

## Book Reviews

### Perspectives on Minorities

*Readings On Minorities: Perspectives & Documents* (2 vols.), edited by Iqbal A. Ansari. New Delhi: Institute of Objective Studies, 1996 Pp. 977.

Reviewer: Syed Fareed Ahmad, Department of Sociology and Anthropology, International Islamic University Malaysia.

*Readings on Minorities* is a rich and varied collection of articles and documents on "minority situations and issues," mainly relating to South Asia. The basic objective, in bringing out these volumes, is to provide information, enhance awareness and consciousness, promote research and generate informed discussion and debate about minority problems specially in the context of human rights.

A major portion of volume I, is comprised of "theoretical articles on the concept and definitions of minority and minority rights, and their domestic and international protection, and on models of peaceful co-existence between minorities and majorities in a nation state." The second portion is made up of international documents like Peace Treaties on minorities under the League of Nations and United Nations Charter (1945), also the "Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities." Other significant documents included are: the Declaration and Programme of Action, World Conference on Human Rights (Vienna, June 1993), the recommendations on the implementation of the UN subcommission. Lastly, the Council of Europe's "Framework Convention for Protection of National Minorities, 1994" is included to serve as a model document for preparing ground to hold a similar convention for the South Asian region on minorities under SAARC Human Rights Instruments.

The arrangement and presentation of material in volume II follows a similar pattern. It has some articles clarifying the conceptual and theoretical perspective, followed by socio-historical documents

amplifying and clarifying the Indian and South Asian minority issues. The selected national documents are presented in a chronological order as they evolved through various conferences and seminars between 1920-1945. This includes the Nehru Report (1928), the scheme presented by Gandhiji before the Round Table Conference (1931), resolutions of Indian National Congress, and the Constitutional Proposals of the Sapru Committee (1945). Other documents included are Constituent Assembly Papers produced in August 1947, May 1949 and October 1949 on minority rights including minorities like the Scheduled Castes and Tribes, women and children; text of Indo-Pak Agreement on Minorities (1950); report of the first National Integration Committee (1961); Prime Minister's Fifteen-point Programme on Minorities Act (1983), the National Commission for Minorities Act (1992) and the Protection of Human Rights Act (1933). All the articles and documents in both volumes are preceded by excellent introductions by the editor.

The analysis of minority rights is provided in eight articles in the first volume and five in the second. The main focus is on exploring an adequate, operational, conceptual definition of minority. It seems that an inordinate amount of space is given to the socio-historical reasons that lead to the formation of minorities, identifying the different qualities and attributes that distinguish a minority from the majority, interspersed with historical information and data from India specially concerning the Muslims and the *Dalits*, and experiences of blacks from the US, as well as other European minorities. Also, prominent attention is given to how the concept itself has been evolving over the years.

Even though a formal attempt to define minorities was initiated by the UN in 1971, it had to encounter difficulties mainly because it attempted to have a "single universally applicable comprehensive formulation applicable to all minority situations in all parts of the world." According to the editor, minorities are characterized by "differential treatment to the extent of being excluded from certain opportunities," and form "numerically smaller groups of people with stable features of religious, ethnic or linguistic identity different from the majority, placed in a non-dominant position in a territorial state, whose members are situationally disadvantaged in realizing their equal human rights as citizens, and their identity rights as a group" (p.xii). In addition, the author feels that as far as the discriminatory and prejudicial treatment of minorities is concerned, "not all the reasons

for such behaviour lie in the socio-political dynamics of competition for control over resources”, but they are embedded in their history. It is rightly pointed out that “the basic principle that non-discrimination is a necessary but not sufficient condition for protection of equal rights of minorities,” now forms the basis of all national and international protection regimen for minorities.

James Fawcet suggests that even though ensuring protection of minorities, in its ultimate analysis, is a domestic matter, events can not be allowed to determine the issue of minority rights, some form of local and international intervention is both inevitable and unavoidable and it works.

Claire Palley, in a lengthy chapter, has emphasized the role of constitutional law in alleviating the wrongs often inflicted on minorities. Francesco Capotorti suggests that various international organizations and treaty arrangements can be instrumental in safeguarding and ensuring minority rights. This can be achieved by establishing a system of communication from individuals under the convention (on the Elimination of all Forms of Racial Discrimination and the Covenant on Civil and Political Rights) and the optional Protocol. The author is of the opinion that in order for the international community to protect the minority rights it will require not only provisions which are more specific but also instruments able to guarantee the rights involved.

Allan Phillips emphasized that it is imperative the world should devote practical ways for studying minority rights with the recognition that many of the solutions that will emerge in future will involve a devolution and sharing of power.

Kumar Rupesinghe delves deep in spelling out the concept of different kinds and types of conflict which will emerge as we approach the year 2000. To him, identity conflict seems to lead the way. He argues that new boundaries will emerge on the way in which we conceptually define and analyse conflicts. Under the wake of emerging conflicts the world will become more violent and insecure, and the Western liberal and pluralist paradigm would be severely tested. The challenge would be how to engage in a constructive discourse which can accept a multi-ethnic, pluralistic global order.

Allan Phillips, in another article, *Minority Rights and The United Nations*, simply enunciates on the role and right of the United Nations as enshrined in its charter. It also includes the recommendations from

the non-governmental World Congress.

Soli J. Sorabjee discusses the India's treatment of its Muslim as well as Christians and Sikhs minorities by quoting some of the landmark cases of the supreme court, including that of the destruction of the Babri mosque of Ayodhya, U.P. For the international scene, mostly United Nations documents are cited. Without doubt, constitutional provisions as well as regional and international declarations of minority rights are important in the recognition, protection and promotion of minority rights. These are not enough. The real protection arises from the attitudes and the mindset of the members of both the majority and minority communities. In its ultimate analysis, minority-majority problem cannot be resolved unless the hearts and minds of people are reformed and a culture and tradition of tolerance is practiced.

Abdulrahim P. Vijapur, in the concluding paper, presents an evaluation study of the UN Sub-commission on the Prevention of Discrimination and the Protection of Minorities. The study covers a time span of about 47 years. The sub-commission has a fairly good record of achievements to its credit because of its continuous interaction with non-governmental organizations (NGO'S). NGO'S have become increasingly important not only in terms of providing information on human rights violations and infractions but also in confronting governments with various allegations.

Part II is mainly based on selected documents on minorities of the most prestigious international organizations. Organizations included are the League of Nations (1919-1923), and the United Nations (1945-1991). The charters and declarations of UN on Minorities (1992), the Vienna Declaration and Programme of Action (June 1993) are also included. These two documents are unique in the sense that they also include programme of action and implementation. An introduction by the editor and five other articles by different authors provide an in depth analytical perspective on Indian Muslims as a minority. A. Yaqin, has delineated in great detail the origin and evolution of minority rights of Indian Muslims, and the constitutional protection accorded to them. It also shows how the Indian constituent assembly reneged on its promises to both Muslims and Sikhs. It could not even bring about a constitutional arrangement on the question of minorities to the satisfaction of all the groups represented. As a result, till this day, the issue of minorities in India hangs in a limbo. R. Kothari, notes a strong sense of cultural context, apart from many socio-political factors, of communalism in India. V.P. Tarkunde, advocates

strongly for establishing non-governmental organizations (NGO'S) to propagate against communalism and in favour of a democratic, secular India. He thinks that such an anti-communal movement could be galvanized by effective use of mass media.

Iqbal Ansari, not only has contributed two thought-provoking introductions to the volumes, but also an article on SAARC minority rights commission with supportive statistics on minorities from member countries. S.Z. Abidin, who was instrumental in projecting minority right's issue into prominence in his lifetime by editing a quality *Journal of the Institute of Muslim Minority Affairs*, has contributed an incisive and penetrating analysis on "Options for Muslim Minorities in Plural Societies." He strongly advocates that Muslim mind should try to shun and overcome the infirmity and "proclivity toward a parochial, Muslim- rather than man-centered universe... And following the *Sunnah* of our Prophet (SAS) render Islam in this fractured, tormented and hate-torn world a message of harmony, peace and blessing for all of God's creatures." There really cannot be a better ending and summary for these volumes.

Generally speaking, the documents included in Volume II are more local in orientation than international, mainly because they are related to the Indian Muslim minority situation. The documents represent the historical records of Muslims regarding their rights as a minority in India. Starting from the time of freedom struggle, constituent assembly debates, and Indo-Pak agreements on minorities, articles of the constitution of India dealing with protection of minorities are also included, and their implementation is discussed.

On the whole, the volumes represent a representative and comprehensive coverage of issues regarding minorities. All facets and aspects of minority problems are included and highlighted. To that extent the volumes are successful in bringing together most of the concepts, basic theoretical analyses and major historical documents of national and international eminence that exist in the field of minority relations. A special feature of these volumes is their articulation and presentation of the case of Indian Muslims as the largest minority group in the world and the treatment meted out to them despite all the constitutional safeguards and the pompous claims about secularism and democracy. The volumes, again, have achieved their objectives of initiating debates and raising awareness about Indian Muslims as a minority. The only discouraging element, if one may be allowed to characterize it so, is their bulk i.e., 977 pages. But with the inclusion

of so many national and international documents, possibly it could not have been avoided.

Looking at the title of the volumes, one is struck at the word "readings" which signifies a more modest objective. Readings and documents are there without doubt, but I could not find any unifying theoretical perspective which ties all the elements together. Also, while quite a bit of effort of some of the authors is devoted to finding an adequate and inclusive definition of what constitutes a minority and the three basic characteristics of minority status, "numerical inferiority, non-dominant status and stable features of distinct identity" are rightly emphasized throughout the volumes, but ethnic and minority groups are culturally identifiable populations as well. Except in the case of communalism, cultural component of the minority status, is given a short shrift. Since this forms such an important part of minority status and all the problems associated with it, inclusion of material on this aspect would have redressed the balance of a holistic definition. Additionally, not all minorities are disadvantaged. Some like the Jews of America, are even more successful than the majority group. Conspicuous by its absence is any article emphasizing the treatment of minority problem from sociological approach. It is one of the most studied problems in sociology and some articles emphasizing this approach would have enhanced the value of these volumes.

Overall, the volumes on minorities are a welcome contribution to the growing body of literature on minority relations. These volumes contain almost everything that one wishes for or need to know about minorities. I recommend these volumes highly to anyone interested in these problems.

### **Iqbal and Ijtihād**

*Iqbal's Reconstruction of Ijtihad* by Muhammad Khalid Masud. Lahore: Iqbal Academy and Islamabad: Islamic Research Institute, 1995, Pp. 236.

Reviewer: Muhammad Altaf Hussain Ahangar, Kulliyyah of Laws, International Islamic University Malaysia.

The book under review highlights the vision and mission of Muhammad Iqbal on the reconstruction of Ijtihad. It is divided into eight chapters spread over 197 pages. The rest of the pages are