasim figures in the *Imperial Gazetteer of India's* narrative of Punjab's history which traverses familiar terrain: failure of Muslim raids on Sindh before Muhammad bin Qasim, his triumph over Raja Dahir, and establishment of a Muslim kingdom in Sindh. But this narrative makes no mention of Muhammad's army or their origins or any local Sindhi or Punjabi communities who claimed descent from them. *Imperial Gazetteer of India Provincial Series Punjab* (Calcutta, Superintendent of Government Printing, 1908) vol. 1, 20-21. Muhammad also figures in the history of the Multan district as recorded in district gazetteers. See *Gazetteer of the Mooltan District,* 18-21.

community. In claiming both high birth and good Islamic conduct for his biradari, he mirrored the ideas of Nazir Ahmad who believed that birth alone could not determine an individual's future. Proud of his own humble origins, Ahmad noted that high-born people mistakenly expected their ancestry to compensate for their personal failings, whereas those of humble birth downplayed their past by emphasizing their virtuous conduct.[108] Jalandhari was as exercised by the need to document who Arains were, as he was anxious to record what they did and who they ought to be. This imbrication of good birth and correct conduct defined his vision for the reformist refashioning of his community.

Jalandhari's narrative was dominated by an anxiety about changing the socio-economic and religious condition of his biradari. Re-educating his biradari in their genealogy and historical achievements was a means of improving their contemporary social status. But his broader project of reform rested on a combination of the Arains' Arab ancestry and the transformative power of correct practice. Drawing upon a narrative of their Arab-ness, he developed a reformist roadmap which the Arains could pursue without endangering their political status in colonial Punjab. The creation of this reformist program entailed a creative reinterpretation of reformist ideals suitable to the Arains' agriculturalist status. His concurrent contestation of colonial and reformist representations of the Arains, and his reliance on a narrative of Arab-ness different from more familiar Sayyid genealogies demonstrates, first, that upward mobility among Muslims in colonial South Asia could take the shape of Arabization without Ashrafization. Second, and equally importantly, it underlines the formative impact of a Muslim community's historical location on its pursuit and adaptation of reformist Islam. In putting the Arains' purported Arab descent to

[108] Mirza Farhatullah Beg, *Dactar Nazir Ahmad ki kahani kuch meri aur kuch unki zabani*. (New Delhi: Anjuman Taraqqi Urdu, 2009). 22. For an English translation of this text, see Mirza Farhatullah Beg, *Nazir Ahmad in His Own Words and Mine*. Trans. by Mohammed Zakir. (Hyderabad: Orient Blackswan, 2009). 2.

work for refuting narratives of their irreligiosity and lowliness as well as for framing a reformist program tailored to their political context, *Salim al-tavarikh* revealed intersections among the worlds of reformist Islam, colonial politics and biradari identity in colonial Punjab.

CHAPTER 3

BETWEEN CUSTOMARY AND QURANIC INHERITANCE: ARAINS AND PERSONAL LAW

When Jalandhari endeavored to distinguish the Arains from other Punjabi Muslims in *Salim al-tavarikh,* he emphasized their unique connection to early Islamic history, unfailing religiosity and firm adherence to Quranic injunctions. One of his anxieties was to bring those errant biradari members who had adopted local customs back into the fold of ideal Quranic social practice. However, his exhortations for rejuvenating Arains' 'true' Arab-ness mellowed considerably when it came to the subject of granting Arain women their Quranic share in paternal property. In an eight-hundred page volume replete with legal,[1] religious and social advice for regaining this lost Arab-Islamic identity, the only statement he could muster on this subject was an invocation of God's omniscient castigatory gaze upon those *zamindars* who deprived women of their Quranic rights with impunity. Ironically, because of his veiled critique, customary inheritance practices, whereby male agnates and collaterals excluded daughters from ancestral property, emerged as key markers of the Arains in his text. His ambivalent commentary on this subject reinforced the Arains' image as just another Punjabi agriculturalist biradari following common local custom.

[1] For Jalandhari's uncharacteristically brief discussion of women's inheritance, see Ch. 2 and *Salim al-tavarikh,* 258-60. He explained the provincial legal system, especially the Punjab Alienation of Land Act of 1901, to his readers on 736-52.

Jalandhari's ambiguous stance on such an 'un-Islamic' practice signals the pivotal place of the inheritance question in the new identity Arain elites were trying to construct for their biradari in early twentieth century Punjab. Contemporary reformist intellectuals promoted adherence to supposedly self-evident Quranic norms and encouraged all Muslims to abandon customary religious and social practices, particularly those related to inheritance. Pursuit of these reformist goals (which also included abandonment of Sufi practices and openness to women's education) was also central to Jalandhari's vision for the Arains' future in colonial Punjab. However, if Jalandhari's Arains had the ability to pursue and implement reformist Islamic ideals regardless of their landlord-cultivator identity, then their inheritance practices could not contravene Quranic norms. Not without substantially undermining his portrayal of the Arains as a new, reform-minded landlord-cultivator community of Arab-Muslim descent.

But altering inheritance practices was trickier than producing a new biradari identity through publication of a history or organization of an anjuman. For inheritance in British Punjab was an intricate legal and administrative category, entrenched in the colonial ethnographic understanding of Punjab's agrarian economy, the diverse customs of its inhabitants, and the judicial implementation of this vast and expanding knowledge. To induce any change in a structure which recognized and privileged Punjabi agriculturalists' customary inheritance practices, Arain leaders needed to find a foothold in this epistemological and legal edifice.

By the early 1910s, at least two Arain leaders had acquired enough legal expertise to be officially recognized as interlocutors not just for their biradari, but for Punjabi agriculturalists as a whole. Mian Muhammad Shafi and Mian Muhammad Shah Din, well-known advocates in the Punjab Chief Court, emerged as two leaders whose legal acumen and reformist intellectual orientation were well-recognized in official and reform-minded circles. As invitees to the Punjab

Codification of Customary Law Conference in 1915, and as commentators on customary law, these two leaders offered a remarkable re-interpretation of Punjabi custom which suggested the possibility of intersection between Punjabi Muslim agriculturalists' customary inheritance practices and Quranic norms.

It is this recasting of Punjabi custom which encapsulates the core argument of this chapter. Shafi and Shah Din argued that steady social progress, economic expansion, and intellectual exposure to reformist ideas would convince Punjabi Muslims to follow only those customs that the Quran permitted. No educated and progressive Muslim in British India could persist in practicing a custom that contradicted the Quran as blatantly as customary inheritance practices did. They expected such customs to inevitably lose hold over Muslims with the gradual spread of reformist Islamic ideas. Punjabis who held such customs dear, and the Government which saw them as the stamp of agriculturalist identity, would need to alter their collective perceptions in order to accommodate this shift.

That Arain leaders negotiated the tough terrain of Punjab's civil law in order to remake custom into something acceptable to reform-minded intellectuals is itself a noteworthy phenomenon. This chapter will argue that this refashioned custom appealed to them because it sat well with reformist ideals well as the colonial state's political privileging of Punjabi agriculturalists, thereby preserving official elements of Arain identity while reiterating the biradari's Muslim-ness and its place within the broader community of reform-minded Muslims. However, as this chapter will show, their hope for a shift from customary law to Anglo-Muhammadan Law[2], aside from its rhetorical and political appeal, ultimately proved to be an

[2]Along with other modernist intellectuals, Shafi and Shah Din did not distinguish between Islamic Law and Anglo-Muhammadan Law when it came to inheritance practices. In order to reflect this belief, I use the terms 'Islamic Law,' 'Anglo-Muhammadan Law' and 'Muhammadan Law' synonymously in this chapter.

uphill task in British Punjab. To this extent, this is a story of their failure to reshape the legal context they inhabited, unlike the success they had in changing their military classification during the 1910s. By the same token, however, this is also a story of successful translation of reformist ideals and colonial knowledge into an intellectual position which preserved the Arains' commitment to reformist objectives without losing their privileged agriculturalist status. Arain leaders' rhetoric may have come up against the wall of British Punjab's legal structure and their fellow Arains' apparent commitment to custom, but that did not impede their attempts to construct an ideological intersection between custom and Arain/agriculturalist identity on one hand, and Anglo-Muhammadan Law and Muslim identity on the other.

Shafi's and Shah Din's attempt to find common ground between customary law and Islamic law came at a time when Muslim elites' opposition to customary law was already several decades old in colonial Punjab. Members of the Anjuman-i-Punjab (established 1865) and Anjuman-i-Islam based in Lahore had advocated for wider application of Islamic law since the late 1860s. Considering Islamic law as a vital symbol of Muslim identity, and customary law as an instrument of colonial authority, these leaders suggested measures such as state appointment of qazis to administer Islamic law to Muslims and establishment of separate courts for dealing with cases involving Muslims under Islamic law.[3] During the early twentieth century, debates about Islamic law and its role in defining Muslim identity persisted. As section two of this chapter will show, when the Government attempted to initiate discussion about the feasibility of codifying customary law during the mid-1910s, newspapers such as the *Observer* and *Tahzib al-nisvan* expressed strong opposition to custom. Some Muslim members of the Punjab Legislative Council contested the very idea of an inheritance law independent of an individual's religious

[3] Robert Ivermee, "Shari'at and Muslim Community in Colonial Punjab, 1865-1885" *Modern Asian Studies* 48:4 (2014). 1068-95.

affiliation when discussing a bill that sought to protect the estate of Umar Hayat Khan Tiwana, one of Punjab's most prominent landowners, from partition. By the 1930s, growing adherence to Islamic law due to spread of education among rural Muslim families, otherwise classified as custom-observing agriculturalists by the Acts of 1872 and 1901, reflected an undercurrent of potential opposition to customary law in spite of its continued legal and political importance.[4]

The colonial state's privileging of customary law and agriculturalist identity has been a consistent motif in the historiography of British Punjab. The Punjab Laws Act of 1872 and the Punjab Alienation of Land Act of 1901 define the narrative of alliance-building between the post-annexation colonial state and Punjab's powerful landlords. The scholars who analyze the expediencies that went into the construction of this legal-political edifice have enriched our knowledge of colonial politics, its compulsions, and its resolutions of administrative and political problems. They have also established how these compulsions drove colonial administration toward the construction of new intellectual, legal and political categories in order to comprehend and run the province.[5]

While this chapter does not contest the lasting power of this political structure, it proposes that the Arains' interaction with colonial law offers a fruitful opportunity for observing the functioning of this alliance at close quarters. As this chapter will show, the Arains' involvement with colonial law, as lawyers and litigants, demonstrates that the legal side of this complex political structure was far from set in stone. These alliance-building laws generated spaces where some Punjabi agriculturalists, such as Arain litigants, contested aspects of the law applied to them and occasionally, became actors in the process of altering custom's legal standing. In matters of inheritance, for instance, custom became the ground on which Punjabi

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[4] Gilmartin, "Customary Law and Shariat in British Punjab."
[5] See, for instance, Talbot, *Punjab and the Raj,* Gilmartin, *Empire and Islam*; Jalal, *Self and Sovereignty*.

agriculturalists contested the state's expression/delineation/statement of their practices. Courtrooms emerged as sites where individuals and families with enough resources made claims and counter-claims about their property as well as its inheritance. And in this process, they occasioned legal decisions that became more and more detailed with each passing decade, even as the law of precedents gave these judgments cumulative legal force. If this alliance emerged over the course of the late nineteenth century, then its legal component continued to be simultaneously developed as well as challenged until the mid-twentieth century, revealing that Punjabi litigants' near-continuous negotiation comprised the very fabric of this alliance politics. While Arain litigants were anxious to prove their adherence to customary law, it did not prevent them from questioning the very system which endowed them with the privileges they sought to protect.

Further, given their legal expertise and commitment to reformist Islam and its goals, the eradication of custom one among them, it is hardly surprising that Shafi and Shah Din attempted to reconcile their reformist predilections with state policy in the arena of colonial law. Both men were intimately involved in the realm of law and legal debate. And Shafi himself acknowledged that his agriculturalist identity placed him in a distinctive position to comment on the nature and content of Punjabi custom.[6] Their legal expertise and agriculturalist status were resources to be mobilized in conversations both with the state as well as the reformist intellectual circles of their time. Their reform-minded vision influenced their engagement with colonial law, just as much as their need to safeguard their agriculturalist identity and retain the entitlements it gave them.

[6] H. A. Rose, ed., *A Compendium of the Punjab Customary Law together with a reprint of The Adoption of the Daughter's Son in the Punjab by The Hon'ble M. Muhammad Shafi, Barrister-at-Law*. (Lahore, Civil and Military Gazette Press, 1911). Appendix C, lxxiv and *Report on the Punjab Codification of Customary Law Conference (September 1915)*. (Lahore: Superintendent of Government Printing, 1915). Part II, 19.

In attempting to accommodate their reformist goals within the state's legal and epistemological framework, they sketched a political vision all their own. As allies of the colonial state and reform-minded intellectuals, they articulated an intellectual position which sought an intersection between the colonial administrative category of custom and the reformist imperative of bringing all Indian Muslims under the purview of Muhammadan Law. Couching the anticipated collective shift from customary practices to Muhammadan Law in the language of progress, they encapsulated reformist aims in words devoid of radical opposition to the colonial state. Such a method, whatever its credibility or practical chances of success, had the distinct advantage of convincing the state that these reform-minded Arains posed no danger to the colonial edifice and its alliances in Punjab. By the same token, it addressed the barbs of those reform-minded critics who saw Punjabi custom as a symbol of Indian Muslims' failings. The composite texture of this political vision suggests that the fluctuating demands of alliance politics, intellectual friction among Muslim reformers, and provincial identity politics left their mark on British Punjab's colonial structure.

Nothing spelled opposition to Islam more than customary law's deprivation of Muslim women's right to a share in their paternal property. Scholarly literature on the subject of customary law emphasizes that the colonial state's support to landed elites undercut Muslim women's inheritance rights.[7] However, to the extent that both recorded customary law and judicial rulings recognized Arain women as heirs when male heirs were absent, an unqualified equation of customary law with lack of women's inheritance rights might be slightly misplaced.

[7] See, for instance, Dushka Saiyid, *Muslim Women of the British Punjab: From Seclusion to Politics.* (New York: St. Martin's Press, 1998) and Matthew J. Nelson, *In the Shadow of Shariah.* For an overview of the legal system in colonial India and its impact on women, see Janaki Nair, *Women and Law in Colonial India: A Social History*. (New Delhi: Kali for Women, 1996). Ch. 2 and 7, Lata Mani, *Contentious Traditions: Debate on Sati in Colonial India.* (Berkeley: University of California Press, 1998), and Bina Aggarwal, *A Field of One's Own: Gender and Land Rights in South Asia.* (Cambridge; New York: CUP, 1994). 227-37.

Compared to Muhammadan Law, customary law's exclusion of women from inheritance of land reinforces the historiographical point that the state's alliance with landed elites worked against Muslim women. However, this assertion overlooks the inner complexities of customary law, especially its nuanced and qualified recognition of some women's rights under specific circumstances. On the one hand, customary law was not universally hostile to all Muslim women, as will be evident from Arain cases discussed in this chapter. On the other hand, it did not grant equal rights to all Arain women: daughters tended to fare better than widows and sisters. Further, the question of women's rights turned on the issue of which biradari they belonged to, and what the officially documented marriage practices of that biradari were. The Arain case demonstrates that customary law, especially when applied in colonial courtrooms, turned out to be internally heterogeneous in spite of the uniformity colonial administrators wished to instill in it. The variety of custom in practice defied categorization or reduction to textual certainty of any kind, and colonial judges' struggles to implement custom further underscored its intractability. This chapter agrees with the broad historiographical point that Anglo-Muhammadan Law allotted women their Quranic shares while customary law usually deprived them of it. But its attention to Arain cases and Arain leaders' legal interpretations demonstrates that the scholarly framing of Anglo-Muhammadan Law as the neat dichotomous opposite of customary law must be qualified. Further, it shows that the very category of custom and customary law was contingent in practice, no matter official efforts to pin it down in ethnographic collections and judicial opinions.

These fractures in customary law's recognition of women's inheritance rights afforded reform-minded men such as Shafi and Shah Din the interpretive scope to articulate their specific vision of change in Punjabi Muslim agriculturalists' customary practices. The ambiguities and

details of customary law on this subject, such as marriage practices and the exact relationship of a woman with the proprietor, generated spaces where reformist intellectuals with a stake in Punjab's political structure could express their specific viewpoint on the relationship between custom and Muhammadan Law. This is not to negate the fact that customary inheritance practices excluded women as heirs when male agnates were present. Instead, this chapter proposes that determining which law gave women greater recognition as heirs is only the starting point of this discussion. Its conclusion concerns a biradari's legal identity in colonial Punjab, on which hinged the question of whether, and what, a woman could or could not inherit.

This chapter's focus on Arain litigants and leaders also raises the issue of colonial subjects' agency in determining community identity in colonial India. Recent scholarly work on this subject points to colonial law as a space where resourceful litigants and elite interlocutors engaged with the state's vision of their community.[8] These scholars have suggested that colonial law generated its own sets of obstructions, and colonial subjects sometimes mobilized these constraints for their personal ends. For instance, Parsi lawyers, although 'anglicized' through their legal education, learned to 'de-Anglicize' the colonial legal system by working within it. As men fully versed in the colonial legal language, they worked to change the content of the law applicable to Parsis in colonial India. By the end of colonial rule, they had created a Parsi legal world within the confines of the colonial legal system composed of Parsi litigants, judges and

[8] For explorations of community identity and personal law in case of Parsis, see Mitra Sharafi, *Law and Identity in Colonial South Asia: Parsi Legal Culture, 1772-1947.* (New York: CUP, 2014), and Mitra Sharafi, "The Marital Patchwork of Colonial South Asia: Forum Shopping from Britain to Baroda" *Law and History Review* 28: 4 (November 2010): 979-1009. For an analysis of community identity and Hindu personal law, see Chandra Mallampalli, *Race, Religion and Law in Colonial India: Trials of an Interracial Family.* (New York: CUP, 2011), and Chandra Mallampalli, "Escaping the Grip of Personal Law in Colonial India: Proving Custom, Negotiating Hindu-ness" *Law and History Review* 28: 4 (November 2010): 1043-1065. Also see Rohit De, "The Two Husbands of Vera Tiscenko: Apostasy, Conversion and Divorce in Late Colonial India" *Law and History Review* 28: 4 (November 2010): 1011-1041 and Elizabeth Kolsky "Introduction" to the forum "Maneuvering the Personal Law System in Colonial India" *Law and History Review* 28: 4 (November 2010): 973-78.

lawyers, special marriage and inheritance legislation, and a Parsi jury system for matrimonial cases.[9]

This chapter will demonstrate that the many challenges of customary law in Punjab created their own set of fissures that Arain litigants mobilized in their inheritance disputes. Whether they claimed to be subject to special custom or Muhammadan Law, these litigants navigated the colonial legal system using the state's own language. Similarly, Arain lawyers argued both within and against the structure of colonial law in order to pursue their ideological objectives.[10] To this extent, Arain litigants and lawyers who populate this chapter's pages also fall into the pattern suggested by this recent scholarship. However, the nature of Arain leaders' particular engagement with colonial law suggests a limitation to this aspect of Arain mobilization of colonial law. When it came to the pivotal question of inheritance, these leaders did not differentiate between Islamic Law and Anglo-Muhammadan Law. What they referred to alternatively as Sharia or Islamic Law was Anglo-Muhammadan Law—the officially codified version of Islamic law applicable to Muslims in the rest of British India. In light of this phenomenon, it is difficult to imagine Arain leaders' attempts to reconcile reformist goals with customary law as 'de-Anglicizing' Anglo-Muhammadan Law in British India.

Furthermore, speaking the official legal language was in line with Arain leaders' broader political self-positioning. Men such as Jalandhari, Shafi and Shah Din criticized colonial epistemology and administration, but never encouraged its disintegration or radical opposition.

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[9] Sharafi, *Law and Identity in Colonial South Asia.* 5-6.
[10] In a recent article on disputes over the status of *waqf* in colonial India, Eric Lewis Beverley has shown how legally well-versed colonial subjects could influence legal decisions and work the legal system in their own or their community's favor. Eric Lewis Beverley, "Property, Authority and Personal Law: Waqf In Colonial South Asia," *South Asia Research* 31, no. 2 (2011): 155, accessed August 6, 2011, doi: 10.1177/026272801103100204. In her discussion of 'jurisdictional politics', Lauren Benton notes that cultural intermediaries often reshaped colonial legal cultures by questioning, adopting and speaking the language of the law. See Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900* (Cambridge; New York: CUP, 2002). Ch. 1 and 4.

Instead, they sought to negotiate a way into this structure wherein their biradari could preserve its privileged agriculturalist position, maintain its military and economic advantages, and yet also remain on the forefront of pursuing and hopefully realizing reformist goals such as achieving legal recognition of women's inheritance rights. Their long-term efforts to ensure the Arains' recruitment into the British Indian army was an example of such politics which did not question the existence of the colonial structure, but sought to construct a place for Arains within it, even if that meant challenging some perceptions held by the state. But when it came to colonial law, their own fellow Arains proved difficult to wean entirely away from the language of custom.

In recording custom as minutely as they could, colonial officials had sought to systematize official knowledge about Punjab's inhabitants and base legislation on it. These laws, they had hoped, would be implemented methodically to resolve the disputes brought before its courts. However, the sheer variety and variability of customary practice, along with the multiplicity of legal systems that litigants invoked when contesting officially-recorded custom, generated a plural legal regime which found itself overrun by its own precedents. Far from bringing consistency to civil law in British Punjab, officially-recorded custom and customary law symbolized the tension emanating from the state's epistemological efforts and its political exigencies. For biradaris such as Arains and their politically well-placed representatives such as Shafi and Shah Din, this legal system afforded opportunities, however tenuous and ultimately unfruitful, for negotiation of the privileges of their provincial biradari identity and the demands of their reformist commitments.

The first section of this chapter will lay out the complex topography of civil law in British Punjab. In addition to a brief narrative of how colonial epistemology marked custom as a prime signifier of agriculturalist identity, it will discuss the persistent challenges of this process.

The second section will lay out the intricacies of Arain leaders' reinterpretation of custom. It will offer an analysis of Shafi's and Shah Din's perspective on customary law, its potential interaction with Anglo-Muhammadan Law, and the implications of that process for Punjabi Muslim agriculturalists. The third section will analyze property disputes involving Arain parties to show how Arain litigants' interface with colonial law contradicted their leaders' expectations. Through a narrative woven from selected Punjab Chief Court judgments, it will demonstrate how customary law and agriculturalist identity shifted and morphed when put to the acid test of implementation in colonial courtrooms. It will also show how, regardless of Arain leaders' expectations of change, a majority of their biradari members continued to follow, and fight court cases in the language of, customary law at least until the mid-twentieth century.

Recording Custom, Making Law

The development of civil law in colonial Punjab was a long-drawn out process, intimately associated with the advance of official ethnography.[11] The Despatch of 1849 had directed the Company to "uphold native institutions" in Punjab.[12] This fundamental directive guided Richard Temple's production of the Punjab Civil Code which remained in effect from 1854 to 1872, through the transition from Company administration to Crown rule after the 1857 Rebellion. Though only an administrative manual, its reinforcement of the importance of village institutions and customary practices[13] shaped early Settlement Officers' efforts at producing a new record of

[11] For purposes of this chapter, I am looking exclusively at civil law and its ramifications for biradari identity. For a look at the British criminal law system in colonial India, see Radhika Singha, *A Despotism of Law: Crime and Justice in Early Colonial India*. (Delhi: OUP, 1998) and Elizabeth Kolsky, *Colonial Justice in British India*. (Cambridge; New York: CUP, 2010).

[12] Tupper, *PCL,* Vol. I. This was the first major compendium of official customary law.

[13] I use three terms to denote three different incarnations of custom in British Punjab: by 'officially-recorded custom', I mean custom as recorded in official ethnographic literature. 'Customary law' refers to the shape officially-recorded custom took in the process of judicial implementation. 'Customary practices' indicates social

rights. This process generated Village Administration Papers (*Vajib al-arz*) which typically contained descriptions of the village economy, revenue and rent arrangements and a statement of customs affecting the management of the village, such as relations between proprietors and non-proprietors, and mode of revenue and rent payment for the village.[14] Revenue administration, therefore, occasioned documentation of local customs. This documentation continued during the 1860s under Edward Prinsep, the Settlement Commissioner with one significant change. In 1864-65, he separated the process of recording customs in separate 'tribal records' or *Rivaj-i am.* These contained transcripts of interviews conducted by Settlement Officers, often through translators, with biradari elders in a village about their customary practices. While *Rivaj-i am* recorded the answers of these notable men, the questions put to them concerned issues such as land ownership, tenancy rights, transfer of land through sale, mortgage or inheritance. This elaborate process continued well into the early decades of the twentieth century by which time *Rivaj-i am* were routinely translated into English and published for every district.[15]

Under this sustained official gaze driven by the idea of preserving indigenous institutions, custom soon emerged as the distinctive feature with which to organize biradaris for purposes of official enumeration.[16] Despite disagreements about its origin and nature, custom became a

practices described and claimed by Punjabi litigants for themselves, often in colonial courtrooms while rejecting the officially-recorded custom attributed to their biradaris.

[14] Memorandum by C. L. Tupper on the means of ascertaining the customary law of the Punjab dated the 2nd June 1873 as published in *PCL*, 161-9. Also see Introduction in the same volume and B. H. Baden-Powell, *The Land Systems of British India: being a manual of the land-tenures and of the systems of land-revenue administration prevalent in the several provinces.* Vol. II. (Oxford: Clarendon Press, 1892). 566. Jalal, *Self and Sovereignty.*

[15] Prinsep did not have much faith in the accuracy of the first settlement records. For a brief look at his sweeping changes to the revenue settlement and the politics associated with it, see G. R. G. Hambly, "Richard Temple and the Punjab Tenancy Act of 1868" *The English Historical Review* 79: 310 (Jan. 1964). 47-66. For a more detailed and critical analysis of the first 'regular' Settlement completed in 1853-54 for Ludhiana district, see Smith, *Rule by Records.*

[16] Many historians have noted this phenomenon whereby custom became a colonial category by which to enumerate and administer Punjabis. See, for instance, Gilmartin, *Empire and Islam,* Ch. 2; Jalal, *Self and Sovereignty,* Ch. 4 and Zaman, *The Ulama in Contemporary Islam,* Ch. 1.

larger-than-life characteristic of rural Punjabis in the writings of colonial officials such as Denzil Ibbetson and Charles Lewis Tupper. Often termed ‘tribes’, ‘races’ or ‘castes,’ biradaris and their customs filled pages in Punjab’s census reports, district gazetteers and settlement records. The dominant official view was that custom differentiated Punjab’s rural cultivating biradaris from their pastoral and commercial neighbors. While cultivating communities followed custom in matters of personal law, non-cultivating communities usually followed the tenets of their respective religions. Tupper believed that custom emanated from the internal organizational logic of rural Punjabi ‘tribes’ whose socio-economic interests lay in protecting their landholdings from subdivision. Since a daughter’s property would pass to her husband and his family, the tribal impulse to prevent such subdivision dictated the custom according to which daughters were disallowed from inheriting land.[17] Therefore, marriage practices and inheritance defined by custom, instead of religious law, were central to the legal definition of Punjabi biradaris. A Jat farmer’s marriage, inheritance and succession rested on the custom among Jats of his area. But for a baniya moneylender, his religious personal law (Hindu or Muslim) governed these matters. Much ink was spilt on describing the customs of each rural biradari in each village as minutely as possible, and on demarcating patterns across various biradaris and zails. Built on Ibbetson’s early foray[18] into the ‘races’ and ‘tribes’ of Punjab, this large body of steadily produced and

[17] *PCL,* Vol. II, 70-71. The, Tupper argued, was the basis of the agnatic theory of succession prevalent among Punjabi cultivating communities. For an in-depth discussion of debates among colonial officials on the question of custom, its source, organization, and relationship with the Hindu caste system, see Nelson, *In the Shadow of Shariah,* Ch. 1 and 2 and Gilmartin, *Empire and Islam,* Ch. 1.

[18] Ibbetson, *Report on the Census of the Panjab,* Vol. I and *Panjab Castes: being a reprint of the chapter on “The Races, Castes and Tribes of the People” in the Report on the Census of the Panjab published in 1883 taken by Sir Denzil Ibbetson.* (Lahore: Superintendent, Government Printing Punjab, 1916).

published ethnographic knowledge about Punjab's inhabitants guided all branches of colonial administration.[19]

It is no surprise, therefore, that this officially-recorded custom came to define Punjab's agrarian biradaris in the eyes of colonial law which also took effect during the 1860s. By 1862, the Indian Penal Code and the Code of Criminal Procedure were in force. Three years later, the Punjab Courts Act regulated the courts of justice. Another year later, in 1866, the Punjab Chief Court was established and the Code of Civil Procedure instituted.[20] And the Punjab Laws Act of 1872 gave officially-recorded custom legal force, even as colonial officials continued to collect the diverse customs of Punjabi biradaris.

> In questions regarding succession, special property of females, betrothal, marriage, divorce, dower, adoption, guardianship, minority, bastardy, family-relations, wills, legacies, gifts, partitions, or any religious usage or institution, the rule of decision shall be
>
> a) any custom applicable to the parties concerned, which is not contrary to justice, equity and good conscience, and has not been, by this or any other enactment, altered or abolished, and has not been declared to be void by any competent authority.
> b) the Muhammadan law, in cases where the parties are Muhammadans, and the Hindu law, in cases where the parties are Hindus, except in so far as such law has been altered or abolished by legislative enactment, or is opposed to the provisions of the Act, or has been modified by any custom such as is above referred to.[21]

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[19] After the publication of the first three volumes of Charles Tupper's *Punjab Customary Law* during the early 1880s, customary law volumes for other districts of Punjab were published over the course of subsequent decades. See James Wilson, *Panjab Customary Law, Vol. IV: General Code of the Tribal Custom in the Sirsa District of the Panjab*. (Calcutta: Superintendent of Government Printing, 1883), T. Gordon Walker, *Panjab Customary Law Vol. V: The Customary Law of the Ludhiana District* (Calcutta: Calcutta Central Press Company Limited, 1885), Frederick A. Robertson, *The Customary Law of the Rawalpindi District* (Lahore, The "Civil and Military Gazette" Press, 1887), E. B. Francis, *Punjab Customary Law, Vol. VII. Customary Law of the tahsils of Moga, Zira and Ferozepore*. (Lahore: Civil and Military Gazette Press, 1890), A. H. Diack, *Punjab Customary Law, Vol. 16. Customary Law of the Dera Ghazi Khan District.* (Lahore: Civil and Military Gazette Press, 1898), Samuel T. Weston, *The Customary Law of the Rawalpindi District.* Revised Edition. (Lahore: Printed at the "Civil and Military Gazette Press", 1910), J. M. Dunnett, *The Customary Law of the Ludhiana District.* Revised Edition. (Lahore, Printed at the Punjab Government Press, 1911).

[20] *PCL*, Vol. 1. Introduction.

[21] Jaishi Ram, *The Punjab Civil Law Manual containing notes on the Punjab Laws Act and Enactments extended to the Punjab by that Act, and also on the Customary, Hindu and Muhammedan Law as applicable to the Punjab.* (Lahore: Tribune and Victoria Press, 1892). First Edition. 2-8. Also see *PCL*, Vol. I. 7-8 and *IGI*, Vol. 20. 335-36.

Officially-recorded custom (in both *Vajib al-arz* and *Rivaj-i am*) provided the legal framework for determining a biradari's socio-economic status and its inheritance practices in colonial courtrooms.[22] For instance, while adjudicating a dispute about adoption among Muslim Rajputs, judges and lawyers would rely on Tupper's compendia for ascertaining the officially-recorded custom on adoption among Punjabi Muslim Rajputs in the relevant district.

At least three factors contributed to the process by which officially-recorded custom acquired the force of law despite being technically uncodified. First, when agriculturalist parties sought legal intervention, officially-recorded custom was the basis of adjudication according to the Act of 1872. If custom was proven to be absent or indeterminable, then the courts adjudicated according to religious personal law. Second, an entry in the *Rivaj-i am* about a custom was acceptable evidence of that custom in the courtroom. The onus of proving a custom contrary to *Rivaj-i am* was on the litigant, even though there was no legal presumption of accuracy attached to it. Third, the law of precedents invested custom with the force of law. Every Chief Court judge who defined a custom in his ruling established a valid legal precedent. Over time, lawyers and judges cited these rulings in subsequent cases, thereby giving officially-recorded custom even more legal substance.[23] In this way, even though no colonial administration ever codified the content of officially-recorded custom, it acquired the force of law and substantive legal weight through the process of legal implementation.

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[22] Tupper provided elaborate guidelines about the judicial application of officially-recorded custom under the provisions of the Punjab Laws Act of 1872. Memorandum by C. L. Tupper on the means of ascertaining the customary law of the Punjab dated the 2nd June 1873 as published in *PCL*, vol. I: 158-74. Literature on the judicial application of customary law proliferated in the aftermath of this Act. See Charles Boulnois and W. H. Rattigan, *Notes on Customary Law as Administered in the Courts of the Punjab.* (W. Clowes and Sons, 1878) and Charles Arthur Roe and H. A. B. Rattigan, *Tribal Law in the Punjab so far as it relates to Right in Ancestral Land* (Lahore: Civil and Military Gazette Press, 1895).
[23] See Mitra Sharafi's discussion of what she terms the 'codification fallacy' at http://hosted.law.wisc.edu/wordpress/sharafi/research-guide-to-colonial-south-asian-case-law/

More than legislation to satisfy an administrative necessity, the Act of 1872 was a distinctly political move. Colonial officials were motivated by the need to keep the complicacies of Hindu and Muslim personal law out of Punjab. They expected that upholding what they understood to be a distinctly local institution (custom) would keep Punjab's judicial system relatively free of the flood of litigation which had encompassed colonial courts in the rest of British India.[24] More importantly, the state's distinct endorsement of custom cemented its relationship with Punjab's landed elite. After the rebellion of 1857, during which Punjabi troops had helped the Company win territories lost to rebels, a state looking for local allies to solidify its hold over a newly-conquered province found Punjabi landowning elites fitting the bill almost perfectly. As British policy in favor of these agriculturalists took shape, the economic position of these elites was reinforced by their recognition as military and political leaders of British Punjab. Customary inheritance practices prevented the disintegration of their large landholdings by excluding daughters from inheritance of landed property. That the Act of 1872 upheld such practices spoke volumes about the deep-seated nature of this alliance.[25]

The advantage of acquiring political allies was, however, tempered by the fact that the bureaucratic expectation of keeping litigation at a minimum in colonial courtrooms proved to be little more than wishful thinking. The question of determining customs of different biradaris in different parts of the province haunted British Punjab's judicial system, making the application

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[24] In a meeting of the Governor-General's Council, Robert Henry Davies, the Lieutenant-Governor of Punjab, was reported to have observed that the Punjab had become as "law-ridden" as any other part of British India. He observed that applying religious law in Punjab would import the problems and legal precedents of personal law plaguing British India's judicial system into this province as well. See excerpt from discussion on the Punjab Laws Bill of 1872 held on 26 March 1872 as reproduced in *PCL,* Vol. I. 129-131. Also see *IGI*, Vol. 20. 337-8.

[25] Gilmartin, *Empire and Islam*; Neeladri Bhattacharya, "Remaking Custom: The Discourse and Practice of Colonial Codification" in R. Champakalakshmi and S. Gopal, ed., *Tradition, Dissent and Ideology: Essays in Honour of Romila Thapar.* (Delhi: OUP, 1996). 20-51; Saiyid, *Muslim Women of the British Punjab,* Ch. 2 and 3. For the military aspect of this alliance, see Yong, *The Garrison State;* Mazumder, *The Indian Army and the Making of Punjab.*

of officially-recorded custom an arduous task. Despite official attempts at systematically collating customary practices in a growing body of ethnographic literature, colonial bureaucrats struggled with taming their sheer heterogeneity. And colonial lawyers and judges, who had started to bring their own perspective to bear on this vexed problem toward the end of the nineteenth century,[26] did not shy away from highlighting the shortcomings of officially-recorded custom either.

Concerned more with the legal translatability of official ethnographic knowledge than its enumeration, colonial lawyers and judges scrutinized it in ways its official recorders had perhaps not foreseen. This dissection of custom, its application to each biradari and its various local or occupational sub-sets meant that custom underwent a near-continuous re-assessment in colonial courtrooms even after its official documentation. Inheritance disputes occasioned numerous ruminations by Punjab Chief Court judges on its deficiencies. While Justices Chevis and Leslie-Jones described the *Rivaj-i am* as "imperfectly compiled,"[27] Justices Tek Chand and Skemp pointed to a Settlement Officer's observation that his interviewees described "what the custom should be and not what it actually is."[28] They also remarked that "the questions put are vague and comprehensive and that the illiterate zamindars…must find it impossible to give answers dealing

[26] Kaikhosru Rustomji, *A Digest of Civil Law for the Punjab chiefly based on the Customary Law as at present ascertained by the late Sir W. H. Rattigan*, Twelfth Edition (Lahore: University Book Agency, 1938). See, for instance, Thomas Peter Ellis' *The Law of Pre-emption in the Punjab.* Third Edition. (Lahore: Civil and Military Gazette Press, 1918) and *Notes on Punjab Custom*. Second Edition. (Lahore: Civil and Military Gazette Press, 1921).
[27] 228 AIR Lah 1918 *Wazira and Others v. Mt. Maryan and Others.* The judges were referring to remarks included in two texts here: (1) Rattigan's Digest of Customary Law and (2) Customary Law of Gujranwala District compiled by Sardar Sahib Bhai Dalip Singh, Settlement Officer, and published in 1914. See 20 PR 1886 *Shah Muhammad and Others v. Hasham* and 143 AIR Lah 1914 *Muhammad Ali and Others v. Jamita and Another* for instances in which Punjab Chief Court judges ruled in contravention of the *Rivaj-i am*.
[28] 288 AIR Lah 1935. *Bawa Singh and Another v. Mt. Partap Kaur and Others.* 291. Here, the judges were referring to Kennaway's Customary Law of Gurdaspur District compiled in 1913. See 52 PR 1885 *Bagha and Others v. Mt. Sandhi and Others* for a great example of how complicated the process of determining a family's custom could be.

accurately with all cases….women are not present at these assemblies and their opinions are not taken as to their right to succession."[29]

The only point of agreement among experts was that no one custom could be held true of all biradaris and regions in Punjab. The words of Punjab Chief Court Judge Thomas P. Ellis expressed the complicated relationship between 'tribe' and 'locality' in the determination of custom.

> The customary law of the Punjab is not one of general application to all tribes; it is in no sense local, there is no general body of customary law, it is mainly tribal, the custom of the tribe being modified by locality, and locality often causing the customs of the different tribes therein to approximate, and there are certain matters on which a number of tribes in different localities agree as to its applicability.[30]

Even though Ellis held 'tribe' as the primary determinant of custom, with locality playing a secondary role, the relative importance of different factors in determining custom was far from settled. Badr al-Din Kureshi, an advocate in the Punjab Chief Court and UP High Court at Allahabad and the president of Young Men's Muslim Association of Lahore, refuted the notion that custom could be determined by or administered according to locality or districts. He argued that custom was officially recorded district-by-district for administrative convenience, just as the demarcation of districts was itself an administrative procedure. He regarded custom as an organic feature of Punjabi society that could not be divided on the basis of artificial and mutable bureaucratic boundaries.[31] H. A. Rose added the element of religion to the mix of biradari and locality. He noted that "Customary Law is determined, firstly, and perhaps mainly, by religion,

[29] Judges Tek Chand and Skemp in 613 AIR Lah 1935. *Ibrahim and Others v. Mt. Zainab and Others.* 617. See 154 AIR Lah 1943 *Mt. Hussain Bibi and others v. Hassan Din and another* for a detailed critique of the process of recording custom. Justice Muhammad Munir noted that often interviewers did not distinguish between ancestral and self-acquired property or movable and immoveable property. And they often assumed that ancestral property was the same as immoveable property.
[30] Ellis, *Notes on Punjab Custom.* 8.
[31] Badr-ud-Din Kureshi, *The Punjab Custom, containing all the Punjab rulings up to June 1911.* First Edition. (Lahore: Caxton Press, 1911). 14-18.

and, secondly, by locality; while in so far as it can be said to be a matter of caste or tribe at all, it is more generally a question of social status rather than one of the particular caste or tribe concerned."[32] Regardless of this diversity of opinion, by the early twentieth century, most experts acknowledged that within each agriculturalist biradari, custom could vary according to clan (ruling clans, for instance, often had their own rules of succession and inheritance), locality, village, and occupation.

Two factors intensified the problems in legal application of officially-recorded custom. First, when inheritance disputes reached colonial courts, Punjabi litigants themselves questioned the customs attributed to them. Second, the fact that officially-recorded custom remained uncodified also compounded the problem. Much more than mere esoteric intellectual concerns, persistent disagreement about issues such as the origin of custom could influence the course and outcome of a trial. Since the legal value of a precedent depended on how well it could hold up as a parallel to a case's core issues, the answer to this question dictated the precedents a lawyer could usefully cite.[33] This left the process of applying customary law to court cases subject to individual judicial opinion. Every time a case involving custom came before the Punjab Chief Court, a lot rested on the intellectual tendencies of the judges hearing the case. This flexibility gave case law a dizzying variety, in addition to a force of its own. By the mid-twentieth century,

[32] Rose, *A Compendium of the Punjab Customary Law,* 2. Rose published a number of ethnographic essays on customs of Punjabi Muslims. See his "Muhammadan Betrothal Observances in the Punjab" *Man* 17 (Jun., 1917). 91-97, "Muhammadan Birth Observances in the Punjab" *The Journal of the Royal Anthropological Institute of Great Britain and Ireland*, 37 (Jul. - Dec., 1907), 237-260, and "Muhammadan Pregnancy Observances in the Punjab" *The Journal of the Anthropological Institute of Great Britain and Ireland*, 35 (Jul. - Dec., 1905), 279-282. He was also one of the authors, alongside Denzil Ibbetson and Edward Maclagan, of *A Glossary of Castes and Tribes in the Punjab and North-West Frontier Province.* (Lahore: Superintendent of Government Printing, 1911-19).
[33] See 642 AIR Lah 1927 *Muzaffar Muhammad v. Imam Din and Another* for an example where Chief Court judges rejected precedents cited by the Kamboh appellants' lawyers partly because they referred to disputes involving members of Kashmiri, Rajput and Arain biradaris.

precedents existed for multiple opinions on the same subject, such that it was possible to cite Chief Court rulings relevant to both sides of a case.[34]

Even though officially-recorded custom remained a legal and administrative challenge, subsequent legislative action continued to cement the state's alliance with Punjab's landlord elites. In spite of the official stance of neutrality and non-intervention in indigenous structures, the very fraught nature of custom's judicial implementation forced the colonial state to intervene in an area which it had preferred to govern by what it understood to be Punjab's own custom. In this process, the colonial government did not just record custom, but also regulate its legal implementation through successive legislation. The Punjab Tenancy Act of 1887 assured the passage of occupancy rights through direct male descendants. According to its provisions, upon the death of an occupancy tenant, his rights were inherited, successively, by his direct male heirs, his widow (in a life estate only), and male collateral relatives.[35] Political advantages gained in the Punjab Laws Act of 1872 were reinforced also in the Punjab Alienation of Land Act of 1901, which institutionalized the difference between agriculturalists (mostly rural) who followed customary law and non-agriculturalists (mostly urban) governed by religious personal law.

In spite of these restrictions on land transfers, alienation by way of inheritance and succession continued to be a thorn in the side of Punjab's civil and legal administration. Two acts passed in 1920 were meant to reduce the number of lawsuits arising from contested alienations. According to the Punjab Limitation (Custom) Act, lawsuits contesting alienations (made through gifts, wills or appointment as heirs of adopted sons) of ancestral immovable property could not be instituted more than three or six years after the alienation. Similarly, the

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[34] See 121 AIR Lah (31) 1944 *Ata Muhammad, s/o Imam Din under guardianship of Karim Bakhsh v. Muhd. Shafi and others* for an instance in which both sides cited Punjab Chief Court rulings in favor of their arguments.
[35] Mian Muhammad Shafi, *The Punjab Tenancy Act No. XVI of 1887, as amended by Act XII of 1891, with notes and index.* (Lahore: Civil and Military Gazette Press, 1895). 40-42.

Punjab Custom (Right to Contest Act) dictated that only those male heirs who were descended from the same great-great-grandfather as the proprietor could contest alienation of ancestral property on grounds of customary difference. Alienations of non-ancestral property could not be contested on grounds of custom. Alienations by a female owner were, however, not subject to this Act.[36] In the matter of alienation too, the state reinforced male agnates' power over that of female heirs.

Whatever the political and judicial motivations of these acts, customary law remained subject to contestation and public criticism. The sharpest criticism of customary law came from reform-minded Muslim intellectuals and organizations who viewed customary law's treatment of women as particularly irksome, given that it contravened the tenets of inheritance laid down in the Quran. When Michael O'Dwyer's administration organized a conference to discuss the merits of codifying customary law, clamorous critique erupted from Punjab's reformist circles. By the 1930s, public debate about the inconsistencies of customary law and the reformist desire to bring all Indian Muslims, including Punjabis, under the rubric of Anglo-Muhammadan Law had become vociferous enough to convince the government to contemplate legislative action in the matter.[37] During the early 1930s, an Arain member of the Punjab Legislative Council from Lahore named Malik Muhammad Din introduced a bill to replace customary law with Anglo-Muhammadan Law in matters of inheritance and succession. However, opposition from rural agriculturalist members, who argued that inheritance according to Muhammadan Law led to subdivision of estates, prevented the bill's passage.[38]

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[36] Kaikhosru J. Rustomji, *A Treatise on Customary Law in the Punjab being an exhaustive and critical commentary on Punjab Custom.* (Lahore: University Book Agency, 1936). Third revised edition. i-viii.
[37] Gilmartin, "Customary Law and Shariat in British Punjab."
[38] Gilmartin, *Empire and Islam,* 169-71.

The discussion of this issue continued, however, in the Central Legislative Assembly where Jinnah himself took up this cause. On 9 September 1935, a bill to repeal customary law and bring all matters of personal law, including inheritance, under the purview of Anglo-Muhammadan Law was tabled in the Central Legislative Council. However, this bill was significantly different from Malik Muhammad Din's failed attempt in the Punjab Council because it excluded agricultural land (a provincial subject according to the Government of India Act of 1935) from the scope of this projected legislative change. After two years of discussion, the Muslim Personal Law (Shariat) Application Act was passed on 16 September 1937 amid a lot of controversy about the meaning of 'Shariat' for the bill's implementation. While Jinnah was successful in gathering support for the bill as a symbol of Indian Muslims' religious identity, the exclusion of agricultural land from its purview had neutralized much of Punjabi agriculturalists' opposition. Even though Jinnah could not overcome the opposition of Punjabi Muslim agriculturalists to this bill, and many reform-minded ulama were displeased with these compromises, the inclusion of the term 'Shariat' in the Act's title and its legal application to all Indian Muslims ensured that it became a symbol of the Muslim community's commitment to their religious identity. It ensured that Jinnah emerged as a leader of Indian Muslims, unattached to any particular faction in Punjab.[39]

In this political backdrop, custom was, if anything, a mutable and deeply fractious subject. While officials struggled to record it in all its heterogeneous glory, judges and lawyers had to toil equally in administering it. And when it came to leaders such as Shafi and Shah Din –

[39] Jalal and Gilmartin discuss Jinnah's negotiations in the process of getting this bill passed which led to a compromise between Unionists and urban supporters of Islamic law whereby inheritance of agricultural land was excluded from the purview of the new bill. This compromise satisfied Unionists, and brought the rural and urban leadership of Punjab together, but failed to satisfy reformist ulama who rejected the Act as against the true content of Islamic law. See Gilmartin, *Empire and Islam,* 171-74 and Jalal, *Self and Sovereignty,* 385-6.

themselves legal experts – the predicament was to find a method by which custom could metamorphose into something reform-minded intellectuals could find palatable without simultaneously erasing the political advantages of officially-recorded custom and agriculturalist identity for Punjabi Muslims such as Arains.

Reformist Islam and the Perils of Personal Law

When it came to reformist circles, women's inheritance was the fulcrum on which the question of custom turned. Any respectable reform-minded intellectual in early twentieth century India denounced customary inheritance practices as un-Islamic, called for their abrogation and adoption of Anglo-Muhammadan Law by all Indian Muslims. While colonial officials understood custom as a feature marking Punjabi Muslim agriculturalists off from other Muslims as well as Punjabi non-agriculturalists, for reform-minded Muslims of all hues, customary practices were the epitome of Indian Muslims' failings. Custom symbolized all that was wrong with Islam in India. Shafi and Shah Din were no exceptions to this reformist understanding of customary practices as antithetical to Islam and the Quran. But rather than advocate the total abrogation of custom like other reformers, they suggested an alternative interpretation which sought to bridge the ideological divide between customary law and Anglo-Muhammadan Law. Their legal expertise and long experience of interaction with the colonial state became relevant when they participated in official discussions about custom.

Shafi's address to the Punjab Law Society during the late 1900s offers a glimpse of this perspective on custom. In this speech, he took issue with some Punjab Chief Court rulings that had deemed adoptions of daughters' sons by sonless proprietors unlawful by custom of

landholding biradaris.[40] Contending that these rulings were an extreme interpretation of the theory of agnatic succession, he sought to demonstrate the legality of such adoptions by invoking Quranic injunctions about daughters' rights. He argued that according to Quranic norms, a daughter was an heir who inherited as an absolute owner. In the presence of a son, she inherited half his share; if she was an only child, she was entitled to one-half of her father's estate; if there were one or more daughters but no son, their collective share became two-thirds. Further, in the absence of a son, a widow's share would also descend to the daughter in time. When a brother and distant male relatives were absent, a daughter could inherit the whole of her father's property.[41] He also pointed out that Punjabi Muslims' endogamous marriage practices reinforced the daughter's (and, by extension, her descendants') position as an heir in the family.

> It is clear, therefore, that the daughter and her descendants occupy a highly favoured position under the Shara, and as the iron rule of strict agnatic succession is opposed to the principle of inheritance laid down by the *Quran,* any custom which would result in the property of her father descending to her or her children would be highly acceptable to the religious instincts of the Musalman tribes in the Punjab….The truth of these remarks becomes apparent when we find purely Moslem tribes, such as Sayyids and Mughals permitting the adoption of a daughter's son.[42] [Italics in original]

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[40] A paper read by Shafi at the Punjab Law Society, as reproduced in Rose, ed., *A Compendium of the Punjab Customary Law.* Appendix C, lxv-lxx. The speech dates to sometime between 1907 and 1911. Shafi made a parallel argument about the legal validity of adoptions of daughters' sons among Hindus as well as among Muslim non-agriculturalists. He argued that Hindu Law also validated adoption of daughters' sons. Those Muslims who had converted to Islam from Hinduism continued to consider such adoptions legal because the Quran did not forbid them.

[41] Shafi claimed that a daughter could, under certain circumstances when all near and distant relations were absent, inherit the whole of her father's estate in her double capacity as a 'sharer' and a 'residuary of the first class.' See Shafi's speech in Rose, ed., *A Compendium of the Punjab Customary Law.* Appendix C, pp. lxvii. However, while most nineteenth and early twentieth century digests of Anglo-Muhammadan Law acknowledge a daughter's status as a sharer, they do not agree on her precise status as a residuary. Roland Knyvet Wilson divides kin-based residuaries into four classes, and places daughters in the first class alongside sons. Alternatively, Neil Baillie, W. Macnaghten, Syed Ameer Ali and D. F. Mulla place daughters in the second class of kin-based residuaries, also known as 'residuaries in another's right.' Further, based on the general description of the status of various heirs given in these texts, it is difficult to ascertain the exact situation in which a daughter could inherit the entirety of her father's estate. All of these texts note a daughter's share as follows: in absence of sons, one-half if there is only one daughter; in presence of two or more daughters and no son, two-thirds of the property; and in presence of a son, one-half of whatever the son inherits.

[42] Shafi's speech in Rose, ed., *A Compendium of the Punjab Customary Law.* Appendix C, lxvii-lxviii.

In other words, Shafi argued that since the Quran recognized daughters as heirs, it was to be assumed that whatever she inherited from her father would, after her death, pass on to her children.[43] And adoption of a daughter's son merely sped up the process of a daughter's progeny inheriting her father's property through her. In light of this, such an adoption, whether validated by custom or by religious law, was consonant with the spirit of these Quranic rules. And what was permissible in the Quran was acceptable to Muslims. According to this interpretation, the Chief Court was mistaken in thinking that all Punjabi Muslims followed strict agnatic succession.

Shafi's argument constructed the categories of desirable 'Islamic' and undesirable 'un-Islamic' customs, implicitly contesting the reformist notion that all customs were antithetical to ideal Islamic practice. A custom in consonance with the dictates of the Quran would fall in the category of Islamic custom. The fact that "pure" Muslim biradaris such as Sayyids and Mughals allowed adoption of a daughter's son—clearly a Quranic custom from his perspective—made, at one level, a daughter's position as heir undeniable. At another level, it hinted at the longevity of such practices among Muslims, suggesting that such desirable Islamic customs possessed a historical dimension. Such desirable customs were sanctioned by temporal practice as well as religion. In this interpretation, custom was something that arose only when religion permitted it. The Quran may not explicitly refer to adoptions, but the status it imparted to daughters strongly suggested that adoption of a daughter's progeny fell within the Quranic boundary of permissible social practice. Shafi's argument was a subtle deflection on the more predictable method of

[43] However, as far as direct succession was concerned, all the contemporary digests of Anglo-Muhammadan law I have so far consulted classified a daughter's children as 'distant kindred' or 'uterine relatives' whose claims as heirs materialized only in default of other direct heirs ('sharers' and 'agnates' or 'residuaries'). According to this rule, a daughter's children could inherit only in absence of other heirs. But once a daughter had inherited from her father, in time, her children would inherit from her. See Baillie, 1832 edition, 127. Upheld in Baillie's other editions, Mulla, Ameer Ali, and Wilson.

conflating the tenets of Islamic law with those of custom. More than just claiming that the two were same or enjoined the same practices upon Muslims, Shafi suggested that good customs were borne out of only that which was permissible in the Quran. In this framework, any judicial or official opposition to these good Islamic customs was a gross misunderstanding of the spirit of Quranic law.

To the extent that Arains were also adherents of Punjabi agriculturalist custom, Shafi's interpretation of custom claimed Muslim-ness for Arains' customary practices. If good Punjabi Muslims were amenable to only customs with Quranic sanction, then the validity of Arain custom too rested on their Muslim identity. In this sense, Arain identity continued to be Quranic Muslim identity, regardless of their legal and administrative association with customary practices otherwise considered un-Islamic. The divide between purely un-Islamic, locally-grown custom and purely Islamic law was diluted if Arains, and Punjabi Muslims, practiced only that custom which the Quran endorsed.

Shafi's reform-minded contemporaries, however, erupted in a near-unanimous condemnation of custom when the government convened a conference to discuss the advantages of codifying it in 1915.[44] The *Observer* of Lahore noted that "Most of the provisions of custom run counter and are diametrically opposed to the express and binding injunctions of the Muslim

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[44] Some of the questions before the Conference were: whether codification would reduce litigation, which customs ought to be codified, how 'community' and 'custom' were to be defined, whether individuals ought to be given legal methods (a contract or a declaration) for opting out of custom, and whether a biradari could register a new custom regardless of its past usages. Covering Report by the President of the Conference published as Part I in *Report on the Punjab Codification,* 1-5. Also see list of subjects printed in p. 8 of Part II in this report. Admittedly, the administration did not intend to replace religious personal law with customary law; rather, it wished to codify some universally accepted tenets of custom so that 'speculative litigation' pressuring Punjab's judicial system could be somewhat reduced. Codifying custom would enable Punjabi communities, presumably represented by native invitees to the conference, to regain the power to define their own custom which, in the Government's understanding, had passed into the hands of colonial judges. Proceedings of His Honour the Lieutenant-Governor of the Punjab in the Home Department, No. 49-Judl-13, dated Simla, 6th July 1916. As published in *Report on the Punjab Codification.* 1-2.

law."[45] *Tahzib al-nisvan,* a Lahore-based women's journal edited by Muhammadi Begum, blamed Punjabi Muslims' ignorance and irreligiousness rather than the Government for the persistence of un-Islamic practices. It claimed that no true Muslim, however, could ignore God's commands and act in contravention of the Quran for very long. And if all Muslims would accept and follow the tenets of their religion, the Government would not move to codify irreligious customs.[46] Sayyid Mumtaz Ali, Punjab's eminent reformer with intellectual ties to both Sayyid Ahmad Khan and Deoband, had long believed that false customs were the cause of Muslim women's ignorance and lack of rights otherwise granted to them by Islamic law.[47] *Zamindar,* another Lahore newspaper, also blamed Punjabi Muslims for this codification scheme because they had, in 1872, readily agreed to legislation which entrenched un-Islamic inheritance practices. And since then, they had been going to Courts and declaring that their customs were contrary to Muhammadan Law, enabling the judicial system to reify customs opposed to Allah's commands.[48]

Partly reflecting this reformist belief, both Shafi and Shah Din expressed their unmitigated opposition to codification as members of the Conference. Several years prior to the Codification Conference, Shah Din had noted that "…many strong reasons can be given in support of the opinion that several important branches of the Customary Law are still in the transitional stage of Legal evolution, and that it is premature to codify customary rules which at best represent but crude, undefined and incoherent conceptions."[49] His views on the subject remained unchanged when it came up for discussion in the Codification Conference where he

[45] Excerpt from *Observer* (Lahore) 25 September 1915 as cited in *PNR* dated 2 October 1915, 578.
[46] Excerpt from *Tahzib al-nisvan* (Lahore) 2 October 1915 as cited in *PNR* dated 9 October 1915. 593.
[47] Gail Minault, "Sayyid Mumtaz Ali and 'Huquq un-Niswan'"
[48] Excerpt from *Zamindar* (Lahore) dated 3 November 1915 as cited in *PNR*, 6 November 1915. 660.
[49] Speech delivered at meeting of Punjab Law Society held on 7 February 1903, as cited in Bashir Ahmad, *Justice Shah Din His Life and Writings.* (Lahore: Ferozsons, 1962). 349.

argued that codifying a still-evolving custom would prevent colonial law from encompassing changes bound to occur in the near future.[50] Arguing that customary practices would inevitably change under the influence of ongoing economic expansion and educational progress, he noted that

> The spread of elementary education in rural tracts and among tribes who are now debarred from all intellectual touch with the outside world, the wider popular outlook resulting from such education, the increased prosperity of the agricultural classes in almost all parts of the Province, the great strides which industry is making on all sides, the more intimate intercourse, inseparable from industrial inter-dependence, between the rural and urban populations, - all these and similar causes are bound sooner or later to affect the ideas of the Punjab peasantry as to the nature, value and suitability of the customs by which they have so far been governed, and they will have much to say as to what those customs really are or should be.[51]

Punjab's legal system would need to recognize these shifts in order to keep governing Punjabis according to their customs. Codification at a premature stage would do nothing but interfere with the process of evolution Punjabi agriculturalists and their customs were only beginning to go through. Clearly, Shah Din, a prominent lawyer, judge, and reformist intellectual, understood agriculturalist custom as a phenomenon subject to historical change, regardless of its documentation in official records and implementation in colonial courts.[52]

[50] Unable to attend the proceedings due to illness, Shah Din sent his opinion in a written note to the Conference. *Report on the Punjab Codification* Part II. 9.

[51] *Report on the Punjab Codification* Part III. 92. It is interesting to note that Syed Ameer Ali, member of the Privy Council, expressed similar sentiments in his preface to the first edition of his digest of Anglo-Muhammadan Law. Ali argued that the progress of ideas and new approaches to the 'spirit of Koran' had changed modern Muslims' outlook on issues such as polygamy and slavery. He noted that due to the influence of progressive ideas, modern Muslims had rejected polygamy as an 'unmitigated and unendurable evil' regardless of the sanction that Quran seemingly gave it. Syed Ameer Ali, *Mahommedan Law Compiled from Authorities in the Original Arabic.* Vol. II. Fourth Edition (Calcutta: Thacker, Spink and Co., 1912). xiii.

[52] O'Dwyer himself noted that the legal reform suggested by the Conference would enable the Government to keep pace with contemporary changes in the "living organism" that custom was. He hoped that such reforms would create legal space for those who wished to preserve their customary practices as well as those who desired legal recognition for their altered customs. See Michael O'Dwyer's opening address to the Conference as printed in *Report on the Punjab Codification* Part II. 9-13. Though the Conference ultimately recommended codifying selected customs, no administration took any concrete steps toward this end. As such, customary law remained officially uncodified until 1947.

Shafi agreed that educational progress would change customary practices, and codification would prevent the Government from keeping pace with such changes. He also saw no reason to codify customary practices that were not uniform in any way. His views on the subject of women's status as heirs, for instance, complemented Shah Din's ideas. He opposed a move to abrogate a daughter's right to contest alienations of property by other male or female relatives because some biradaris considered daughters superior heirs to all collaterals. Further, he noted that customs were changing in this regard, and the Government ought to leave them free scope to develop.[53] Although the Conference ultimately recommended that females not be allowed to contest alienations by their male relatives,[54] Shafi's opposition to this move, his belief that custom varied across biradaris, and that it was not immune to socio-economic change, reinforced Shah Din's expectations about the future of custom in Punjab.

The press, however, continued to see codification as a danger to the reformist ideal of erasing all customary practices. The *Observer* elaborated on the adversarial relationship between customary law and Islamic law, and saw codification as a regressive step taking Muslims further away from Islamic ideals.

> The movement for a return to the code of Islam, which is not confined to the upper classes of Muslim society, is sure in the near future to leaven the masses. If custom is then codified, it means that the chances of this movement rapidly finding its way amongst the masses and of being recognised by the Government will be thrown back by many years….If custom is codified in the shape of binding declaratory rules,…there will be then a direct conflict between the laws of Islam and the enactments of the provincial legislature.[55]

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[53] *Report on the Punjab Codification* Part II. 19, 22. Shafi also opposed the idea of individuals contracting out of custom, because it would complicate matters in large families where every member did not sign the contract. See *Report on the Punjab Codification* Part II. 17.
[54] *Report on the Punjab Codification* Part II. 31. The recommendation received 10 votes for and 10 against. It was passed by the President's casting vote.
[55] Excerpt from *Observer* (Lahore) 25 September 1915 as cited in *PNR* dated 2 October 1915. 578.

Vakil went a step further and identified codification as a battle between Islam and custom. Remarking that legal support to custom was a way of emboldening "selfish tyrants," it argued that if the government would not encourage Islamic practices because of its neutrality toward Indian religions, then it ought not to support expressly un-Islamic ones either.[56] Other newspapers too focused on the government's support for custom as a move undeniably against the interests of 'true' Islam. *Paisa Akhbar* observed that codifying customary law, or Chief Court judgments given in accordance with it, would reify Punjabi Muslims' wrong, un-Islamic inheritance practices, particularly those which disinherited daughters.[57] The press, therefore, did not hesitate to turn the question of codification into a conflict between Punjabi Muslims' agriculturalist status and their religious identity.

That Shafi too believed that imminent changes in customary practices would be in favor of Muhammadan Law is clear from his response to the editor of *Ahl-i hadis* published in the Lahore newspaper *Zamindar.* In his comments on the Conference's final resolutions, he attempted to allay popular fears by pointing out that the government did not intend to replace religious personal law with codified customary law. Instead, the Conference had recommended that if a majority of a biradari's inhabitants in a village desired to change their customs, they should be allowed to do so by law.

> I should have emphatically opposed any proposal that appeared in any way likely to endanger the movement which has been started to bring the Muhammadans under the guidance of the Muhammadan Law….If this recommendation [allowing

[56] Excerpt from *Vakil* (Amritsar) 9 October 1915 as cited in *PNR* dated 16 October 1915. 611. In another report dated 16 October 1915, *Vakil* urged all Muslims to organize against the codification of custom because it would encourage un-Islamic inheritance practices. It asked all anjumans to send their reports and fatwas to the Anjuman-i-Himayat-i-Islam of Lahore so they could be submitted to the Government. Excerpt from *Vakil* (Amritsar) 16 October 1915 as cited in *PNR* dated 23 October 1915. 626. Another newspaper reported a sermon delivered by Mirza Mahmud urging all Ahmadis to send a petition to the Government requesting that all their inheritance cases be decided according to Muhammadan Law. Mahmud believed that in expressing their unequivocal support for Muhammadan Law, Ahmadis would work as an example for all Punjabi Muslims. Excerpt from *Faẓal* (Qadian) 19 October 1915 as cited in *PNR* dated 30 October 1915. 641.

[57] Excerpt from *Paisa Akhbar* (Lahore) 15 September 1915 as cited in *PNR* dated 18 September 1915. 539-40.

> biradaris to change their customs] is accepted, then those Muhammadans who may desire to accept the principles of the Muhammadan Law will be at full liberty to do so.[58]

For Shafi, legal recognition of a biradari's freedom to change its customs could aid the realization of the reformist vision of all Muslims adopting Muhammadan Law and forsaking customs. Even though neither he nor Shah Din directly articulated this expectation as members of the Codification Conference, their opposition to codification itself and support of legal recognition for such changes illuminates their own commitment to this reformist ideal. Legal recognition of a biradari's collective will would only reinforce this change. Muhammadan Law would gain ground, customary practices could potentially disappear over time, and the government would recognize this shift.[59]

Shafi's and Shah Din's conviction that customs would give way to Muhammadan Law, and that codification would merely inhibit this development, suggests a curious political and intellectual positioning. Unlike other contemporary reformers, they did not critique the existence or legal standing of these customs. But like other reform-minded intellectuals, they expected custom to give way to Muhammadan Law in the future. Rather than seeking to deny the applicability of custom to Muslim agriculturalists, they sought to mold customary practices in a way that would bring them closer to reformist goals without upsetting their privileged political connection with the colonial administration. This is perhaps why neither leader openly advocated replacement of legally and administratively entrenched custom by Muhammadan Law, or

[58] Excerpt from *Zamindar* (Lahore) 1 December 1915 as cited in *PNR* dated 4 December 1915. 618.

[59] The Conference ultimately recommended codification in a wide sense – that some customs should be officially recorded and given the force of law. It rejected the proposition of giving individuals the right to contract out of custom. However, it passed a resolution (by 16 votes to 4) stating that if a majority of inhabitants in a village wished to change a custom in the future, regardless of their customary practices in the past, they should have the power to make a declaration to that effect and such declaration would have the force of law. For voting on the final resolutions in the Conference, see *Report on the Punjab Codification* Part II. 31-33 and "Punjab Customary Law: Close of the Conference" *Civil and Military Gazette,* 1 October 1915, p. 5.

questioned the state's commitment to custom's preservation. Both, however, offered a narrative of impending change that could, potentially, resolve the friction between those who wished to uphold custom and those who desired its abrogation.

Taken together with Shafi's and Shah Din's faith in socio-economic changes influencing customary practices, this expectation of Muslims adopting Muhammadan Law through a legally recognized method fit well with the broader Arain vision of implementing reformist Islamic ideals in their biradari and addressing the concerns of the broader Muslim community without disturbing their political relationship with the colonial state. If this method were to achieve its full potential, the Arains could forsake custom entirely, adopt Muhammadan Law in all matters of personal law, and still retain their privileged political, economic and military position as agriculturalists in Punjab. It could allow them to forego the one feature that, in the eyes of the colonial state, defined their identity as Punjabi agriculturalists. But this change, though desirable from the perspective of reform-minded individuals, would not sever their privileged connection with the colonial state. Instead, legal recognition of such changes would avert the political troubles that could destabilize the state's alliance with Punjab's landlord elites. Reflecting on the possible political consequences of hasty codification, Shafi warned that "codification would place a weapon in the hands of agitators to create mischief by appealing to the religious sensibilities of the agricultural population."[60]

Their cautious approach toward a firmly entrenched legal category is reminiscent of Jalandhari's own wary handling of the subject of women's inheritance rights. Without unequivocally criticizing custom, all three Arain men disapproved of attempts to strengthen these

[60] *Report on the Punjab Codification* Part II. 24 and "Punjab Customary Law: Proceedings of Conference" *Civil and Military Gazette,* 30 September 1915, p. 5. For the Conference's broader discussion on codification, see 24-26 of the report.

practices. Jalandhari may not have urged Arain *zamindars* to give daughters their Quranic share directly, but he did express his dissatisfaction with the practice of excluding them. Similarly, Shafi and Shah Din used an official platform to resist legislative measures that would further entrench customary practices. As legal experts, and as prominent interlocutors of Punjabi agriculturalists, they interacted directly with the colonial legal and administrative structure. While Jalandhari translated the law for his less literate biradari members, Shafi and Shah Din translated (real or expected) changes in their biradari for the colonial state.

The variety, mutability and ambiguity of customary law therefore generated a space in which Arain leaders were able to bring together two legal systems considered distinct by the colonial state and contradictory by contemporary reform-minded intellectuals. Regardless of the Arains' (or other Punjabi Muslims') desire to adopt Muhammadan Law, they constructed a legal universe in which customary law and Muhammadan Law could potentially overlap, intersect and co-exist. When speaking on an official platform, they adopted the rhetoric of inevitable economic and educational progress pushing Punjabi agriculturalists away from their traditional customs—an idea O'Dwyer also acknowledged. When communicating with reform-minded intellectuals, however, they felt comfortable acknowledging that when Punjabi custom changed, they expected it to give way to Muhammadan Law and Quranic practices which, if Shafi's argument were to be accepted, were itself the basis of good, Islamic custom.

Inheritance Rights and Arain Identity in Colonial Courtrooms

Politically, custom was the hallmark of agriculturalist identity. But its uniform judicial application to all Punjabi agriculturalists was easier said than done. The acknowledgement of custom's variety in official ethnography often translated into legal qualifications attached to

custom. Even though the Punjab Alienation of Land Act of 1901 contained specific geographical and economic criteria for identifying an agriculturalist,[61] it had not completely laid out how these differences might affect a person's legal subjectivity to customary law. Further, some colonial officials themselves accepted the presence of exceptions to inheritance rules identified in colonial literature. N. Hancock Prenter, an ICS officer describing the inheritance system of biradaris in central Punjab, noted that the principle of maintenance (of dependent relatives such as widows and daughters) often superseded the broader rule of agnatic succession in these areas. Adoptions and the institution of *khanadamadi* (sons-in-law living with their wives' families) were means of avoiding inheritance by male collaterals in absence of direct male heirs.[62] Such ambiguity drove judicial discussion about what criteria placed an agriculturalist definitively under the purview of customary law. In course of different rulings,[63] Punjab Chief Court judges identified at least four interrelated factors which mitigated the force of custom among Arains and other agriculturalists: a proprietor's occupation and residence; the length of time that had passed

[61] For instance, according to the provisions of the Act, an agriculturalist was someone who owned land, ordinarily lived, and belonged to a tribe mentioned in the Act's district-wise schedule of agriculturalist biradaris. An Arain of Simla District was not an agriculturalist because Simla was not mentioned in this schedule. An Arain living in Lahore district and working as a clerk was not an agriculturalist. An Arain who had owned land in Amritsar district for four decades but had sold it years ago and moved to live elsewhere was not an agriculturalist. But an Arain living in Amritsar District and owning land in Lahore District belonged to agriculturalist biradari of Lahore District. See Shadi Lal, *The Punjab Alienation of Land Act XIII of 1900,* 31-33.
[62] N. Hancock Prenter, "Custom in the Punjab" *Journal of Comparative Legislation and International Law,* Third Series, 6: 4 (1924), 223-237.
[63] I have examined a little over a hundred (109) Punjab Chief Court rulings for property disputes involving Arains. Even after compensating for the fact that a distilled number of disputes must have reached the Chief Court, a large majority of these cases dealt with ancestral or self-acquired land, occupancy rights in land, or land in urban areas with houses built on them. A small fraction concerned urban property such as houses or shops. Overall, these cases were about inheritance, succession and adoption, alienation of land, disputed sales and mortgages, and others were specifically about inheritance rights of daughters, sisters, widows and nieces in presence or absence of male heirs. Given these economic indicators, the typical Arain litigant was a relatively well-off, if not wealthy, man, usually a landowner, but often a cultivator too, and sometimes a resident of a city running a small business. When it came to disputes about property of sonless Arain proprietors, women sued and were sued almost as often as men. However, their rights of inheritance and alienation, their status in adoption cases, or the rights of their progeny (usually sons) were also often the subject of disputes, whether a daughter or a sister herself was a party to the case or not. Given this socio-economic profile, it may be said that most of the Arain litigants in cases examined here came from families of some wealth and means.

since a family changed its occupation; the broad and amorphous category of 'special custom;' and, a biradari's (endogamous or otherwise) marriage practices.

A well-known judgment in a dispute involving a Muslim Rajput family established occupation and residence as qualifications that could alter an agriculturalist's legal standing. Referring to a proprietor's powers of alienation usually restricted by customary law, Justice Lal Chand observed that

> where a family, though members of an agricultural tribe, has altogether drifted away from agriculture as its main occupation, and has settled for good in urban life and adopts trade, industry or service as its principal occupation and means and source of livelihood, I am not inclined to hold that any initial presumption would exist or apply that the power to alienate ancestral immovable property by the members of such family is necessarily restricted.[64]

In another case concerning Kambohs of Lahore District, Justices Tek Chand and Agha Haider relied on this ruling to argue that the "mere fact that a person belongs to a well-known agricultural tribe is not by itself sufficient to raise a presumption that his power of alienation over property, ancestral or acquired, is restricted."[65] Instead, other features such as residence in and

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[64] 55 PR 1908. *Muhammad Hayat Khan v. Sandhe Khan and others.* 270 at 274. Under customary law, ancestral property was considered to be the property of the family, not the individual proprietor, especially in coparcenary villages. Therefore, a proprietor could not alienate his ancestral property through gifts, sale or mortgage without consideration (of the rights of his collaterals) and necessity. But if a proprietor involved in a dispute proved that his family was governed by personal law, then his rights of alienation were freed from such restrictions. Other methods to circumvent these restrictions were to separate ancestral from self-acquired property and alienate only one's self-acquired property or to prove a special family custom – distinct from the custom of the biradari – permitting such alienations.

[65] 642 AIR Lah 1927. *Muzaffar Muhammad v. Imam Din and Another.* 642 at 643. The issue of who a true agriculturalist was and hence subject to customary law remained an open one until the 1940s, with judges determining the applicability of customary law in each individual instance. See 522 AIR Lah 1914 *Mahomed Din and Others v. Ahmad Din and Others* for a decision in which the Punjab Chief Court ruled that a family were 'true' agriculturalist and therefore subject to customary law even though they lived in Lahore City for convenience. See 409 AIR Lah 1925 *Karam Din and Another v. Mehr Din and Others* for a case involving julahas of Icchra, Lahore where the Court, reversing the judgment of lower courts, found that julahas could not be considered agriculturalist and subject to customary law merely because they owned some land and derived part of their income from it. In 637 AIR Lah 1931 *Genda Singh and Others v. Dasaundha Singh and Others*, Punjab Chief Court enumerated ten questions whose answers could be used to determine whether a family belonging to a non-agriculturalist biradari could be considered subject to customary law or not. These questions were: whether they followed agriculture exclusively or other occupations, whether they lived in a compact or a heterogeneous village, whether their ancestors founded the village, the length of time they had cultivated land, whether they tilled the soil themselves, how much of the village area they owned, whether they permitted free and frequent alienations, whether they were

connection with village community, pursuit of agriculture as primary source of livelihood, and observance of family traditions marked out a 'true' agriculturalist. In this way, judges differentiated between agriculturalists with a strong claim to customary law from those members of agriculturalist tribes who had lost or never possessed it.

Colonial judges recognized that officially recorded Arain custom too was qualified by long-term occupational and residential changes. A Chief Court ruling in an inheritance dispute involving Arains of Jalandhar City reflected this trend. In this case, a man named Mubarik Ali had willed his entire estate to Sayad Muhammad, a man unrelated to his family, subject to a life interest in half of his estate for Ali's widow. Taj Muhammad, Ali's agnatic heir, pleaded that their family was subject to Muhammadan Law according to which Ali's will was invalid, effected as it was without the consent of Ali's collateral. Taj Muhammad also agreed that Ali's widow had a right to one-third of his estate according to Muhammadan Law. The lower courts had, however, held the Arain family subject to customary law, and allowed the will in reference to Ali's self-acquired property (which, according to customary law, he could alienate as he wished) but invalidated it in reference to one house deemed ancestral property. Taj Muhammad filed another appeal against this decision in the Punjab Chief Court. Justices Shadi Lal and LeRossignol noted that Ali's ancestor named Hidayat Ullah and his descendants, originally from Vairowal in Amritsar District, had migrated to Jalandhar City and taken up service in Kapurthala State and other places. They argued that the family would have been subject to custom in the past when cultivation was their livelihood. But subsequent adoption of a service occupation and abandonment of cultivation had eroded its force among them. Though they ultimately ruled in

part of the revenue settlement, how they acquired their land, whether their biradari had any lambardars, whether they lived in a locality where customary law prevailed generally, and whether they observed custom in matters other than inheritance.

favor of customary law, rejecting Taj Muhammad's contention that the family was governed by Muhammadan Law, they openly accepted that alterations in livelihood over generations decreased the hold of custom over such families.[66]

Similar concerns emerged in another case about an Arain proprietor of Jalandhar City named Umar Din where non-landed property was at stake. Umar Din had sold his house to one Ghulam Muhammad, a man unrelated to the family, in 1909. After Umar Din's death, his brother Bura contended that the house was ancestral property and hence, its sale was invalid according to customary law. Ghulam Muhammad, the vendee, had successfully argued in front of the trial court that Umar Din was not an agriculturalist and therefore not subject to customary law. When Bura's appeal against this decision succeeded in a lower appellate court, Ghulam Muhammad appealed his case to the Chief Court. Justice Petman held that Umar Din could not be considered an agriculturalist simply because he was an Arain. In his final judgment, he noted that "…the family does not follow agricultural pursuits….The deceased vendor earned his living as a labourer and as a servant….In the present case it is not shown that the family ever followed agricultural pursuits or how they became possessed of the house in question….it cannot be assumed that the rights in it were acquired in connexion [*sic*] with ancestral agricultural land."[67] Relying on the judgment delivered in *Muhammad Hayat Khan v. Sandhe Khan and others* and *Taj Muhammad v. Sayad Muhammad and others* discussed above, he upheld the sale of the house as valid. Such decisions built up precedents for dilution of customary law's applicability, without directly ruling that Anglo-Muhammadan Law applied by default in such cases.

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[66] 122 PR 1916. *Taj Muhammad v. Sayad Muhammad and others.* The judges noted that the family followed custom in matters of both testamentary and intestate succession as well as alienation of ancestral wealth. Their widows in the past had only inherited life-estates according to customary law instead of a share in the husband's property as dictated by Anglo-Muhammadan law. Therefore, the judges reasoned that if succession was governed by custom, then transfer of ancestral property via a will would also have to be governed by it and not Muhammadan law.
[67] 40 AIR Lah 1920. *Ghulam Muhammad v. Bura.* 41.

The second factor which mitigated the force of customary law among Arains was the length of time that had elapsed since a family's occupational shift. A Chief Court ruling from the 1930s reinforced the idea that all Arain agriculturalists could not be held subject to customary law to the same extent or in the exact same way. Mt. Bashiran (plaintiff-appellant), the widow of Wali Mahomed, sued her father-in-law (Rahim Bakhsh) and step-children (Mahomed Zahur, Mahomed Manzur and Mt. Iqbal Ara Begum) in 1925 for a share in her deceased husband's property. She claimed that Wali Mahomed had been a Sheikh and not an Arain, which made him and his family subject to Muhammadan Law. Defendants' lawyers countered this claim by proving successfully before the lower courts that the deceased had been an Arain and hence subject to Arain custom which entitled Bashiran to maintenance alone. When her appeal brought the case to the Punjab Chief Court, Justices Harrison and Tek Chand agreed with the lower courts that Wali Mohamed had been an Arain, and examined his ancestors' professions to trace the antiquity of their occupational shift. Rahim Bakhsh deposed that his ancestors, at least from his great-grandfather Manga, his grandfather Abdulla or Nigahiya, and father Suleiman, had never owned or cultivated land. Originally from Sirsa, they had moved to Samana in Patiala State and lived there for nearly 150 years. Manga had worked as a laborer, Abdulla had never tilled the soil, and Suleiman had been employed in the Patiala police. Rahim Bakhsh himself had been an employee first of Sidhowal Chiefs from 1872-1912 and later of the Rais of Arnauli. His son Wali Muhammad had retired as a Sub-Inspector of Police and settled in Ambala Cantonment. Based on this composite genealogical-occupational tree, the judges ruled that this family were not agriculturalists and could not be held subject to customary law. But in this instance, in the absence of proven custom, they upheld Anglo-Muhammadan Law according to

the provisions of the Punjab Laws Act of 1872. This meant a ruling in favor of Mt. Bashiran who was now awarded her share in her deceased husband's property.[68]

Another case dating to the 1940s revealed a confluence of temporal, occupational and residential circumstances in the determination of the Arains' legal subjectivity. One Muhammad Shafi, son of Imam Din, a resident of Mozang in Lahore District, had mortgaged some agricultural land, house and commercial property located in Lahore city to a Bishen Das in 1931 who transferred his mortgagee rights, in turn, to one Feroz Din in 1937. Ata Muhammad (plaintiff-appellant), Shafi's brother, contesting this alienation on grounds of custom, claimed that Shafi had had no power to mortgage this property without his consent. He contended that Mozang Arains were part of the Arain biradari of Lahore, and the family's ancestors had been listed as farmers in revenue records until as recently as 1939. Feroz Din countered that Shafi did not cultivate land, was not an agriculturalist, and hence customary law did not apply to his powers of alienation. He also argued that the property in dispute was not Shafi's ancestral wealth, and that Mozang was no longer a village but a suburb of Lahore city, with people of different biradaris living there who alienated their lands like Shafi without any contestation. Lower courts had ruled the property ancestral, but dismissed the case by finding that custom did

[68] 446 AIR Lah 1931 *Mt. Bashiran v. Mahomad Zahur and others.* For a similar case, see 23 PR 1897 *Musammat Fakhar-un-Nissa v. Malik Rahim Bakhsh and Others* where Justices Stogdon and Chatterji held that since the family, who were of Punjabi Arain descent, had lived in Sabzi Mandi area of Delhi, given themselves out as Muslim Sheikhs and intermarried with the local Sheikh community, were not subject to customary law any longer. The dispute involved Fakhar-un-nissa, the plaintiff-appellant, against her brothers, Rahim Bakhsh one among them. The brothers claimed that the family were Arains, and hence subject to customary law, according to which the sisters would inherit nothing from their deceased father's property. Fakhar-un-Nissa argued that the family were Muslim Sheikhs and hence subject to Muhammadan Law, according to which she was entitled to a share in her father's property. The Court awarded Fakhar-un-Nissa her share in her father's property on the grounds that the onus of proving custom rested on Rahim Bakhsh, and they had failed to discharge this onus to the satisfaction of the Court. A subsequent petition by Rahim Bakhsh to invalidate the 1897 judgment was rejected in 1898. The dispute remained unresolved, however, as in 1907, another sister, Rajab-un-Nissa sued her brothers for her share (Shafi argued for Rajab-un-Nissa here). Even though the Court once again ruled in favor of the daughter, it is difficult to ascertain whether the sisters ever received their shares.

not apply to this family because they had given up agriculture as a profession, moved to a city, and adopted a trade.[69]

In the Punjab Chief Court, Justices Mahajan and Ram Lall, while agreeing that Mozang had been an Arain village in the past, argued that this socio-economic change was not enough to prove that Mozang Arains no longer followed the customs of Lahore's Arain biradari. Noting that Shafi had owned his timber shop only for seven or eight years, the judges allowed Ata Muhammad's appeal. They cited the following portion of Justice Lal Chand's judgment in *Muhammad Hayat Khan v. Sandhe Khan and Others*

> I do not affirm for a moment that if a member of an agricultural family casually takes to Government service or some other profession as an additional source of living or emolument, that the family thereby cease to be agriculturalist or to be bound by agricultural customs…. But it seems to me equally clear that if a member of an agricultural family settles in a town, takes to Government service or some lucrative profession, trade or industry, and thus settles to urban life permanently…that such family or the descendants of such family in the third or fourth generation are not governed by agricultural customs, simply because some of their ancestors at one time were agriculturalists, or that the family belongs to one of the agricultural tribes.[70]

Socio-economic changes such as a move from rural to urban residence or change of occupation from cultivation to trade qualified the applicability of custom, but an Arain family would cease to be subject to customary law only after three or four generations of adopting a non-agricultural occupation.

What Chief Court judges called 'special custom' was the third factor qualifying the bearing of custom on the Arains. It denoted a practice claimed and/or proven as valid for a biradari's (occupational, local or clan-based) sub-set, regardless of its congruence with the

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[69] 121 AIR Lah (31) 1944 *Ata Muhammad, s/o Imam Din under guardianship of Karim Bakhsh v. Muhammad Shafi and others.*

[70] 55 PR 1908 *Muhammad Hayat Khan v. Sandhe Khan and Others.* 270 at 276. Cited in 121 AIR Lah (31) 1944 *Ata Muhammad, s/o Imam Din under guardianship of Karim Bakhsh v. Muhammad Shafi and others.* 121 at 123.

recorded custom of the biradari as a whole or religious personal law. A Chief Court ruling from the late nineteenth century suggests that Arain litigants could use the concept of a 'special custom' to claim *got*-specific inheritance practices. Allajawai (plaintiff-respondent), sister of Kadar Baksh, a Bhatti Arain flower-seller of Lahore and Amritsar, sued her nephews (Kadar Baksh's and another brother's sons) for her share in Kadar Baksh's property. The defendants claimed that according to a special custom prevailing among Bhatti Arains of Lahore and Amritsar, sisters were excluded from inheritance by a deceased proprietor's brother's sons. Justices Plowden and Smyth, unconvinced about this claim, upheld the ruling of the lower courts that no such custom existed among Bhatti Arains of Lahore and Amritsar, and in the absence of custom, held them subject to Muhammadan Law instead.[71]

A case which raised questions about powers of will-making among *gulfarosh* Arains of Lahore City also illustrated the phenomenon of 'special custom' well. An Arain named Mahtab had executed a will on 8 August 1899 which left half of his houses (5 in number) to his wife, daughter, and nephew/son-in-law, Umar Din (plaintiff-respondent). Mahtab's brother, Rahim Bakhsh (defendant-appellant), objected, and claimed that according to Muhammadan Law which governed the family, this will was void because it was made without his (Mahtab's agnate) consent. Mian Muhammad Shafi, arguing for the plaintiff, proved the existence of a special custom among this small section of Arains by citing uncontested wills made by other *gulfarosh* Arains dating up to twenty years before this suit. Mian Fazl-i-Husain, lawyer for the defendants, argued that some wills Shafi cited were eventually decided according to Muhammadan Law, and

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[71] 25 PR 1882. *Miran Baksh and Others v. Musst. Allajawai.* See 180 PR 1888 *Musammat Imam Bibi v. Musammat Fazal Bibi* for a similar claim for special custom among Balli *got* of Arains of Lahore District (the claim failed in this case too) and 45 PR 1911 *Azim and Others v. Ismail and Kadir Baksh* for a judgment which disallowed adoption by an Arain proprietor of a step-son who did not belong to his own *got.*

some were never executed. Justices Johnstone and Shah Din held that this small sub-group of urban Arain flower-sellers followed a special custom of making wills which gave proprietors the leeway to dispose of their property in ways that might otherwise contravene both Arain agriculturalist custom as well as Muslim personal law. The judges conceded some of Fazl-i-Husain's points, but finally ruled for the plaintiff-respondent.[72]

The fourth factor affecting a biradari's custom was its marriage pattern, which, in the eyes of both colonial ethnographers and judges, was directly connected with its inheritance practices. Based on the colonial understanding of Punjab's agrarian economy, most colonial officials believed that Punjabi custom was meant to protect landholdings from fragmentation. If daughters inherited land, then their shares would pass on to their husbands upon marriage. Therefore, exogamous (marrying outside the family or clan) biradaris excluded daughters from inheritance of land, but endogamy (marrying within the family or clan) mitigated these fears among biradaris like the Arains.

A series of late nineteenth-early twentieth century Chief Court rulings established a strong legal precedent recognizing the special rights of Arain women in absence of direct male heirs. Many of these rulings held that Arain daughters were preferential heirs to male collaterals.[73] Justice Rattigan summed up the judicial perspective on this matter when he noted that

> The customs of the Arain tribe…vary in different localities, and it is therefore impossible to adjudicate upon the custom of Arains in one district by reference to

[72] 255 (2) AIR Lah 1915. *Rahim Bakhsh v. Umar Din.*
[73] In 37 PR 1878 *Musst. Rajadan and Dana v. Umra and Others,* judged ruled that a gift of his entire estate by a sonless Arain proprietor of Hoshiarpur District in favor of his daughter's son was valid by local custom. A decade later, in 92 PR 1888 *Nihal and Others v. Palla and Another,* the Court ruled that custom permitted a sonless Arain proprietor of Raipur in Jalandhar District to gift ancestral land to his daughter's son. Similarly, in 2 PR 1897 *Sadulla and Another v. Husain and Others* and 83 PR 1900 *Alla Dia and Others v. Nur Bakhsh and Others,* judges ruled that gifts of entire estates by sonless Arain proprietors of Jalandhar City to their daughters and daughters' progeny in the presence of near male collaterals.

> the customs of Arains in another. But, admitting this, I find that taken as a class there is one characteristic that pre-eminently distinguishes the Arains, and that is the far greater regard they have than that shown by other agricultural tribes for the rights of women. This, no doubt, is largely due to the fact that they are a strictly endogamous tribe, and that consequently land when it passes into a woman's hands is not likely to leave the family to which it belongs.[74]

A ruling from 1906 about Ghelna Arains of Lahore District extended an Arain daughter's inheritance rights to include the right to contest alienation by another female relative. Commenting on this issue, Justices Robertson and Rattigan noted that "…we think that there is no ground for holding that when a female is the actual heir of the last male owner she is debarred, merely by reason of being a female, from protecting the estate from waste by a widow."[75] By 1911, it had become possible for Justice Shah Din to rely on all these precedents to argue that the Arain custom of daughters inheriting ancestral and self-acquired property in absence of direct male heirs was well-established.[76] In these cases, the Arains' special status as an endogamous biradari and proof of 'special custom' in some localities altered customary inheritance practices otherwise associated with agriculturalists and considered unfavorable to women.

By the mid-twentieth century, Chief Court rulings rarely hesitated to recognize greater inheritance rights of Arain women as a symbol of Arain custom. Some judges were comfortable re-interpreting discrepancies in the *Rivaj-i am* in favor of daughters' rights. In a dispute among

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[74] 82 PR 1900 *Ghausa and Another v. Nathu.* 350 at 351. Also see 133 PR 1906 *Pala and Others v. Nur Muhammad and Others* for a direct instance in which a daughter's marriage within the family (to her first cousin) aided the argument in favor of her inheriting her father's ancestral property through a gift.

[75] 19 PR 1906 *Chiragh Bibi v. Hassan.* 71 at 73. The judges also ruled that in instances where rights of women were acknowledged by custom, the meaning of the term '*aulad'* (hitherto understood to mean only sons) ought to be interpreted as meaning both male and female heirs. Incidentally, Shafi was lawyer for Chiragh Bibi (the daughter) in this case, while his cousin brother Shah Din argued on behalf of Hassan.

[76] 13 PR 1911 *Karm Din and Others v. Musammat Jio and Fatteh Din and Another.* Also see 58 PR 1908 *Shadi and Others v. Khewni and Others* for another ruling in which, for Arains of Jagraon tehsil of Ludhiana district, Justices Rattigan and Shah Din held that a gift by a proprietor of his entire immovable ancestral property to his daughter, with the consent of his son who was himself childless, was valid by custom and not open to contest by male collaterals.

Arains of Phillaur tehsil, Ludhiana district, Justice Bhide argued that an entry in the *Rivaj-i am* was not enough to overrule actual instances (cited by the respondents) from this area where daughters had inherited property from their fathers.[77] In a case involving Arains of Nawanshahr tehsil in Jalandhar District, Justices Tek Chand and Walker noted that "where the special custom recorded in the Riwajiam is opposed to general custom and also adversely affects the rights of women who had no opportunity of appearing before the revenue authorities, the presumption in favour of Riwajiam is weak and easily rebutted."[78] Similarly strong judgments in favor of daughters' inheritance continued to appear during the 1940s. In another inheritance dispute among Arains of Sheikhupura District, Justice Munir emphasized the inherent failings of interview techniques used to record customary law. He noted that officials did not pose direct questions about sisters' or daughters' inheritance rights, asking instead about the rights of male collaterals in the absence of direct agnatic heirs. Instances of women inheriting property thus came up only in course of discussions about the lack of direct male heirs.[79]

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[77] 596 AIR Lah 1930 *Karim Bakhsh and Others v. Niazamuddin and Others.* Here, male collaterals of a deceased proprietor had sued his daughter's sons, claiming that inheritance from a daughter (via a gift) was against Arain custom. See 971 AIR Lah 1930 *Fateh Din and Others v. Mt. Mohammad Bibi and Others* for another case in which the Court held that among Arains of Sialkot, daughters have a right to inherit self-acquired property of their father to the exclusion of male collaterals and a right to contest alienation of their father's property by another female relative (widow). Also see 894 AIR Lah 1934 *Aziz Mohammad v. Mt. Hajran and Others* about Arains of Jalandhar District. Justice Rangi Lal argued that once a daughter had inherited ancestral property from her father, she became a full heir, with rights of alienation over it which permitted her to gift this property to her sister.

[78] 641 AIR Lah 1931 *Ghulam Muhammad and Others v. Mt. Ralli and Others.* 641 at 642. The judges had to contend with an inconsistency in the Rivaj-i am. On one hand, Rattigan's digest of civil law recorded a special custom among Arains according to which daughters were preferred heirs to self-acquired property of a father over his collaterals. On the other hand, customary law of Jalandhar District compiled between 1913 and 1917 noted that daughters were excluded by male collaterals in both ancestral and self-acquired property. The Privy Council ruling referred to in this case is recorded as Privy Council Appeal No. 94 of 1915 *Beg v. Allah Ditta and Others.* The judgment, delivered on 18 December 1916, held that an entry in official records of a special custom proved the existence of that custom. Also see 531 AIR Lah 1935 *Waras and Others v. Mt. Fatima and Others* for another ruling which upheld a sister's right to inherit over male collaterals among Arains of Chunian tehsil in Lahore District.

[79] 154 AIR Lah 1943 *Mt. Hussain Bibi and Others v. Hassan Din and Another.* Here, brothers of the deceased proprietor contested a gift made by his widow in favor of his daughters. Another case, about Arains of Julundhur District, upheld the rights of a sonless Arain to write a will giving all of his property to his daughters. In this ruling, the judges noted that the custom allowing sonless Arains to leave their property by gift or will to their daughters was "well-recognised" and had been "proved quite satisfactorily" in this case as well. See 426 AIR Lah (33) 1946 *Mt. Fatima v. Sharaf Din and Another.*

While such recognition of daughters' inheritance rights in absence of male heirs might suggest that customary law was not always detrimental to women's inheritance rights, it is crucial to note that this qualification was not true for all Punjabi agriculturalist women. Even when judges generalized that Arain women had superior rights of inheritance in comparison to other agriculturalist biradaris, they were applicable only in absence of direct male heirs. Daughters were not entitled to inherit paternal property when direct male heirs existed. Further, if such rulings often ended disputes between a proprietor's daughter and his nearest male collaterals (who would, in absence of such rulings, usually inherit in preference over female heirs), just as often they undermined the rights of one female heir in relation to another. For instance, in a ruling from the 1880s, the Chief Court upheld inheritance rights of the deceased proprietor's sister over those of his niece.[80] And as is evident from the Ghelna Arain case cited above, judges viewed daughters' rights as superior to those of a widow, even though, given Arains' endogamy, she too could have been the deceased proprietor's relative. In another case, Justices Clark and Kensington ruled that a sonless Arain proprietor could not gift his property to a sister's son in presence of male collaterals, although according to a host of other precedents, he could leave his property to a daughter's son.[81] Despite judicial acceptance of the idea that Arain women were better off when it came to inheritance as compared to women of other agriculturalist biradaris, the very category of 'women's rights' was fraught with complexities and contingent on other restrictions such as the presence or absence of direct male descendants and their exact relationship to the deceased proprietor.

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[80] 180 PR 1888 *Musammat Imam Bibi v. Musammat Fazal Bibi.*

[81] 24 PR 1905 *Ilahia and Another v. Qasim and Others.* The case involved Arains of Jalandhar tehsil. Also see 460 AIR Lah 1915 *Allah Din v. Salam Din* for another case in which the judges acknowledged that even among Arains who gave more rights to women than other agriculturalists, a sister was on a different footing than a daughter as far as inheritance from sonless proprietors was concerned.

The re-assessment of officially-recorded custom in colonial courtrooms amounted to a legal enumeration of the components and boundaries of Arain identity. Whether the immediate issues at hand in these disputes concerned women's inheritance, special custom, or the applicability of Muhammadan Law instead of customary law, the broadest issue at stake was the delineation of Arain identity. In determining what it was that made a family agriculturalist enough to be considered subject to customary law, colonial judges were doing more than just resolving property disputes. Their pronouncements on legal issues involving Arains—endogamy, Arain women's status as heirs, *got*-specific special custom, urban residence or occupational change—amounted to a legal delineation of Arain selfhood. Such thorough examination of family genealogies and socio-economic practices went toward the legal definition of an agriculturalist Arain. According to this definition, an agriculturalist Arain was an Arain whose main source of income was agriculture, who lived in or in close proximity to a village or village community, and whose ancestors had followed all the social customs of his district's Arain biradari. Merely belonging to an Arain family by birth was not enough to make a person an Arain (governed by customary law) in the eyes of the law.

The legal determination of Arain women's rights had as many ramifications for the Arains' legal identity as for defining the content and borders of customary law. The Arains' endogamous marriage practices were legally relevant not only because they gave Arain women more rights than other agriculturalist women, but also because they cast the Arains legally as a more progressive biradari which recognized its women's rights. Judicial commentary in inheritance disputes involving female litigants was thus about much more than what daughters could or could not inherit. In drawing this connection, colonial judges arguably turned social practices (marriages) into elements of biradari identity (progressive behavior toward women). To

this extent, colonial law diluted a social feature which Jalandhari had found difficult to condemn openly. And in Shafi's intellectual universe, legal support of Arain women's inheritance rights, however circumscribed, would perhaps have been a desirable governmental measure upholding 'good' Islamic custom. In this way, colonial law and judges became implicated in the intricacies of Arain identity and its fraught relationship with customary law and Anglo-Muhammadan Law.

Customary law in Punjab continued to be a source both of administrative and judicial consternation as well as a busy site for contestation of official authority by colonial subjects. At one level, the fact that Arain litigants and lawyers, including Shafi, found themselves arguing for customary law (in one form or another) almost as often as against it underscores the power of British Punjab's legal structure over the lives of Punjabis. This, in turn, indicates the challenge of turning Arain litigants toward Anglo-Muhammadan Law in a context dominated by the language of custom. Jalandhari himself felt obliged to warn his fellow Arains against the hazards of excessive legal squabbling. He denigrated the common and expensive habit of turning to colonial courts for justice in such matters. Instead, he advised his biradari members to solve their disputes within the village community according to Islamic law.[82]

Simultaneously, however, the fact that customary law was so consistently contested from diverse angles underlines Arain litigants' tenaciousness at mobilizing this legal structure for their personal ends. In making claims and counter-claims about their legal subjectivity, Arain litigants who appealed to colonial courts for justice exploited a space established by the colonial state. The arguments and precedents they cited shaped judicial opinion and created legal precedents later utilized by other litigants. In the process of arguing a case, lawyers and litigants invoked

[82] *Salim al-tavarikh*, 206-10.

more than just the officially-recorded custom or codified personal law. Litigants often sought to prove that personal law instead of custom applied to them. Just as often, parties involved in property disputes argued for ‘special customs’ of succession or inheritance in their clan. Or that officially-recorded custom pertaining to them was erroneous and they wished to be governed by their own, ‘correct’ custom. Therefore, at least three legal universes intersected in colonial courtrooms: codified religious personal law, officially recorded but uncodified custom and/or customary law, and customary practices as claimed by the Arains for themselves.

CHAPTER 4

BRIDGING BIRADARI AND RELIGION: ARAINS AS MUSLIMS IN COLONIAL INDIAN POLITICS

One of Jalandhari's principal assertions in *Salim al-tavarikh* was that all (*tamam*) Arains were Muslims.[1] Asserting Arains' fundamental Arab-Muslim identity led Jalandhari to differentiate them as much from Hindus and Sikh as from other, non-Arain Muslims. The Arain leaders' campaign against their military classification and the Arain Anjuman's reformist aspirations had similarly been grounded in the idea of the Arain biradari as a bounded Muslim community. Evoking Jalandhari's narrative of the Arains' Arab-Muslim descent, Shafi too argued that the Arains, alongside Sayyids, Afghans, and Mughals, were a "purely Muslim" community.[2] As chapter three has shown, both Shafi and Shah Din believed that with the spread of reformist education among Punjabi Muslims, customary practices would disappear, rendering customary law redundant and bringing all Indian Muslims under the purview of Muhammadan Law.

This chapter examines the political meaning of these multi-dimensional assertions of the Arains' Muslim-ness, especially in relation to elite Muslim mobilization of the early twentieth century. I approach the historical relationship between biradari-based mobilization and religion-based mobilization through an analysis of the political vision articulated by members of the

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[1] *Salim al-tavarikh,* 349. Also see Ch. 2.

[2] Mian Muhammad Shafi, "The United States of India: Federal versus Unitary Form of Government" *Star* (Allahabad) dated 4 November 1927. As published in Shafi, *Some Important Indian Problems,* 61.

reform-minded Mian family of Baghbanpura, Lahore between the 1900s and the early 1930s. I focus on men and women of this family for two reasons. First, they served in leadership positions of the Arain Anjuman as well as the All-India Muslim League (AIML). While Shafi served as the president of the Arain Anjuman, Shah Din had been active in organizing biradari meetings which contributed to the establishment of the Anjuman. Both Shafi and Shah Din were signatories to the 1906 memorial to Lord Minto which articulated Indian Muslims' political demands and were part of the group of elite Muslims who pressed for the formation of the AIML during the mid-1900s. Second, they served in non-official reformist associations and in official posts during their careers. Shafi occupied a host of official positions during this period that included nominations twice to the Viceroy's Executive Council, and once each to the Imperial and the Punjab Legislative Councils. Shah Din was a member of the Punjab Legislative Council twice, and a judge in the Punjab Chief Court from 1906 until his death in 1918. In addition, both brothers were followers of Sayyid Ahmad Khan's reformist ideology, and were associated with his All-India Muhammadan Educational Conference (AIMEC), established in 1886. Shah Din addressed the AIMEC's annual session of 1894 and 1913, while Shafi delivered a presidential address at the organization's 1916 meeting. Both were members of the AIML as well, with Shafi associated with the party from its foundation in 1906 to his death in 1932. The women of their family, Begum Shafi, Begum Shah Din, and Shafi's daughter, Begum Jahanara Shahnawaz, were active members of the All India Muslim Ladies Conference (AIMLC) during these decades. After working as a Municipal Councilor in Lahore, Begum Shahnawaz joined the All India Women's Conference and was a representative of Indian women at the Round Table Conferences held in London during the early 1930s. After joining Mian Fazl-i-Husain's landlord-based Unionist Party during the mid-1930s, she became a member of the Punjab

Legislative Assembly after the elections of 1937. By the mid-1940s, however, she moved to the AIML, becoming a member of the Assembly on a League ticket after the 1946 elections.

Viewed in context of the ideologically heterogeneous landscape of early twentieth century Muslim politics, political ideas articulated by these men and women provide a window onto the historical moment when elite Arain men and women inhabited the worlds of biradari-based mobilization and religion-based mobilization simultaneously. The public careers of men and women of the Baghbanpura Mian family also afford a glimpse at the ways in which educated, reform-minded Muslim leaders negotiated the rapidly shifting political context of early twentieth century British India. Perhaps a result of their multi-faceted political experiences as reformers and politicians, their ideas were shaped by the need to conceptually bridge biradari-based mobilization with reformist mobilization on the one hand, and with Indian Muslims' political mobilization on the other. By focusing on the Mian family in this chapter, I do not claim any universality for the political vision articulated by its members. In fact, as section two of this chapter will show, Shafi's many official and non-official appointments kept him and his opinions in the public eye, and many of his ideas elicited sharp condemnation from his contemporaries.

Between the 1900s and the early 1930s, Shafi and Shah Din articulated a political ideology which envisaged reformist mobilization as a building block of Indian Muslims' political mobilization. In this political universe, elite leaders of various sub-sets of Muslims, such as biradaris, would promote reformist Islamic practices and education for men and women in their respective communities. Such reformist mobilization would be founded upon self-aware individual and collective action. Members of the All-India Muslim Ladies Conference (AIMLC) echoed parts of this political vision, particularly those relating to Muslim women's education. This process would, ideally, generate reform-minded, religiously self-aware, educated Muslims

ready to participate in colonial India's political system. A parallel process among other religious communities would generate elite leaders from among Hindus and Sikhs, and leaders of each community could be incorporated into the colonial political structure through a hierarchical representative structure based on separate electorates. These elite representatives would collectively communicate the needs and aspirations of their constituents to the colonial state. With indigenous leaders invested in this political structure, such leaders would adopt a sustained loyalist constitutionalism and abjure the politics of mass agitation and any contestation of imperial authority.

In this political vision, reformist mobilization and political participation did not constitute separate political domains. Instead, the two spheres were ideologically linked and, in their intended results, expected to reinforce each other. The political space generated by the intersection of reformist and political mobilization was defined by constitutionalist political methods and a pro-establishment, loyalist attitude toward colonial authority. And this political methodology would enable the incorporation of India's socio-economic and religious diversity into its representative structure. For Shafi, such politics could be advantageous for all Muslims regardless of the basis of their mobilization. The Arains' early twentieth century campaign against their military classification had demonstrated the fruitfulness of such elite-led constitutionalist politics in the case of one Muslim biradari. At the center of this politics was a steadfast belief in the efficacy of a progressive, gradual, and cumulative constitutional reform led by a colonial government. Such political reform, initiated by the colonial government and executed with full support of elite Indian political representatives, would make India a self-governing member of the British Empire.

The centrality of loyalist politics in Shafi's ideology was commensurate with the political attitude which underlay *Salim al-tavarikh.* In Jalandhari's telling, the Arains were not only ideal allies of the colonial state, but had been members of the political establishment in pre-colonial times as well. Jalandhari's Arains had served as military and administrative personnel for generations and received land grants in return for their bravery, learning and loyalty. This narrative of proximity to political authority corresponded with Shafi's political vision, which remained one of loyalty toward colonial authority during the first three decades of the twentieth century. In line with Jalandhari's ethnographic documentation of influential Arain men who had participated in pre-colonial polities, Shafi too advocated that Indian Muslims embrace English education and find ways to enter and work within colonial administrative and political structures.

In spite of its endorsement of progressively expanding representation through constitutional reform, Shafi's political ideology was grounded in the belief that the only way representative government could work in British India was if it made special provisions for the diversity inherent in Indian society. In such a system, separate electorates were a desirable political solution. Given the centrality of elite-led constitutional mobilization to this political vision, how can we characterize Shafi's political vision? How does this ideology fit in with historiographical representations of early twentieth century Muslim moderate politics?

Nationalist narratives of late nineteenth and early twentieth century Indian politics have privileged the story of the Indian National Congress (INC), its early history and its political strategy of pressure-compromise-pressure. This narrative views early Congress leaders' critique of colonial policies and economic exploitation as part of this politics as much as their political method of articulating Indian demands such as the Indianization of the colonial bureaucracy in

petitions to the government.[3] Leaders of the early AIML, men such as Shafi, whose chosen political methods and demands corresponded with those of the Congress receive little attention in this literature. The AIML's story is often told as that of an organization whose objectives and ideology opposed that of the INC, with INC's mass-based anti-colonial nationalism from the late 1910s to early 1930s contrasted with AIML's communalism and loyalism.[4] However, to the extent that Muslim politicians of Shafi's generation made similar demands for Muslims, they can be understood as part of this turn-of-the-century moment when Indian politicians' means of choice for communicating with the colonial government were, more often than not, constitutional.

Constitutionalist politics and its practitioners have also been at the center of the historiographical approach often called the Cambridge School. In this framework, early AIML leaders were the classic examples of educated Indians vying for favors (among themselves and with educated men of other religious communities) increasingly made available by colonial policy changes and political reform.[5] The story of Arain mobilization in the face of a disadvantageous policy change may, at first glance, support the idea that these leaders' interaction with the colonial state was determined by a desire for acquiring concrete benefits from it. However, it is equally significant that the articulation of Arain demands as well as the mobilization of the broader Muslim community had profound ideological roots. A well-articulated need for building a self-aware and politically conscious community whose members

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[3] Bipan Chandra's work is a classic example. See Bipan Chandra, *The Indian National Movement: Long-Term Dynamics*. (New Delhi: Vikas, 1988) and Bipan Chandra et al, *India's Struggle for Independence, 1857-1947.* (New Delhi; New York: Penguin, 1989).
[4] Bipan Chandra, *Communalism in Modern India*. (New Delhi: Vikas, 1984) and *Nationalism and Colonialism in Modern India*. (New Delhi: Orient Longman, 1979).
[5] Two classic works of this historiographical tradition are Anil Seal, *The Emergence of Indian Nationalism: Competition and Collaboration in the Later Nineteenth Century.* (London: CUP, 1968) and John Gallagher, Gordon Johnson and Anil Seal, *Locality, Province and Nation: Essays on Indian Politics, 1870-1940.* (Cambridge: CUP, 1973).

would actively work to protect Indian Muslims' future in British India fueled these demands. Even though this politics was elitist in its leadership and methods, its ideological vision and political intentions encompassed the broader Muslim community as well. This is not to deny that these early AIML leaders publicly supported colonial rule in India, or that a sharp class-based vision defined their reformist and political ideology. My aim here is to pay attention to the nuances of their political vision, especially those that possessed the potential for disrupting a unitary imagination of Muslim mobilization.

The nature of early twentieth century Muslim politics has also received scholarly attention more recently. In his provocative essay on the politics of modernist thought in colonial India, Faisal Devji builds on the arguments of the noted twentieth century modernist scholar Fazlur Rahman to argue that Indian Muslim leaders' engagement with India's colonial modernity (Western education, technology, Reason, Science, and representative political systems) remained ultimately "partial" and "unsystematic." Partial because of its reliance on European categories of thought and unsystematic on account of their inability to enforce any program of modernization in a politically constrained colonial context. This incomplete engagement allowed these Indian Muslims leaders the "luxury" to develop an "apologetic modernity" wherein, in order to resolve the dichotomous relationship between Islam and Christianity or the East and the West, they could expound upon modernization in intellectual terms without attending to the political dimensions of such change.[6] Further, the lack of real political power and responsibility in colonial India allowed these leaders to focus on culture and civilization (*tahzib*, *tamaddun*) instead of expressly political issues. Stuck in an impossible spot on account of their reformist critique of traditional Islamic learning as well as their impulse to defend Islam against its

[6] Faisal Devji, "Apologetic Modernity" *Modern Intellectual History* 4:1 (2007). 61-76.

European and colonial critics, modernist politics remained “fragmented, made up in equal measure of remnants from the precolonial past (like dealing with religious institutions but no longer civil ones) and cast-offs from the colonial present (like being appointed to minor administrative positions but having no say in the imperial order).”[7]

In his analysis of the history of liberal thought in colonial India, Christopher Bayly has taken issue with Devji’s argument about this ‘apologetic modernity’ and its patchiness. He places English-educated Indian Muslim leaders, such as Shafi and Shah Din, within the tradition of Indian liberal thought. He argues that late nineteenth century Indian liberals adapted the language of liberalism to India’s colonial context. On one hand, they used the liberal language of rights and interests to argue for some degree of representation for Indians under British rule. On the other hand, they used the same language to critique various colonial policies and construct a nationalist narrative of colonial domination and exploitation of an essentially unrepresented and fettered Indian public. This Indian liberal thought conceptualized communities, as opposed to individuals, as the basis of mobilization and representation. Late nineteenth century Muslim liberals, however, remained wary of nationalism, demographic representation, its critique of colonial authority and policies. While this feature may have been inconsistent with modernists’ arguments for accommodation between Islam and West, it did not erase their commitment to constitutional liberal politics.[8] Although Bayly does not directly put it in these words, their suspicious attitude toward introduction of general democratic franchise in India may be viewed as an adaptation of liberal thought effected by Indian Muslim elites for Indian Muslims.

Although Shafi (along with his moderate colleagues in the AIML) was distrustful of general elections and particularly anxious about perpetual Hindu domination which he

[7] Devji, “Apologetic Modernity,” 64.
[8] Bayly, *Recovering Liberties,* 231-43. Also see Ch. 8 more generally.

understood would be its inevitable consequence, his political vision was marked by a sustained liberal constitutionalist method. These leaders' faith in constitutional methods and pro-establishment politics rarely ever wavered. But their ideology came with its own set of enabling and disabling features. Faith in the gradual, evolutionary and cumulative process of constitutional reform under the aegis of British rule allowed Shafi and leaders of his ilk to mobilize their constituencies (howsoever imagined) and protect their interests (howsoever defined) without eliciting reprisals from the government. Initiating conversations with the colonial government in its own language, these leaders connected Indian Muslims' reformist agenda with their political mobilization. In this way, their ideology retained a focus on mobilization of individuals embedded in communities, as opposed to individuals alone, making communities the subject of their politics instead of individuals.

However, in its march toward constitutional self-government, this ideology envisioned a leadership class distinct from the uneducated and unenlightened masses. The Muslim electorate as well as Muslim representatives of Shafi's imagination would be selected from among men of property, education and wealth. Even though it opened spaces for mobilization along class, biradari and religious lines, it also placed educational, professional and class-based elites at the helm of this mobilization. Whether the aim was convincing the colonial government to overturn a harmful policy for the biradari, or a petition to the Viceroy articulating the demands of the Muslim community, the men steering this politics were predominantly English-educated, affluent landlords, lawyers, merchants and urban elite.

I would contend that these English-educated Muslim leaders, however 'fragmented' their politics, envisioned a liberal political structure in which Muslims, Hindus and groups within various religious communities could mobilize politically and communicate their collective

interests to the government through their elite representatives. Shafi's particular articulation of this ideology may be understood as a liberal constitutionalist framework molded to the interests of elite Indian Muslims as well as their diverse and multiple sub-sets. To the extent that these leaders favored constitutional methods at all levels of mobilization, this ideology remained liberal in its content and intent. Further, if reform-minded leaders such as Shafi were concerned about the future of Indian Muslims as a community, and developed a political ideology based on Muslims' collective identity/interests, then, according to Bayly's formulation, their liberalism was peculiarly Indian in its emphasis on community (religious, class or biradari) as opposed to individuals as the basis of political mobilization. And, as Bayly persuasively argues, this adaptation of liberal thought to suit the needs of a community in colonial India also suggests that it might be more fruitful to think of the "multiple ambivalences"[9] of Indian Muslim liberals in the larger context of Indian liberal politics in nineteenth and early twentieth century India.

Further, while keeping political issues out of the arena of reformist Islam may have been a characteristic of Sayyid Ahmad Khan's ideology, it would be inaccurate to extend this argument to early twentieth century Muslim leaders. As section one will discuss, when the colonial government seemed keen on introducing limited forms of representation during the late 1900s, political concerns and anxieties excited much discussion among Muslim leaders of this generation. Whether it was Muslim representation in legislative councils or colonial administration, these leaders – however elite, unrepresentative and loyalist their character – took active steps for mobilizing Indian Muslims around well-articulated demands. Their attempts to develop a strategy for expanding Muslims' presence in the colonial political structure demonstrated the historicity of such politics. It may be argued that the Simla Deputation of 1906

[9] Bayly, *Recovering Liberties,* 232.

was spectacularly successful in securing electoral safeguards for Muslims later instituted by the Morley-Minto Reforms of 1909. Further, the realization of reformist goals was intimately connected to Indian Muslims' political mobilization and future inclusion in India's representative structure. It is therefore difficult to imagine that political issues remained extrinsic to early twentieth century elite Muslim politics as Devji's formulation would suggest. The severely restricted access to political power may have shaped the form and methods of these leaders' politics, but it was also a deficiency that this mobilization sought to redress.

To the extent that adherence to reformist Islamic ideas functioned as a unifying force for political mobilization of various Muslim groups, a historiographical separation of Muslim social reform from Muslim politics is perhaps artificial. The foundational works of scholars such as Gail Minault, David Lelyveld and Barbara Metcalf have enriched our understanding of the intellectual complexity of reformist Islam. However, figures such as Shafi and Shah Din who straddled the worlds of social reform and partisan politics remain absent from this literature. Further, issues such as Muslim women's inheritance rights, often part of reformist Islamic discourse, were deeply political and had a direct bearing on legislative and partisan politics, especially in mid-twentieth century Punjab. The intimacy of reformist objectives with political aims demonstrates that for leaders of Shafi's generation, Muslims' political mobilization was in harmony with reformist Islam. If reform were to come to fruition and produce modern Muslims, then they would desire a place within the colonial political structure. Educational progress among Muslim men and women was not an end in itself. This process was expected to produce politically self-aware, socio-economically secure and spiritually educated Muslims who could lead and represent the community in an electorally-evolving government. Not only did reformist

organizations share institutional connections with Muslim political organization during this period, many of their leaders were both reformers and politicians or political commentators.

Further, a collective emphasis on practicing and implementing reformist ideals meant that biradari mobilization could be subsumed within Muslim mobilization. Such a project could work for any unit of mobilization – a biradari, a religious community, a gender, or a class. To this extent, the Arains' reform was part of Indian Muslims' reform, just as the former's mobilization contributed to the latter's mobilization. Additionally, Arain mobilization during the campaign against their military classification was connected to the broader project of their reformist self-fashioning. Jalandhari's arguments about Arain history and reformist capabilities were central to the unfolding of this political campaign. This demonstrates that biradari identity was also a site of productive intersection between the realms of reformist practice and loyalist Muslim politics.

The formative significance of reformist Islam and its aspirations for this political vision lend some support to Farzana Shaikh's conclusions about the definitive importance of an "Islamic world-view"[10] for Muslim politics in colonial India. Islam and Muslim identity remained central to this mobilization both by way of its emphasis on reform and revival as well as its ultimate acceptance of the category of 'Indian Muslim' as the cross-regional unit of mobilization.[11] Biradari-based mobilization could undoubtedly carry on in various regions but its cross-regional translation occurred only through inclusion in the more expansive arena of Indian Muslim politics.

However, it is equally important to recognize this vision's enabling implications for mobilization based on provincial identity markers that distinguished some Muslims from others.

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[10] Shaikh, *Community and Consensus in Islam,* 3.

[11] Significantly, Shafi was one of the prosecuting lawyers in the Risala Vartman Case of 1927 – the same year his and Jinnah's factions held separate, competing League sessions in Lahore and Calcutta respectively.

At one level, Jalandhari's insistence that all Arains were Muslims may be read as an endorsement of Shaikh's argument that whatever the ontological reality of Indian Muslim identity, their politics had to function as if all Muslims were essentially similar political beings. At another, more nuanced level, his resolute erasure of non-Muslim Arains from his project of reform and mobilization underlines not just the existence of these groups but also their potential for disrupting the correspondence between Arain mobilization and Muslim mobilization in the colonial Indian context. Further, her argument cannot accommodate entities such as the Unionist Party which, although reliant on the support of Hindu and Sikh agriculturalists, was led by Muslim landlords well into the 1940s. This is not to negate the internal tensions of a political mobilization seeking to encompass not just Indian Muslims' religious identity but also their non-religious affiliations. But the fact that biradari anjumans continued to exist and presumably fulfill a socio-religious and political purpose in mid-twentieth century India ought to give frameworks privileging an 'Islamic world-view' as a defining element of Indian Muslim politics some pause. As the case of the Arains' campaign against their non-martial classification suggests, there were objectives that Arain leaders could achieve by mobilizing as Arains that they could not fulfill by mobilizing as Muslims.

This chapter has three sections. The first section will demonstrate the intimacy between reformist mobilization and political mobilization in Shafi's and Shah Din's political vision. It will underline the ways in which this political framework envisaged a politics shaped by pursuit of reformist aims, political mobilization and loyalist constitutionalism. Section two will discuss Shafi's vision of an ideal representative structure for colonial India to show how he expected reformist and political mobilization to reinforce an elite-led, hierarchical representative system. Section three will focus on the nuances of this political vision and demonstrate that its

implications enabled mobilization of Muslims on biradari lines as part of the broader field of Indian Muslim politics. It will also show how the representative structure Shafi advocated kept the door open for political mobilization of groups along non-religious lines.

Reformist education for political mobilization

The conviction that elite-led reformist mobilization, educational advancement and loyalist politics were the only means of securing Muslims' future had its roots in Sayyid Ahmad Khan's political ideology. In the aftermath of the 1857 rebellion, he had argued that Indian Muslims' only hope for regaining some of their lost prestige was to accept the permanence of colonial rule, and the consequences of political and intellectual changes occurring around them. Giving up nostalgia for the Mughal past and embracing English education would facilitate Muslim elites' entry into the colonial administration. Only an accommodating attitude toward colonial authority and Western culture could help Muslims secure government aid for ensuring their community's educational and socio-economic uplift through elite-led organizations. In Sayyid Ahmad's view, educated, reform-minded Muslim elites would lead the Indian Muslim community toward educational progress. Once such leaders attained positions of authority, they would initiate measures to benefit Muslim masses who lacked the means to educate their children. This top-down reinvention of the Indian Muslim community could succeed only if Muslim leaders maintained a safe distance from partisan politics and consistently supported the colonial government. Political opposition to British authority, however restrained, could only lead to reprisals, particularly against Muslims, as had happened after 1857.[12]

[12] Hafeez Malik, "Sir Sayyid Ahmad Khan's Contribution to the development of Muslim nationalism in India" *Modern Asian Studies* 4:2 (1970). 129-47.

In late nineteenth-early twentieth century India, then, elite Muslims of reformist persuasion were deeply concerned about the nature and content of education appropriate for Muslim men and women. At a moment when the colonial state was intent on encouraging Indians to embrace English education, Muslims' resistance to English education, government schools and colleges, and their general educational backwardness had become standard motifs in official discussions about the state's education policy and its impact on colonial subjects. Most reformers were united in their belief that educational progress – whether through adoption of English education or a reformed traditional Islamic curriculum – was the only way of ensuring Indian Muslims' participation in the changing economy and polity of colonial India. This fundamental agreement persisted despite little unanimity about the precise content of this education or the nature of curricula and institutions suitable for Muslim men and women. While Sayyid Ahmad emphasized the need for Muslim elites to embrace English education as the primary method of participating in colonial India's administration, reform-minded 'ulama responded with new Islamic curricula offered in institutions such as the Dar al-ulum at Deoband and Nadwat al-ulama at Lucknow. The decades during which Shafi and Shah Din articulated their political vision were a moment when reformers of a variety of intellectual orientations recognized the need for changing Indian Muslims' educational ideology and practices.

As adherents of Sayyid Ahmad Khan's reformist perspective, Shafi's and Shah Din's political vision too began with reformist mobilization, particularly in the arena of education. Their ideas focused on the transformative power of education for Muslims of colonial India. As Shah Din noted in his first presidential address to the AIMEC in 1894, active pursuit of education could ensure Muslims' spiritual and material welfare.

> …the mutual connection which exists between worldly existence and religious faith, makes worldly progress the stable foundation for spiritual growth of the

> community. And keeping in view the conditions of our times, worldly progress cannot be achieved until a passionate desire for acquiring modern education permeates the community.[13]

Shah Din connected a favorable attitude toward English education and colonial authority with economic prosperity and religious well-being. Education could ensure Muslims' temporal success which, in turn, would strengthen their faith. And in order to fully capitalize on the structural opportunities created by the colonial state's educational policies, Muslims needed to reorient their political attitude and embrace English education.

> …the community [Muslims] has realized now that the torn sail of the old style of Eastern education cannot save its sinking ship from this fearsome storm of misfortune. If you have not abandoned your consciousness and judgment yet, and still want to reach the shore of comfort, and are not devoid of the desire to make something of yourself, then come and see how, to save our fledgling boat and its thousands of god-fearing people [bandagan-i-khuda], the life-boat of Western education has arrived like a divine ship [raj-hans], tearing the waves apart, to lead our oppressed people to the safety of the steamer of Western learning….Remember that trusting in God does not justify human inaction or indifference…if you find yourself sinking, then you must use your limbs to climb aboard a vessel which is afloat and once you return to the shore, thank your god first and then thank the benevolent commander of the ship from the bottom of your heart.[14]

Here, he conjured up the image of a community he understood as holding on to an outdated system, and in urgent need of adapting to changes occurring around it. Echoing Sayyid Ahmad, he argued that only an educational system attuned to their political context could save Muslims from worldly ruin. Embracing English education could improve Muslims' material conditions, and that would, in turn, save them from losing their spiritual moorings. Adoption of English education, encouraged and supported by the British Government—the 'benevolent commander'—was the only way to salvage Muslims' future.

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[13] Maulvi Anwaar Ahmad Sahab Zubairi, *Khutbat-i-aaliyah hissah som: all Indiya muslim ejukeshinal kanfarans. Chahal 40 salah khutbat-e-sadarat ka majmua (az-ijlaas avval muna'qadah Aligarh 1886 ta-ijlaas bistam muna'qadah dhakah 1906).* Vol. III. (Aligarh: Muslim University Press, 1927). Hereafter *Khutbat-i-aaliyah.* 99.
[14] *Khutbat-i-aaliyah,*100.

This reformist emphasis on education encompassed both Muslim men and women. As Shah Din emphasized in his second presidential address to the AIMEC in 1913, Muslim men and women needed to evolve together if the community expected to see any long-lasting results of their political mobilization.

> …it is clear that traditional Eastern learning is as injurious for our girls as it has been for our boys…our community should now be prepared to accept that our girls also need to be given an education suitable to our modern times…in our times, girls' education should continue in equal measure with that of boys.[15]

Such analogous reform-minded education for Muslim men and women would help correct the imbalance in educational standards between Muslims and other religious communities in India. Articulating similar ideas in a private setting, he exhorted the women of his family to look beyond their immediate material world.

> Uncle Shah Din suddenly got up and with a stick in his hand, he tapped the floor. Amid perfect silence he spoke to us, describing our useless lives, our talk only of clothes and jewellery, our gossip. Were such lives worth living? He quoted examples of great women of Islam, pointed out how Hindu women were advancing on the road to progress, and appealed to us to consider the question of social reform and educational progress in earnest.[16]

In his visualization, implementation of reformist goals needed to transcend gender and institutional boundaries. In order to facilitate the political transformation of the community, educational progress envisaged by the AIMEC must encompass both Muslim men and women.

This reformist framework privileged individual and collective action over pronunciations of socio-political objectives alone. Shah Din articulated this emphasis on action when he chided the attendees of the AIMEC's 1894 session for their preoccupation with passing resolutions and

[15] *Khutbat-i-aaliyah,* 185.
[16] Shahnawaz, *Father and Daughter,* 13-14.

discussing Muslims' problems, at the cost of efforts for developing practical plans for achieving AIMEC's goals.

> …through the means of resolutions, we can only agree on ways of achieving educational progress. We think that we have assembled to pass a resolution, and after its passage, our purpose has been fulfilled. But you must remember that by just delivering or listening to long lectures or a barrage of resolutions, our community cannot take steps toward progress….so it is very important for you to remember that this assembly gives you mere directions about education. This Conference is only a finger-post which directs you toward a path without your asking. Walking slowly or swiftly on this path is the job of your feet, not of this finger. Because if you wish to reach your intended destination, then just looking and listening will not do, you must walk.[17]

In Shah Din's view, it was not enough that the AIMEC remain an intellectual gathering of Muslim leaders. It had to become a forum where Muslim leaders could chart pragmatic methods for achievement of reformist goals. Such realistic strategies alone could enable the community's collective awakening and effective expression of their political and economic interests.[18]

By the mid-1900s, however, elite Muslim leaders were forced to depart from Sayyid Ahmad's preference for keeping Muslims away from politics. In the face of a colonial government contemplating the introduction of limited representation, Muslim leaders anxiously debated the place of Muslims in the future political system of British India. The establishment of the AIML in 1906 may be interpreted as an attempt to script Indian Muslims' political expectations and initiate a conversation with the colonial government on this subject. While these leaders adhered to Sayyid Ahmad's emphasis on cooperation with the colonial state, at the same time, by establishing a separate political party, they broke with his dictum that Muslims refrain from partisan politics and focus on social and educational reform alone. For Shafi and

[17] *Khutbat-i-aaliyah*, 103.
[18] *Khutbat-i-aaliyah*, 97-8.

other members of this group,[19] aloofness from politics would not suffice when the government was looking for elite representatives of various religious communities for inclusion in colonial India's political structure. And in order to ensure that the AIML could be taken seriously as a political body representing all Indian Muslims, its founding members ensured that a diverse body of elite Muslims of landowning, commercial and professional backgrounds from various provinces were present in its ranks. This can be understood as an attempt to move the AIML from the Aligarh-centric politics of the AIMEC.[20] The need for reformist progress and educational advancement, while still urgent, had to be pursued concomitantly with concrete steps for preventing Muslims' marginalization in British India's future representative political system. And only a political party with a clear program of articulating and communicating Indian Muslims' interests to the colonial government could achieve this purpose.

The 1906 memorial to Lord Minto, to which both Shafi and Shah Din were signatories, was a clear articulation of these Muslim leaders' political attitudes. The aspirations laid out in this document relied on a conceptual linkage between reformist and political objectives. These leaders demanded structural safeguards for Muslim in British India's future representative political structure by arguing that their demographic minority and educational backwardness, in comparison to Hindus, would put Muslims at a disadvantage in representative bodies and hence subject them to Hindu majoritarian rule. However, a combination of seat allotment, nominations and appointments could ensure a set quantum of Muslim participation in district boards,

[19] I include Shafi and Mian Muhammad Shah Din in the larger group of elite loyalist 'moderate' Muslim leaders who established the AIML as Indian Muslims' political party, as distinct from the AIMEC whose aims were more socio-religious and educational. This group included leaders such as the Aga Khan, Nawab of Dhaka, Sahibzada Aftab Ahmad Khan, and Nawab Mohsin al-Mulk. The Aga Khan is a particularly good parallel for the kind of politics Shafi believed in. For a brief look at the Aga Khan's public career, see Teena Purohit, *The Aga Khan Case: Religion and Identity in Colonial India* (Cambridge, Mass.; London: Harvard University Press, 2012). Ch. 5.
[20] Devji, *Muslim Zion,* Introduction and Ch. 1.

administrative services, University senates, judicial services, and local and provincial legislative bodies.[21] The underlying assumption here was that delineating such a fixed share for Muslims would carve out an interconnected sphere within these institutions for them. As they took advantage of educational opportunities earmarked for them, more Muslims would become eligible for administrative appointments and legislative positions. By coupling the reformist trope of educational progress with the political idea of electoral safeguards, this memorial reflected a key element of loyalist Indian Muslim leaders' political vision during these decades.

When invited to address the AIMEC again in 1913, Shah Din, in addition to reiterating the overarching emphasis on collective action for promoting education, also enumerated concrete measures for realizing the AIMEC's objectives. His suggestions included establishment of scholarships for poor Muslim students, encouragement of medical and scientific disciplines, financial support to women's educational institutions, development of a unified opinion on the subject of a Muslim university, and statistical research into the progress of education among Muslims. He recommended that charitable waqfs be instituted for support of schools and colleges for Muslims, Urdu language and literature be promoted, and the AIMEC's provincial branches be established.[22]

In addition to a similar emphasis on pragmatic action, Shafi's presidential address delivered in the middle of the First World War at the AIMEC's 1916 session connected Muslims' pursuit of reformist objectives to their political attitude toward the British Empire. He urged Muslims in all parts of India to emulate the scholarship funds set up by Anjuman Raiyaan-i-Hind for supporting poor students in Punjab. Like Shah Din, he too encouraged Muslims to

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[21] Memorial to Lord Minto, 1 October 1906, 4-7. *Microfilm copy of the early papers of the All India Muslim League*. Or. Mic. 14143: 1900-1909 India Office Records, British Library.
[22] *Khutbat-i-aaliyah*, 169-99.

pursue scientific education and industrial training in addition to humanities,[23] resolve their differences on the Muslim University issue and take advantage of government's support for institutions of higher education that offered English and Islamic curricula. Emphasizing such an institution's relevance for Muslims, he remarked that

> …we do not need mere graduates, we desire Musalman graduates who have received spiritual education. Such graduates would surely be independent men and the most loyal citizens [shahri] of the greatest empire in the history of the world…."[24]

A reformist education would, for Shafi, improve Muslims' religious awareness and reshape them into active members of the British Empire. Realization of reformist objectives would produce ideal 'citizens' of the Empire—men who were educated enough to accept Western knowledge and colonial authority without losing their religious identity.

Calls for practical measures for ensuring educational progress also permeated elite Muslim women's discussions at annual meetings of the All India Muslim Ladies Conference (AIMLC) during this period. Women of the Mian family had a particularly intimate relationship with this organization. Wives and daughters of both Shafi and Shah Din regularly attended its sessions, and voiced their opinions on a range of subjects including Muslim women's education, Quranic inheritance rights, and polygamy.[25] During her presidential address to AIMLC's second session in 1915, Begum Shah Din's suggestions for Muslims' educational improvement were reminiscent of Shah Din's ideas. She contended that Muslim women's education was the only means of ensuring Muslims' progress. Reminding her audience that the Qur'an enjoined all

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[23] *Khutbat-i-aaliyah*, 263-87. See 283-5 in particular.
[24] *Khutbat-i-aaliyah*, 275.
[25] Shaikh Muhammad Abdullah, *Riport Ijlas Awwal All India Muslim Ladies Conference.* (Aligarh: Institute Press, 1915). 34-8, 53 and Nafis Dulhan, *Riport Mutaliq Ijlas Dom All India Muslim Ladies Conference*. (Aligarh: Institute Press, 1915). 1-12, 57-65, 70-76.

Muslim men and women to pursue learning, she urged Muslim women to become agents of their own reform.

> …all of us should understand this point clearly that to make this Conference a success, the yearly event of our gathering in one place from different parts of the country cannot be enough. It is necessary that during the course of that year, each one of our members works at her own place of residence to promote women's education….just passing resolutions or reading special lectures is by no means enough. The real aim of the points we make and the essays we write should be that all these ideas be executed…[26]

This same focus on concrete action appeared in one of Begum Shahnawaz's speeches against polygamy delivered at the same meeting. She narrated an incident in which she was able to convince a neighbor in Baghbanpura not to marry her daughter to a man whose first wife was alive. She used this example to argue that Muslim women could be the agents of their own reform, and that individual action of even this limited sort could have measurable social impact.[27] Five years later, at the 1920 session, Begum Shafi's presidential address reiterated these sentiments. She argued that Muslim women's educational needs called for concrete measures such as scholarships, teacher training, development of suitable curricula, and establishment of district and provincial branches of AIMLC.[28] Self-conscious action by men and women was, in this intellectual formulation, the only way to guarantee Muslims' progress.

In order to ensure that the 'Muslim graduates' produced by this educational progress gained admittance into colonial administrative services and representative bodies, Muslim leaders demanded that the state demarcate a set number of such positions for them. Echoing

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[26] Speech by Begum Shah Din, Nafis Dulhan, *Riport Mutaliq Ijlas Dom All India Muslim Ladies Conference*, 6.
[27] Nafis Dulhan, *Riport Ijlas Haftam All India Muslim Ladies Conference.* (Hyderabad, Deccan: 1920). 91.
[28] Speech by Begum Muhammad Shafi, Dulhan, *Riport Ijlas Haftam All India Muslim Ladies Conference,* 2-20, 87-97. On 87-8, Begum Shahnawaz mentioned that she presented this resolution to AIMLC two years ago and then she was maligned by male leaders who did not agree with her. But she wishes to present it again at this session and asks all members to keep supporting this resolution. The women signed an oath not to marry their daughters or other girls they had influence to men whose first wives were alive.

Sayyid Ahmad, they argued that Muslims' demographic minority and relative educational backwardness necessitated such preventative measures against their political marginalization by the demographically and educationally dominant Hindus. Promoting Muslim education was crucial, but no longer enough at a time of impending political reform and opening of representative bodies to Indians.

To the extent that such demarcated spaces were meant for English-educated, politically-conscious Muslims who were the products of their community's educational advancement, such political demands were intimately connected with the goals of Muslims' reformist mobilization. The support that Shafi and other major Muslim leaders expressed for special measures meant to increase Muslims' presence in the colonial administration reinforced the idea that these leaders expected Muslims' educational advancement to augment their presence in colonial India's administration and political structure.[29] The realization of reformist objectives could, therefore, enhance the number of Muslims in positions of authority. The intended result of this reformist mobilization and educational advancement was the expansion of a group of educated, enlightened, politically self-aware Muslims who could then participate in British India's representative structure. The realms of socio-religious reform and political awakening, of educational progress and political participation, were expected to inform and strengthen each other. Successful reformist mobilization would, ideally, enable Muslims' political mobilization.

[29] See, for example, Memorandum to the Hon'ble Member for Railways and Commerce regarding representation of Muslims in railway services. Home Department (Ests.) F. No. 348/31. Shafi, along with Mian Abdul Aziz, Mian Muhamamd Shah Nawaz, Muhammad Iqbal and other prominent Muslim lawyers, journalists and leaders were signatories to this memorandum. Also see text of broadcast to America by the Aga Khan delivered on 27 September 1931. Home Department (Pub.) F. No. 506/31 and resolution passed at the AIML session on 29 January 1910 about Muslim representation in public services sent to Secretary, Government of India Home Department on 7 March 1910. Home Department (Estbts.-A) Nos. 10/12, June 1910.

Political mobilization for representative government

In a political vision that remained largely consistent during his nearly three decade-long political career, Shafi offered a comprehensive enunciation of educated Muslims' place in colonial India's political structure. Characterized by a pro-establishment loyalist politics that abhorred resistance to colonial authority, his vision rested on a strong, although largely implicit, faith in elite leaders' capacity to represent the multiple component units of a society he saw as fundamentally diverse and hierarchical. He explained this perspective in a series of confidential letters addressed to Dunlop Smith, Lord Minto's private secretary, shortly before the Morley-Minto reforms of 1909 were instituted.[30] He argued that India's political sphere was divided into three ideological groups, all composed of the educated elite of different religious communities. The first group, those he called 'Indian Nationalists,' consisted predominantly of Hindu men, some Muslims and members of other communities. In early twentieth century India, the political appeal of this group was diminishing. Its Muslim members were only a minority of the Indian Muslim leadership as a whole, making their influence over Indian Muslims negligible, and putting their representativeness into question. The second group, comprised primarily of Hindu leaders, whom he called 'Hindu Nationalists,' considered both India and the Indian National Congress as fundamentally Hindu domains, and were rapidly increasing their public visibility to the detriment of Indian Nationalists. Finally, the third group contained those educated Muslims who identified

[30] *Dunlop Smith Collection,* Mss Eur F166/13: Correspondence and papers of Dunlop-Smith as Private Secretary to the Viceroy, Lord Minto. Sep 1905 to Dec. 1909. These letters were meant to communicate Indian Muslims' political perspective to Lord Minto ahead of impending constitutional reforms. In 1909, Shafi was a nominated member of the Punjab Legislative Council and a prominent Punjabi member of the AIML. However, it is uncertain whether he wrote these letters on his own, the government's or the AIML's initiative. In the letter dated 13 January 1909, Shafi requested Dunlop Smith to treat these letters as private and not share them with the 'general public.' Admittedly, in order to prevent his own clerk from seeing this communication, he did not keep copies for himself. Shafi to Dunlop Smith, 13 January 1909, *Dunlop Smith Collection,* Mss. Eur. F166/13. It is possible that he wished to keep this communication private to avoid recriminations from fellow politicians on the issue of separate electorates.

with what he termed the 'Anglo-Muhammadan school of politics' founded by Sayyid Ahmad Khan. Shafi argued that a majority of Indian Muslim leaders adhered to this brand of loyalist politics, regardless of their disagreements over Sayyid Ahmad's religious views.[31]

In terms of political methodology, Shafi pointed out that Indian Nationalists and Hindu Nationalists could be divided into 'Extremists' and 'Moderates.' Extremists' openly-expressed goal was overthrowing British rule either through passive resistance or more violent means. Contrary to this, Moderates desired self-rule under British authority, like other self-governing members of the Empire. While Extremists wished to end India's connection with the Empire, Moderates wished to change its terms. However, Shafi contended that the Moderate perspective was a disingenuous one. Other nations in the Empire shared ties of blood and descent with Britain. Since such intimacy was absent in India's case, the Moderate demand for self-rule was ultimately a thinly-veiled way of demanding Swaraj or complete independence. In the absence of such connections, India's ties with the Empire would be too tenuous to withstand any real political pressure. Thus, even though Moderates demanded self-government within the Empire, their strategy would ultimately lead to complete independence for India.

Against this overt and covert opposition to British authority, Shafi argued, stood the Anglo-Muhammadan school whose adherents took pride in, and sought to preserve, India's connection with the Empire. He explained that the underlying premise of this school was that the interests of Indian Muslims were "absolutely identical" with those of the British Government.[32] While they were willing to work jointly with their non-Muslim colleagues for India's progress, they refused to countenance any actions that undermined British authority.[33] These Muslim

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[31] He also refers to it as a 'point of view' occasionally. Shafi to Dunlop Smith, 8 January 1909 and 10 January 1909, *Dunlop Smith Collection,* Mss. Eur. F166/13.
[32] Shafi to Dunlop Smith, 8 January 1909, *Dunlop Smith Collection,* Mss. Eur. F166/13.
[33] Shafi to Dunlop Smith, 18 June 1909, *Dunlop Smith Collection,* Mss. Eur. F166/13.

leaders regarded the British Government as their very own. Accordingly, they wished to join forces with it to prevent the possibly violent realization of Swaraj. Their alliance could subvert this undesirable eventuality and protect India from this destructive politics of agitation. Unqualified Muslim support would strengthen British power and Indian Muslim advisers could prevent enactment of policies likely to incite public opinion against the Government. In return, British support for Indian Muslims would undercut Hindu majoritarian politics and protect Muslims from political and economic marginalization in India.[34] In this political universe, the colonial state and its Indian Muslim partners could protect themselves from radical politics and secure India's future within the British Empire.

Having positioned Indian Muslims as ideological allies of the colonial state, Shafi described what he understood to be an ideal domestic political structure for India. He contended that India's religious and socio-economic diversity was ill-suited to the demands of a representative structure based on an undifferentiated electorate.[35] A representative structure that accommodated the multiple identities and interests of Indian voters was the better, and perhaps the only viable, option for British India. Representative governments in Europe and America were based upon an executive responsible to an elected legislature, and a legislature constituted to represent all those who voted it into power. The electoral mechanism at the heart of this structure must, therefore, facilitate representation of all sectors of the electorate.

> …it ought never to be forgotten that the democratic form of Government in the western hemisphere has been introduced in comparatively homogenious [*sic*] communities, bound together by ties of common religion, material interest and race. In such circumstances, purely territorial electorates naturally result in the creation of Legislatures which are, on the whole, fairly representative of the

[34] Shafi to Dunlop Smith, 8 January 1909, *Dunlop Smith Collection,* Mss. Eur. F166/13.
[35] Presidential Address by Dr. Mian Sir Muhammad Shafi, KCSI, CIE, LLD, D. Lit., Barrister-at-Law. Delivered at the Annual Session of the All-India Muslim League held at Lahore on the 30th and 31st December 1927. *Papers of Ist Viscount Simon as Chairman of Indian Statutory Commission,* Mss. Eur. F77/255, 5-8.

> people for whom they enact laws and on whose welfare and happiness they keep a watchful eye.[36]

Unlike this, India was a diverse society, with people professing not only different religions, but belonging to different socio-economic strata, castes, biradaris, and political parties. Electorates based on territorial units or demography were founded on the presumption that all voters were basically similar political beings with comparable political interests. But this did not hold true for a diverse population. Hence, these fundamental assumptions needed to be revised for accommodating the multiple corporate identities and interests at play in India.

> "Circumstances alter cases" is one of those sound principles which practical statesmanship never hesitates to follow when circumstances may so require. In the case of a great sub-continent like India, where its 310 millions of population is divided into various communities belonging to different races, professing diverse religious creeds and governed by multifarious social systems, purely territorial electorates…can only result in creating an oligarchy but can never bring into existence Legislatures really representative of all sections of our population.[37]

For Shafi, anyone who ignored this undeniable multi-faceted diversity or sought to apply a universal or universalizing principle to all Indians committed a cardinal error. Such an individual, however idealistic and well-intentioned, could not be a sound leader.

> …idealism which ignores actually existing conditions is likely to result in national catastrophe. A political idealist who, at the same time, bears the limitations of the actually existing situation in mind and frames his policy as well as his methods of action accordingly is undoubtedly a real statesman; but the man who ignores this elementary principle in his effort for national regeneration is unfit to take a leading part in modern political movements.[38]

British India's multiple corporate identities and what Shafi presumed were their corresponding interests meant that a future system of representation would need to make space for this

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[36] Presidential Address by Dr. Mian Sir Muhammad Shafi, 6. Excerpts published in Shafi, *Some Important Indian Problems*, 83-4.
[37] Presidential Address by Dr. Mian Sir Muhammad Shafi, 7-8. Published as an excerpt in Shafi, *Some Important Indian Problems,* 85-6.
[38] 'The Right Policy for Indian Musalmans' *The Star* (Allahabad), 26 August 1929 as cited in Shafi, *Some Important Indian Problems,* 52-3.

diversity. He conceived of separate electorates for Muslims (and, as we will see below, for any sub-groups within Muslims) as the ideal answer to this problem.

In Shafi's political universe, the western notion of equality did not apply in the colonial Indian context. Separate electorates were, rather than a divisive political mechanism, a fundamental pre-requisite for the smooth functioning of representative government. Since the electorate – real and potential – was divided, the mechanism of its representation ought to be too. Each corporate group could expect to play a role in their own governance through their representatives. Muslim landlords could rely on their representative, just as much as Muslim merchants could. Further, such a system of representation, instead of undermining a utopian sense of equality, could bolster British India's constitutional advancement.

> A particular form of electorate is, after all, not in itself the goal which Indian patriots can aim at – it is only a method for the realization of our constitutional aim. The essential point to be borne in mind is the adoption of the best method for reaching the goal of full responsible Government compatible with actually existing conditions in this country.[39]

Implicit here was the notion that a parallel system of representation could be applied to Muslims, Hindus, Sikhs, and other groups defined according to their religious identity. Together, they would constitute a legislature truly representative of its diverse constituents. While a futile rejection of differences intrinsic to Indian society could only mar British India's movement toward representative government, acknowledging difference and embedding it in the political structure could be its salvation.

Central to this ideology, therefore, was the need to delineate an electoral system that could provide adequate representation to British India's many corporate groups and their

[39] Presidential Address by Dr. Mian Sir Muhammad Shafi, 8. Published as an excerpt in Mian Muhammad Shafi, *Some Important Indian Problems,* 86.

corresponding political interests. Toward the end of his career, during the late 1920s and early 1930s, Shafi proposed a system of indirect elections suited to this end. He recommended that various groups among Muslims could constitute separate Electoral Colleges, with each College electing a representative for the local body or provincial council. In this stratified political structure, Muslim landowners, government officials, merchants, noblemen, and men of education constituted legitimate interest groups, from among whom representatives could be selected or elected. As an illustration, he noted that Punjabi Muslim landholders, Muslim Municipal Commissioners, members of the Punjab Muslim League (consisting of educated elites, merchants, retired government officials and noblemen) could form one Electoral College each.[40] Through this method, Muslims could be assured of representation, and the Government of political support, neutralizing the influence of anti-colonial leaders and undercutting the potential for Hindu majoritarian dominance.

Shafi drew further support for this indirect system of separate electorates by condemning mixed "promiscuous elections"[41] and underlining their deleterious impact on the numerically inferior Muslim community and other non-Hindu groups.

> The promiscuous system of election…cannot but result in the electors as well the councilors elected being the members of the majority and their mandatories. Merely fixing the relative proportion of the Hindu and Mahommedan members of these Electoral Colleges and of the members of the Councils to be elected by them cannot possibly result in the election of real representatives of the communities at all. The majority will by a mere shuffling of the cards, so to speak, be able to send in their own nominees to these Electoral Colleges – Mahommedans in name, but in no sense representatives of their own community – and subsequently to the Provincial Councils.[42]

[40] Shafi to Dunlop Smith, 30 April 1909, *Dunlop Smith Collection,* Mss. Eur. F166/13.
[41] Shafi to Dunlop Smith, 10 January 1909 and 13 January 1909, *Dunlop Smith Collection,* Mss. Eur. F166/13.
[42] Shafi to Dunlop Smith, 13 January 1909, Mss. Eur. F166/13.

Instead of such elections, he advocated a representative system in which separate electorates for Muslims would span British India's administrative and legislative structure. Ideally, Muslim voters would be organized into group/interest-based electoral colleges. These colleges would elect or select Muslim representatives to seats set apart for the community through separate electorates. This process would ensure the entry of a set number of Muslim representatives to district boards, municipal bodies, provincial councils, and through the application of this system across British India, the central legislative council. The numerical strength of Muslims in any given territorial unit or constituency would become irrelevant to the electoral process.

With India's difficult political and electoral landscape so organized, Shafi turned to India's future location in the British Empire and global politics. He postulated an international political system in which India would, through sustained and cumulative constitutional reform under the aegis of the colonial state, gain full responsible government. Through this same process, India would emerge as an equal member of the British Empire. Cooperation with the colonial state, participation in electoral reforms leading to responsible government, and an explicit desire to remain within the ambit of the British Empire were key for realizing this vision. Constitutional methods, bureaucratic lobbying, expert negotiation of the colonial bureaucracy, and steady distance from politics of agitation characterized this political method.

During the late 1920s, Shafi argued that even after Indian leaders had achieved full responsible government, they ought to continue their association with the British Empire. International political status as an equal, self-governing member of the Empire would bring India the benefits of association with a world power and facilitate positive political and economic ties between India and other members of the Empire. Directing his words at Indian Muslims, he emphasized the relevance of this connection in the following words

> …since the conclusion of the Great War…national activities are, all over the world, gradually giving place to international relations….The League of Nations…constitutes the surest sign-post pointing towards the goal which nations of the world will, sooner or later, aim at….India standing alone – self-sufficient and self-contained, safe from foreign aggression or from internal upheaval – is an utterly quixotic dream….India as an equal partner in the smaller League already in existence, *i.e.,* the Commonwealth of Nations known as the British Empire, is a political ideal worthy of adoption by all Indian patriots….the future of our country lies within the British Empire and I would, therefore, earnestly appeal to all Indian Musalmans to adopt the attainment of full responsible government within the Empire as the aim of their political activities.[43]

By contextualizing his political ideas in a world he understood as becoming increasingly inter-connected and interdependent, he attempted to recast imperial authority as geo-political advantage. Further, this reiteration of the desirability of India's British connection reinforced his own credentials as a representative of loyalist Muslim politicians. By the same token, he sought to delegitimize the politics of non-cooperation and agitation which he associated with the Congress leadership and Muslim leaders who supported it during the 1910s and 1920s. In his view, Muslim leaders of the Anglo-Muhammadan school needed to protect Muslims' interests by working with the colonial state, emphasizing the utility of separate electorates in the Indian context and rejecting mixed electorates. Further, global developments made it imperative that Indian leaders never lose sight of the advantages that a continued connection with the Empire could bring to a future self-governing India.

Embedded within Shafi's complex political vision were the needs for Muslims' reformist mobilization, educational progress, and selection of elite leaders to constitute a multi-tiered, loyalist and constitutionalist representative government. This political vision remained essentially unchanged during the course of his long public career – as did his opposition to all kinds of radical politics. Even at the height of Muslim protests against British policy during the

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[43] 'The Right Policy for Indian Musalmans' *The Star* (Allahabad), 26 August 1929 as cited in Shafi, *Some Important Indian Problems*, 53-5.

Khilafat movement, Shafi maintained that the Caliph's spiritual authority over all Muslims would remain intact regardless of the expanse of his territorial dominions or the extent of his sovereignty.[44] Differentiating between the Caliph's spiritual and political authority, he implicitly suggested that Indian Muslims' spiritual allegiance to the Caliph did not necessarily undermine their political loyalty to the colonial government. The tide of Muslim protest against colonial policies during the Khilafat and Non-cooperation Movements could not deter his faith in political reform led by the colonial government. During the late 1920s, this faith shaped his ideological disagreement with the AIML's Jinnah-led faction which boycotted the Simon Commission and his opposition to the Congress' demand for Complete Independence (Purna Swaraj).

As a spokesperson of the Anglo-Muhammadan School of politics, Shafi claimed that moderate Muslim politicians were the only genuine allies of the colonial state and the only true representatives of Indian Muslims. On one hand, this claim implicitly delegitimized all politics except that espoused by loyalist Muslim leaders. Moderate Congressmen and all supporters of mass politics, therefore, could not represent Muslims' interests. On the other hand, it suggested that Indian Muslims' future in colonial India could be secured only if they cooperated with government-led constitutional reforms through elite loyalist leaders belonging to the Anglo-Muhammadan School.

Shafi's championing of cooperation with the colonial government caused a split in the Anjuman-i-Himayat-i-Islam of Lahore during the 1900s. A group of Muslim leaders led by Fazl-i-Husain desired the Anjuman to be more assertive politically, whereas Shafi and his supporters, organized into the All-India Muslim Association, encouraged the Anjuman to deal only with educational and social issues. After the formation of the AIML in 1906, both groups attempted to

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[44] Letter from Sir Frederic Aarthur Hirtzel, India Office, to the Under Secretary of State, Foreign Office, dated 13 Sep 1922. IOR/L/PS/18/B372. Sep 1922. 6-7.

acquire affiliation with the AIML. However, at the behest of the AIML leadership, the two groups merged into a single Punjab Muslim League (PML) with Shah Din as the president and Shafi and Fazl-i-Husain as the Secretary and Joint Secretary, respectively.

Opposition to this decision of the AIML also came from the Anjuman-i-Islamia in Punjab whose leaders claimed that the Anjuman had served Punjabi Muslims well for several decades, and attributed the official recognition of PML as AIML's provincial branch to the central AIML leaders' preference for some Punjabi leaders over others. Shafi, Maulvi Mahbub Alam and other leaders of the PML argued that a new organization was necessitated by the fact that many members of the Anjuman-i-Islamia would be prevented from participating in political activities because they were government servants. Those unconvinced with this argument alleged that the PML leaders established a separate organization of Punjabi Muslims because they secretly wished to subvert the authority of the AIML in Punjab.[45] Although the AIML's decision to recognize the PML as its provincial branch was challenged in the Urdu press,[46] the PML continued to function as the League's provincial branch, establishing district-level branches in Multan, Ferozepore, Sialkot and Hoshiarpur.[47]

Although Shafi's pro-British group dominated the Punjab Muslim League for some years, this did not mitigate ideological opposition from other Punjabi Muslim leaders. In 1913, when Shafi presided over the AIML's annual session, Fazl-i-Husain's influence led to the adoption of a resolution for self-government in the PML.[48] Shafi's attempts to mobilize loyalist Muslims

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[45] Report of the meeting of the Provincial Muslim League, Punjab held at Muhammadan Hall, Lahore on 17 December 1907. IOR Or. Mic. 14143, File No. 2: Muslim League, unspecified.
[46] "Nawab Viquar al-Mulk ke naam ek khuli chitthi" *Sada-e-Hind* dated 12 December 1907 and 19 December 1907. IOR Or. Mic. 14143: File No. 2: Muslim League, unspecified.
[47] Telegram from Shafi to Viquar al-Mulk dated 21 December 1907. IOR, Or. Mic. 14143: File No. 2: Muslim League, unspecified.
[48] Iftikhar H. Malik, "Identity Formation and Muslim Party Politics in the Punjab, 1897-1936: A Retrospective Analysis" *Modern Asian Studies* 29:2 (May 1995). 309-11.

under the banner of the PML instigated the wrath of Muslim leaders who favored Jinnah's strategy of uniting with the Congress against British rule.[49] In 1916, Shafi served as the president of the AIMEC's annual session in Aligarh and also opposed a proposal for free and compulsory primary education. The *Punjab* of Lahore, in a derogatory invocation of his Arain identity, called him "a respectable gentleman, a manure-gatherer of Baghbanpura" who was essentially unfit to lead the AIMEC, an organization aimed at Muslims' educational progress.[50] The same year, he disapproved of the League's decision to join forces with the Congress in the Lucknow Pact of 1916. This action too earned him much censure in the press. The *Punjab* of Lahore noted that Shafi's actions had destroyed "community unity by setting his own clique against the whole of Muslim India."[51] Ideological hostility between his and Jinnah's supporters in the League peaked in 1927 over the issue of Muslims' cooperation with the Simon Commission. While a deputation led by Shafi participated in the Commission's proceedings, Jinnah and his supporters boycotted it. Furthermore, the AIML held two rival annual sessions the same year: in Lahore with Shafi as president, and another in Calcutta under Jinnah's presidency.[52] Despite relentless criticism and ideological tussles with Mian Fazl-i-Husain over the leadership of Punjabi Muslims and with Jinnah over the Indian Muslims' preferred political methodology, Shafi and Shah Din remained one of the most well-known Muslim leaders during the early decades of the twentieth century.

[49] *PNR* dated 25 November 1916, 921.
[50] *PNR* dated 18 November 1916, 911.
[51] *PNR* dated 9 December 1916, 949. Also see PNR dated 2 December 1916, 932-3.
[52] See proceedings of the rival sessions in Syed Sharifuddin Pirzada, ed., *Foundations of Pakistan: All India Muslim League Documents: 1906-1947.* (Karachi; Dacca: National Publishing House, 1970). Vol. II, 107-38.

Diversity, hierarchy, and ideal political representation

The political structure envisioned by Shafi entailed a re-conceptualization of ideal representation in colonial India. This ideology posited that as a unit requiring representation, India was composed of various religious communities, each one of which, in turn, contained multiple, sometimes overlapping, interest groups. Religious communities and their component sub-groups, thus, had definable political interests which could ideally be communicated to the colonial government through selected representatives. Only elite loyalist leaders belonging to a sub-group with defined interests could be its true, efficient and constitutional representatives. Hence, elite loyalist representatives selected from among Muslim landlords, educated elite, merchants and traders, and other such groups could best represent Indian Muslims. No political structure could function effectively in India unless it took into account the differences fundamental to Indian society and incorporated such group interests within itself.

A belief in the representative capacity of elite, constitutionalist members of an interest group was central to this political conceptualization. Men of education, wealth and status were the ones qualified to express collective interests. Social hierarchies of class, education and birth would, therefore, be replicated in representative bodies. To succeed and prosper in this deeply hierarchical political structure, Muslims needed to build and rely on a strong educational and economic foundation. Such leaders would be invested in constitutional representation for their constituency as well as in nurturing its socio-economic progress through measures for educational and social reform. In such a system, the politics of anti-colonial agitation and mass nationalism had no place.

In line with this political vision, calls for educational progress and the need to increase Muslims' presence in the colonial administration were pervasive in early twentieth century

moderate Muslim politics. The recommendations of the Simla Deputation, which included Shafi and Shah Din, for protecting Muslims from "an unsympathetic majority"[53] replicated at least two elements of Shafi's political framework. First, it argued that a representative structure based on demographic and territorial constituencies would be unsuitable to India's diverse society. Electoral safeguards were vital for preventing the political entrenchment of India's Hindu majority. Second, it contended that interest groups such as Muslim landowners, lawyers, merchants, members of provincial councils, and fellows of universities should be given electoral powers. These Muslim leaders, representing their respective interest groups, then ought to be included in the Imperial Legislative Council.[54]

Such an emphasis on leaders selected from interest groups within a religious community underscored the fundamental importance of social hierarchies in this political vision. An ordinary Muslim shopkeeper, or a landless Muslim farmer, with no educational or family credentials, could not be a capable or effective leader of Muslims. Such leadership was predicated on status which, in turn, was predicated on wealth, educational success, professional position, birth and family prestige. Paralleling Jalandhari's reliance on the twin features of birth and individual conduct as markers of an exemplary Arain, an ideal leader would possess a sound education as well as a respectable birth and profession. These attributes would facilitate his effective communication with the colonial state, thereby ensuring protection of the group interests he represented. A man lacking these qualities could be of no use to his community. In this political universe, then, Muslims' collective pursuit of education was vital for their political mobilization

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[53] Memorial to Lord Minto, 1 October 1906, 3. *Microfilm copy of the early papers of the All India Muslim League*. IOR Or. Mic. 14143.
[54] Memorial to Lord Minto, 1 October 1906, 3-7. *Microfilm copy of the early papers of the All India Muslim League*. IOR Or. Mic. 14143.

because only educated Muslims could represent the social, economic and political interests of interest groups comprising the Muslim community.

The unstated connotations of this elite-led system of political representation merit closer examination. At one level, this implied an admission of the fact that corporate groups, howsoever delineated, had collective interests that they would want protected and pursued in any scheme of reform or representation. At another level, it entailed the possibility that such collective interest groups could multiply in the future, with a newly-defined group articulating its interests and seeking representation for itself. At a time when the representative structure of British India was still being discussed and negotiated, such arguments for an inbuilt recognition of difference generated the potential for future mobilization of groups defined along novel criteria. New interest groups within a religious community could emerge, launch projects for reform, articulate a collective identity and seek political representation through their elite representatives. Although Shafi often spoke in terms of religious groups and vehemently defended separate electorates for Muslims, his recognition of landlords and merchants as separate interest groups hinted obliquely at the potential for mobilization along non-religious lines.

Punjabi agriculturalists were one such corporate group based on class interest instead of religious affiliation. By the 1900s, through a conjunction of colonial ethnography, policy and alliance politics, they had emerged as the dominant provincial economic and political elite. Their interests safeguarded through colonial law, their leaders coalesced into a political party which dominated Punjab's politics under steady colonial patronage until the 1940s. More importantly from the perspective of this political vision, shared class interests brought together men otherwise separated by religious identity. In this political universe, a leader like Mian Fazl-i-Husain could deliver the presidential address at the AIMEC annual session of 1922 and organize

Punjabi agriculturalists into the Punjab National Unionist Party in 1923.[55] Or Chhotu Ram could be an avid organizer of Hindu Jats while remaining a towering politician of the Unionist Party.[56] The longevity of Unionists' dominance in Punjab demonstrated that political mobilization based on non-religious criteria could meet the representational needs of a corporate group.

Shafi himself was an excellent example of this phenomenon. Embodying multiple identities – an educationist with modernist intellectual leanings, an Arain leader, a Muslim League member, a nominated member of the Punjab Legislative Council and the Imperial Legislative Council – he could not have been unaware of how individual men negotiated their complex and multiple allegiances. His presidential address at a meeting of the Punjab Zamindars League held in Lahore on 13 March 1926 hinted at this awareness. He noted that his family's status as long-time landholders and his personal position as the elected leader of the Arains gave him a unique perspective on Punjabi agriculturalists' interests.[57] He lauded the Zamindars League for its inclusive cross-religious and cross-biradari political platform which he argued could counter Punjab's communally-charged environment.

> In the Punjab the common platform which the Zemindars League provides for joint action is particularly welcome for, alas, it is in this province that inter-communal friction has manifested itself in a manner which, without doubt, is depressing to the hearts of those whose sincere patriotism is capable of rising above narrower considerations. Indeed, the Punjab being mainly an agricultural province, ninety per cent. of its population being dependent for their livelihood on agriculture, the Zemindars League, if properly organised upon patriotic basis, would provide a sovereign remedy for this fell disease. For here, by reason of a complete community of interests, the majority of our population would be in a position to forget the distinctive communal interests which unfortunately divide the various communities. *To whatever religious section we may belong, of whatever tribe or caste we may be members by reason of our birth, on this platform at least ninety per cent. of the Punjab population can meet in a spirit of*

[55] *Khutbat-i-aaliyah*. Also see Gilmartin, *Empire and Islam.*
[56] For a look at Chhotu Ram's career, see Chowdhry, *Punjab Politics* and Datta, *Forming An Identity.*
[57] Shafi, *Some Important Indian Problems,* 165.

> *harmony and good will in order to contribute towards the happiness and contentment of the vast majority of our population*.[58] [Emphasis mine]

For Shafi, then, a 'community of interests' among the majority members of a group, followed by mobilization, was what it took to metamorphose a group into a political entity with its own set of well-articulated interests and elite representatives. Shared religious affiliation was neither a necessary pre-requisite nor the sole available basis of political mobilization. Class interest could provide a viable foundation for mobilization.

In a similar vein, just as Jat leaders articulated Jat interests, Rajput or Arain leaders could do the same by articulating interests specific to their biradaris, and adopting elite-led loyalist politics to pursue them. Biradari-based mobilization could, therefore, contribute to the broader political mobilization of various religious communities that made up Indian society. Ideally, such mobilization would rely on elite leaders who would adopt constitutionalist political methods to secure the interests of the biradari they represented.

It was in the interstices of this political vision's acceptance of socio-economic hierarchy and difference that the Arains' mobilization as a biradari-based sub-set of Indian Muslims emerged as a political possibility. If British India could be effectively governed only through a representative system that institutionalized India's diversity, then the organization of the Arains as a corporate group articulating and pursuing their biradari-specific interests was a desirable and normative phenomenon. As discussed in chapter one, Shafi and his contemporaries' successful navigation of the colonial bureaucracy through constitutional methods had enabled the Arains' mobilization and the fulfillment of one of their immediate collective interests—the military recruitment of Arain men. They deployed constitutional political methods to fulfill a biradari

[58] Shafi, *Some Important Indian Problems,* 167-8.

objective, claiming loyalty to the colonial state even while contesting its perception of their community. Equally importantly, as Muslims, they were part of the larger Indian Muslim community. Their elite-led constitutionalist mobilization neither undercut their inclusion in Indian Muslim politics nor undermined Arain leaders' place in Indian Muslim leadership. Instead, their successful campaign against an unfavorable colonial recruitment policy signaled the political viability of such methods for both Arain and Muslim mobilization. In a system that acknowledged difference and hierarchy, such mobilization was both possible and legitimate.

Furthermore, the central place of reformist Islam in Jalandhari's portrayal of Arain identity solidified their Muslim-ness, underlining the intimacy of reformist aspirations and political mobilization. The admitted Muslim-ness of Arains, their reformist objectives, and the Arain Anjuman's preference for constitutional politics placed them within the ambit of contemporaneous Indian Muslim mobilization. Additionally, in line with Shafi's conceptualization of ideal political representation, elite men of education and wealth had led this mobilization. This concomitant mobilization of Arains as Arains *and* as Muslims presented no contradictions at all. This is perhaps why Arain leaders such as Shafi and Shah Din were able to simultaneously participate in the AIMEC, the AIML and the Arain Anjuman—three organizations that shared an ideological emphasis on reformist Islam and loyalist constitutional politics. Arains were to Muslims, what the Arain Anjuman was to the League, that is, a component sub-set and a building block.

The political vision articulated by Shafi accepted colonial India's diversity and socio-economic hierarchies as crucial markers of its present and future representative system. In doing so, it legitimized spaces wherein group interests articulated in terms of local, regional, biradari (Arains) or class (landlords) identities could become valid bases for mobilization. Whether

subsumed within one religious community, or transecting multiple religious communities, such spaces could become sites for a politics informed by what Shafi believed was the fundamental efficacy of elite-led, loyalist constitutionalism in early twentieth century colonial India.

In spite of a conceptual intimacy between biradari-based mobilization and religion-based mobilization, the relationship between these two markers of identity became increasingly strained as India's political context and electoral structure shifted during the late 1930s and the 1940s. As is evident in the Arain, Jat and Momin cases discussed in chapters one and two, biradari-based mobilization was aimed at both reformist and political purposes. However, political developments during subsequent decades transformed biradari into an unspoken, but powerful, force in the representative politics of colonial India. During the 1930s, as the AIML began to reinvent itself under Jinnah's leadership and mobilize around the idea of a separate territorial unit for Indian Muslims and the Government of India Act of 1935 enfranchised a larger section of Indians, the AIML sought to increasingly mobilize Muslims as Muslims alone. Even though the AIML did not make significant inroads into Punjab until the mid-1940s, the rhetoric of Muslim mobilization as a phenomenon affording space for no other marker of identity or collective affiliation was well underway by the late 1930s. Such discursive exclusion notwithstanding, biradari identity continued to play a critical role in Muslim mobilization during this period. The following chapter will focus on this complex interaction between biradari identity, Muslim mobilization and electoral politics in the rapidly shifting political context of the 1930s and 1940s.

CHAPTER 5

RELIGION AGAINST BIRADARI? ARAINS AND ELECTORAL POLITICS

Early in 1946, in the middle of elections to the Punjab Legislative Assembly, *The Eastern Times* of Lahore published a brief report describing the political career of Mian Bashir Ahmad, the Muslim League's candidate from the Arain-dominated rural Muslim constituency of Ferozepore East. Bashir Ahmad was a member of the eminent Arain family, the Mians of Baghbanpura. As Shah Din's only son and Shafi's younger son-in-law, he was directly related to two of the family's most famous leaders. Setting him up as an ideal Muslim League politician, the article applauded Bashir Ahmad for declining an offer to become the president of the Arain Anjuman after the death of his cousin Mian Shah Nawaz in 1939. As the article put it, he relinquished this opportunity because "he wanted to devote all his time and energy to Muslim League work."[1] By the mid-1940s, Bashir Ahmad had become a well-known League politician who shared a close relationship with Jinnah, had served on the League's Working Committee and as the president of the Punjab Muslim Students' Federation.[2] Supported by his biradari members, he won the election from Ferozepore East and became a member of the Punjab Legislative Assembly.

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[1] "Mian Bashir Ahmad: An account of his services to Musalmans and Muslim League" *The Eastern Times* (Lahore). 8 January 1946. *The Eastern Times* was a staunchly pro-Muslim League newspaper started by Malik Barkat Ali, the only Muslim League candidate to win a seat on the Punjab Legislative Assembly after the elections of 1937. In the 1946 elections, Bashir Ahmad won from his constituency, defeating his Unionist opponent by nearly 3000 votes. See "Punjab Assembly Election Results" *The Eastern Times,* 24 February 1946. Also see *Return Showing the Results of Elections to the Central Legislative Assembly and the Provincial Legislatures in 1945-46* (Delhi: Manager of Publications, 1948): 160.
[2] See Mian Bashir Ahmad's correspondence with Jinnah in S. Qaim Hussain Jafri and S. A. Bukhari, ed., *Quaid-i-Azam's Correspondence with Punjab Muslim Leaders*. (Lahore: Aziz Publishers, 1977). 73-113.

In lauding Bashir Ahmad's preference for the Muslim League over the Arain Anjuman in spite of his biradari identity's contribution to his electoral success, this article reflected a change in the ideological and political climate of colonial Punjab. During the early decades of the twentieth century, Shafi and Shah Din, as prominent leaders of the Arain Anjuman and the Muslim League, had argued for a cumulative relationship between biradari-based and Muslim mobilization whereby biradari-based mobilization of Muslims contributed to the broader sphere of Indian Muslim mobilization. But by the time Bashir Ahmad became the League's electoral candidate, the party denigrated political mobilization along biradari lines as something a Muslim politician needed to shun in order to truly represent his Muslim constituents. Abandoning the narrow appeal of biradari identity and choosing to serve the broader Muslim community was the admirable course of action. At the same time, however, biradari loyalty remained critical during elections for ensuring that a candidate had the full support of his biradari members.

This chapter examines this historical moment when the Muslim League disparaged biradari-based mobilization while using biradari organizations and loyalties for garnering electoral support in mid-twentieth century Punjab. It will trace the Arain Anjuman's historical relationship with representative politics in Punjab to demonstrate the complex workings of this somewhat contradictory phenomenon. I argue that despite the League's adverse portrayal of biradari as a divisive force detrimental to Muslims' fundamental religious unity, biradari identities continued to have substantial political influence in mid-twentieth century Punjab.[3] The League's ideological critique of biradari-based mobilization departed significantly from the

[3] For a sample of the League's election posters condemning voting based on biradari ties, and exhorting all Muslims to ensure the unity of the Muslim community by voting for Pakistan and the League, see David Gilmartin, trans., "Muslim League Appeals to the Voters of Punjab for Support of Pakistan," in Barbara Metcalf, ed., *South Asian Islam in Practice* (Princeton, N.J.: Princeton University Press, 2009), 409-423.

political vision of early twentieth century politicians who had viewed such mobilization as a sub-set of Muslim mobilization. Shafi's career as a preeminent Muslim League politician had unfolded in tandem with his leadership of the Arain Anjuman. However, the condemnation of biradari loyalties did not curtail the League's political reliance on biradari organizations. As the following pages will show, the League counted on biradari loyalties, such as those commanded by Mian Bashir Ahmad, for broadening its appeal and ensuring its victory in provincial elections, especially those held in 1946. More importantly, the party's choice of electoral candidates was often based on the demographic distribution and political influence of biradaris in electoral constituencies. The underlying assumption in such decisions was that regardless of a candidate's party affiliation, the voters would favor a member of their own biradari over an 'outsider' who lacked kin-based connections with the electorate. In spite of the League's mobilization of Muslims as members of one religious community unified behind a single political party, the party's reliance on biradari networks during elections meant that biradari loyalties continued to be powerful in Punjabi politics.

The formative place of biradari identity in colonial Punjab's representative structure meant that Muslim politicians addressed and mobilized Muslims as members of a community. Whether defined by religion or biradari, a Muslim's political being was determined by his place within his or her community. This political phenomenon, wherein Muslim mobilization was inherently collective, reiterates C. A. Bayly's formulation about educated Indian Muslim leaders' adaptation of liberalism to their specific colonial context. As this chapter will show, both the Unionist Party (established 1923) and the League mobilized Punjabi Muslims as members of a biradari, even when colonial categories of political representation marked Punjabi voters in religious terms and the League advocated Pakistan as the political fulfilment of the unified

Muslim community. During the 1946 elections, the League used the language of Islam to construct an anti-colonial ideology that criticized the colonial state and the Unionists as the state's primary collaborators. However, at the same time, the League depended on biradari networks and succeeded in elections only after it accepted the essential place of rural and urban elites in the province and acquired their support for Pakistan. To this extent, Muslim politicians, whether they belonged to the Unionist Party or the League, upheld community as the basis of political representation of Muslims in mid-twentieth century Punjab.

In spite of unprecedented political changes, the power and efficacy of biradari identity as a political unit endured in colonial Punjab, even as the relationship between biradari and religion as bases of mobilization remained tense. If biradari had been the unit of Arains' mobilization around issues of military recruitment, reformist Islam, and Islamic law early in the twentieth century, it became pivotal to electoral politics after the mid-century political reforms. Between the 1920s and 1940s, Arain politicians changed party affiliations and became members of the provincial legislative and municipal bodies. Throughout these shifts, they relied on biradari networks for winning elections. Even when some Arain politicians committed themselves to the League's ideal of Pakistan during the mid-1940s, their reliance on biradari networks reinforced the political value of biradaris as corporate entities.

Even though the AIML condemned biradari and other forms of non-religious identity as materialistic obstacles to the higher, spiritual unity of all Muslims, its propaganda did little to undermine or erase mobilization based on such identities. During the late 1930s and 1940s, the AIML sought to transcend local markers of identity, such as biradari, and unify all Indian Muslims behind the single political objective of attaining a separate nation-state. Jinnah argued that more than just two different religions, Islam and Hinduism constituted "different and distinct

social orders," which could not be integrated into a single nation-state.[4] Hindus and Muslims were, therefore, two distinct nations in need of two separate states. In this vision, Indian Muslims' internal differences—of language, caste, biradari, class, region, and culture—were immaterial to their political mobilization and motives. Instead, Muslim politics was determined by what he represented as a civilizational distinction between Hindus and Muslims. Such discursive homogenization of Muslims, in opposition to Hindus, while well-suited to the universalizing ideal of Pakistan, did not erase Muslims' local identities. Instead, it denied the relevance of non-religious identity markers to Muslims' political expression without curbing the spaces within which they shaped Muslims' political behavior.[5] In the changing political landscape of mid-twentieth century Punjab, Muslim politics continued to be defined by biradari-based identities alongside the AIML's Islamic rhetoric.

The political landscape of colonial India shifted considerably between the 1920s and the 1940s. Accepting in principle that Indians would eventually become capable of self-government, the Government of India Act of 1919 introduced property-based franchise and limited ministerial responsibility in British Indian provinces through dyarchy.[6] Even though elected ministers functioned in provincial councils, the concentration of executive authority in the hands of British

[4] Presidential address by Muhammad Ali Jinnah at the annual session of the AIML held at Lahore in 1940. Syed Sharifuddin Pirzada, *Foundations of Pakistan: All India Muslim League Documents: 1906-1947.* (Karachi: National Publishing House, 1970). 337.
[5] Gilmartin has also argued that the AIML's electoral strategy was not to erase Muslims' local identities but to harness them for political purposes. See Gilmartin, "Democracy, nationalism and the public: A speculation on colonial Muslim politics" *South Asia: Journal of South Asian Studies* 14: 1 (1991). 123-40. Also see Gilmartin, "Rule of Law, Rule of Life: Caste, Democracy, and the Courts in India" *The American Historical Review* 115. 2 (April 2010). 406-427.
[6] This system divided the administration into 'transferred' and 'reserved' subjects, the former run by ministers responsible to an elected legislative council, and the latter under the authority of the Governor who also held discretionary powers over the provincial councils. Rohit De, "Constitutional Antecedents" in Sujit Choudhry, Madhav Kholsa and Pratap Bhanu Mehta, ed., *The Oxford Handbook of the Indian Constitution.* (Oxford: OUP, 2016). 26-7. Based on property qualifications, the Act of 1919 enfranchised about 5.5 million provincial Indians. See R. Coupland, *The Indian Problem: Report on the Constitutional Problem in India.* (Oxford: OUP, 1944). 62. In Punjab, dyarchy enfranchised only 3.1% of the population, which amounted to 745,000 voters. Talbot, *Punjab and the Raj,* 96.

Governors undercut their powers. The Act of 1919 also provided for a review of British India's political structure after a period of ten years, which lead to the appointment of the Simon Commission in 1927. The absence of Indian leaders on the Commission lead to widespread protests and calls for boycott of its proceedings. However, an important section of the Muslim leadership led by Shafi cooperated with it. Shafi also served as a Muslim representative at the Round Table Conferences held in London during the early 1930s, during which British and Indian leaders discussed future political reforms.[7] Despite disagreements among Indian representatives at the Conferences, the Government of India Act of 1935 was introduced as a means of expanding colonial India's representative structure. The 1935 Act extended the franchise to about fourteen percent of British India's population, ended dyarchy, increased the size of provincial legislatures, and continued elected ministerial government in the provinces.[8]

In Punjab, these changes did not disrupt the political structure epitomized by the Alienation of Land Act of 1901 and the colonial state's alliance with rural elites. The legal institutionalization of agriculturalist and non-agriculturalist groups in this Act resulted from decades of colonial epistemological privileging of village units as central to Punjab's economy and society. This colonial policy was meant to preserve what the state saw as Punjab's indigenous socio-economic structure and protect the patronage-based authority of rural elites,

[7] For a brief account of the Round Table Conferences and Fazl-i-Husain's influence on Muslim leaders, see Ayesha Jalal and Anil Seal, "Alternative to Partition: Muslim Politics between the Wars" *Modern Asian Studies* 15: 3 (1981). 434-9. The Congress boycotted two out of the three Conferences, sending Gandhi and Sarojini Naidu as its representatives to the Second Conference in London.

[8] The Governor retained special legislative authority and key emergency powers, especially regarding law and order. The Act also provided for an elected central assembly comprised of two houses, with a lower house elected from among members of provincial legislatures and upper house elected directly from specially demarcated constituencies. De, "Constitutional Antecedents," 28-9. The 1935 Act enfranchised about 2.5 million Punjabis, including women, which meant about 1 in 10 Punjabis had the right to vote. Talbot, *Punjab and Raj,* 96.

usually landowners and Sufi pirs. Privileging of rural elites, however, entailed a consistent marginalization of urban politicians in provincial politics.[9]

The mapping of representative institutions onto these legal-political categories re-entrenched the power of rural elites in the province. During the 1880s, the colonial government established District Boards as Punjab's first rural self-government institutions, with the administrative unit of zail as the constituencies for elections. Each zail was a cluster of villages demarcated such that one biradari predominated within its borders. Zaildars, most often the leaders of a zail's dominant biradari, served on District Boards as representatives of their constituencies, thereby reinforcing a biradari's socio-economic influence with state-sponsored political authority. Although separate electorates were accepted for urban municipal committees during the 1880s, and later for the provincial Council after 1919, the Punjab government did not enforce separate electorates in District Board elections, in the interests of preserving the biradari-based administrative units of rural Punjab and protecting the authority of local landowners.[10]

The introduction of separate electorates (in force in the rest of British India since the Indian Councils Act of 1909) and dyarchy further entrenched agriculturalists' power in Punjab. The rural agriculturalist elites were organized into the Unionist Party which was formally established in 1923 under Mian Fazl-i-Husain's (1877-1936) leadership.[11] In order to preserve the rural nature of the elected Council, the government divided Muslim constituencies (usually tehsils) into urban and rural ones. Twenty-seven out of thirty-two Muslim constituencies were marked as rural, ensuring that a large majority of the Council's elected Muslim members would

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[9] N. G. Barrier, "The Punjab Government and Communal Politics, 1870-1908" *Journal of Asian Studies* 27: 3 (1968): 523-39.

[10] See Gilmartin, *Empire and Islam,* 27-8. For a look at the development of colonial administration and the marginalization of urban politicians in Punjab, see Gilmartin, *Empire and Islam,* 11-38, 73-107.

[11] Fazl-i-Husain belonged to Rajput family originally from Batala. For a detailed biography, see Azim Husain, *Fazl-i-Husain: A Political Biography.* (Bombay: Longmans, Greens & Co., 1946).

be elite landowning agriculturalists who, as the state's primary provincial allies, were invested in maintaining Punjab's colonial political hierarchy.[12]

As elections with a wider electorate became imminent in the wake of the 1935 Act, the need to retain their hold over Punjabi politics propelled the Unionists' recasting as an electoral party with its own ideological agenda. If the Unionists had functioned as an alliance of Muslim, Hindu and Sikh agriculturalist interests in the Council during the 1920s, now they positioned themselves ideologically as advocates of the rights of Punjab's statutory agriculturalists, and the political structure which ensured their economic and political dominance. In 1936, Fazl-i-Husain established the Unionist Party's headquarters in Lahore, issued a manifesto and organizational rules for rural and urban areas. He had, by this time, been recognized as a champion of Muslim interests on account of his support for increasing Muslims' representation in the bureaucracy. However, his provincial position rested on his leadership of a cross-religious group of statutory agriculturalists whose authority was built on landownership, local biradari networks, and spiritual patronage.[13]

The Punjab Muslim League, organized for the first time in 1907 by Shafi, Shah Din and Mian Fazl-i-Husain, too sought popular support in the wake of the 1935 Act. The rise of the Urdu press, especially the establishment of dailies such as *Paisa Akhbar* and the increasing influence of newspaper editors such as Maulana Zafar Ali Khan of *Zamindar* contributed to the articulation of an urban Muslim political position which sought to mobilize Muslims independently of the colonial political structure. Politicians such as the poet-philosopher

[12] Gilmartin, *Empire and Islam*, 80-1 and Jalal and Seal, "Alternative to Partition," 424-6.
[13] Fazl-i-Husain had established the All India Muslim Conference in 1928 as a forum for bringing all Muslim organizations together. Gilmartin, *Empire and Islam,* 108-28. For a look at the role of Sufi pirs in Punjab's electoral politics, see Gilmartin, "Religious Leadership and the Pakistan Movement in the Punjab" *Modern Asian Studies* 13: 3 (1979). 485-517.

Muhammad Iqbal and the Arain lawyer, Mian Abdul Aziz (1872-1971), had long criticized Unionists for their defense of the agriculturalist identity which they viewed as an artificial creation of colonial policy. Committed to the ideal of a Muslim community transcending all forms of kin loyalties and local interests, these leaders condemned the Unionists for their encouragement of a hierarchical political structure that militated against the ideal of Muslims' fundamental equality.

Although some urban Punjabi Muslim leaders participated in the colonial administration, they remained outsiders to the political structure defined by the state's alliance with rural elites. Men such as Mian Amir al-Din of Lahore's Kashmiri biradari derived their political influence partly from wealth and leadership of urban biradaris, and partly from participation in the colonial administration. However, their ideological commitment to Islamic ideals and symbols, such as the application of Islamic law in Punjab, remained unaffected by their positions within the municipal administration or legislative councils. These urban leaders combined their ideological commitment to Islamic ideals and a unified Muslim community with their strong ties to the colonial administration.[14]

The elections of 1937, held under the provisions of the 1935 Act, vindicated the enduring power of the colonial state's alliance with Punjab's elite landowners. These elections returned a majority of Unionist candidates to the Council, with the League winning in only two Muslim constituencies. In spite of some urban leaders, such as Muhammad Iqbal and Abdul Aziz, supporting the League, its attempts to mobilize Muslim opinion against the rural-based politics of the Unionist Party did not translate into electoral victory. Two years later, in 1939, Sikandar

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[14] Gilmartin, *Empire and Islam,* 74-88. Mian Amir al-Din was a member of the Punjab Legislative Assembly from 1941 to 1946 and later chairman of the Lahore Municipal Committee. Mian Abdul Aziz too served on the Lahore Municipal Committee during the 1920s and was made Mayor of Lahore for the second time in 1948.

Hayat Khan (1882-1942), who had taken over the leadership of the Unionist Party after Fazl-i-Husain's death, signed a pact with Jinnah. According to the terms of the Sikandar-Jinnah pact, Muslim members of the Unionist Party and the Legislative Assembly would become members of the Punjab Muslim League, and develop League's organizational structure in Punjab. However, when Jinnah articulated the Two-Nation theory and made it the basis of the Pakistan Resolution at the League's annual session of 1940, Muslim mobilization independent of all biradari loyalties became a critical ideological platform of the League. At the same time, because the Punjab League continued to be dominated by leaders whose primary loyalty lay with the Unionists, support for the League failed to develop in the province.

With the onset of World War II, the Unionists' support for the colonial state's war efforts drove the two organizations further apart. The League made political capital out of wartime ceilings on agricultural prices, blaming the Unionists for colluding with a government intent on destroying Punjab's agrarian economy. Asserting that Muslim-ness was the only criteria for political representation, the League argued that only it could represent Indian Muslims. In this framework, biradari ties became undesirable because they divided Muslims according to genealogy and kinship, and undermined their religious unity.[15] When the Viceroy appointed Punjabi leaders, including Sikandar Hayat Khan and Begum Shahnawaz, to his Executive Council in 1941, the League contested this decision. Jinnah questioned the political relevance of the Unionists when he argued that Muslim representatives could not be appointed to executive bodies without consultation with the League, the exclusive political representative of all Indian Muslims. Under pressure from Jinnah, Sikandar resigned from the Viceroy's Council. After his death in 1942, Khizr Hayat Khan Tiwana took charge of the Unionist Party. Even though the

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[15] Gilmartin, "A Magnificent Gift: Muslim Nationalism and the Election Process in Colonial Punjab" *Comparative Studies in Society and History* 40: 3 (July 1998), 423-6.

Unionists had weathered these political changes, the younger representatives of many Unionist Muslim families, such as the Nawab of Mamdot and Mumtaz Daultana, now supported the League. By the mid-1940s, the League managed to erode the Unionists' support base by basing its propaganda on a combination of Islamic symbols (Pakistan and the ideal Muslim community or *millat* among them), opposition to Unionist policies, denigration of biradari ties, and recruitment of Sufi pirs and ulama who provided theological arguments for Pakistan. The formal break between the Unionists and the League came in the year 1944 when Jinnah reportedly withdrew his support of the Sikandar-Jinnah Pact, and expelled Khizr Tiwana, the Unionist premier of Punjab, from the League.[16]

The idea of Pakistan as an Islamic ideal, a political alternative to the British-Unionist political system, and as a place of equality for all Muslims, fueled the League's electoral campaign during the mid-1940s. A joint appeal by League politicians urged the Muslims of Punjab "to rise above tribal alliances and personal jealousies and rivalries, and to stand united as one man to win their freedom, their Pakistan and their destiny."[17] However, such appeals to an ideal Muslim community co-existed with recruitment of rural elites in support of the League. Despite its ideological reliance on Pakistan, the League courted former Unionist supporters for gaining access to their biradari-based networks. This strategy succeeded when the League fared considerably better in the 1946 provincial elections than it had in 1937.[18] Its propaganda created a wave of support for Pakistan, and its leaders portrayed the party's electoral success as a

[16] "There is no such thing as Jinnah-Sikandar Pact: Be Either Leaguers or Unionists but not Both: Mr. Jinnah addresses Purdah conference of Muslim MLAs" *The Tribune* (Lahore), 21 March 1944.
[17] "Stand United as One Man: Rise Above Tribal Alliances, Personal Jealousies and Rivalries: Punjab League Leaders' Appeal to Muslims: Voters Urged to Defy Official Pressure and Offers of Unfair Inducements" *The Eastern Times,* 2 December 1945.
[18] For more on the League's 1946 election campaign and its centrality to the development of support for Pakistan, see Gilmartin, "Muslim League Appeals to the Voters of Punjab" and "A Magnificent Gift," 415-36. Also see Ian Talbot, "The 1946 Punjab Elections" *Modern Asian Studies* 14:1 (1980), 65-91, and *Empire and Islam,* 189-224.

popular vote for Pakistan. A last-minute coalition of Unionists, Congress and the Akali Dal prevented the League from forming the provincial ministry. This coalition retained power until early March 1947 when a civil disobedience movement launched by the League in January 1947 forced Khizr Tiwana to resign from the premiership.

Over the course of these momentous political shifts, biradari-based mobilization persisted in early twentieth century Punjab, even as the ideological push-and-pull between biradari and religion as criteria of political mobilization animated electoral contests. Neither the Unionists nor the League, in spite of the latter's discursive rejection of biradari identities as corrosive to Muslim unity, could succeed in electoral contests without harnessing their power. The following pages will trace the critical place of biradari identity in Punjab's electoral politics by focusing on the Arain biradari. Section one will show how biradari networks remained central to Arain politicians' electoral campaigns, whether they sided with the Unionists or the League. Section two will discuss the complexity and variety of Arains' politics during this period, in spite of a shared dependence on biradari loyalties for electoral support. Section three will present some concluding thoughts on the endurance of biradari-based mobilization and its conflicted relationship with religious mobilization in colonial Punjab.

Arains and electoral politics

During a debate in the Punjab Legislative Council about separate electorates, Council members discussed the relationship between elections and biradari identity. Late in 1923, K. L. Rallia Ram, the Indian Christian representative, introduced a resolution seeking abolition of separate electorates in elections to the Council and local bodies and institution of a joint electorate with proportional communal representation. In considering the merits of separate and joint electorates,

Council members reflected on the persistence and value of kinship loyalties (based on biradari or religious identity) for the electoral process. Rallia Ram deplored the common tendency of municipal leaders to pander to the interests of their constituents (who often belonged either to their biradari and/or religion) without regard to the responsibilities of their positions. Claiming that such leaders were motivated only by the need to maintain their voters' support, he argued that such a system could only hinder British India's progress toward self-government.

> We want self-government and we all want to be nearer it, but we must create the circumstances which will help its speedy attainment….in all uncivilized countries where the people are illiterate, we find that the communal representation is emphasized. It starts with the tribal self, when a man says he will vote for a Kashmiri, another says he will vote for an Arora. Then there is communal representation, and then comes the National self.[19]

In placing the "tribal" self at the bottom of this representational hierarchy, Rallia Ram argued that voting according to one's biradari affiliation was the most "uncivilized" form of political representation. While he acknowledged the formative role biradari loyalties played in electoral politics, he also emphasized that such considerations ought to have no place in representative structures. In his view, ideal representation could occur only when voters chose the best candidate regardless of biradari or religious identity.

Some of the arguments voiced in opposition to Rallia Ram's resolution were reminiscent of Shafi's ideal political structure which would incorporate British India's diversity, partly through institutional measures such as separate electorates. Mian Fazl-i-Husain, Minister for Education at this time, argued that communal sentiments were inherent and indestructible, regardless of the kind of electorate they operated in. British India's electoral structure would need to adapt to these forces until such time as voters became politically conscious enough to

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[19] *The Punjab Legislative Council Debates, October 20th to October 27th 1923. Official Report.* Vol. V. (Lahore: Government Printing, 1923). 369. Hereafter *PLC Debates*.

overlook such considerations.[20] Maulvi Muharram Ali Chishti, a Council member from Lahore City, also questioned the validity of joint electorates in a society where biradari loyalties continued to determine electoral outcomes.

> When the present state of things is such that a *Khatri* gives his vote to a *Khatri* and a *Zamindar* to a *Zamindar* and a Muhammadan to a Muhammadan and a Hindu to a Hindu then the creation of joint electorates is useless.[21]

Even though these politicians agreed that the ideological hold of biradari identity on voters was politically regressive, they could not deny its place as a determinative factor in electoral politics.

The vital place of biradari networks in the electoral success of Arain candidates held under the provisions of the 1919 Act substantiated these Council members' arguments. Mian Muhammad Shah Nawaz, Shah Din's nephew and Shafi's son-in-law, contested a Council seat from the Lahore District in 1920. With Shafi's backing, and the support of Sardar Nur Burhan of the Ganjah Kalan Arain family, Mian Shah Nawaz succeeded in this election and became a member of the Punjab Legislative Council. Nur Burhan's older brother, Sardar Nur Muhammad, was an Honorary Magistrate who had been active in the early meetings of the Arain biradari. Nur Burhan ensured that Arains living in the villages of this constituency voted for Shah Nawaz, even though the latter did not canvass among rural voters. This pattern continued when Shah Nawaz contested the next Council elections held in 1923. Even though Nur Burhan had passed away by this time, his sons and grandsons helped Shah Nawaz secure Arains' votes in rural Lahore. When the electoral seats for the Council were increased after 1935, Nur Burhan's descendants themselves contested elections from these constituencies, and with the support of their families and biradaris, won by large margins.[22]

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[20] *PLC Debates*, Vol. V, 371-4.
[21] *PLC Debates*, Vol. V, 379. Italics in original.
[22] AAC, 606.

Malcolm Darling (1880-1969), civil servant and author, drew similar conclusions about the political significance of biradari identity during one of his horseback tours in rural Punjab of the late 1920s. Writing about Lyallpur district, he noted that during elections, religious fervor sometimes created social tensions, but usually biradari identities determined voters' behavior, with "Jat voting with Jat, Arain with Arain, and Jangli with Jangli."[23] Darling further recorded that peasants voted to support their friends or communities, but also believed elections to be nuisances that obstructed their daily routines. Not only was contesting elections expensive, once a family or biradari member was elected to the Council, his supporters expected favors from him.[24] In this political perspective, people voted for members of their own biradari because they believed that such candidates would be more approachable than those with whom they did not share kin relations. In this political universe, a candidate's social self was a critical component of, and almost inseparable from, his or her political identity.

Zafrullah Khan, a Muslim representative at the Round Table Conferences and member of the Viceroy's Executive Council during the mid-1930s, confirmed the primacy of biradari loyalties over party affiliation in determining the outcome of elections in Punjab. Writing to Fazl-i-Husain in 1936, he made the following observation about elections held prior to the Act of 1935

> …contests were very often conducted between candidates who differed much from each other in political outlook, and whoever was successful at the polls joined the Unionist Party if his general political outlook happened to be in accord with the principles to which the Unionist Party gave its support. In such cases, it made very little difference to the party whether out of a certain number of contesting candidates, A or B or C or D was elected. People who had to make up their minds to support one or other of the candidates were influenced by personal

[23] Darling, *Rusticus Loquitu,* 211. Jangli was a pejorative term used for settled Punjabi pastoralists.
[24] Darling, *Rusticus Loquitur*, 212.

> or tribal considerations and were not at all swayed by the consideration as to which party the candidates belonged.[25]

As far as elections were concerned, party affiliations were secondary to a candidate's biradari identity. The support a candidate received from his biradari determined his electoral destiny and was, therefore, the stronger and more permanent foundation of representative politics. In this system, association with a party was ephemeral at best, and effected only after a candidate had been elected to the Council by his supporters.

After the Act of 1935 expanded both the franchise and the number of seats in the provincial assemblies, biradari anjumans took concrete steps to regulate the electoral behavior of their members as candidates and voters. Operating on the premise that voters would support a biradari member irrespective of party affiliation, the Arain Anjuman tried to ensure that Arain candidates did not contest elections against one another in a given constituency. This is evident from the proceedings of the Arain Anjuman during the mid-1930s when Arain leaders re-organized the Anjuman to meet the challenges presented by an expanded Council and electorate. Any Arain over eighteen years of age could become a member of the Anjuman, the membership fee was set at three rupees per person, and an Arain Parliamentary Board for choosing Arain electoral candidates was set up.[26] A letter dated 19 June 1936 from Muhammad Abdul Majid, Secretary of the Arain Parliamentary Board in Lahore, invited about two hundred biradari members to a meeting for discussing issues related to the upcoming elections.

> [The meeting will] select candidates from the Arain biradari for various constituencies. And in the constituencies where more than one candidate wishes to contest, the biradari will attempt to reach a compromise and choose only one

[25] Zafrullah Khan to Fazl-i-Husain dated 15 April 1936. Fazl-i-Husain Papers, Reel No. 4972, Part IV. National Archives of India.

[26] Letter from the Office of the Anjuman Raiyan-i-Hind Lahore signed by Begum Jahanara Shahnawaz, MLA; Mian Abdul Aziz, MLA; Justice Mian Abdul Rashid; Malik Din Muhammad, Honorary General Secretary of the Anjuman, and Chaudhry Ghulam Haider Umar, Assistant Secretary. Undated. Abdul Aziz Collection.

> candidate. The meeting with also decide whether Arains should initiate dialogues with different political parties. If yes, then which parties, and on what grounds.[27]

Arain leaders were driven by the need to unify Arain voters behind a single candidate in every constituency. This was essential for preserving the political value of the biradari as a whole, and ensuring that Arain candidates could defeat other candidates. The Anjuman wished to prevent a situation where Arain voters might be forced to choose among multiple Arain contestants, thereby reducing the chances of victory for any candidate. Instead, the biradari preferred to resolve internal disputes in its meetings, and ensure that all Arain voters supported the candidate selected by the Anjuman. Decisions regarding party affiliations were secondary to the resolution of clashes within the biradari.

The Arain biradari's efforts to curb internal dissensions and develop a unified Arain voice reveal the ways in which access to representative institutions and political parties was mediated by biradari organizations. The biradari selected candidates and mobilized support for each candidate by reducing internal opposition, underlining the extent to which electoral success hinged on the support a candidate received from his or her biradari. Mian Shah Nawaz's attempt to convince Sikandar Hayat Khan of his suitability for contesting the 1937 elections on a Unionist ticket from Jalandhar illustrates this point further. Two other men were trying to win a Unionist ticket for this seat. One was an Arain named Chaudhary Abdul Rabb and the other, Asadullah Khan, was a non-Arain member of the Unionist Party. Shah Nawaz assured Sikandar that he had the support of the zaildars of Nakodar and Phillaur in Jalandhar district and that

[27] Invitation for a meeting of the Arain Anjuman from Muhammad Abdul Majid, Secretary, Arain Parliamentary Board, dated 19 June 1936. Abdul Aziz Collection. An earlier letter from Abdul Majid dated 12 June 1936 expressed similar ideas: "…all members of the biradari will participate in future elections only after the biradari agrees upon a candidate after mutual consultation….in future elections to the Punjab Assembly, only one Arain candidate will be selected to contest from the Lahore tehsil." Invitation for a meeting of the Arain Anjuman from Muhammad Abdul Majid, Secretary, Arain Parliamentary Board, dated 12 June 1936. Abdul Aziz Collection. In her autobiography, Begum Shahnawaz mentions that a Lahore barrister named Mian Abdul Majid was her cousin. It is possible that he was the secretary to the Arain Parliamentary Board. See Shahnawaz, *Father and Daughter,* 163.

between him and Abdul Rabb, the Arain biradari would choose only one candidate. In a telling observation, Shah Nawaz noted that if Asadullah Khan was hoping that his chances of success would increase if both Arain candidates contested this seat and split the Arain vote, then he was mistaken. "He [Asadullah Khan] should know that he would face only one Arain opponent."[28]

Electoral candidates such as Mian Shah Nawaz courted the sponsorship of a political party by representing themselves as leaders in possession of their biradari's endorsement which, they hoped, would translate into votes. Within the representative institutions put in place by the colonial state, this structure reinforced the political power of biradaris, making them the primary sites of electoral politics. Party affiliations and ideological commitments to the Muslim community, while important, remained secondary in this political universe. An aspiring candidate who lacked his biradari's confidence had little chance of securing an election ticket from any political party. The hierarchical representative logic at the heart of this structure privileged biradari-based support over a party's ideological platform as the basis of political representation and mobilization.

Biradari-based appeals to the electorate were familiar, although contentious, territory for politicians of the AIML as well. In 1938, less than two years after Mian Shah Nawaz claimed to have the support of his biradari in Jalandhar, his wife, Begum Jahanara Shahnawaz (1896-1979),[29] attempted to rally Arain voters for a Muslim League candidate. She had reportedly asked members of the Arain community in Amritsar to follow her lead and support Shaikh

[28] Mian Shah Nawaz to Sikandar Hayat Khan, 25 December 1936, Khurshid Ali Khan Papers. Chaudhry Abdul Rabb ultimately won the election from this seat. See Gilmartin, "Biraderi and Bureaucracy," 12-13. I am grateful to Prof. Gilmartin for sharing this letter with me.
[29] Begum Shahnawaz, MLA from the Lahore City women's constituency, became a member of the AIML under the provisions of the Sikandar-Jinnah Pact of 1939. She had joined the Unionist Party at Mian Fazl-i-Husain's insistence, with whom her family shared a close social relationship. She was also a parliamentary secretary in Sikandar's ministry until 1941 when she was appointed as Indian women's representative to the Viceroy's Executive Council. Shahnawaz, *Father and Daughter,* 159-61, 174-5. Also see correspondence between Fazl-i-Husain and Mian Muhammad Shafi in Fazl-i-Husain Papers, Reel No. 4972, Part I.

Muhammad Sadiq, the Muslim League candidate, in a by-election. A newspaper had condemned her for invoking parochial biradari ties for mobilizing support for the League and expressed relief that the Arains of Amritsar had rejected her appeals. However, as Allah Yar Daultana clarified to Jinnah, Begum Shahnawaz's appeals to Arain solidarity had not undermined the AIML's ideological platform. Instead, as he put it, "the Appeal of Begum Shah Nawaz was that all her fellow Arains should solidly support the Muslim League candidate in the interest of Muslim solidarity."[30]

Daultana's portrayal of Shahnawaz's appeal to Arain voters as a way of ensuring Muslim solidarity was similar to Shafi's ideas wherein biradari mobilization was a building-block of Muslim mobilization. At the same time, Daultana's argument hinted at the enduring power of biradari identity as an electoral resource. Even in a political party such as the Muslim League, which sought to unite Muslims as Muslims without regard to biradari affiliations, harnessing the power of biradaris could be an effective route to electoral success. Such attempts entailed a fundamental recognition of the fact that biradari ties shaped voters' behavior. More importantly, instead of dismissing biradari identity as an insular force which the League needed to erase for building an ideal Muslim community, such arguments illuminated the ways in which biradari-based mobilization of Muslims could be incorporated into the League's ideology. If Arain mobilization contributed to Muslim mobilization, then Muslims' biradari ties could strengthen the League, and not undermine it.

[30] Allah Yar Daultana to Jinnah dated 23 May 1938. IOR NEG 10775: 1936-48. *Muslim Leaders' Correspondence*, File No. 255. The report of Begum Shahnawaz appealing to the Arain biradari had appeared in the *New Times,* a weekly paper edited by Malik Barkat Ali.

In an appeal exhorting eligible Arains to register as voters under the provisions of the 1935 Act, Mian Abdul Aziz also reiterated the positive impact of the Arains' political mobilization on Muslims' mobilization.

> In this age, vote is an extremely important thing. The Government is made by votes. The Government makes decisions according to votes….And the community (*qaum*) which has a large number of voters is truly a living community….It will be a great service to your community if you will help register as many Muslim voters as possible and, in particular, if you ensure that no eligible voter from our biradari is left behind. All Muslim biradaris are actively registering their voters.[31]

This appeal from the president of the Arain Anjuman addressed Arains as both Arains and Muslims. It sought to confirm that Arains realized their full electoral weight. The act of registering as a voter signaled not just an Arain's political awareness but also his or her commitment to the biradari and the religious community. The fact that a biradari anjuman was leading this effort, or that it was directing its appeals to a biradari instead of the Muslim community, did not undermine the ultimate goal of ensuring that Muslims enfranchised by the 1935 Act fulfilled the bureaucratic requirements necessary for exercising their vote. In this scenario, appeals to Arain voters contributed to the mobilization of the broader Muslim community.

Provincial League politicians assessed candidates' electoral worthiness according to the support they commanded within their biradaris. When the Inner Lahore Urban Muslim constituency came up for a by-election in 1941, the Parliamentary Board of the Punjab Muslim League received multiple applications for the League ticket. Shah Nawaz Khan, the Nawab of Mamdot, favored Mian Amir al-Din of Lahore's Kashmiri biradari over Malik Muhammad Din,

[31] Appeal by Mian Abdul Aziz, undated. Abdul Aziz Collection. This text refers to voter registration ending in March 1940. So the document likely dates to early 1940.

an aspiring Arain candidate. Mamdot described the two candidates' strengths in the following words

> …Mian Amir-ud-Din, is the Financial Secretary of the Punjab Provincial League, and is the leading person among the Kashmiri-es [*sic*] who inhabit this constituency in large numbers. Next to him stands Malak Mohamad Din whose followers and supporters are the Arains. These two candidates are the only persons who will beat any other candidate….I think if one of them is selected no other candidate can beat him. In merits and support Mian Amir-ud-Din is better than Malak Mohamed Din.[32]

The demographic distribution of biradaris in a constituency and the extent of a biradari's support for a candidate determined whether an aspiring League candidate could win the election for the party. And during the early 1940s, the League prioritized candidates who could win an election while maintaining the party's official image as the political representative of the unified Muslim community. This technique helped the League undermine the Unionist Party's influence in the province by taking over its bases of support without altering the essential nature and structure of biradari politics or putting its ideological commitment to a unified Muslim community in question. Biradaris as cohesive political units and leaders who commanded support within them were invaluable to this process. In spite of the League's universalizing propaganda emphasizing Islam as the unifying force of the ideal egalitarian Muslim community, biradari structures continued to underlie electoral politics in colonial Punjab.

Similar considerations of biradari support enabled Begum Shahnawaz's return to the Muslim League late in 1945, weeks before the Government of India announced the schedule for

[32] Shah Nawaz Khan Mamdot to Jinnah dated 13 August 1941. IOR NEG 10812, *Correspondence 1937-47,* File No. 1092. The Parliamentary Board of the Punjab Provincial Muslim League met on 17 August 1941 and decided to award the ticket to Mian Amir al-Din. See Shah Nawaz Khan Mamdot to Jinnah dated 17 August 1941. IOR NEG 10777, *Muslim League Leaders' Correspondence (1936-46)* File No. 373. These two letters, in addition to Mian Shah Nawaz's letter to Sikandar Hayat Khan cited above, also show that both the Unionist Party and the League used the strategy of picking a candidate from among a host of applicants, and then convincing the rest to withdraw in favor of the candidate chosen by the party. Also see David Gilmartin, "Biraderi and Bureaucracy."

the 1946 elections. In 1941, Begum Shahnawaz had been appointed to the Viceroy's Executive Council as a women's representative. When the League took exception to these appointments because the Government did not consult Jinnah on this matter, she decided to stay in the Council despite the party's disapproval, arguing that she had been appointed as a women's representative independent of her association with the League. But this argument failed to convince the League leadership as a result of which Jinnah expelled her from the party for five years in September 1941.[33]

However, by mid-1945, the need for candidates who could win in the upcoming provincial elections forced the League leadership to reconsider its disciplinary decisions. In order to facilitate her return to the League, Begum Shahnawaz personally apologized to Jinnah for committing what she called "the blunder of 1941" and assured him that she would consider it her "proud privilege to carry out the orders of my leader to the best of my ability and shall serve the organization wholeheartedly and faithfully."[34] Writing to Jinnah, Viquar al-nisa Noon, the wife of Firoz Khan Noon and a member of the League's Women's Sub-committee (established 1938), foregrounded Begum Shahnawaz's usefulness for the party.

> She having the most powerful influence among her tribe, the Arains, is most badly needed to start work immediately. No time must be lost…because unfavorable propaganda has already started in many parts of Arain constituencies.[35]

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[33] See "It is my duty to make contribution to war activities: Begum Shah Nawaz declines to resign from N.D. Council" *The Tribune,* 11 September 1941 and "Sir Sultan Ahmad Expelled from League: Similar action taken against Begum Shah Nawaz" *The Tribune*, 13 September 1941. For more on this controversy, see IOR NEG 10768/10, *Disciplinary action against Sir Sultan Ahmad and Begum Shah Nawaz for their accepting membership of the National Defence Council. Statements issued by the Quaid-i-Azam.* File No. 97.

[34] Begum Jahanara Shahnawaz to Jinnah dated 6 October 1945 as reproduced in Waheed Ahmad, ed., *Quaid-i-Azam Mohammad Ali Jinnah: The Punjab Story, 1940-47: The Muslim League and the Unionists Towards Partition and Pakistan.* (Islamabad: National Documentation Wing, Government of Pakistan, 2009), 389.

[35] Viquar al-nisa Noon to Jinnah dated 18 October 1945. Punjab Papers, Shamsul Hasan Collection, Vol. IV. Center for Historical Studies Library, Jawaharlal Nehru University, New Delhi.

As the Vice President of the Arain Anjuman during the 1940s, and the daughter of one of its founding members, Begum Shahnawaz possessed significant influence in her biradari.[36] In light of these considerations, Jinnah accepted her apology and permitted her to rejoin the League a year before the ban placed on her would have officially ended. Although Begum Shahnawaz's reinstatement was seemingly contingent on her admitting that she had acted erroneously in 1941, her influence with the Arains expedited this process. At a time when League leaders portrayed the 1946 elections as an unprecedented opportunity for Muslims to voice their support for Pakistan, candidates like her who could ensure electoral victory had become indispensable for the League.[37] Begum Noon's assessment of Begum Shahnawaz's influence proved accurate when the latter won the Outer Lahore Muslim women's seat for the AIML in 1946.[38] The biradari support Begum Shahnawaz commanded was crucial for the League's goal of using the 1946 elections to prove that Muslims supported Pakistan unequivocally.

The Eastern Times admitted the pragmatism of utilizing biradari-based support for the League's electoral campaign even as it commended Mian Bashir Ahmad for his exclusive commitment to the League in January 1946.

> Personally, he [Mian Bashir Ahmad] does not believe in tribal divisions in the Muslim Nation and has always worked against tribal and caste distinctions, but where elections are concerned one has to face realities and take such matters into consideration, because they affect the chances of the success or failure of a candidate.[39]

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[36] "Mian Bashir Ahmad: An account of his services to Musalmans and Muslim League" *The Eastern Times,* 8 January 1946.

[37] Ian Talbot discusses a similar instance in which an Arain League member from Amritsar, while complaining to Jinnah about not getting an election ticket, emphasized that he commanded four thousand votes of his biradari. See Talbot, "The 1946 Punjab Elections," 87-8.

[38] *Return Showing the Results of Elections,*169.

[39] "Mian Bashir Ahmad: An account of his services to Musalmans and Muslim League" *The Eastern Times,* 8 January 1946.

Elections were occasions when the practical need to ensure the League's victory momentarily superseded its ideological commitment to the unity of all Muslims. Mobilizing biradari-based differences was a means to an end in this political framework. Whatever its implications for the League's ideology, biradari identity was a crucial electoral resource which the party ignored at its own peril. Politicians such as Bashir Ahmad assured the League's victory by mobilizing their biradari influence in the service of an ideal nation-state for Muslims. However, as the following section will show, complete political accord was rare within the Arain biradari in the heterogeneous political landscape of mid-twentieth century Punjab.

Arains and political parties

Although the loyalty of their biradari secured politicians such as Begum Shah Nawaz and Mian Bashir Ahmad electoral victories, the seeming predictability of Arain voters did not amount to political or ideological homogeneity. Disputes within the Arain biradari illuminated the contentious terrain of Arain politics, which encompassed affiliations with multiple political parties and contestations of the political representativeness of Arain leaders elected to the Punjab Legislative Assembly. Between the 1920s and the 1940s, while many in the biradari supported the Unionists, others gradually moved toward the League. In spite of the Arain Anjuman's efforts to regulate the electoral behavior of Arain voters and candidates, there was little uniformity of political opinion or party affiliations in the biradari. This section will explore the Arain biradari's political heterogeneity in mid-twentieth century Punjab.

In the wake of the 1935 Act, leaders of the Unionist Party set out to confirm support from the Arain biradari for the upcoming elections. Political disagreements internal to the biradari surfaced in course of these negotiations. In 1936, Begum Shahnawaz and Ahmad Yar Khan

Daultana attempted to convince Mian Abdul Aziz, who had become an influential urban Arain politician by this time, to join forces with the Unionists.[40] Sikandar Hayat Khan continued these attempts in his meeting with Abdul Aziz. Reporting the results of this conversation to Fazl-i-Husain, Khan assured the latter that Abdul Aziz would convince the Arain Anjuman to support the Unionists.[41] However, Abdul Aziz's long association with the Muslim League and his ideological opposition to rural zamindars' domination of Punjabi politics ultimately negated the Unionists' efforts.[42] Conversations with the Unionist leaders notwithstanding, he affiliated himself with the reconstituted League under Jinnah's leadership and contested the 1937 elections on a Muslim League ticket. Once elected to the Assembly, however, Abdul Aziz failed to secure a ministerial position in Sikandar Hayat Khan's Unionist government. Sikandar preferred Begum Shahnawaz, with her rural ties to the Mian family, as an Arain representative and appointed her as a parliamentary secretary.[43]

Amid the entrenched position of Unionist politicians, the constitutionalism of the early League, and Arain Council members' alignment with the Unionists, Abdul Aziz had developed a unique political position for himself as an urban Arain representative. During the 1910s, he supported the anti-Rowlatt agitation in Punjab, and during the 1920s, served in the Lahore Municipal Committee and the Punjab Legislative Council as a representative of Lahore City. He was an outspoken critic of colonial policies and often articulated the interests of urban Muslims against those of rural zamindars in the Council. In course of various debates in the Council, he criticized the existing Lahore Municipality and demanded that the government allocate more

[40] Ahmad Yar Daultana to Fazl-i-Husain dated 9 May 1936 and 22 June 1936. Fazl-i-Husain Papers, Reel No. 4972, Part II.
[41] Sikandar Hayat Khan to Fazl-i-Husain dated 25 June [1936]. Fazl-i-Husain Papers, Reel No. 4971, Part I.
[42] This is evident from Mian Abdul Aziz's correspondence with Muslim League leaders. See IOR, Or. Mic. 14143, Files 6 to 12.
[43] Gilmartin, *Empire and Islam,* 92-5.

funds for sanitation and public health in Lahore City. He condemned the position of zaildars as an instrument for consolidating the colonial government's authority in rural Punjab. And he supported the removal of some disqualifications for contesting elections to local bodies, such as imprisonment for political reasons.[44] His position as an urban Arain leader with a substantial following in Lahore offered him a space for articulating these independent political views which his affiliation with the Unionists or the League could not provide during this period.

Even though the Arain Anjuman's Parliamentary Board was set up to ensure that the biradari's participation in elections was as free of internal conflicts as possible, the trajectories of Begum Shahnawaz and Mian Abdul Aziz revealed the limits of the biradari's political control over its leaders and the ideological variety of Arain politics. Both leaders inhabited a political landscape dominated by the Unionists since the 1920s, but one where the League was trying to make inroads by the late 1930s. However, Abdul Aziz's ideological opposition to Unionist politics and its rural hierarchical structure reinforced by colonial policies shaped his electoral choices more than the Arain Anjuman's attempts to regulate Arain politicians. Whatever the ideal political position imagined by the Arain Anjuman for the biradari, the trajectories of Arain politicians were far more diverse, variable and often controversial.

By the early 1940s, the League's propaganda and increasing influence was beginning to make pro-Unionist Arains of western Punjab anxious. When the Arain Parliamentary Board decided to meet for determining whether Arain members of the Legislative Assembly ought to continue their support for the Unionist ministry, Arain pleaders from Lyallpur and Toba Tek

[44] See, respectively, *PLC Debates,* Vol. VIII, Part A. (Lahore: Government Printing, 1925). 1047-65; *PLC Debates,* Vol. IX, Part A (Lahore: Government Printing, 1926). 46-67; and *PLC Debates,* Vol. IX, Part B (Lahore: Government Printing, 1927). 1769-84. Also see AAC, 514-22.

Singh wrote to Mian Abdul Aziz, the Arain Anjuman's president, expressing their confidence in the Unionist ministry. These Arain pleaders disapproved of attempts to separate the biradari from the Unionists and claimed that a heavy majority of the Arains in their districts supported them. They invoked the ideal of a united Punjabi Muslim community to argue for preserving a cohesive Arain voice in support of the Unionists.

> In order to ensure the prosperity and progress of Punjabi zamindars and Muslims, we must tread carefully in these times. And refrain from creating needless dissensions. The Arain biradari's mobilization should rejuvenate Muslims, not sabotage them. It will be indiscreet of us to privilege Arain biradari's interests over those of Muslims as a whole. It is possible that some individual Arains will benefit personally if the biradari were to separate itself from the Unionists. But the responsibility for the harm this will bring to Punjabi Muslims will lie with our biradari.[45]

For these Arain pleaders, the biradari's backing of the Unionists was not a parochial choice because it was in the interests of Punjabi Muslims as a whole. This perspective attempted to recast the Arains' pro-Unionist tendencies as conducive to the mobilization of the wider group of Punjabi Muslim zamindars. At the same time, they questioned those Muslims who opposed the Unionists, casting doubt on their commitment to Punjabi Muslims by implying that their criticism of the Unionist Party was motivated solely by personal gain. These Arains requested Abdul Aziz to remember "all that the Unionist Party had done for Punjabi zamindars" and communicate their support for the Party to the Arain Anjuman.[46] In spite of the fact that these Arain leaders expected the Anjuman to ensure ideological uniformity within the biradari, their anxiety about the Unionists' loss of Arain support revealed the extent of political disagreement within the biradari.

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[45] Arain pleaders of Lyallpur and Toba Tek Singh to Mian Abdul Aziz, undated. Likely 1940s. Abdul Aziz Collection. The letter was signed by seven individuals.
[46] Arain pleaders of Lyallpur and Toba Tek Singh to Mian Abdul Aziz, undated. 2.

By the mid-1940s, the League had expanded its support base among the Arains partly due to its religious mobilization and partly due to wartime economic distress. In this context, small-scale Arain peasant proprietors in eastern Punjab, who had traditionally supported the Unionists, were beginning to support the League and its ideal of Pakistan.[47] In western Punjab too, the League's religious mobilization undermined the Unionists' influence in the countryside. This was reflected by the success of League candidates against those of the Unionist Party in the 1946 elections to the provincial assembly. Mian Nurullah, a prominent Arain landlord of Lyallpur had been an active member of the Arain Anjuman in Lahore. When the Arain pleaders of Lyallpur expressed their support for Unionists to Mian Abdul Aziz, they had criticized Mian Nurullah for supporting the League. Even though the pleaders had claimed that a majority of Arains of Lyallpur were with the Unionist Party, in the 1946 elections, Mian Nurullah defeated his Unionist opponent from Toba Tek Singh, winning the constituency for the League.[48]

Political declarations in support of one or another political party explicated the variety of ways in which Arain leaders and voters conceptualized their place within the broader landscape of Punjabi and Indian politics. While men such as Mian Abdul Aziz were more committed to the ideal of a unified Indian Muslim community unfettered by biradari loyalties and rural patronage politics, lesser-known Arain leaders, such as the pleaders from Lyallpur and Toba Tek Singh, preferred to locate themselves in relation to Punjabi Muslim zamindars. And in 1941, Begum Shahnawaz's argument that she had been appointed to the Viceroy's Executive Council as a women's representative elucidated another sort of community—that of Muslim women—which an Arain politician could inhabit during these decades. Her political trajectory took her from

[47] Talbot, "The 1946 Punjab elections," 72.
[48] Gilmartin, *Empire and Islam,* 142-3, 180-8, 219-21.

Sikandar Hayat Khan's Unionist ministry to the Viceroy's Council and then to the League. These diverse conceptions of community underscored the extent of Arain politicians' ideological differences and the historically contingent borders of their political imaginations.

If some Arain zamindars showed their gratitude to the Unionist Party by supporting it throughout the 1930s and 1940s, other Arain leaders criticized pro-Unionist Arain members of the Punjab Legislative Assembly during the same period. A pamphlet published by two Arain lawyers named Mian Abdul Hafiz and Mian Abdul Rahman criticized Begum Shahnawaz for what they perceived as her exclusive concern with the protection of elite rural groups and endorsement of authoritative colonial policies. In contrast, these Arain lawyers argued, non-Unionist Arain Assembly members, such as Mian Abdul Aziz, articulated the needs of urban Muslims and opposed measures meant to undermine their interests. Although Muslims had voted for both Unionist and non-Unionist members of the Assembly, these Arain leaders did not show the same commitment to Islam and Muslims. While Abdul Aziz resisted proposals for increasing house tax in Lahore City and endorsed measures to alleviate the economic condition of urban Muslim artisans and laborers, Begum Shahnawaz did not voice any support for such policies meant to benefit poor urban Muslims. Instead, she supported the Corporation Act which would reduce the power of municipal councilors and increase the tax burden on residents of Lahore City. Her critics urged Begum Shahnawaz to "join forces with the more numerous [non-Unionist] Arain members, support their ideas and help them with their work" instead of trying to stand against them alone.[49]

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[49] "Akhbar Ihsan ka ek mazmun: ek Arain naqab-posh ko jawab," undated pamphlet by Mian Abdul Hafiz and Mian Abdul Rahman, 3. Abdul Aziz Collection. This pamphlet probably dates to 1940 or 1941 because the Lahore City Corporation Act was passed in 1941.

In addition to her pro-Unionist activities, this pamphlet further condemned Begum Shahnawaz for her attitude toward controversial religious issues such as parda and education, tacitly questioning her identity as a Muslim woman. Her critics noted that in the Assembly, she had publicly argued that parda was not an Islamic practice and advocated co-education of boys and girls in government schools in Punjab. Even though many parda-observing women had voted for her, she herself did not observe parda. Unlike Begum Shahnawaz, Baji Rashida Latif, a parda-observing member of the Assembly, advocated for the interests of urban Muslims. Setting up Latif as an ideal Muslim female politician, this pamphlet argued that politicians who questioned foundational Islamic ideals could not be true representatives of Muslims. It urged all Muslim members of the Assembly to dissociate themselves from the pro-British Unionist Party.[50]

Not only did Begum Shahnawaz's critics set up the categories of 'good' and 'bad' Arain politicians, they did so using the language of Islam and Islamic ideals. Mirroring the League's religious rhetoric during this period, her detractors cast doubt on her commitment to Islamic ideals of modesty and moral conduct. In deploying the image of an ideal Muslim female politician to critique her politics, they categorized her as a 'bad' pro-Unionist Arain and a 'bad' Muslim. Support for the Unionist Party could undercut solidarities based on biradari as well as religion. More than just highlighting political differences within the biradari, her critics' arguments illuminated the ways in which the intersection of biradari identity, religion and colonial politics created and shaped those differences.

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[50] "Akhbar Ihsan ka ek mazmun: ek Arain naqab-posh ko jawab," undated pamphlet by Mian Abdul Hafiz and Mian Abdul Rahman. Abdul Aziz Collection.

Other Arain politicians had developed political positions independent of the Unionists and the League in mid-twentieth century Punjab. Maulana Habib al-Rahman Ludhianvi, a Deoband-trained cleric, had been part of a pro-Khilafat group of Punjabi leaders since the early 1920s. After the Khilafat movement dissipated, some of these leaders, dissatisfied with both the Congress and the League, established their own political party called the Majlis-i-Ahrar-i-Islam in Lahore in 1929. Ludhianvi was one of the founding members of this party and was well-known as an orator. Influenced by Maulana Abul Kalam Azad, the Ahrars opposed untouchability and communalism, advocated equal distribution of wealth, the application of Islamic Law, supported Kashmiri Muslims' agitation against the Dogra rulers in 1931, and participated in the Shahidganj Mosque agitation of 1935. By the late 1930s, the Ahrars had acquired a considerable following in urban Muslim politics in Punjab, partly through religious mobilization initiated by its members, many of whom were ulama. After a short-lived electoral alliance with the League, the Ahrars contested the 1937 elections as an independent party.[51]

The Ahrar Party provided a political platform for another Arain politician named Sardar Muhammad Shafi, a member of the well-known Ganjah Kalan family of Lahore, which had been associated with the Arain Anjuman since the 1890s. He contested the 1937 provincial elections from Qasur on an Ahrar Party ticket.[52] By the mid-1940s, Sardar Shafi had become an outspoken critic of the early Arain Anjuman and its leaders. Less than two decades after the establishment of the Arain Anjuman, some young Arain men of Lahore were disaffected with its leadership. Sardar Shafi helped these Arain youth establish the Young Arain Association, of which he served as the president in 1929. In 1947, he served as the president of the All-India Ahrar

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[51] Samina Awan, "Nationalist Politics in the British Punjab: An Alliance between Muslim League Parliamentary Board and Majlis-i-Ahrar-i-Islam" *Pakistan Journal of History and Culture,* 30: 2 (2009). 67-82. Also see Gilmartin, *Empire and Islam,* 36-8, 96-107.
[52] Awan, "Nationalist Politics," 78-9.

Conference as well as the All India Arain Conference held in Bijnor, United Provinces.[53] In his presidential address to the 1947 Arain Conference, Sardar Shafi denounced the Arain Anjuman's early focus on determining the biradari's origin as fundamentally un-Islamic. Claiming that this obsession with lineage was a Hindu trait, he argued that Muslims who had fallen on hard times considered good birth as a means of claiming high social status and compensating for their poor financial situation. The only solution to the Arains' problems, however, was fostering the 'true' spirit of Islam through encouragement of Islamic learning and ideals, pursuing socio-religious reform, increasing brotherhood among all Muslims, improving Muslims' economic conditions, and resisting colonial rule to gain independence.[54]

Sardar Shafi's ideas were antithetical to those of Jalandhari, who believed that determining the Arains' genealogy was a way of empowering the biradari and ensuring its reformist rejuvenation in colonial times.[55] Contrary to this, Sardar Shafi believed that colonial rule had caused India's backwardness, while the rest of the world achieved multiple scientific advancements.

> [The British] turned India into an agricultural country and forced people to keep to their old ways while the developed world, using its advanced techniques, moved far ahead in the field of industry and agriculture….All this caused irreparable damage to our agricultural community.[56]

Sardar Shafi's anti-colonialism may have motivated Arain youth to seek his help for establishing the Young Arain Association at a time when the Khilafat movement had inspired pan-Islamic fervor and generated disillusionment with the collaborationist politics of moderate League leaders such as Mian Muhammad Shafi. Further, Sardar Shafi's critique of biradari identity in

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[53] AAC, 268-9, 606-7.
[54] AAC, 270-80.
[55] While Sardar Shafi was articulating this critique in 1947, I do not have enough evidence to trace the history of his particular critique. I have not come across any critique of Jalandhari dating to the decades between 1919 and 1947.
[56] AAC, 281-2.

1947 was part of a moment when Muslims' mobilization along biradari lines had become unacceptable to those who believed biradari-based distinctions to be inconsistent with the Islamic ideal of egalitarianism. His condemnation of biradari-based mobilization was consistent with the League's critique of biradari as a primitive loyalty that ought to be shunned in favor of one Islamic identity which, in turn, translated into political endorsement of the League as the only true representative of Indian Muslims.

The multi-faceted political trajectories of these Arain politicians underscore the diversity of ideological positions and party affiliations in the biradari. Whether it was Begum Shahnawaz's relationship with the Unionist Party and the League, or Sardar Shafi's criticism of the Arain Anjuman, or Ludhianvi's commitment to the Ahrar Party, it is clear that the Arain biradari, in spite of the Anjuman's regulatory efforts, experienced political uniformity only rarely. However, Arain politicians' Arain identity, and the biradari loyalty they commanded, continued to shape their relationships with political parties and determine their electoral successes. Regardless of the changing fortunes of the Unionists and the League, the political power of biradari identity persisted in mid-twentieth century colonial Punjab.

Biradari identity and Muslim politics

Between the 1890s and the 1940s, biradari identity was a crucial foundation for the mobilization of the Arains on grounds of both biradari and religion. During the first two decades of the twentieth century, Arain leaders articulated a biradari identity which was geared toward the Arains' reform-minded rejuvenation and their incorporation into the colonial political structure through gradual, constitutionalist methods such as adoption of English education and cooperation

with colonial authority. In this framework, biradari-based mobilization was both legitimate and desirable, because it ultimately reinforced the mobilization of the Muslim community. Jalandhari's discursive representation of all Arains as Muslims, distancing them from Hindu or Sikh Arains, was the key to this framework. If all Arains were Muslims, then their mobilization through anjumans or political parties did not threaten or destabilize the mobilization of Muslims.

However, by the middle of the twentieth century, partly because of the symbolic value of Pakistan and the League's commitment to the political mobilization of Muslims on grounds of religion alone, biradari-based mobilization became a target of criticism and condemnation. Biradari identities, and the Unionist politicians who relied on them for becoming Council members, were now impugned for their encouragement of un-Islamic allegiances and proximity to the colonial political structure. Politicians who advocated the mobilization of Muslims solely on the basis of faith believed biradaris to be nothing but parochial loyalties that weakened the inherent religious solidarity of all Muslims. Although this perspective was based on an idealized image of Islam's egalitarianism and the unity of the umma, it portrayed Islam (in particular, and religious identity in general) as the only valid basis of political representation for Muslims.

Paradoxically, even as biradari identity became the rhetorical antithesis of religious identity, it endured as a critical determinative component of representative politics and elections. In spite of the League's idealistic calls to Indian Muslims to become a united political force, the visceral appeal of biradari identity persisted through early twentieth century colonial India's tumultuous and swift political changes. Reform-minded men like Jalandhari used it to construct context-specific reformist programs and articulate a biradari identity intelligible to the colonial state and palatable to the broader Muslim community. Leaders of the Arain Anjuman deployed it for contesting colonial policies detrimental to their biradari. And politicians such as Begum

Shahnawaz and Mian Abdul Aziz depended on biradari loyalties to acquire party tickets and win elections. In this context, the Arain Anjuman continued to serve a political purpose, even as ideological differences between rural and urban Arain leaders produced factions within the biradari, with Arain politicians swearing allegiance to different political parties.

Whether Arain politicians appealed to their supporters on grounds of biradari or religion, they addressed Arain voters as individuals embedded in a community. Some Arain politicians attempted to recast such appeals as a way of mobilizing Muslims and hence consolidating the League's social base in Punjab. To some extent, this phenomenon was a result of colonial policies that enumerated Punjabi subjects in terms of biradari and religion and then institutionalized these categories through representative structures based on them. However, the expectation that Arains would vote for an Arain candidate regardless of ideological motivations or party affiliations had deeper origins than colonial policies and political structure. It was rooted in the fundamental power of biradari relations in determining the behavior of most voters. If voters tended to support their own kin over outsiders in elections, then their expectation that the victorious candidate would be a better mediator for protecting their interests was also primarily social in nature. Punjabi Muslim politicians recognized this power and developed an electoral strategy which capitalized on it by ensuring, wherever possible, that a candidate's constituency consisted of his or her biradari members. The League's success in the 1946 elections was a result of its mobilization of the biradari-based networks that the Unionists had relied on since the 1920s.

The mobilization of biradari-based support in elections systemically based on religious demographics reinforced the linkage between biradari identity and the colonial state on one hand, and highlighted the conflict-ridden relationship between biradari and religion for Punjabi

Muslims. While colonial ethnographers' elucidation of Punjabi biradaris contributed to their emergence as units of political mobilization, the mechanism of electoral representation, although based on religious demographics, integrated biradari identity into colonial representative politics. This process also facilitated the entrenchment of biradari elites in the representative structures established through colonial political reforms. Notwithstanding changes in party affiliations, the introduction of representative politics, and the expansion of the franchise, such politics only strengthened the multi-dimensional relationship between rural elites and the colonial political structure in Punjab.

The Arains' political trajectory underlines the complexity and historicity of Muslim politics in colonial Punjab and the crucial place of Muslim actors in it. In spite of the universalizing ideal of Pakistan, the political landscape of the province continued to be defined by biradari-based loyalties and social structures. And representative politics in the province was subject as much to the biradari-based impulses of Punjabi Muslim voters as to colonial policies and constitutional reforms.

CONCLUSION

This dissertation has demonstrated that colonial Arain elites' complex and intertwined genealogical, reformist, legal and political claims to Muslim-ness strengthened the borders of their biradari identity in early twentieth century Punjab. If narratives of Arab descent gave colonial Arains a discursive privilege in their pursuit of reformist Islamic ideals and placed them alongside other reform-minded colonial Indian Muslims, the same Arab genealogy also set them apart from non-Arain Muslims and non-Muslims. A genealogical claim on the originary time and space of Islam, however vague, served to consolidate the boundaries of Arain-ness by defining colonial Arains' Muslim-ness as different from that of other Muslims. To the extent that Jalandhari gave colonial Arains a novel identity, his efforts to give the biradari a history, and write them into the Islamic past meant that Arain identity became a bounded concept, even as he underlined the Arains' innate, distinctive Muslim self.

Colonial Arain elites constructed an ideology of political representation based on Jalandhari's interpretation of Arain identity. Their political vision posited the Arains as a corporate group, with its own interests and representatives, tied to the larger arena of Indian Muslim representation through hierarchically arranged institutions and representatives that connected Muslims to the colonial state. Within this political universe, they conceptualized the Arains as a component group of the Indian Muslim community, and Arain leaders never lost an opportunity to underscore the biradari's indissoluble Muslim identity. Concomitantly, however, the Arains remained a distinctive biradari with an anjuman which regulated its political behavior. The persistence and power of biradari-based networks during the electoral campaigns and contests of the 1930s and 1940s, which were structurally grounded in religious demographics,

contributed to the solidification of the Arains as a powerful political unit in colonial Punjab. Political mobilization for reformist and electoral ends, as it unfolded between the 1910s and the 1940s in colonial Punjab, consolidated the Arain biradari as a distinctive political entity, simultaneously separate from and connected to the Indian Muslim community.

The ideal of Pakistan as the home of all Indian Muslims, transcending ethnic, linguistic and cultural differences, did not erase the political significance of biradari identities. The political value of biradari identity endured in the new nation-state of Pakistan where biradaris remained powerful sites of political mobilization, especially during elections. Although uneven economic development relaxed the hold of biradari loyalties in urban areas to some extent, in the largely agricultural economy of Pakistani Punjab, zamindars retained sizable economic power and social authority. Similar to the intertwined socio-economic hierarchies of colonial Punjab, landownership, landlord-tenant relationships, and biradari networks often served as resources for electoral canvassing and political mobilization. During the decades immediately after 1947, zamindars and urban notables continued to dominate Punjabi politics in Pakistan. They occupied positions of power through alliance-building, challenging the Muslim League's party organization and eroding democratic institutions.[1]

Punjabi politicians who had contributed to the AIML's overwhelming victory in the 1946 elections and propagated the ideal of Pakistan in Punjab now sought ways to maintain their power in independent Pakistan. Factionalism permeated the Muslim League organization in Punjab, demands for land reforms and the application of Islamic Law in inheritance causing significant political controversies.[2] In October 1947, Mian Iftikhar al-Din and Sardar Shaukat

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[1] Philip E. Jones, "The Changing Party Structures in Pakistan: From Muslim to People's Party" in Manzooruddin Ahmed, ed., *Contemporary Pakistan: Politics, Economy and Society.* (Durham: Carolina Academic Press, 1980): 121-22.
[2] Shahnawaz, *Father and Daughter,* Ch. 4.

Hayat Khan, Punjab's ministers for Refugee Rehabilitation and Revenue respectively, proposed a scheme for nationalization of land in parts of western Punjab, starting with the Thal lands. They advocated these measures for rehabilitating Muslims who had migrated to Pakistan in the aftermath of the Partition violence.[3] But a cacophony of protest from Punjabi politicians met the proposals. Begum Shahnawaz, whose family had become one of the largest landowners in the Thal area, opposed the scheme by arguing that large zamindaris all over Punjab, instead of just one area, ought to be nationalized to make space for destitute Muslim refugees. Expressing willingness to surrender her family's land, she urged the ministers to extend this measure all over the province so all landowners, including those who supported Shaukat Hayat Khan and Iftikhar al-Din, could contribute to this plan.[4] The insinuation here was that the two ministers were willing to risk other politicians' support base among Punjabi zamindars but not their own. Disagreements over ways to deal with Punjab's refugee crisis lead Iftikhar al-Din to resign from his ministerial position by the end of 1947.[5] This dispute was a striking reminder of the continued relevance of landownership and zamindar status in Punjabi politics.

The subject of land reforms proved controversial from the legal standpoint as well. In January 1948, women leaders protested outside the Punjab Assembly in Lahore against government inaction on the matter of their inheritance rights. Claiming that the Quran itself granted Muslim women their inheritance rights, the protesters urged the government to introduce the Shariat Application Bill into the Assembly.[6] The Shariat Bill sought to apply Islamic Law in all matters of inheritance and remove customary law's restrictions on Muslim women's

[3] "Nationalisation of Land in West Punjab: Initial Experiment in Thal Area: Revenue Minister explains Govt plan at Taxila meeting: Jagir System abolished" *Pakistan Times*, 8 October 1947, p. 1.
[4] "Nationalise land all over Punjab, suggests Begum Shah Nawaz" *Pakistan Times*, 11 October 1947, p. 7.
[5] "Mian Iftikhar-ud-Din resigns: Sequel to Cabinet Difference over rehabilitation policy" *Pakistan Times,* 15 November 1947, p. 1. As president of the Punjab Provincial Muslim League, Mian Iftikhar al-Din continued to champion the cause of land reforms for refugee rehabilitation after his resignation from the ministry.
[6] "Women demonstrate before Assembly Hall for passing Shariat Bill" *Pakistan Times,* 27 January 1948: p. 1.

inheritance of landed property. The provincial legislative assembly enacted the West Punjab Shariat Bill into law at the end of January 1948.[7] It was a step toward uniform application of Islamic Law in Punjab, especially compared to the Muslim Personal Law (Shariat) Application Act of 1937, which had brought inheritance under the purview of Islamic Law but, in a compromise effected by Jinnah, exempted landed property from the force of this Act. In the newly-created nation-state of Pakistan, which the Muslim League had represented as the political fulfilment of the idealized Muslim community, these women protesters saw no reason for laws that contravened the Quran to remain in force.

In a political landscape defined by factionalism and controversies, the electoral value of biradari loyalties remained largely consistent. The results of the 1970 elections, in which the Pakistan Peoples' Party emerged victorious, suggested that party-affiliations and class-based stratification had begun to undermine biradari loyalties in more urbanized areas of Punjab.[8] However, elections held thereafter suggested that these developments had not erased the long-standing political value of biradari loyalties, especially among the landed elite of rural Punjab. After General Zia al-Huq's regime (1977-88) introduced a non-party political system and held the party-less elections of 1985, local patronage networks, based on biradari-based and agrarian relationships, facilitated the election of a large number of zamindars to Pakistan's central and provincial legislative bodies. A ban on party-based mobilization and electioneering through rallies or public speeches meant that politicians contested elections on the basis of localized concerns divorced from issues of national significance. As a result, the men elected to Pakistan's National Assembly in 1985 were mostly large landowners whose tenants and biradari members

[7] "West Punjab Shariat Bill Passed: First brick in edifice of Islamic law laid: Women visitors to Assembly stage jubilant scenes" *Pakistan Times,* 30 January 1948: p. 1.
[8] Andrew R. Wilder, *The Pakistani Voter: Electoral Politics and Voting Behaviour in the Punjab.* (Oxford: OUP, 1999): 181.

had ensured their electoral victories.[9] Moreover, General Zia's regime purveyed its own brand of biradari-based political patronage. As an Arain himself, Zia was known to patronize Arain leaders, especially those from his native Jalandhar. For instance, in the Rahim Yar Khan District of southern Punjab, Zia's regime re-drew the borders of a National Assembly constituency such that it came to be demographically dominated by Arains who tended to favor Arain candidates in subsequent elections.[10]

The political influence of biradari networks in the selection of electoral candidates and prediction of voting patterns persisted during the late twentieth century, in spite of cross-biradari allegiances arising from horizontal class-based ties among the urban poor, or Sufi discipleship, both of which sometimes undercut biradari loyalties. In the elections of 1990 and 1993, class tension and party leadership emerged as factors influencing voters' behavior, especially in urban areas of Punjab. However, biradari considerations remained strong determinants of electoral behavior in rural areas. The demographic distribution of a biradari in a given constituency was crucial, especially in the run-up to elections when it influenced the choice of candidates. Biradari considerations would sometimes map onto local factions and family rivalries, and determine the nature of a candidate's election campaign, with many candidates attempting to secure the support of their biradari members before polling day. Rival political parties chose candidates belonging to the same biradari in an effort to split the votes of a biradari. On occasion, politicians chose constituencies where they would not have to contest elections against a biradari member. Except when rival candidates belonged to the same biradari in a constituency, biradari loyalties and

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[9] Ayesha Jalal, *Democracy and Authoritarianism in South Asia: A Comparative and Historical Perspective* (Cambridge: CUP, 1995): 105-6, 216-7; Rasul B. Rais, "Elections in Pakistan: Is Democracy Winning?" *Asian Affairs* 12:3 (Fall 1985): 43-61. About 117 of the 200 directly elected members of the National Assembly were wealthy landlords.

[10] Wilder, *The Pakistani Voter,* 59-60.

networks determined the outcome of elections more often than ideological or party allegiances.[11] As recently as the first decade of the twenty-first century, biradari-based patronage defined local self-government institutions at the tehsil level in Punjab. Elected leaders, such as nazims at the district and tehsil levels, came from rural areas and were mostly landlords. In return for the support of their biradaris, nazims ensured that government resources allocated for municipal development were disseminated in a way that benefitted areas dominated by their biradari members and political clients.[12]

In a post-colonial setting where biradaris continued to function as political units, Arain elites attempted to re-define their biradari as a vital and historic part of the Pakistani nation-state. The biradari's history and its Muslim-ness were, once again, crucial components of this project. Although the history of Arains was still tied to Muhammad bin Qasim's conquest of Sindh, the moment of Islam's earliest recorded encounter with South Asia, it now invoked an event which had become central to the Pakistani nationalist imagination. In 1963, the Ilmi Kitab Khana of Lahore published the first edition of Ali Asghar Chaudhry's history of Arains which reiterated the Arains' connection with Muhammad bin Qasim.[13] Chaudhry was an Arain high school teacher from Sanghar district in Sindh whose books on the subject of Arain history would be published in multiple editions during the 1970s and the 1980s in Pakistan, becoming the standard

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[11] Theodore P. Wright, "Biraderis in Punjab Elections" *The Journal of Political Science* 14: 2 (1991): 79-88; Wilder, *The Pakistani Voter,* 177-87.

[12] Nadeem Malik, "The Modern Face of Traditional Agrarian Rule: Local Government in Pakistan" *Development in Practice* 18: 9 (Nov., 2009): 997-1008.

[13] Ali Asghar Chaudhry, *Mujahid-e-azam hazrat Muhammad bin Qasim ke rifiq yaani pak-o-hind ki qaum arain ki dastaan*. (Lahore: Ilmi Kitab Khana, 1963). The second edition of this book was published in 1966. The third edition, published in 1974 from Lahore, was entitled *Tarikh-i-Araiyan.* The fourth, more detailed, edition was published in 1977. This book is currently on its fifth edition which was published in 1989. All editions were published from Lahore. Like *Salim al-tavarikh,* one thousand copies each of the first three editions were published. Chaudhry's book is routinely offered as the standard narrative of the Arains' history – when I wrote to Sang-e-meel Publishers enquiring about literature on the Arains, they pointed me to Chaudhry's work. Jalandhari's book is seemingly forgotten, or remembered only as mediated through and criticized in Chaudhry's text.

narrative of Arain history and identity by the end of the twentieth century. The Arain Anjuman was revived in Lahore during the early 1970s, and the publication of *Al-rai* started once again. By the 1990s, an Arain Anjuman existed in Karachi as well, complete with a website that offered brief, easily digestible accounts of the biradari's history, Arab origins, and connection with Muhammad bin Qasim. The websites also provide information about the Anjuman's office-holders, details about scholarships, employment opportunities, and medical facilities offered by the Anjuman. In a direct nod to the biradari's exclusivity and anxiety about what Jalandhari would have called 'protection of the Arain genealogy' (*nasb ki hifazat*), the website offered a matrimonial service dedicated to Arains,[14] underlining the continued importance of perceived biradari boundaries differentiating Arains from other Pakistani Muslims.

Underlining the continued power of history and religion in the definition of Arain identity, Ali Asghar Chaudhry, like Jalandhari, argued that the Arains were the descendants of Arab soldiers who had been recruited into Muhammad bin Qasim's army and participated in his conquest of Sindh. However, he rejected the genealogy which Jalandhari had postulated for the Arains. Chaudhry claimed that the men who joined Muhammad bin Qasim were no ordinary soldiers, but belonged to families related to Banu Umayya which had produced many valorous military generals (*sardar*). The Arains' ancestors, according to Chaudhary, had settled in Ariha (Jericho), a city which the Umayyads had converted into a military base and where they had awarded land grants to some of their supporters in return for their military services. The Arihai generals who joined Muhammad's army and helped him conquer Sindh were, therefore, not only of good birth but also wealthy and valiant. After Muhammad defeated the Hindu ruler of Sindh,

[14] See the website of the Arain Anjuman based in Karachi at http://www.arain.com.pk/. In the United Kingdom, expatriate Arains are organized in the Arain Council of UK. The Council's website, available at http://www.araincounciluk.com/, also has a dedicated webpage for matrimonial services.

they lived in the city of Mansura under his command. Upon his subsequent assassination, they settled in the area, became pastoralists and cultivators, but also served in the armies of various sovereign rulers. During these centuries, they spread gradually up the Indus toward central Punjab and came to be known as al-Rai, a corruption of Arihai, a name derived from their native place of Ariha.[15]

In a remarkable confluence of history, nationhood and religious identity, post-colonial Pakistani nationalist historians traced the beginnings of the idea of Pakistan to the initial encounter of Arab Muslims with the Indian subcontinent. In this historiographical imagination, Muhammad bin Qasim was a paradigmatic figure—one who connected the land and Muslims of Pakistan with the original geography of Islam and the sovereignty of early Muslim rulers.[16] In Chaudhry's retelling of the Arains' history too, Muhammad bin Qasim, his conquest of Sindh, and the biradari's Arab lineage remained pivotal elements. In a culturally and ethnically diverse nation-state attempting to unify itself on the basis of religion, Muhammad bin Qasim's conquest of Sindh was a seminal event which invested the idea of Pakistan with much-needed temporal depth and Islamic legitimacy. Chaudhry's endorsement of the Arains' connection with the Muslim conquest of Sindh underlined, on one hand, the biradari's deep linkages with Islam, and, on the other, reaffirmed Muhammad bin Qasim as a symbol of Pakistani nationhood itself. More than just a genealogical connection with early Islamic Arabia, it reaffirmed the Arains' place in

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[15] The basic narrative of this origin story remained the same in all editions of Chaudhry's book, although with each successive edition, the details about Muhammad bin Qasim and prominent members of the Arain biradari increased. See 21-121 in the 1974 edition and 41-150 in the 1977 edition. The 1974 edition discusses Ariha on 38-47. Chaudhry identifies Ariha as Jericho, a city located today in the Palestinian Territories. However, Ariha is also the name of a town in the district of Aleppo in what is today northwestern Syria. From Chaudhry's description of Ariha/Jericho as a city located on the western bank of the River Jordan, it appears that he is referring to Jericho and not the modern-day Ariha in northwestern Syria.

[16] Ayesha Jalal, "Conjuring Pakistan: History as Official Imagining" *International Journal of Middle East Studies* 27: 1 (Feb., 1995), 77-81 and Elisa Giunchi, "Rewriting the Past: Political Imperatives and Curricular Reform in Pakistan" *Internationale Schulbuchforschung* 29: 4 (2007), 383-384.

the Islamic history of Pakistan, confirming their status in the new nation-state. If the idea of Pakistan had begun with the entry of Islam into the subcontinent, then a connection with the first Muslim conqueror of Sindh imparted the Arains with a primal connection with Pakistan, regardless of how rhetorical or fictional either narrative was.

While Chaudhry reiterated Jalandhari's broad narrative of Arains' proximity with Muhammad bin Qasim and their Arab pedigree, he contested the veracity of the individuals whom Jalandhari had identified as Arains' Syrian-Arab ancestors. In particular, he emphasized that his reading of numerous early Islamic and medieval accounts of Muhammad bin Qasim and Sindh had unearthed no mention of a soldier or military general by the name of Halim al-Rai. Additionally, Chaudhry took issue with the genealogy Jalandhari had attributed to Salim al-Rai. In Jalandhari's telling, Salim al-Rai had been a Muslim who migrated to Syria during the reign of Caliph Yazid I and whose grandson, Halim al-Rai, participated in Muhammad's conquest of Sindh. Using Jalandhari's shajrah to calculate retrospectively from Halim's generation, Chaudhry demonstrated that Salim al-Rai would have preceded Prophet Muhammad by three generations, and could not have been a Muslim. Further, Chaudhry castigated Jalandhari for not citing the sources which mentioned Salim al-Rai's antecedents and descendants, leaving *Salim al-tavarikh*'s veracity in doubt.[17]

In spite of this sharp contestation of Jalandhari's genealogy of Arains, Chaudhry admired Jalandhari's exhaustive documentation of the biradari's socio-economic history and sought to replicate it in his own writing. Like Jalandhari, Chaudhry too included biographical details of Arain landowners, bureaucrats, military officers, soldiers, reformers, ulama, and educated professionals. In persisting with this ethnographic impulse, Chaudhry constructed the image of a

[17] See 121-34 in AAC, 1974 edition and 119-60 in AAC, 1977 edition.

biradari which was not composed merely of vegetable-sellers. Chaudhry's Arains too were a community of high birth with a deep Islamic past and a long history of wealth, learning and high social status. The ways in which the Arains were commonly perceived by their neighbors was perhaps just as much a concern in colonial Punjab as in post-colonial Pakistan.

In a setting where biradari identities retained their political value and new iterations of the Arains' history were produced and disseminated, the Arain Anjuman continued its organizational activities but sought to distance itself from the Arain leadership of the early twentieth century. The Anjuman met for the first time in post-colonial Pakistan during the early 1960s, under the presidency of Sardar Muhammad Shafi of the Ganjah Kalan family of Lahore. In his presidential address, Sardar Shafi reasserted the Arains' status as Arab Muslims who brought Islam to the subcontinent. In a sharp critique of early Arain leaders and their politics, Sardar Shafi argued that early leaders of the Arain Anjuman were unable to openly oppose the British Government because they were either government servants or tied otherwise to the colonial administration. When Arains were declared non-martial, they assumed it was a mistake and set out to convince the government to rescind this order in the hope of improving the biradari's economic condition. However, in pursuit of this materialistic aim, they had forgotten that as soldiers in the British Indian Army, Arains would have to wage war against fellow Muslims. Their collaboration with the colonial government had blinded them to the fact that many Arains had opposed the British during and since 1857, leading the British to see them as a dangerous community. In order to prevent them from entering the British Indian Army and inciting another rebellion, the government had intentionally labeled Arains as a non-martial biradari. In post-colonial Pakistan too, Sardar Shafi emphasized, the Arain Anjuman must avoid political affiliations, remain apolitical and focus on the social and religious reform of the biradari

which alone could ensure the Arains' prosperity.[18] Reproducing Sardar Shafi's speech in the 1977 edition of his history of Arains, Chaudhary endorsed Sardar Shafi's uncompromisingly critical view of the Anjuman's early leadership, even though he also acknowledged that army recruitment had been beneficial for the biradari. He pointed out that early Arain leaders' loyalty toward British rule could only be a source of shame for the biradari in independent Pakistan.[19]

These ideas highlighted the ways in which post-colonial Arain leaders attempted to re-orient Arain history to the Pakistani nationalist imagination while preserving the narrative of Arab descent first developed by colonial Arain leaders. Post-colonial Arain leaders' attempts to distance the Anjuman of the 1960s from the Arain leadership of the 1910s served this purpose well. By criticizing early Arain leaders' politics from an Islamic standpoint, Sardar Shafi attempted to dissociate the Arain Anjuman of Pakistan from its colonial history of collaboration with the British Government at the cost of Arain soldiers' religious obligations. At the same time, however, he reiterated the origin narrative of the biradari which the Anjuman's early leaders had helped generate and disseminate to the colonial administration. Critique of the early Anjuman's politics notwithstanding, post-colonial Arain leaders stopped short of rejecting Jalandhari's narrative of Arab origin and reiterated the Arains's exclusive identity. This incommensurate relationship between the Arains' colonial and post-colonial self-fashioning meant that Arain leaders discarded some parts of the biradari's colonial past but embraced others with fervor. In a biradari many of whose leaders had contributed to the realization of Pakistan, a collective biradari identity could persist by tethering itself as closely as possible to Pakistan's unifying ideological force – Islam. Post-colonial Arain leaders attempted to strengthen their

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[18] AAC, 1977 edition, 416-420. The Arain Anjuman continued to grow in independent Pakistan, with annual meetings held in Punjab and Sindh during subsequent decades. At present, the Arain Anjuman has functional offices in Lahore and in Karachi. See http://www.arain.com.pk, http://www.arainwti.com, and http://www.arainwelfare.org

[19] AAC, 141, 410-11.

Pakistani identity by maintaining a narrative of Arab origin and their contribution to one of South Asia's earliest encounters with Islam.

The Islamic past was an intangible but profoundly meaningful resource for the definition of Muslim identities in colonial and post-colonial Punjab. As a locally significant, originary Islamic figure, Muhammad bin Qasim remained as vital to Arain identity in independent Pakistan as he had been to colonial Arains' attempts at self-representation. Both Jalandhari and Chaudhry appropriated him, as well as the paradigmatic event he represented, for imparting genealogical depth to their narratives of Arain identity. This remained true in spite of differences in the specific genealogies that each author attributed to the biradari. A discursive connection with early Islamic Arabia, however tenuous or unverifiable, shaped Arains' self-fashioning in post-1947 Pakistan and underlined the enduring power of the Islamic past in the delineation of colonial and post-colonial Muslim identities.

Arains and Muslim politics in South Asia

Belying the longevity and political potency of biradari identities, scholarship on Muslim politics in colonial South Asia is dominated by analyses of the relationship between Muslims' religious identity and their political mobilization. One scholarly perspective argues that a lack of consensus among Muslim leaders about the nature and content of Muslim politics prevented the development of a unified Muslim community in British India. Even those who promoted the idea of Pakistan kept its exact meaning ambiguous, allowing its supporters to imagine a future Islamic nation-state suited to their own vision. In other words, mobilization based on shared religious identity or the unifying goal of Pakistan did not generate ideological unity among Indian Muslims, or erase the internal heterogeneity of the community. Instead, individual imaginations

of Muslim politics and community, inflected with regional, linguistic, and class differences meant that colonial Indian Muslims never became a monolithic political community.[20]

Related to this, a second scholarly framework underscores the ideological and political contradictions that underlay Muslim politics and its goal of Pakistan. On one hand stood tensions arising from the centrifugal pull of local loyalties (such as biradari) and the universalizing impulse of Islam and the umma. On the other hand, colonial policies protected Punjabi landlords and created seemingly homogeneous corporate identities, such as those of agriculturalists, to the detriment of urban commercial groups and politicians who sought to unify Muslims on the basis of a shared religious identity and political vision. The existence of politically viable and powerful corporate identities meant that a unified Muslim voice or political community would forever remain an ideal in colonial India.[21]

Partly in response to these two perspectives, a third framework reasserts the centrality of Islam to Muslim politics in colonial South Asia. Although this perspective acknowledges the existence of Muslims' multiple identities and affiliations, it treats them as secondary to the fact that supporters of the League agreed that Islam would be fundamental to the new Muslim nation-state of Pakistan. Even if Pakistan's supporters did not offer an explicit definition of a Muslim nation-state, or agree about its exact relationship with Islam, they agreed that their faith would be the central defining element of Muslim politics. As a community united by its shared belief in a Prophetic tradition, Muslims could never really find common ground with communities which did not profess the same religious belief.[22]

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[20] Ayesha Jalal, *Self and Sovereignty: Individual and Community in South Asian Islam since 1850.* (London, NY, Routledge, 2000); Ayesha Jalal, *The Sole Spokesman: Jinnah, the Muslim League and the Demand for Pakistan.* (Cambridge: Cambridge University Press, 1985).
[21] Gilmartin, *Empire and Islam.*
[22] Farzana Shaikh, *Community and Consensus in Islam: Muslim representation in Colonial India, 1860-1947*. (Cambridge; New York: CUP, 1989).

While some elements of the Arains' story support historiographical frameworks which underline the fragmented and contradictory nature of Muslim politics in colonial South Asia, others seemingly reiterate the power of religion in demarcating a political community. Arain elites held on to their biradari organizations even as they argued for an integration of biradari-based mobilization into Indian Muslim mobilization. Even when they sought to remind Arain peasants of their illustrious Arab descent and turn them into pious reform-minded Muslims, they did so from the platform of a biradari anjuman. In other words, biradari remained the site of the Arains' attempts to consolidate their Muslim-ness and their place within Muslim politics. On the one hand, these facts reinforce the picture of Arain (and Muslim) politics as a conflict-ridden phenomenon, caught between the universalizing pull of religious belief and particularistic loyalties. On the other hand, the Arain elites' vehement assertion of their Muslim-ness, and participation in Muslim organizations, such as the Muhammadan Educational Conference and the League, may be read as evidence of their overarching integration into the Muslim community, despite lingering biradari-based differences from non-Arain Muslims.

Seen through these interpretive lenses, the story of Arain politics becomes largely one of failure to integrate completely within the broader arena of Muslim politics. Prominent Arain leaders participated in the Muhammadan Educational Conference and the League, but the biradari did not abandon non-religious forms of social affiliation and mobilization. Continuous mobilization as a biradari distinct from other Muslims from the 1890s to the 1940s meant that Arain politics remained a well-defined, autonomous sphere while claiming membership within the Muslim community. Although the Arain elites' avowals of religious belonging did not weaken during this period, they were shot through with an awareness of their differences from non-Arain Muslims. In other words, the persistence of biradari loyalties among the Arains

underlined the extent to which a unified Muslim community was a largely unrealized ideal far from the reality of Muslims' multiple social and political loyalties.

Instead of attempting to resolve the tension between biradari and religion as criteria of Arain mobilization, what happens when we trace the Arains' political trajectory as a biradari independent of, but connected to, their religious identity? In asking this question, I do not intend to challenge the Arains' Muslim identity or practice of Islam, or to claim that colonial Arains did not self-identity as believing Muslims. As Chapter one has shown, colonial ethnographers recorded the Arains of colonial Punjab as predominantly Muslim, with a smattering of Hindu and Sikh Arains in some parts of the province. Rather, my aim here has been to understand biradari as a site of the Arains' mobilization and its relationship with colonial Muslim politics. Seeing the Arains only as Muslim politicians generates a negative picture in which Arain leaders appear as insufficiently self-aware Muslims who failed to internalize the political implications of sharing a faith with other Indian Muslims.

As this dissertation has shown, from the 1890s to the 1940s, biradari identity provided a consistent basis of the Arains' political mobilization for a variety of issues, ranging from their military recruitment and socio-religious reform, to their electoral behavior and party affiliations. From their redefinition as a reform-minded Muslim biradari of Arab descent to the Arain Anjuman's regulation of the biradari's electoral participation, biradari identity was a foundational site of their political mobilization. Jalandhari's attempts to give colonial Arains a place in Islamic history and assert their Muslim-ness hinged on the idea of a distinctive Arain biradari—one that he rarely hesitated to differentiate from other Muslims and non-Muslims. And Arain politicians' efforts to reconcile biradari-based mobilization with Indian Muslim mobilization too rested on acceptance of biradari as a viable political unit with its own interests

and representatives. Alongside Arain politicians' participation in Muslim organizations and political parties, the Arain Anjuman maintained its existence as a regulatory organization of the Arains. In other words, a sense of the biradari as a cohesive, bounded political entity remained a striking feature of Arain politics, even as Arains continued to represent themselves as Muslims and participate in Muslim reformist and political organizations. Examining Arain politics in terms of biradari is a reflection of this empirical reality.

Using biradari instead of religion as an analytical category for understanding Arain politics is interpretively more productive. As is evident from the Muslim self-image Arain elites generated for the biradari, understanding Arain mobilization in terms of religion places Arain politics within the ambit of Muslim politics, much as Arain politicians themselves wished it to be. However, seeing the Arains as Muslims for political purposes offers limited scope for understanding their history of biradari-based mobilization traced in this dissertation. More significantly from a historiographical standpoint, privileging the Arains' Muslim-ness in analyzing their politics lumps them together with Indian Muslims, without regard to the biradari's own efforts at differentiating themselves from other Punjabi and Indian Muslims. Such an approach perpetuates the idea that biradari identity was an inherently particularizing force contradictory to Islam's universalizing impulse. That biradari was somehow a less valid, less cohesive, basis of political mobilization than religion. This approach turns biradari identity into exactly what Muslim League rhetoric declared it to be during the 1940s—a source of disunity and obstruction to the emergence of a unified Muslim community led by the Muslim League. Instead of replicating the idea that biradari identity disrupted the presumed faith-based political coherence of Muslims, the Arains' trajectory shows that biradari identity was a legitimate, consistent and resilient basis of Muslims' political mobilization. Far from being antithetical to

Muslim unity, biradari identity and biradari-based mobilization were powerful political forces which underlay Muslim mobilization in Punjab. And in the case of the Arains of colonial Punjab, assertions of Muslim identity consolidated the borders of Arain identity, even when the League impugned biradari identity as un-Islamic.

In contrast to historiographical frameworks that highlight the fragmented nature of Muslim politics, tracing the story of Arain politics through the lens of biradari produces a narrative of political consistency and adaptability. As colonial Arains interacted with their rapidly changing socio-religious and political context, their biradari identity provided a steady foundation for collective political expression. A narrative of Arab descent defined the borders of the biradari and maintained its political cohesion, preventing Arains from becoming indistinguishable from other Muslims, and allowing pursuit of interests (such as military recruitment and election of Arain representatives) specific to the biradari. Concurrently, a purported Arab origin allowed a delineated Arain biradari to enter and participate in the broader field of Muslim politics. As a political unit, the Arain elites of colonial Punjab displayed a remarkable ideological steadiness, whether it was supporting research into the biradari's history or ensuring that Arains politicians did not contest elections against each other. During the 1930s and 1940s, the Arain Anjuman functioned as a mediatory site for navigating the novel terrain of political parties and party-based elections. Perhaps more importantly, biradari identity and institutions produced a bounded political space from within which the Arain electorate interacted with Muslim organizations such as the Muslim League.

The story of Arain politics told in this dissertation introduces critical nuance into the historiographical idea of a Muslim political community in colonial South Asia at three levels. First, the existence of a consistent trajectory of biradari-based mobilization underlines the

multiple axes along which Muslims could cohere politically. The trajectory of Arain politics complicates narratives of Muslims as an always already cohesive political unit grounded in religious belief without necessarily questioning the validity of Muslims as a religious community. In spite of colonial policies which allotted representative spaces to British Indians on the basis of religion, Muslims did not navigate their changing political landscape through the category of religious identity alone. Second, the social experience of biradari-based kinship was no assurance of ideological or political unity. The Arain Anjuman's attempts to regulate Arain voters' electoral behavior did not preclude ideological and party-based divisions within the biradari. Instead, Arain politicians and voters supported different political parties. When it came to the electoral arena, then, the Arain biradari was internally diverse, adapting to and interacting with swiftly changing colonial representative structures as well as the political parties which sought control of them. The Arains' political trajectory shows that neither the Muslim community nor the Arain biradari was an ideologically static, unchanging or monolithic entity. Instead, it presents both Arain and Muslim politics as dynamic ideological spaces which adapted to the challenges and complexities of the colonial political environment they inhabited.

Finally, taking biradari-based political cohesion seriously places the tension between biradari and religion at the heart of Muslim politics in Punjab, and, arguably, the historical events that led to the League's meteoric success in the province which, in turn, contributed to the establishment of Pakistan. In colonial Punjab, biradari proved to be a category which enabled Muslims' political unity while also being evidence of its fragility. If the League used biradari loyalties to marshal support for Pakistan in the mid-1940s, so did the Unionist Party during the decades prior to that. If a Punjab Provincial Muslim League reflected Punjabi Muslims' ties to the League, then an Arain Anjuman displayed the profound relevance of biradari in the Punjabi

political landscape. Political unity engendered by biradari loyalties facilitated the idea of Pakistan in Punjab, but also remained a means of pulling away from the ideal of a unified Muslim community.

Caste and religion in South Asia

The Arains' political mobilization in colonial Punjab and post-colonial Pakistan illuminates a phenomenon that Sumit Guha's recent reformulation of caste hierarchies as grounded in power instead of ritual purity does not quite explain. As this dissertation has demonstrated, the Arains mobilized as a self-consciously Muslim biradari and relied on a strong religious idiom for defining their biradari identity. Speaking primarily in reference to notions of Hindu purity in post-colonial India, Guha notes that "caste's religious strand has frayed away but the one binding it to the exercise of power is thicker than ever."[23] I cannot dispute Guha's conclusions about the declining political valence of ritual purity in late twentieth century India. But I do wonder about the implications of his argument for the subcontinent's Muslims. Which religion should we think of when we think about the 'frayed religious strand' of caste? Post-colonial economic and political shifts may well have diluted the relevance of theological ideas about purity to post-colonial Indian politics. But for the Arains of colonial Punjab and post-colonial Pakistan, religion continues to be front and center—for defining the social and political borders of the biradari and for situating the biradari in relation to the Pakistani nation-state.

The Arain story is an instance of religion justifying caste—except the religion here is Islam and not brahmanical Hinduism. The Arains' trajectory is an example of Muslims adopting a complex Islamic idiom to make a case for caste-based distinctiveness within the ummah.

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[23] Guha, *Beyond Caste,* 211.

Perhaps more importantly, the Arains' caste identity was not just a social feature, but also the basis of their collective political organization. Caste exclusiveness determined the Arains' social relations of kinship, marriage and inheritance, as well as regulating their electoral behavior and political representation. In course of multiple intersections between the social and the political, whether in the domain of reformist Islam, colonial law or politics, biradari/caste identity remained a resilient unit of social organization and political mobilization. Although tensions between caste-based and religious mobilization persisted in early twentieth century Punjab, the efficacy of biradari/caste identity as a political entity was rarely in doubt. Instead of integrating within a theoretically universal Muslim self, the Arains were a Muslim community rooted in their social context and politically organized as a caste, navigating the wider terrain of Muslim politics in colonial Punjab.

The deep imbrication of biradari with religion was true for both colonial and post-colonial Arains. Colonial Arains' vociferous claims to Muslim-ness, grounded in an Arab genealogy, suggest that an iteration of religion specific to colonial India may have been a method of legitimizing the biradari's relatively recent socio-economic predominance in early twentieth century Punjab. To a large extent, the Arains' reliance on Islamic genealogical, historical and intellectual idioms for building their higher-status self-image rested on a dismissal of non-Muslim Arains as aberrations and the reform-minded, Muslim Arain landholder and/or professional as the ideal Arain. A narrative of superior descent that gave the Arains privileged access to Islamic piety and 'pure' Islamic practices was intelligible both to the colonial state and the Arains' fellow Muslims. Having constructed a relationship with a specific iteration of Islam, its history and practice, colonial Arain elites set out to accommodate this self-image within colonial military, legal and political structures, in the process fortifying the biradari's socio-

economic status by emphasizing their centuries-old proximity to political power in pre-colonial and colonial times.

All this happened in context of a colonial society obsessed with identifying its subjects' corporate political existence according to religion, especially in provinces outside of Punjab. Even when ethnographers acknowledged that religious differences were less relevant than biradari in Punjab's social organization, colonial gazetteers continued to write about Hindus and Muslims, sub-dividing each religious community into its component biradaris. In a context where the state understood indigenous society through the lens of religion, colonial subjects seeking to communicate with the state had to self-identify in religious terms (positively or negatively). Perhaps this why colonial Arain elites felt compelled to rearticulate their biradari in religious terms as descendants of Arab Muslims as a way of connecting the biradari to the broader Indian Muslim community. In post-colonial Pakistan, Arain identity continues to be firmly grounded in religion and encompasses Muhammad bin Qasim as much as a felt need for the biradari's continued pursuit of socio-religious reform and endogamy. And in the political arena, it continues to be a powerful unit of mobilization and a determinative factor in electoral politics.

If our understanding of caste needs to transcend an exclusive or foundational reliance on Sanskritic theological explanations and embrace a political one, as Guha might suggest, then how can we explain stories such as those of colonial and post-colonial Arains? As this dissertation has shown, the Arains' biradari identity, reconfigured as Islamic in early twentieth century Punjab, continues to be profoundly imbricated with their identity as Muslims in contemporary times. Does the Arain story afford us a glimpse of a community which deployed its religion as one resource among many for consolidating its caste identity in colonial times and

maintaining it in times of post-colonial nationalism? Perhaps we need to re-orient the place of religion in the conversation about caste. Rather than remaining confined to ideas of ritual purity as defined in the Sanskritic Hindu tradition, we might consider tracing and assessing the interactions of caste groups with their particular religious traditions, Hindu, Muslim or another. Perhaps we may then refigure religion as a broad intellectual resource which castes or biradaris selectively (politically?) deploy for collective self-definition in colonial and post-colonial contexts.

APPENDICES

APPENDIX I: Arain Population in Colonial Punjab

	1881	1901	1921
Total Population	22,712,120	24,754,737	20,685,024
Muslims	11,662,434	12,183,345	11,444,321
Arains	800,041	1,007,000	1,093,116
Percentage of Total	3.5	4.06	5.3
Percentage of Muslims	6.6	8.3	9.5

Sources:

Ibbetson, *Report on the Census of the Punjab*, vol. 1, 266 and v. 2, Tables I and III.
Imperial Gazetteer of India Provincial Series on Punjab, v. 1, p. 48 and 50.
J. T. Marten, *Census of India, 1921,* v. 1, part II, 40, 43, 162. See Tables VI and XIII.

APPENDIX II: Mian Family of Baghbanpura

APPENDIX III: Jalandhari's Genealogy of Arains

Late 19th to early 20th c.		lost Arab-Muslim identity in need of recovery
13th to early 19th c.		Arains prosper as men of wealth, valor and learning
Late 12th c.		Arain soldiers in Shahab al-Din Ghori's armies
8th to 12th c.		Arains, as pastoralists and cultivators, migrate up the Indus river
Early 8th c.	Halim al-Rai	Contemporary of Muhd. bin Qasim
Late 7th c.	Habib al-Rai	Disciple of Salman Farisi
Mid to late 7th c.	Salim al-Rai	Migrated to Syria from Madina during Yazid I's reign
	Haris	
	Abd al-Dar	Possibly a reference to an Arab tribe whose members were standard-bearers during battles
	Mughira	
	‘Umar	
	Qays	
	Lu'ay al-Qurayshi al-Makki	A Meccan Quraysh ancestor?

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