

terms for their own benefit were that their churches should not be injured, their monks not turned out, and no interference should be made in the exercise of their religious duties, as long as they did nothing new and would not lend money, (Abu Daud p. 57, vol. 2), on interest* From the above it is evident that making peace is allowable even with those non-believers with whom a religious war has been made (although in such a peace the Mohammadans may in some respects suffer some loss and the infidels may derive benefits in some respects) if it be considered proper and there be the certainty of the Mohammadans being benefited generally.

The Koran and the Traditions of the prophet contain numerous injunctions prohibiting a rebellion after a treaty of peace has been concluded. The injunction that "Do not kill those who join your allies," has already been quoted (see 17th Chap. Nisaa.)

Besides, the Almighty has exhorted you to keep the alliance with those with whom you made peace in Palestine so long as they abide by the treaty, and also "If your brethren ask your assistance in (the cause of) religion, assist them, but not against those with whom you have entered into a league." And again "Perform your covenant, as you will be held responsible for its performance" (Chap. Buni Israil). The prophet has observed: "He who does not fulfil his promise is not of my party, nor am I of his party." (Sahî Muslim). And also "Whoever kills a person of the party with whom a league or treaty has been concluded shall not smell the scent of Paradise, although the scent of Paradise can be smelt from a distance of 40 years' journey." (Bukhari p 448). The prophet further says, "A flag will be hoisted on the day of judgment for those who break their league, and the non-performance of a league by every person will be proclaimed." (Bukhari p. 452, Muslim p. 83, vol. 3). Again—"Paradise is proscribed to a person who kills an unoffending person belonging to the party in league, (Abu Daud p. 24, vol. 2), and "I do not break any treaty" (Abu Daud p 33, vol. 2). Umar, the second caliph, following the example of the

*Interest is unlawful according to the Mohammedan Law as being opposed to sympathy with our fellow-creatures and brothers in faith.

prophet advised his successors to remain true to allies and fight their enemies on their behalf.

If there be any fear of the other party breaking the treaty an attack on them is unlawful unless the treaty has been dissolved and a notice given to that effect. This is clear from the following commandment in the Koran: "If thou fearest treachery on the part of any people give them notice of the dissolution of treaty, for God loveth not the treacherous". (Chap. Anfal.) The prophet also has given a similar direction. Sulaim-bin-Amir relates that a treaty had been concluded between Amir Muavia and the Romans, and that when the term of the treaty was about to expire the Amir determined to attack the Romans, but a man on an Arabian or Turkish horse came to him and exclaimed "Allah Akbar! You should be faithful, not treacherous." The Amir on looking at the man found that he was Amir bin Absa, one of the companions of the prophet, and asked him why he had come. The latter replied that he had heard the prophet say that no one who had entered into a treaty with any people should break that treaty till the term for which it had been made had expired, or till notice had been given of the dissolution of the treaty. Amir Muavia thereupon gave up the idea of attack and retreated.

The inferences that can be drawn from the 4th and 5th propositions will be enumerated with those of the 6th and 7th propositions.

The Sixth and Seventh Propositions.

6. When non-believers (even if they be tyrants and prevent Mohammedans from the exercise of their religious duties and be therefore liable to Jibad) take possession of Mohammedan cities and countries by conquest they become masters of those cities and countries.

7. When a man takes up his residence in a city ruled by infidels as a peaceful subject, he is as much bound to keep the peace as those who have openly tendered their allegiance. It is as unlawful for him to rebel against infidels

* Note.—This order of the second caliph is not confined to non believers, but also applies to Mohammedans who fight with those with whom a treaty has been concluded by the Mohammedans. The verse quoted on page 14 also supports this view. We trust Dr. Hunter will read this note and satisfy himself as to whether the above remarks contain an answer to his question 'Learned men and expounders of the law of Islam, what is your opinion in the following matter? In case of a Mohammedan ruler attacking India while in the possession of the English, is it the duty of the Mohammedans of that country to renounce the aman of the English and render help to the invader?'

or to interfere with their life or property as it is for those who have actually and openly tendered their submission. The proof why the non-believers become masters of a city or country by virtue of their conquest is to be found in the fact that the prophet did not interfere with the encroachments made by non-believers on the prophet's property of which they had become possessed. Nor did he declare them as null and void after regaining possession from them. The *Sahih Bokhari* (p. 261) contains a tradition to the effect that Usama asked the prophet what house he would put up in at Mecca at the time of the pilgrimage. "What?" the prophet replied, "has Aqeel left any house of ours" (*i. e.*, he had taken possession of all the houses). One of the reasons why Aqeel had succeeded to these houses is stated in this tradition, *viz.*, that the heirs of Abu Talib were Aqeel and Talib and not Ali and Jafar, because at the time of Abu Talib's death Aqeel and Talib were infidels while Ali and Jafar had embraced Islam * (*Bukhari* p. 261). This fact, however, does not afford sufficient ground for Aqeel's succession to other houses (one of which belonged to the prophet in whose lifetime Aqeel could not be the heir) than those of Abu Talib and consequently the reason assigned in this tradition is confined to the possession by Aqeel of the house belonging to Abu Talib, and his possession of the house belonging to the prophet can be justified on the same ground as we have stated, *viz.*, by virtue of his conquest and possession, which the prophet held as just. Qustalani in his commentary, (p. 175, vol. 3) on the Hadis (tradition) in question remarks that "the houses referred to in the tradition originally belonged to Hashim, then they descended to his son Abdul Mutlab, who distributed them among his own descendants, and then the prophet obtained the right of his father Abdulla. It was in this very house that the prophet was born as related by Faqih. The remark of the prophet that Aqeel had left him no house clearly shows that he was the owner of the house in question, and that the ownership and possession of it by Aqeel can be accounted for by the fact that he took possession of it just as Abu Su'ayn took possession of the houses of the Mubajireens (or migrators), or perhaps there may be some other reason.

In my opinion the hesitation felt by Qustalani does not in any way affect my contention, *viz.*, that Aqeel's ownership of the house is due not to his having inherited it, but to his having got possession of it by conquest. If there were any other reason

it would not matter. Again, Qastalani states (on the authority of Daoodi and others) that the houses of the Muhajireens (migrators) were sold by their relatives, and that the prophet in order to please the newly made converts did not interfere with the encroachments they had made previous to their conversion, i. e., the prophet did not declare their possession as null and void even after he had conquered Mecca, as in that case he would have insisted on restoring the *status quo*.

The theologians are not agreed as to whether non-Muslims become owners by virtue of their ascendancy. The Shafai and another sect of Mohammadans hold that non-believers cannot become owners of the property of Mohammadans merely by virtue of their conquest, and therefore all property thus acquired by them should be restored to the Mohammadans on their regaining ascendancy. Ali, Zuhri, Amr-bin-Dinar and Hasan Basri observe that the non-believers become owners of such property, and that it becomes the property of the Mohammadans who loot them after subduing them. Amar bin Salnan, son of Rabia, Ata, Lai, Imam Malik, Imam Ahmad, &c., hold that such property becomes the property of the infidels, and that in the event of Mohammedans regaining possession the original owner will get it on payment of its value if it has been disposed of, though it may be given to him as a matter of favor before it has been disposed of." (Nail-ul-Autar, vol. 7, p. 191) This also supports the opinion we have already expressed. The Hidaya (p 561, vol. I.) a work of great authority among the Hanfis, states that if non-believers by virtue of their conquest gain possession of Mohammedan property they become owners of the same, provided they carry it to the place where they reside.

Imam Shafi is opposed to this doctrine. He says that the ascendancy of infidels being unlawful in itself cannot render their ownership lawful. The Hanfis, however, hold that the encroachment of infidels over the property of Mohammedans is unlawful only so long as Mohammedans hold possession of it, but the moment their possession is removed the infidels become owners of their property which becomes *mubah* or common property. They hold that every body is entitled to reap benefit from everything inasmuch as the Koran says: "God has created for you all everything that is on earth." Possession is the means by which particular persons are enabled to enjoy benefit from particular things. The Almighty has also enjoined "whosoever holds

possession of a thing can make use of that thing; but that when his possession is removed, such property becomes the property of all "Therefore the possession of such property is equivalent to acquiring possession over lawful property and leads to ownership; just as the possession by Mohammedans of the property of non-Mohammedans is lawful and leads to the former becoming owners of the property of the latter."

Some Ulama, (learned men) refer to a tradition contained in the Sahih Muslim, (Vol. 2, page 45) in support of Imam Shafi. The tradition is to the effect that once upon a time, a woman was taken prisoner by the infidels who also got hold of a she-camel (named Azba) belonging to the prophet. The woman was imprisoned by the infidels who used to bring their camels in front of their houses (or camps) at night. The woman one night succeeded in making good her escape and came to where the camels were. Each camel made a noise on her approaching till she reached Azba which being tame made no noise. She accordingly rode Azba. The non-believers on hearing of her escape pursued her but could not overtake her. The woman made a vow to sacrifice the she-camel in the name of God, if she succeeded in making good her escape from the infidels. The prophet on hearing this story remarked that the woman committed a great mistake by making a vow of sacrificing that she-camel, as it is not right to fulfil a vow that is unlawful and to make an offering of a thing that does not belong to the person making the vow. The reason why they rely on this tradition is, they say, that the last sentence applies to the she-camel. If the infidels had become owners of the she-camel by virtue of their getting hold of it, the woman too would have become owner of it, and in that case the prophet would not have declared that it is not right for a person to make an offering of anything that does not belong to him.

In answer to this, Aini Hanfi remarks in the *Sharah-i-Hidaya* that the infidels had not yet taken the she-camel to their country and that it fell into the hands of the woman while they were on their way home, and affirms that infidels become owners of Mohammedan property only when they take it to their country.

The author then refers to a passage in the Koran in which the Muhajireens (migrators) are referred to as beggars deserving of charity and observes "that as a beggar is one who owns no property, the Mohajireens would not have been

spoken of as beggars if the infidels had not become owners of their property."

Similarly Sheikh Ibnul Human observes in the *Fatehul Qadir* (margin to the *Hidaya*) that a person cannot be called a *Faqir* if he is not in possession of his property on account of his being away from such property. Such a person is called *Ibn-us-Sabil* or *traveller*. As regards the comments made regarding the tradition about the she-camel (*Azba*) he states that the *Rewait* in the *Tuhavi* that the infidels at every stage brought their camels in the plain in front of their camp shows that they had not yet reached their homes, but were on their way. I think those who do not agree with the above-mentioned opinions of the *Ulama*, should prove by more reliable authority that the infidels had reached their homes with the camels and that the place where they kept the camels was their home and place of residence.

It may also be urged as regards this tradition that it does not imply that the possession of any thing obtained by conquest does not constitute lawful ownership. The remark contained in this tradition, *viz*, that the vow of anything that is not owned by the person making the vow, is not binding does not clearly or implicitly show that the remark applied to the case of the woman alone, nor does it mean that the woman did not become owner of the she-camel by reason of her having got hold of it. On the other hand, it stands to reason, that the tradition contains a new direction as regards vows and that only one portion of the *Hadis*, (*viz*, that the fulfilling of an unlawful vow is not lawful) applied to the case of the woman, *i e.*, that as the fact of her making a vow was unlawful she was not bound to make the vow. That the action of the woman in making a vow was unlawful is also proved from the remark contained in the tradition, *viz*, that she made a great mistake in thus treating the she-camel.

And if the tradition of the prophet that the fulfilment of a vow is not lawful in respect of property belonging to others be taken to apply to the woman, then it may be due to the fact that she had not obtained complete hold of her at the time she made the vow and that up to that time it was possible that the she-camel might be re-captured by her owners the infidels, who went in pursuit of it, although finding it impossible to overtake the she-camel they retreated. Besides, it is possible that the prophet might have taken the camel for himself not because it formerly

belonged to him, but because it was booty obtained by Mohammedans and because he as a prophet had a right to it.

This was actually the case, and possibly the prophet took the she-camel in question by virtue of his right (istifa) as the prophet. In the face of all these possibilities it was anything but right for the woman to regard the she-camel as her property and to make a vow to sacrifice it.

The learned men of the Shafia sect and those who hold similar opinions should first satisfy themselves on all these points before they can support their opinions by the tradition.

It is clear from the remarks made above that according to Imams, Abu Hanifa, Malik and Ahmad-bin-Hambal, the non-Mohammedans become owners of a thing by force and that their opinion is supported by the Koran and the tradition contained in the Sahih Bokhari, and that the Shafia alone hold a different opinion which opinion however is not supported by any cogent reason. Besides, there is probably no Mohammedan in India who follows the Shafia sect. On the whole according to the religious doctrines of the Indian Mohammedans a non-Moslim becomes owner of a thing by reason of his gaining possession of it and they have no reason to disagree with our Sixth Proposition.

That it is unlawful to rebel in a non-Mohammedan country after taking up residence therein as peaceful subjects is clear from the tradition contained in Sahih Bokhari, p. 379, and Abudaud, (p.25 Vol. II.) which is to the effect that Moghira-bin-Shubah, one of the companions, went to Egypt with his co-religionists before he became a Mohammedan. The King of Egypt received all with the exception of Mugirah with great kindness. This roused the jealousy of Mugirah who was not of the same tribe as his companions. On their return Mugirah finding his companions asleep and drunk treacherously put them to death and appropriating every thing that belonged to them returned to the prophet and expressed his willingness to embrace Islam. The prophet expressed his satisfaction at his conversion, but said that he did not want to take the booty he had brought with him as he had come by it by treachery. Qustalani in his (Sharah-i-Bukhari p. 35, Vol. 4.) states the reason why this booty was Mal-i-Ghadr (property obtained by treachery) is that the property of infidels against whom a war may be lawfully

waged is lawful when it comes into the hands of Mohammedans after their supremacy is established, but that it is unlawful to deprive them of their property in time of peace. When a man goes in company with another man he, of course, by so doing implies a promise not to interfere with his life and property and in fact makes a promise of fidelity to him. To kill a companion and loot him after all this is certainly treachery and treachery even towards infidels is unlawful.

If, according to the tradition under notice the mere fact of a man accompanying another man constitutes a promise of fidelity to break which is treachery, there is no reason why the fact of people taking their residence in the country of non-believers as peaceful subjects and living there in the enjoyment of all the blessings of peace and liberty be not regarded as equivalent to a promise of allegiance and the breaking of such promise as treachery.

Deductions from the Fourth, Fifth, Sixth and Seventh Propositions.

Before stating the inferences that can be drawn from the above-mentioned four propositions it is necessary to refer to two important facts. In the first place, the supremacy of the British is fully established over this country and there is no great rival Government to dispute their possession of the country. Secondly, the Mohammedans residing in this country are of three kinds—1. The chiefs of native states such as the Nawab of Taunk, the Begum of Bhopal, the Nizam of Hyderabad. 2. The Mohammedans subject to these chiefs. 3. The Mohammedans subject to the British Government who are in no way subject to any of the Mohammedan Chiefs.

All these three classes of Mohammedans have entered into a treaty of friendship with the British Government.

The first class of Mohammedans have actually entered into an alliance with the Government and have made a promise in writing not only not to oppose the Government but to assist it and this is exactly what they have so far done. The submission of the second class to the British Government is included in the alliances entered into by their chiefs.

This is clear from a tradition in the Sahih Bukhari which states that all Mohammedans are equally responsible for the fulfilment of a promise (Sahih Bukhari, p. 430). If a Mohammedan of the lowest position makes a promise not to fight and kill, the rest are bound to respect the promise.

made by him, to say nothing of a promise made by chiefs of native states. As regards the third class some of these have tendered their allegiance expressly in writing, *i. e.*, those who publicly and privately express themselves as loyal subject of the Government (by means of their writing and speeches) and are ready to serve and assist it. Among these are included the Ahl-i-Hadis of the Punjab who expressed themselves as loyal to the Government by means of a memorial to the then Lieutenant Governor Sir Henry Davies, who issued a circular in 1876 admitting them to be loyal. The promise of the rest of the Mohammedans who have not made any express promise is implied, as they have been living under the protection of the British Government as peaceful subjects and are enjoying the blessings of peace and liberty under it. They neither declare themselves as opposed to the Government nor live secretly in the manner of spies in a Dar-ul-Harb. On the contrary, their attitude towards the British shows their friendship to be unlike that of Mugirah-bin-Shuba to whom reference has already been made on p. 20. So much for facts: we now return to the inferences that are to be drawn from the propositions under notice.

One very important conclusion that can be clearly drawn from these propositions and the arguments brought forward in their support is that all the three classes of Mohammedans, so long as they abide by their promise (whether the promise be express or implied) cannot, while they are living under protection or even after leaving the protection and giving their protectors due notice of their hostility, be justified in waging war against them or assist their enemies even if they be Mohammedans. Indeed such an act on their part would be treacherous and unlawful.

Ignorant Mohammedans should always keep this fact in view and refrain from regarding hostility to non-Mohammedans as lawful Jihad merely on account of difference of religion, because war, whether religious or political, against those with whom a promise has been made is on no account lawful Jihad but is equivalent to a rebellion. The Mohammedans who took part in the mutiny of 1857 committed a great sin according to the Koran and the traditions of the Prophet and were mutineers and rebels. Most of these were common people, and the few who passed as Ulama were either ignorant of Mohammedan theology, *i. e.*, the Koran and the traditions, or devoid of common sense. No really learned man either took part in the mutiny or willingly signed

the Fatwa declaring it to be a lawful Jihad. This has already been referred to in full detail in the *Ishaat-us-Sunnah*. No. 1, Vol. 8. It was for this reason that Maulvi Mohammed Ismail of Delhi, who was well versed in the Koran and the traditions did not fight the English (under whose protection he was living) and the Native States. On the contrary, he went out of British territory to fight the Sikhs who prevented the Mohammedans from performing their religious duties and did not even allow them to say the Azan or call to prayer. This has also been referred to in Syad Ahmad Khan's reply to Dr. Hunter and quoted in the *Ishaat-us-Sunnah* No. 10, Vol. 8.

The second result that can be drawn from these doctrines and arguments is that, notwithstanding the fact that it is lawful to make alliances with those against whom Jihad is lawful, it is unlawful to fight against allies; and that by virtue of their supremacy non-Mohammedans become masters of every thing belonging to the Mohammedans; and that to fight non-Mohammedans in whose country Mohammedans live as peaceful subjects is unlawful and treacherous. Those well-wishers of the Government who labour under the misapprehension that the Mohammedans, and, especially those who strictly follow Islam will be the first to take up arms against the British Government as soon as they find an opportunity are greatly mistaken. It is to be hoped that if these so-called well-wishers of the Government hold such views on account of their ignorance of the above-mentioned doctrines they will change their opinions after the perusal of these doctrines. On the contrary, if they hold such opinions notwithstanding their knowledge of these doctrines they should remember that by so doing they injure not merely the Mohammedan subjects of the Queen, but also the British Government, because so long as the Government entertains the least suspicion about the loyalty of the Mohammedans it will not treat them with that liberality to which, as loyal subjects of the Government, they are entitled. Nor will they, under these circumstances, be able to perform their duty to the state with alacrity and enthusiasm, to say nothing of the danger likely to result from such a state of things to the stability of the Government. Sadi very truly remarks that the people are like the roots and the king a tree; and the tree cannot stand unless the roots are strong.

Eighth, Ninth and Tenth Propositions.

(8) If non-Mohammedans interfere in the performance of the religious duties of the Mohammedans and if their country be a Dar-ul-Harb and even when no covenant has been entered into with them by the Mohammedans, nay even if the Mohammedans do not live in peace in their country, the Mohammedans are justified in waging a religious war under such circumstances only when they are in a position to uphold the honor of Islam and when their success should be more than assured.

(9). Under these circumstances among other conditions justifying a lawful Jihad is the presence of an Imam or Caliph.

(10) It is also possible that the Mohammedans should be without an Imam and that the absence of an Imam does not in any way imply that the Mohammedans commit a sin by remaining without an Imam. That the Mohammedans are not justified in making a Jihad unless they are strong enough to do so is clear from the fact that the Koran excuses the fighting of one man against a thousand and says that "one hundred Mohammedans can overcome two hundred non-Muslims," i.e., one hundred men should fight against two hundred, and again "supply arrows and horses for the warriors and alarm the enemies of God and of yourself (Ch. Anfāl)"

According to the Fatawai Alamgiri, a work of great authority among the Hanfis, Jihad is justified under two conditions, viz, First, when the enemy who is not under a covenant with the Mohammedans refuses to submit, and secondly when the Mohammedans are sure of their success. When, however, they are not so strong as to hope for success their entering on a Jihad is equivalent to putting their lives in danger of death which is prohibited by the Koran. The Mohit Sarkhasi also contains similar doctrines. According to the Kifaya, Jihad is lawful only when the persons making it are well off and strong enough to defend themselves from their enemies; otherwise Jihad is not lawful. The Mustakhlas Sharah-i-Kanz also contains doctrines to the same effect. That the presence of an Imam is essential for a Jihad, is clear from a tradition of the prophet that "an Imam is a shield; fight under his protection and make him your safeguard," which has been quoted by Bukhari and Muslim, (Bukhari, p. 415, Muslim, p. 126), Imam Nawawi in his

commentary on the above tradition states that an Imam is like a screen for the Mohammedans to save them from all trouble, and that fighting under him means fighting against infidels, rebels and tyrants under his lead (Sharah Muslim, p. 126). Mulla Ali Qari in his work called the *Mirqat* also commenting on the tradition under notice observes that an Imam means the caliph for the time-being or the caliph's vicegerent who is like a shield because he always leads the people in the battle-field. It is by his assistance and power that the people fight. Indeed he should be called a *sipar* (or shield) in every case, as he is the protector of the Mohammedans in every respect. Sheikh Abdul Haq also makes similar remarks in his commentary on the *Mishkat*, while Maulvi Mohammed Ismail, leader of the Ahl-i-Hadis, in his treatise on the *Mansab-i-Imamat* observes as follows :—

“The qualifications of the Caliph among others are that he should give orders in religious matters such as Juma or Eed, prayers or waging Jihad and awarding punishments because the prophet says that “an Imam is a shield, &c.” The quotations which follow hereafter will also tend to support the above view and show that Jihad is the work of an Imam alone.

Now the question arises what is meant by the Imam whose presence is essential for waging a Jihad according to the Hadis in question? What qualifications should he possess? and is there any Imam in any part of the world who fulfils all these conditions or who possesses these qualifications? It may be observed in reply to this question that according to the works on Mohammedan Law there are two kinds of Imams, viz, the minor Imam or leader in prayers, the major Imam or the Caliph and spiritual leader of the Mohammedans for the time-being. The Imam referred to in the tradition in question is the latter kind of Imam, as according to the tradition his duty is to lead the Mohammedans in battle and defend them from their enemies which forms no part of the duties of the minor Imam or leader in prayers. According to Mohammedan theologians the major Imam must possess many qualifications which have for a long time past been conspicuous by their absence.

It is stated in the *Dur-i-Mukhtar* that there are two kinds of Imams, viz, minor and major. By the latter is meant one who has full control over the people. This point has been discussed thoroughly in works on the Aqaid (or

articles of faith); such an Imám must satisfy the following conditions, *i e*, he should be a Mohammedan, he must not be a slave; he should be a man not a woman or child; he should be a wise and an able man and belong to the tribe of Qoreish. It is not essential that he should be a Hashimite or a descendant of Ali, and Masum (infallible) The minor Imamship means the connection of the person leading in prayers with his followers (Dur-i-Mukhtar, p. 70), Mulli Ali Qiri in his Sharah Fiqah Akbar states that the presence of an Imam who should enforce Mohammedan Law, defend their frontiers, maintain a Mohammedan army and realise the Zakat and other charities from them, defend them from their enemies, protect them from thieves and dacoits and perform other duties which common people cannot perform, is essential. Again it is necessary for an Imám to be a Qoreish, as the prophet has said that "the Imáms must be from among the Qoreish." This is a well-known tradition and the learned are unanimous that the Imám referred to in it is not the leader in prayers, and accordingly it is admitted that by Imám is meant the Caliph for the time-being. It is not necessary that he should be a Hashimite or a descendant of Ali or a Masum. He must be fit to be invested with full powers, *i e*, he should be a Mohammedan, he should not be a slave but must be a man and not a woman or child, but a wise and prudent man capable by virtue of his learning, bravery and sense of justice of enforcing the law and protecting the weak against the strong (Sharah Fiqah Akhbar, p. 116—117). It is stated in the Sharah i-Mawaqif (p 732) that the past majority of the learned hold that an Imám must be possessed of the following qualifications.—

"In the first place he should be a Mujtahid as regards the doctrines of Mohammedan religion, so that he may be able to uphold the religion and defend the Mohammedan articles of faith by his reasonings and remove any suspicion that they may entertain regarding the Aqaid's (articles of faith) of Islam. He should also be qualified to give Fatwas regarding the questions of the day. The defending of the Aqaid's of Islam and the deciding of quarrels is one of the most important duties of an Imám and this he cannot do unless he is also a Mujtahid. Secondly, the Imám should be well versed in the art of Government and able to keep peace and carry on war and defend the country and in short be able to carry on its administration. Thirdly, he should be a man of courage

so as to be able to defend a Mohammedan country from the attacks of their enemies and defend the Mohammedans who follow his lead. It is related that on one occasion the prophet, when his followers had fled and he was left alone, proudly exclaimed, "I am the prophet, there is nothing untrue in it I am the son of Abdul Muttib." Besides, the Imám must be able to award lawful punishments to criminals, such as the beheading of criminals and tyrants, which duty none but a strong man can be expected to perform. Some learned men are of opinion that all the three qualifications mentioned are not essential for an Imám, as all of these qualifications are not to be found in any one person, and that if the appointment of an Imam not possessed of these qualifications be regarded as lawful these conditions would cease to be of any importance, while to make the possession of all these qualifications essential for the office of Imám is to make essential what appears to be improbable. They therefore consider the following conditions, instead of those already mentioned, necessary for an Imám.

(1) The Imám should be virtuous, because a tyrant would waste the public revenue on unlawful objects and would not respect the rights of the people. (2) He should be a wise man well versed in religious and political matters. (3) He should have attained the age of majority because a minor is not possessed of discretion. (4) He must not be a woman as women are generally not wise. (5) He must be a free man, as a slave is engaged in the service of his master and cannot perform the duties of the caliphate. These (conditions eight, including the first three,) or the last five are unanimously held to be essential for an Imám. The author hints that it is not justifiable to disregard the necessity of the first three conditions in an Imám.

There are some conditions appertaining to the office of caliph on which the Mohammedans are not at one with each other. The first of these conditions is that the Imám should be of the tribe of Qoreish. This condition is considered essential by the Ash'aris, but the Khárites and some Motazlís deny that it is necessary for an Imám to be of that tribe. We have, however, in support of our view the tradition of the prophet, "that the Imám should be of the Qoreish tribe." The companions of the prophet also acted according to this tradition. On the day of Saqifa,* when

* Saqifa is the place where the election of the caliph took place.

the Ansars raised a quarrel about the office of Imam, Abu Bakr referred to this Hadis as his authority which was admitted by all unanimously. This fact shows that it is essential for an Imam to be a Qoreish. Those who think that the Imam need not necessarily be of the Qoreish tribe base their opinion on a tradition in which the prophet enjoined obedience to a ruler even if he were an Abyssinian slave. We, however, assert in reply to this objection that the last-named tradition refers to persons appointed by an Imam of the Qoreish tribe to govern a place or command an army. The tradition in question must be interpreted in the manner we do, because otherwise it would be impossible to reconcile it with those traditions which confine the office of Imam to the Qoreish. Indeed, it may be said that the tradition about a ruler being slave in an exaggeration, inasmuch as a slave cannot be an Imam; the object of the prophet being to enforce obedience to the ruler for the time-being.

The second condition on which a difference of opinion exists is that an Imam must be a Hashimite. The Sh'ahs consider it an essential condition. The third condition is that he should be well versed in Mohammedan theology. The fourth condition which the Sh'ahs regard as essential is that an Imam should possess the power of working miracles in support of his claims to the office of Imam.

The groundlessness of these conditions will appear from the fact that Abu Bakr Siddiq whose claims to the caliphate will be proved by arguments hereafter did not possess these qualifications. The fifth condition which the Imamiyas and Ismailiyyas hold as essential is that an Imam should be Masum, but the groundlessness of this condition is also clear from the fact that Abu Bakr whose claims to the office of Imam are proved by several arguments was not a Masum.

In the Sharah-i-Maqasid these conditions are admitted as being necessary for an Imam, but an objection has been raised that Imams possessing all these qualifications have ceased to exist ever since the time of the Abbassides and thus if Mohammedans appointed Imams who did not fulfil these requirements they committed sin. Again it is remarked in reply that the Mohammedans could only be guilty of such a charge if they had purposely failed to appoint an Imam while it was in their power to do so. But since it is not in their power to appoint an Imam they cannot be held guilty of the charge. A learned man of the Ahl-i-

Hadis-sect named Abu Hafs Mohammed bin Abi Ahmad-ul-Madani Al Hossaini has recently compiled a work entitled the *Husan-ul-Masai Ila Nusah-il-Rayyat-walrai* on the Imam and his subjects. The work in question was published in Bhopal or Agra in the year 1301 A. H. or 1884 A. D. and gives a detailed proof (based on the Koran and the traditions of the prophet) of the qualifications of an Imam. Similarly other Mutakalims Muhaddises of the past and present times have stated the conditions and qualifications appertaining to the office of an Imam and supported them by logical and theological arguments.

In works on the traditions special stress has been laid on the condition that an Imam must be of the tribe of Qoreish. We also think it advisable to quote a few traditions and the opinions of Muhaddises in support of this view. The prophet as Abu Huraira narrates has said, "the Imams shall be from among the Qoreish, (Ahmed, Tibrani and Abuyala), Abu Huraira also narrate (according to Utha-bin-Idan) that the prophet said that "the office of Imam, i e, the caliphate is for the Qoreish (Imam Ahmed)." According to Ali the prophet said, "the Amirs are or should be from among the Qoreish," *Tarikh-ul-Kulafa*. Again according to Abu Huraira the prophet said that "in this respect, i e, the caliphate, people will be subject to the Qoreish," while according to Abdullah he said that "the caliphate will be for the Qoreish so long as there remain two persons in the world, (Muslim, p 119, Bukhari, p. 1057,) i e, the Qoreish will be entitled to the caliphate. According to Moaviya also the prophet said that "the caliphate will be for the Qoreish and whosoever is hostile to them or fights them will be overcome so long as they uphold the religion." (Bukhari, p 1057)

Imam Nawawi in his commentary on the *Sahih Muslim* remarks that these and similar traditions prove that the caliphate is exclusively reserved for the Qoreish and that no one else can aspire to that office. This was unanimously admitted in the time of the Sahaba or thereafter and whoever of the Kharij and Motazla sects holds a different opinion is wrong according to the Sahabas, their followers and the traditions. Qazi Ayaz remarks that it is an article of faith with all learned men that an Imam must be of the Qoreish tribe as on the day of Saqifa when Abu Bakr referred to this fact nobody contradicted him. The Qazi states that it is one of those doctrines on which all are agreed and nobody in past or present

time has ever raised any question about it. He considers that the opinion of Nizam and other Kharjies of his persuasion that a non-Qoreish can also be an Imam is not reliable nor should any notice be taken of the impudence of Zarrar-bin-Amr who says that a non-Qoreish Imam is preferable to one of that tribe, as it is easy to deprive him of the office of Imam in case he should do something deserving dismissal." This saying of Qazi is nonsense. According to the Umdat-ul-Qari and Fateh-ul-Bari commentaries on the Sahih Bokhari, Imam Qurtabi was of opinion that the remark of the prophet that the caliphate will be confined to the Qoreish is an order of Shara which means that no one but a Qoreish can become a lawful caliph so long as a single person of that tribe remains. The reason why he holds such an opinion is that though the wording of the tradition show it to be a prophecy, in reality it implies an order.

Our readers will see from the quotations given above what is meant by an Imam whose presence is an essential element for a Jihad and the qualifications he must possess. They will also find that an Imam possessing these qualifications is not only not to be found at present, but has not been found for a long time past. Nor is there any probability of one being found in the future to judge from existing circumstances.

That the Mohammedans can lawfully remain without an Imam is clear from the tradition quoted by Imam Bokhari under the heading "when there is no Mohammedan following under the Imam," from Huzaifa, who says "while others asked the prophet about good things I questioned him about bad ones lest they should fall on me. I said to the prophet that we were in times of ignorance before we received the good tidings about Islam. "Was any evil to come after this?" The prophet replied, "yes." I then asked "will it be followed by good?" He said "yes, but it will not be unmixed." I asked what he meant? He said. A nation will come into existence which will follow other ways than mine. You will find good things and bad things in them." I then asked "will any evil come after this?" He replied "yes; there will be a people who will call you to the gates of hell and whoever will follow them will be thrown into hell by them." I asked the prophet to give an account of that people. He said "they will come from amongst us, will follow the same creed." I then asked the prophet as to what I should do if that happened

to me in my lifetime. He told me to join the Imam and the Mohammedans following under him. Then I said if there be no Imam and his following"—then said the prophet, "keep aloof from all sections even if thou hast nothing but the root of a tree to eat, and live on it till you die." (Bukhari, p. 1049, Muslim, vol. 2, p. 127).

Deductions from the Eighth, Ninth, and Tenth Propositions.

(1). Some ignorant Mohammedans without having a Jamiat, &c, assemble in bodies of 100 or 50 men and at times only 10, 20 or even fewer and attack non-believers ten times as numerous as themselves and get defeated and killed on account of their numerical inferiority. This is no Jihad, but disturbance, even though their action may possess all other elements which constitute a Jihad as stated above.

Some ignorant people on the frontier generally take a seer of *ata* (flour) and leave home in order to become Ghāzi or Shahid (martyr) and kill a civil or military officer and are then hanged. This, of course, is no Jihad but disturbance. It is the height of ignorance to die an unnatural death and to regard such disturbances as Jihad.

(2). Lawful Jihad has become a matter of history ever since the lawful caliph ceased to exist; and accordingly the wars waged by non-Qoreish Mohammedan Kings under the name of Jihad cannot be regarded in the light of true Jihad. The fact that such wars were not Jihad is unanimously admitted by theologians and traditionists. The reason given by them is different, *viz*, that the object of these wars was different from that of Jihad, *vide* Tarikh-ul-Khulafā; Tarikh-i-Ajāib-ul-Maqdur; Risala Mansab-i-Imamat by M. Mohammed Ismail of Delhi; the Badr-i-Talia of Qazi Mohammed-bin-Ali Shaukani and other works.

Another inference which can be derived from the two results in question is that at the present moment also there are no circumstances justifying a Jihad, inasmuch as the Mohammedans have neither an Imam nor are they strong enough to overcome their enemies.

When we read in newspapers that the Sultan of Turkey or the Amir of Afghanistan or any other Mohammedan State has declared Jihad we cannot help being surprised and refuse to believe such statements, inasmuch as at the present moment the Mohammedans have neither an Imam to fight under nor are they strong or numerous enough to hope for success over their enemies.

(3). The present condition of the Mohammedans is quite satisfactory. At the present moment when they have neither an Imam nor the means to prosecute a Jihad there need be no fear of their making a Jihad and especially of the Indian Mohammedans who enjoy religious liberty to the fullest extent under the British Government. The Mohammedans need not be afraid of being unable to perform their religious functions by not having an Imam, nor need their rulers be afraid of any attempt on their part to secure an Imam or the means of Jihad, because their religion allows of their remaining without an Imam. Such fears might be reasonably entertained if it were the real duty of Mohammedans to wage Jihad and the act of their remaining without an Imam were derogatory to their religion. Since, however, both of these conditions have been proved to be unnecessary, no such fear need be entertained by either the Mohammedans or the Government, these are the doctrines of Islam and the views on the subject of Jihad from a scientific stand-point. We hope to be able to show in the second part of this treatise how the Mohammedans and the Prophet and his companions carried these doctrines into effect, and how in the wars waged by them they acted on these principles.

We have quoted in this part of the treatise the ten doctrines, and the two objects with which we undertook the completion of the treatise have been fully attained. They will serve to enlighten ignorant Mohammedans on the subject and convince them that Jihad is not lawful against every non-Muslim merely because he is not a Mohammedan, without reference to the conditions which govern Jihad and especially against those under whose protection they live. On the other hand, it will serve to convince those non-Mohammedans who take an unprejudiced view of the question that it is not the duty of the true followers of Islam to fight non-Mohammedans as such; to force them to embrace Islam or to spread their religion by the sword or to rebel against a non-Mohammedan Government. We must respectfully ask those non-Mohammedans who hold such opinions about Islam to read this part of the treatise carefully and let us know if they find its arguments convincing and also inform us of any short-coming they may happen to find in the treatise.

THE

NATIONAL CONGRESS VINDICATED

OR

MR. EARDLEY MORTON

versus

LORD DUFFERIN.

LUCKNOW :

G. P. Varma and Brothers Press.

1890.

LORD DUFFERIN'S SPEECH.

GENTLEMEN,—Some intelligent, loyal, patriotic and well-meaning men are desirous of taking, I will not say a further step in advance, but a very big jump into the unknown by the application to India of democratic methods of Government, and the adoption of a Parliamentary system which England herself has only reached by slow degrees and through the discipline of many centuries of preparation. The ideal authoritatively suggested, as I understand, is the creation of a representative body or bodies in which the official element shall be in a minority, who shall have what is called the power of the purse, and who, through this instrumentality, shall be able to bring the British executive into subjection to their will. The organisation of battalions of native militia and volunteers for the internal and external defence of the country is the next arrangement suggested, and the first practical result to be obtained would be the reduction of the British Army to one half its present numbers. Well, gentlemen, I am afraid that the people of England will not readily be brought to the acceptance of this programme, or to allow such an assembly or a number of such assemblies either to interfere with its armies or to fetter and circumscribe the liberty of action either of the Provincial Governments or of the Supreme Executive. (Applause.) In the first place, the whole scheme is eminently unconstitutional, for the essence of Constitutional Government is that responsibility and power should remain in the same hands, and the idea of irresponsible Councils, whose members could never be called to account in a constitutional country, arresting the march of Indian legislation, or nullifying the policy of the British Executive in India, would be regarded as an impracticable anomaly. (Applause.) Indeed, so obviously impossible would be the application of any such system in the circumstances of the case that I do not believe it has been seriously advocated by any native statesman of the slightest weight or importance. I have come into contact during the last four years with, I imagine, almost all the most distinguished persons in India. I have talked with most of them upon these matters, and I have never heard a suggestion from one of them in the sense I have mentioned. (Cheers.) But if no native statesman of weight or importance, capable of appreciating the true interests of England and of India, is found to defend this programme, who are those who do? Who and what are the persons who seek to assume such great

powers, to tempt the fate of Phaeton and to sit in the chariot of the Sun? (Applause.) Well, they are gentlemen of whom I desire to speak with the greatest courtesy and kindness, for they are most of them the product of the system of education which we ourselves have carried on during the last thirty years. But thirty years is a very short time in which to educe a self-governing nation from its primordial elements. At all events, let us measure the extent of educated assistance upon which we could call at this moment. Let us examine the degree of proficiency which the educated classes of India have attained, and the relation of their numbers to the rest of the population. Out of the whole population of British India, which may be put at 200 millions in round numbers, not more than five or six per cent. can read and write, while less than one per cent. has any knowledge of English.

"Thus the overwhelming mass of the people—perhaps one hundred and ninety out of the two hundred millions—are still steeped in ignorance : and of the ten or twelve millions who have acquired education, three-fourths, or perhaps, less have not attained to more than the most elementary knowledge. In our recent review of the progress of education it was pointed out that ninety-four and a half per cent. of those attending our schools and colleges were in the primary stage, while the progress made in English education can be measured by the fact that the number of students who have graduated at the Universities since their establishment in 1857, that is, during the course of the last twenty-one years, is under eight thousand. During the last twenty five years, probably not more than half-a-million students have passed out of our schools with a good knowledge of English, and, perhaps, a million more with a smattering of it. Consequently, it may be said that out of a population of 200 millions, there are only a very few thousands who may be considered to possess adequate qualifications, so far as education and an acquaintance with Western ideas or even Eastern learning are concerned, for taking an intelligent view of those intricate and complicated economic and political questions affecting the destinies of so many millions of men which are almost daily being presented for the consideration of the Government of India. (Applause.)

"I would ask, then, how could any reasonable man imagine that the British Government would be content to allow this microscopic minority to control their administration of that majestic and multiform Empire for whose safety and welfare they are responsible in the eyes of God and before

the face of civilisation? (Cheers.) It has been stated that this minority represents a large and growing class. I am glad to think it represents a growing class, and I feel very sure that, as time goes on, it is not only the class that will grow but the information and experience of its members. At present, however, it appears to me a groundless contention that it represents the people of India. If they had been really representatives of the people of India—that is to say, of the voiceless millions—instead of seeking to circumscribe the incidence of the income-tax as they desired to do, they would probably have received a mandate to decuple it. (Laughter.) Indeed, is it not evident that large sections of the community are already becoming alarmed at the thought of such self-constituted bodies interposing between themselves and the august impartiality of English rule? These persons ought to know that in the present condition of India, there can be no real or effective representation of the people with their enormous numbers, their multifarious interests, and their tessellated nationalities? They ought to see that all the strength, power and intelligence of the British Government are applied to the prevention of one religion dominating another; and they ought to feel that in their peculiar position there can be no greater blessing to the country than the existence of an external dispassionate and immutable authority whose watchword is Justice, and who alone possesses both the power and the will to wield the rights and status of each separate element of the Empire into a peaceful co-ordinated and harmonious unity. (Loud cheers)

“ When the Congress was first started I watched its operations with interest and curiosity. I was aware that there were many social topics connected with the habits and customs of the people which were of questionable utility, but with which it was either undesirable for the Government to interfere, or which it was beyond their power to influence or control. For instance, where is there a population whose rise in the scale of social comfort and prosperity is more checked and impeded by excessive and useless expenditure on the occasion of marriages and other similar ceremonies, than that of India; or in what country is the peasant more hampered in the pursuit of his agricultural industry than is the Hindoo or Mahomedan ryot by chronic indebtedness to the money-lenders? Where is there a more crying need for sanitary reform than amongst those who insist upon bathing in the tanks from which they obtain their drinking-water, and where millions of men, women and children die yearly or, what

is even worse, become the victims of chronic debility, disease and racial deterioration from preventable causes? What system could be named more calculated to cause greater searchings of the heart than some of the domestic arrangements so ruthlessly insisted upon by Hindu society? Above all, what land is exposed to such imminent danger by the overflow of the population of large districts and territories whose inhabitants are yearly multiplying beyond the numbers which the soil is capable of sustaining?

"To this last topic I am especially anxious to call the attention of every lover of his country. The danger has long since been signalled by European writers, especially by that most acute of all observers, the late Sir Henry Maine, and it was almost the first subject that attracted my attention when I came to India. Perhaps the widespread misery which I had witnessed in Ireland produced by similar conditions had quickened my observation. (Hear, hear.) I first of all commissioned Sir William Hunter to take the matter up, and after his departure the task of dealing with it was confided to Sir Edward Beck. A committee met at Delhi, and at the same time provisional reports were called for from various Governments on the general condition of the people. The short Resolution in which the general tendency of these reports and the lessons to be derived from them are contained has, I understand, been denounced as an endeavour of the Government to impart a rose-coloured view to the situation. All I can say is that, in ordering the inquiry, my object was to obtain the means of awaking public opinion in India to the gravity and danger of our position rather than to lull it into fancied security: and anyone who can derive much satisfaction from the result must be either of a very sanguine or a very callous temperament; for although it has been clearly demonstrated that those who represent the poorer classes of India as universally living in a chronic state of semi-starvation and inanition grossly exaggerate, and that as a whole their condition has been steadily improving. It is undoubtedly the case that in certain districts, whose inhabitants are to be numbered by millions, the means of sustenance provided by the soil are inadequate for the support of those who live upon it. When we reflect that in the most thickly-populated districts of Europe there are only from 402 to 500 persons to the square mile, whereas in the localities I am referring to they exceed 700 and even 800 to the square mile, we shall be better able to appreciate the reality of the danger. Well, then, gentlemen, for such a state of things

there are only two remedies : the expansion of manufacturing industries, and emigration. But it is not in the power of the Government of itself to apply either of these remedies. [Applause.] By removing restrictions on trade and by the multiplication of roads, railways and the facilities of conveyance, we can foster manufacturing and mercantile activity, which we are doing; but the actual creation of manufacturing centres must be the work of private enterprise. (Cheers) To the same imperfect degree, and principally by the same means, the Government can promote emigration. (Cheers.) It can let or sell land under favorable conditions to would-be settlers; it can indicate the places where the population is superabundant, and where comparatively unoccupied tracts are to be found; but it can neither prohibit by law imprudent marriages, nor compel the inhabitants of a village in any particular locality to transfer themselves to another. But what the Government cannot do the gentlemen to whom I am referring might very usefully employ themselves in doing. They know the ways and habits of the people they know the nature of their occupations, they know their needs; and as they themselves come from different parts of India, know where labour is scarce, where land is plentiful and where the newcomers could be best accommodated either as cultivators or as coolies. By carefully examining the elements of the problem they might put themselves into a position to place at the disposal of the Government both useful information and advice. (Loud applause.)

"Again, with regard to sanitation, and by sanitation I do not mean the inopportune and injudicious worrying and harrying of our villagers into the adoption of uncongenial ways and habits, or the forcing upon them of the latest principles of Western hygiene, but a gradual, patient process similar to that which has banished cholera, jail fever and many other ills from England during the course of the present century, and which consists in placing pure water within the reach of the people, and in indoctrinating them with those simple rules which add as much to the comfort as they do to the decency of domestic life. The Government has recently given its serious attention to this subject, and has laid down the lines upon which in its opinion sanitary reform should be applied to our towns and villages. It has given sanitation a local habitation and a name in every great division of the Empire, and it has arranged for the establishment of responsible central agencies from one end of the country to the other, who will be in close communication with all the local authorities within their respective

jurisdictions. But, after all the most earnest endeavours, both of the Supreme and of the Provincial Governments, will be of little avail unless seconded by the intelligent co-operation of the educated native classes. (Applause.) So, again, with regard to technical education, the Government of India may recommend to the Local Governments the policy and the arrangements which it considers to be suited for the establishment and spread of this useful and necessary branch of instruction, and the Local Governments may improve upon those suggestions, or may apply them with the utmost zeal and wisdom ; but it is the educated classes, those who are most intimately acquainted with the internal economy of the homes of India and the natural aptitudes of their inhabitants, who alone can give energy and vitality to the movement.

“ Well, gentlemen, as I have already observed, when the Congress was first started, it seemed to me that such a body, if they directed their attention with patriotic zeal to the consideration of these and cognate subjects as similiar Congresses do in England, might prove of assistance to the Government and of great use to their fellow citizens : and I cannot help expressing my regret that they should seem to consider such momentous subjects, as beneath their notice ; and that they should have concerned themselves instead with matters in regard to which their assistance is likely to be less profitable to us. (Applause.) It is a still greater matter of regret to me that the members of the Congress should have become answerable for the distribution, as their officials have boasted amongst thousands of ignorant and credulous men, of publications animated by a very questionable spirit, and whose manifest intention is to excite the hatred of the people against the public servants of the Crown in this country. (Cheers.) Such proceeding as these no Government could regard with indifference ; nor can they fail to inspire it with misgivings, at all events of the wisdom of those who have so offended ; nor is the silly threat of one of the chief officers—the principal secretary I believe—of the Congress that he and his Congress friends hold in their hands the keys, not only of a popular insurrection, but of a military revolt, calculated to restore our confidence in their discretion, even when accompanied by the assurance that they do not intend, for the present, to put these keys into the locks. (Loud applause.) But gentlemen, though I have thought it my duty in these plain terms to point out what I consider the misapprehension of the Congress party as to the proper direction in which their

energies should be employed, I do not at all wish to imply that I view with any thing but favour and sympathy the desire of the educated classes of India to be more largely associated with us in the conduct of the affairs of their country. Such an ambition is not only very natural, but very worthy, provided due regard be had to the circumstances of the country, and to conditions under which the British administration in India discharges its duties. (Applause.) In the speech which I delivered at Calcutta on the occasion of her Majesty's Jubilee I used the following expression :— ' Wide and broad, indeed, are the new fields in which the Government of India is called upon to labour but no longer as of afore time need it labour alone. Within the period we are reviewing education has done its work, and we are surrounded on all sides by native gentlemen of great attainments and intelligence, from whose hearty, loyal and honest co-operation we may hope to derive the greatest benefit. In fact to an Administration so peculiarly situated as ours, their advice, assistance and solidarity are essential to the successful exercise of its functions ; nor do I regard with any other feelings than those of approval and good will their natural ambition to be more extensively associated with their English rulers in the administration of their own domestic affairs ; and glad and happy should I be if, during my sojourn amongst them, circumstances permitted me to extend and to place upon a wider and more logical footing the political status which was so wisely given a generation ago by that great statesman, Lord Halifax, to such Indian gentlemen as by their influence, their acquirements and the confidence they inspired in their fellow-countrymen were marked out as useful adjuncts to our Legislative Councils.' To every word which I then spoke I continue to adhere. (Cheers.) But surely the sensible men of the country cannot imagine that even the most moderate constitutional changes can be effected in such a system as ours by a stroke of the pen, or without the most anxious deliberations as well as careful discussions in Parliament. (Applause.) If ever a political organisation has existed where caution is necessary in dealing with those problems which affect the adjustment of the administrative machine, and where haste and precipitancy are liable to produce deplorable results, it is that which holds together our complex Indian Empire ; and the man who stretches forth his hand towards the ark, even with the best intentions, may well dread lest it should shrivel up to the shoulder.

" But growth and development are the rule of the world's history, and from the proofs I have already given of the way in which English states-

manship has perpetually striven gradually to adapt our methods of government in India to the expanding intelligence and capacities of the educated classes amongst our Indian subjects, it may be confidently expected that the legitimate and reasonable aspirations of the responsible heads of native society, whether Hindu or Mahomedan, will in due time receive legitimate satisfaction. (Cheers.) The more we enlarge the surface of our contact with the educated and intelligent public opinion of India the better ; and although I hold it absolutely necessary, not merely for the maintenance of our own power but for the good government of the country and for the general content of all classes, and especially of the people at large, that England should never abdicate her supreme control of public affairs or delegate to a minority or to a class the duty of providing for the welfare of the diversified communities over which she rules, I am not the less convinced that we could with great advantage draw more largely than we have hitherto done on native intelligence and native assistance in the discharge of our duties. (Loud applause.) I have had ample opportunities of gauging and appreciating to its full extent the measure of good sense, of practical wisdom and of experience which is possessed by the leading men of India, both among the great nobles on the one hand and amongst the leisured and professional classes, on the other, and I have now submitted officially to the home authorities some personal suggestions in harmony with the foregoing views. (Cheers.)

“Gentlemen I have sometimes seen in the newspapers formidable indictments drawn up against the British Administration in India, I do not now refer to them for the purpose of controverting the charges which they formulated, but they have certainly indicated one blemish which the Government of India frankly recognises, and had already begun to deal with, namely, the present constitution of the police. There are undoubtedly great defects in this branch of the public service. It is, however, by no means an easy matter to deal with the difficulty lying in the low morale prevailing in the classes from which alone the police can be drawn, in the supineness and ignorance of the people themselves, and still more on account of the additional expenditure which would be entailed by any really effective amelioration of the force. (Applause.) Again, with regard to the separation of Judicial and executive officers in the early stages of the Service and in the lower grades, this is a counsel of perfection to which we are ready to subscribe, though the reform suggested, where it has not been

carried into effect—and it has not been largely effected—is by no means so simple a proceeding as many people suppose. But here also we have a question of money. With regard to both these subjects, however, I have to make one observation. The evils complained of are not of recent date: they existed long before my time, and, had they been as intolerable as is now stated, they would have been remedied while the existence of surplus funds rendered this practicable; but as this was not done, it is fair to argue that, even admitting that there is room for improvement in both the above respects, we can afford to consult times and seasons in carrying these improvements into effect. (Applause.) Be that however it may, I confess I always lay down these incriminating documents with a feeling of relief at finding that more serious shortcomings cannot be alleged against us. (Cheers.) When I consider the difficulties of our task, the imperfection of the instruments through which we must necessarily work, the multiplicity of the interests with which we have to deal, the liability of our most careful calculations to be overset by material accidents over which we have no command, the complexity and centrifugal might of the forces we are called upon to harmonise and co-ordinate, the extraordinary tendency in the East for two and two to make five, and the imperfection which stamps the conduct of all affairs, my wonder is that our miscarriages should not have been infinitely multiplied. In reading the criticism I am reminded of a story of a young man who afterwards became very powerful public speaker. On his first appearance on the hustings he was so embarrassed by the novel circumstances of his situation that he made but an indifferent effort at his speech; but when some one in the crowd ill-naturedly jeered at him he cried out: ‘You just come up here and do it yourself: you won’t find it so easy’—which pertinent observation at once won for him the sympathy of his audience. (Loud laughter.) At all events we have the satisfaction of knowing that there is another side to the picture, for, in these diatribes, to use Sir Auckland Colvin’s eloquent words ‘of the India of to-day as we know it, of India under education, of India compelled in the interests of the weaker masses to submit to impartial justice, of India brought together by road and rail, of India entering into the first class commercial markets of the world, of India of religious toleration, of India assured for terms of years unknown in less fortunate Europe of profound and unbroken peace, of India of the free Press, of India finally taught for the first time that the end and aim of rule is the welfare of the people and not the personal aggrandizement of the sovereign’—he might have added

of India that within the last 28 years has accumulated 110 millions of gold and 218 millions of silver—we fail to find a syllable of recognition.’ (Cheers.) At all events, gentlemen, you may be sure that whatever our sins, whether of omission or of commission, the English Government in India will continue faithfully, courageously and in the fear of God to endeavour to discharge its duties, to amend whatever may be amiss, and still further to improve the good which already exists, indifferent to praise or blame, and as unresentful of the hatred things occasionally said of us by those for whose sake we are labouring as we shall always be grateful for the appreciation of those, and they are the great majority of our Indian fellow-subjects, who have the intelligence to understand and the generosity to acknowledge what we have done for them. (Loud cheers.)

AN OPEN LETTER

*To the Marquis of Dufferin and Ava and Earl of Ava, G.C.S.I.,
G.C.M.G., K.C.I.E., &c., &c.*

MY LORD MARQUIS,

ON the eve of your "official dissolution" you have delivered yourself of a diatribe against a movement which, whether your Lordship believes it or not, is very near to the hearts of many millions of the people of India. The National Congress which has provoked your sneers—and, as I will show, your misrepresentations—is the concrete manifestation of hopes and of ambitions which have been gradually maturing and taking shape during the last half century. With these your Lordship may have no real sympathy. But they are of England's planting. They are the outcome of English education, and of intimacy with Englishmen and English modes of life and thought. To their inception Parliament has given sanction. The Queen has pledged herself to their development. A long list of Viceroys has expressed goodwill and satisfaction with their progress. One Viceroy has gone farther, and has attempted in some measure to redeem the solemn promises of his Sovereign and his countrymen. You have yourself been careful during your tenure of office to disseminate the belief that, if not in complete harmony with, you were not hopelessly opposed to, the aspirations you saw around you. For four years you weighed your lightest utterance. If you aroused no enthusiasm by their generosity, at least you courted no dissatisfaction by the hostility of your public utterances. Your prudent reticence was coterminous with your reign. I will not impute to you the desire to retain popularity by the arts of simulation or dissimulation. But, if others are less charitable, you have only yourself to blame. You have thought it wise, a few days before your departure from India, publicly to throw off all reserve. You have thought it generous to declare yourself an opponent of the people's wants. For four years you have drawn from the people of India a splendid salary: and your last official act is to condemn Indian aspiration and sneer at Indian reform. Your friends will doubtless point to your published speeches in refutation of my charge. They will produce your "recommendations" to the Home Government as evidence of your sincerity. But many will regard your benevolence as spurious, and trace to policy what should be due to conviction. I leave

you, my Lord, to settle accounts with your own conscience. But the people of India must be pardoned if they cite you as another instance of the facile plasticity of official virtue: and if they take your successors rather less upon trust, truth will refer failing confidence to the reflections engendered by your latest public declaration.

If your last act was neither wise nor generous, what shall we say of its courage? It needed but little of that quality to dencunce amid the security of your European friends, your Indian subjects in their absence. It would have been possible to forgive indiscretion had you been brave: and if there had been little to applaud in the sentiments you uttered, there would have been something to admire if you had disburthened yourself of your Philippic before an Indian audience. That contest you avoided. Your discretion we cannot gainsay. But we laugh at your valour. Few men are more capable than yourself of eliciting the cheers and admiration of an educated assembly. Your rhetoric is magnificent. Your speeches in Canada won you a well-deserved acclaim. Your speeches in India have been marked by all the polish of an exceptionally thoughtful essayist. With much of what you said at the St. Andrew's Dinner we shall all agree. But it would be difficult adequately to pourtray the pain and humiliation which you have aroused among large classes of your subjects by the capacity with which you have deliberately employed the art of misrepresentation to win the applause of Englishmen by your rhetoric against Indians. You have been careless, my Lord, in the language of your indictment. You have not been more careful in the offences you impute to the loyalty of the National Congress. At all times, and I avow it with regret, it is easy to influence the white against the black. The task is trebly easy when it is attempted by a Viceroy. It is not merely that your arguments derive new force from your great position as the head of the Empire. Your averments of facts are accepted as unimpeachable. No one harbours a suspicion that your quotations are untrue. Awed by the splendour of your office, and charmed by the magic of your voice, men yield their consciences to your keeping with unquestioning trust. I read of the "thundering applause" with which you were greeted, of the liberality of the repeated cheers which waited upon the close of each balanced period. You armed yourself with all the cunning of your tongue, with all the stateliness of gesture, with all the inalienable sanctity which surrounds the position of a Viceroy, to awake, by misrepresentation of the efforts of men

not less honest than yourself, a sentiment of opposition and dislike in the hearts of those you were addressing.

It may be that I have over-estimated the importance which men will place upon your effort. But, if I am not wrong, your speech will inaugurate a new era of resistance and discontent, will give a fresh starting-point to racial jealousy and contempt, and will, accordingly, indefinitely multiply and aggravate the difficulties of governing the Empire. Such is your legacy to Lord Lansdowne! Where we have expected the most scrupulous good faith, you have given us reason to complain of serious misstatement. You have imputed to the adherents of the National Congress intentions which do not exist and statements which have never been made. We cheerfully accord you the right to form and publish what opinions you please. But not even a step in the Peerage entitles you to publish that which is not. You will have a host of petty imitators who will plead your inaccuracy in justification for their own. And, in your successful effort at the Calcutta Dinner to array the rulers against the ruled, men like Sir Lepel Griffin will find at once their apology and their vindication. Luminaries of the first magnitude like Sir Auckland Colvin will cite you for precedent. Lesser stars in the official firmament will follow you with thoughtless zeal; while your high authority will be urged by boy editors who

Mistake two soft excrescences for horns,
And butting all they meet with awkward pains
Lay bare their forehead, and—their brains,

as sufficient explanation, to the public of the causes for this startling revelation.

You stand charged, my Lord, with misrepresentation of the Congress views.* I leave it to you to show whether this was intentional or not. If it was not, you are guilty of negligence so culpable that no condemnation could be too severe. If it was, I prefer to leave your conduct to the estimate of the civilized world and to that Supreme Being whose name you are yourself so ready to invoke. You have alleged that the Congress is anxious to apply to India "democratic methods of government and the adoption of a Parliamentary system which England has only reached by slow degrees and through the discipline of many centuries of preparation." I meet your Lordship with a direct denial. The Congress has never sought to apply democratic methods of government to India. The Congress has

not wished to import parliamentary government into India. The affirmative lies with your Lordship. The *onus* of its proof rests upon yourself. I cannot prove a negative. I can only contradict you, courteously but with unhesitating directness. Those who sympathise with the Congress are not, in your Lordship's language, desirous of taking a "big jump into the unknown." They own no political athletes. Congress has stated in print, for three successive years what it wanted. Its resolutions have been invariably forwarded to your Lordship. Have you ever read them? In the belief that you have not, and in the hope that you will, I extract for your Lordship's perusal the resolutions passed at the three Congresses respectively held at Bombay in 1885, at Calcutta in 1886, and at Madras in 1887.

At the first Congress of 1885 the Hon'ble Mr. K. T. Telang, *C.I.E.*, (Bombay), moved; the Hon'ble Mr. S. Subramania Iyer (Madras), seconded; and the Hon'ble Mr. Dadabhai Naoroji (Bombay), supported; all three being at the time themselves members of a Presidency Legislative Council, the following (being the third) resolution which was unanimously passed by 72 delegates :—“ That the Congress considers the reform and expansion of the Supreme and existing Local Legislative Councils, by the admission of a considerable proportion of elected members (and the creation of similar Councils for the N.-W. Provinces and Oudh and also for the Punjab) essential; and holds that all Budgets should be referred to these Councils for consideration, their members being moreover empowered to interpellate the Executive in regard to all branches of the administration and that a Standing Committee of the House of Commons should be constituted to receive and consider any formal protests that may be recorded by majorities of such Councils *against the exercise by the Executive of the power, which would be vested in it, of over-ruling the decisions of such majorities.*” This is printed at page 2 of the proceedings of the Congress.

At the second Congress of 1886 the third and fourth resolutions ran as follows :—

III.—“ Resolved : That this Congress of 1885, do emphatically re-affirm the third resolution of the Congress and distinctly declare its belief that the reform and expansion of the Council of the Governor-General for making Laws and the Provincial Legislative Councils, *therein suggested*, have now become essential alike in the interests of India and England.

IV.—“That this Congress is of opinion that, in giving practical effect to this essential reform, regard should be had (*subject to such modifications as, on a more detailed examination of the question, may commend themselves to the Government*) to the principles embodied in the following tentative suggestions :—

(1.) “The number of persons composing the Legislative Councils, both Provincial and of the Governor-General, to be materially increased. Not less than one-half the members of such enlarged Councils to be elected. Not more than one-fourth to be officials, having seats, *ex-officio*, in such Councils, and not more than one-fourth to be members, official or non-official, nominated by Government.

(2.) “*The right to elect members to the Provincial Councils to be conferred only on those classes and members of the community, prima facie capable of exercising it wisely and independently. In Bengal and Bombay the Councillors may be elected by the members of Municipalities, District Boards, Chambers of Commerce and the Universities, or an electorate may be constituted of all persons possessing such qualifications, educational and pecuniary, as may be deemed necessary. In Madras the Councillors may be elected either by District Boards, Municipalities, Chambers of Commerce and the University, or by Electoral Colleges composed of members partly elected by these bodies and partly nominated by Government. In the North-West Provinces and Oudh and in the Punjab, Councillors may be elected by an Electoral College composed of members elected by Municipal and District Boards, and nominated, to an extent not exceeding one-sixth of the total number, by Government, it being understood that the same elective system now in force, where Municipal Boards are concerned, will be applied to District Boards, and the right of electing members to these latter extended to the cultivating class. But whatever system be adopted (and the details must be worked out separately for each province), care must be taken that all sections of the community, and all great interests are adequately represented.*

(3.) “The elected members of the Council of the Governor-General for making Laws to be elected by the elected members of the several Provincial Councils.

(4.) “No elected or nominated member of any Council to receive any salary or remuneration in virtue of such membership ; but any such member, already in receipt of any Government salary or allowance, to continue to draw the same unchanged during membership, and all members to be entitled to be reimbursed any expenses incurred in travelling in connection with their membership.

(5.) “All persons, resident in India, to be eligible for seats in Council, whether as electors or nominees, without distinction of race, creed, caste or colour.

(6.) “All legislative measures and all financial questions, including all Budgets, whether these involve new or enhanced taxation or not, to be necessarily submitted to, and dealt with by these Councils. In the case of all other branches of the administration, any member to be at liberty, after due notice, to put any question he sees fit to the *ex-officio* members (or such one of these as may be specially charged with the supervision

of the particular branch concerned), and to be entitled (except as hereinafter provided) to receive a reply to his question, together with copies of any papers requisite for the thorough comprehension of the subject; and, on this reply, the Council to be at liberty to consider and discuss the question and record thereon such resolution as may appear fitting to the majority: *Provided that, if the subject, in regard to which the inquiry is made, involves matters of foreign policy, military dispositions or strategy, or is otherwise of such a nature that, in the opinion of the Executive, the public interest would be materially imperilled by the communication of the information asked for, it shall be competent for them to instruct the ex-officio members, or one of them, to reply accordingly, and decline to furnish the information asked for.*

(7.) *"The Executive Government shall possess the power of overruling the decision arrived at by the majority of the Council in every case in which, in its opinion, the public interests would suffer by the acceptance of such decision; but whenever this power is exercised, a full exposition of the grounds on which this has been considered necessary, shall be published within one month, and, in the case of Local Governments, they shall report the circumstances and explain their action to the Government of India, and, in the case of this latter, it shall report and explain to the Secretary of State; and in any such case on a representation made through the Government of India and the Secretary of State by the overruled majority, it shall be competent to the Standing Committee of the House of Commons (recommended in the third resolution of last year's Congress, which this present Congress has affirmed) to consider the matter, and call for any, and all, papers or information, and hear any persons on behalf of such majority or otherwise, and thereafter, if needful, report thereon to the full House."*

* This resolution was proposed by Mr. Surendranath Banerji of Calcutta; seconded by Mr. N. J. Chandavarkar of Bombay; and supported by Mr. Sharaf-ud-din of Behar. It was carried unanimously in a house of 436 delegates.

At the Third Congress of 1887 the second resolution was thus worded:—"Resolved: That this Congress re-affirms the necessity for the expansion and reform of the Council of the Governor-General for making Laws, and the Provincial Legislative Councils, already set forth in Resolution III of the Congress of 1885 and 1886, and expresses the earnest hope that the Government will no longer delay action in the direction of this essential reform." This was proposed by Mr. Surendranath Banerji of Calcutta; seconded by Raja Sir T. Madhava Rao, K.C.S.I. (Madras); and supported by Mr. P. Somasundrum Chettiar (Madras). It was carried unanimously in a house of 607 delegates.

I would call your Lordship's attention to the passages italicised in the above extracts. They prove—(1) that the reform asked for is reform of

the Legislative, not the Executive, Councils; (2) that the ultimate power of refusal or acceptance of any resolution rests with the Executive subject to the interposition of a Standing Committee of the House of Commons; (3) that the principle of election is confined to one-half of the members; (4) that the Government can appoint the other half; (5) that questions of foreign policy, military strategy, and any other question which in the opinion of the Executive, it would be detrimental to the public interests to answer, are in terms excluded from control; and (6) that the resolutions are themselves purely tentative and submitted for the consideration of the Government, who are at liberty to make what alterations they choose.

Yet, I find your Lordship speaking thus:—"The ideal authoritatively suggested, as I understand, is the creation of a representative body or bodies in which the official element shall be in a minority." That is in direct conflict with the express declaration of the first Congress, whereby the power of overruling the protests of the majority is vested with the Executive. It is in conflict with the equally direct reservation of the resolutions of the second Congress. The resolution of the third Congress merely reaffirms the resolutions of the two earlier meetings. I am unable to reconcile your Lordship's statement with the facts.

You proceed to state that the non-official majority, which your imagination has conjured into existence, is intended by the Congress "to have what is called the power of the purse," and that the Congress thus hopes "it will be able to bring the British Executive into subjection to their will." I nowhere find among the authoritative records of the Congress, and you yourself profess to deal only with the "authoritative ideal," any reference to a scheme for subordinating the officials to the non-officials in matters of finance.

If your Lordship relies upon an extract from the "Catechism," where its author points out that his "countrymen should make it a rule to study carefully all public questions and communicate to Government their opinions of them through associations and newspapers. ✓ Our countrymen should do their best to establish in India a representative Council similar to the Parliament of Great Britain to consider the questions that relate to our well-being. We should get the permission of the British Parliament to elect the members of that Council. Her Majesty the Queen-Empress should make the resolutions of that Council binding upon the Govern-

General and Governors;"—if your Lordship relies upon this extract, I would point out that this is not the authoritative exposition of its views by the Congress, and that, in stating what the Congress wants, your Lordship is bound to quote what the Congress says. That is to be found in the resolutions and nowhere else. The 'Catechism' has been published in the Congress Report because it was considered desirable that all the world should know the means we employ to secure our ends. The author of the "Catechism" has stated his personal views. I sympathise with him fully, and I trust that as Indians fit themselves more completely for effective control, they will receive that control more completely, until, in the years to come, India may be governed by something which shall bear a real resemblance to the Parliamentary system of England. But that is not what the Congress is asking for to-day. What the "Catechism" foreshadows is representative government. What the Congress asks for is partially representative Councils. What the Congress asks for is the right to criticise the Budget. In this point it is in complete accord with the Chambers of Commerce of Calcutta, Madras, and Bombay. The representations of these Chambers have met with no reproof at your Lordship's hands. Rebuke is reserved solely for Indians. Your Lordship invites a comparison of your unequal treatment of England's Indian and European subjects. The solution of any difference of opinion between the Government and the Legislative Council is left to the discretion of the House of Commons. Will your Lordship point out how this translates power from the European to the Indian? The ultimate authority now is an English Secretary of State. The ultimate authority as proposed will be a body of English gentlemen. The only difference will be that now the views of the Government prevail without debate; whereas, in the future, it is suggested, they should be accepted after full and impartial inquiry. I can see nothing in this to terrify the most sensitive alarmist. I can see less to justify the application to those who support the Congress of such names as traitor, renegade, or riff-raff. There is nothing treasonable in the principle that an appeal should lie from the authorities in India to the authorities at home. The proposed change in the constitution of that appellate tribunal is due to a strongly-held belief that the machinery at the disposal of the Secretary of State is cumbrous, expensive, unsympathetic, and useless. But the principle of appeal has long obtained. In matters judicial Her Majesty's Privy Council holds the keys of power. In matters administrative and executive, even the Secretary of State has sometimes been known to uphold

a suit suspended or dismissed by the Government of India. On the merits, why should your Lordship recoil at the bare thought, that the taxpayers of this country should have some voice in the control of their own finance? What is there in the proposal to fan suspicion or awake alarm? It is not opposed to natural justice. It is a system long recognised by all nations not governed upon a system of pure despotism. Your Lieutenant, Sir Auckland Colvin, fearlessly asserts that despotism is a misnomer for the administration of India. Then, why such panic? A just and economic financial control need shrink from no inquiry. If our monies are not wasted, our revenues not squandered, why fear a measure that will applaud your policy? and while it shares with you the difficulties of imposing taxation, will enhance by its support whatever of glory and wisdom can be credited to your manipulation of the National Exchequer? Or, are they right who detect beneath the sound of your long-drawn roll of self-congratulation that one false note which tells of opposition evoked and fomented by the pangs of guilty conscience? Or, is the truth with those others who assert that your censure of financial reform is promoted by the fear that public criticism will arrest the lavish expenditure upon Self? Are you in arms because you do not desire we should drag forth from your imperial cupboard the skeletons of useless conquest and the ghosts of famines unprovided for? Or, are you haunted by the dread that the people's friends, once clothed with the garments of representation, will protest against, until they check, that waste of public money which, by way of illustration, permits your Lordship annually to misappropriate £40,000 for your exodus to Simla, and allows your Lordship's subordinates for seven months in the year, at our cost,

to lie reclined

On the hills like gods together, careless of mankind?
You speak yourself, my Lord, of the "great attainments and intelligence" of Indian gentlemen who surround you on all sides. You dilate upon their "hearty, loyal, and honest co-operation." You admit that "their advice, assistance, and solidarity are essential to the successful exercise of the functions of an administration so peculiarly situated" as your own. You profess "approval of their natural ambition to be more extensively associated with their English rulers in the administration of their own domestic affairs." You express the hope that you "may be permitted to extend and to place upon a wider and more logical footing the political status"

which Lord Halifax gave this country a generation ago. And yet when this same intelligence comes before your Lordship with a petition which embodies no crude and hasty day-dream, but a measure carefully planned out and anxiously considered, your reply is that you cannot yield to the ambitions of this "microscopic minority." You first misquote their prayer, and then lend the sanction of your approval to those who stigmatize them as guilty of sedition. Are your speeches only elegant examples of poetry in prose? Are they sincere when they treat of honesty of your subjects, or are they fashioned only to

"Bring in pomp laborious nothings home" ?

You inform us you have made certain recommendations to the Secretary of State. If they are based, my Lord, on representations as accurate as those in your Calcutta speech, alas! for your candour and for our success! But if they proceed upon any honest intention to breathe life into the mumblings of our Legislative Councils, I would ask you, in recollection of your own public utterances, what reform can there be of any practical value to the educated communities of India which divorces their position from the right to press their dissent? If you are earnest in your wish to associate them with yourself in the administration of their own domestic affairs, what, my Lord, do you consider of greater moment in connection with domestic matters than the right to spend the public money on their *development*? Do questions of sanitation, of police, and of judicial reform, of the better adjustment of taxation, of the encouragement of indigenous art, of the spread of technical instruction and the continued increase of general education,—do these, and questions such as these, fall within or outside the scope of domestic affairs? And if they do, how are we effectively to devote ourselves to the practical consideration of such matters if we are to remain pauperised by want of means? Pauperised we unquestionably are, and shall continue to be, unless and until we can either ourselves directly assist in the control of the revenue, or are in a position to check the reckless extravagance of the Government of India by the right of appeal to an intelligent and unbiassed Court in England. Your St. Andrew's speech is rich, as usual, towards its close in empty sympathy with your subjects' wants. But it is easy to detect the mournful fact that its foundations rest upon suspicion of the people. You anticipate remonstrance and conjure up wide differences of opinion, because although your Liberalism can sustain you to the extent of giving Mr. Gladstone a silver bowl, it fails you when you find yourself face to face with

that great problem which is quietly but surely working out its own solution in India,—the problem how best to meet and guide the growing wants of nations who are awakening from the sleep of ages and, under the splendid direction of England's purpose, are stretching forth their limbs in the first delicious recognition of true freedom. There is, my Lord, but one way to meet the people. You must trust them. Your own great leader—I know not if he be your leader still, or whether when you resume your seat in the House of Lords as first Marquis of that province by the conquest of which, at this country's expense, you have won the freedom of the City of London, you will lend your splendid intellectuality to crush the struggling efforts of the people among whom you were born—thus defined the broad difference between the two great parties of the State:—"The principle of Liberalism," he said, "is trust in the people, qualified by prudence. The principle of Conservatism is mistrust of the people, qualified by fear." That enunciation contains a great and solemn truth. Only by action in its spirit can anything like a true union be effected between India and England. Your criticism of the wants of the Congress is based upon mistrust where it is not grounded on misrepresentation. Your professions, my Lord, are not merely inconsistent with the facts: they are mutually destructive of each other. You quote with pride your declaration on the Queen's Jubilee. You have reason to be proud of that utterance—if it was sincere. But even while you charm yourself with its generous catalogue of Indian worth you claim for Englishmen alone the "will to weld the rights and status of each separate element of the Empire into a peaceful, cordial, and harmonious unity."

*Mendio de fonte leporum
Surgit amari aliquid.*

You never published a graver libel on your Indian subjects. They are not less anxious than yourself to see the *disjecta membra* of these splendid Presidencies made one by their common appreciation of England's labours and their common desire to qualify themselves more fully for the privileges and responsibilities of greater self-government. We do not absorb all the virtues of the world. Believe me, my Lord, there is some residue of worth in the Indians. There might be more were we less self-regarding. Narcissus may be so entranced with the loveliness of the shadow that he can find no leisure for the contemplation of beauty in others. But would your Lordship court as sad an end? When I compare, in connection with the

ambitions of the Congress, your Lordship's actions with your words I am reminded of a sentiment which was a favourite with Dr. Primrose. That excellent Vicar once said :—"I was ever of opinion that the honest man who married and brought up a large family did more service than he who continued single and only talked of population." Your Lordship has frequently paraphrased the philosophy of that principle. But there is this difference between Dr. Primrose and yourself. He practised what he preached. You do not. Goldsmith's hero married. Your Lordship is still politically single.

Once your Lordship had fairly planted your inaccurate dissection of the views of Congress upon your audience, it was easy and natural to draw from false premises a series of false inferences. But after all due allowance for "quaichs" and 'haggis' galore, your Lordship must have been very sure of your hosts to advance through an army of minor misrepresentations to your absolutely wanton attack upon Mr. Hume. You availed yourself of your high official dignity and the security of your position to give a man who was not present a foul blow. You knew that Mr. Hume was an English gentleman by birth and education, and a retired Civil Servant, whose long and meritorious services his Queen had acknowledged and distinguished by the conferment of a C. B. You knew that Mr. Hume had held high and responsible office : and you knew that he had been offered and had refused a Lieutenant-Governorship. You knew also, my Lord, what he had said. I quote from his letter to the *Pioneer* of the 24th November, 1887. It was this :—

"To continue—Mr. Beck's assertions (which perhaps he conceives to be argument) in support of this monstrous proposition of his, are as untenable as is the proposition itself. He says, 'the English educated class does not at present hold in its hands the keys of the magazines of physical force in this country. They have no control over the Native Army, nor over those classes of warlike peasantry which form the inflammable material of the country.' Now, in the first place, no one ever dreamt of the representation being based on the English-educated class. Every one confidently expects that the system which will be sanctioned by the Government, will be far more perfect and not less perfect than that under which our National Congresses assemble. Yet, even under our present imperfect, tentative system, the English educated class does not constitute one-fiftieth of the persons directly represented. Great stress is laid upon all the representatives understanding English, because this is now the true *lingua franca* of the Empire, and Tamil, Telugu, Malayalam, Guzerati, Mahratti, Sindhi, Punjabi, Urdu, Persian, Hindi, Bengali, Assamese and Uriah speakers can here all meet on a common basis ; and yet at the last Congress there were many delegates, and even several

speakers who were only acquainted with their own vernaculars. If we take the Provincial Standing Congress Committees (to say nothing of sub-committees and representatives) comprising some 97 members, fully one-third of these are not English-educated men, and in the lower grades of the organisation the English-educated are the exceptions. But the large body of more or less educated (not English-educated) men who are at this moment supporting the movement, do hold in their hands the keys of a good many magazines of physical force, *though they are not going to put those keys in the locks.*

"As for the Native Army, every sepoy and native officer has a home, and often visits it on leave and furlough, and every one of them could be got at without the slightest difficulty, and (the facts of the case are so plain, and simple, and irrefutable) converted to the views held by the great mass of his educated and half-educated countrymen. In two years the great bulk of the Native Army could be converted into sound politicians and strong supporters of the reform movement. But the policy of our leaders has always been opposed to any action that could possibly incline the Government to suspect the perfect loyalty of our agitation, and, therefore, not only has this not been attempted, but native officers on leave, who were desirous of taking part in demonstrations connected with the work of the national party, have been discouraged and advised, *so long as they remain in the army, to leave politics alone, and content themselves with loyally obeying their lawful superiors.*"

That statement you had either read or you had not. If you had read it, you were in honour bound to quote it correctly. If you had not, you were in honour bound not to convey the impression that you had. But your Lordship is not above the vulgar appetite for applause. The temptation to excite a cheer overcame your recollection of your virtue. And you stooped, my Lord, not for the first time that night, to the degradation of inaccurate reproduction. You charge a man not less honourable than yourself, and certainly not less zealous than your Lordship in his anxiety to impose upon all public progress the constitutional limitations of argument and persuasion, with having threatened the authorities with his present forbearance to carry his schemes by violence and bloodshed. Here are your words :—

"Nor is the silly threat of one of the chief officers—the principal Secretary, I believe—of the Congress that he and his Congress friends hold in their hands the keys, not only of a popular insurrection but of a military revolt calculated to restore our confidence in their discretion even when accompanied by the assurance that they do not intend for the present to put those keys into the locks. (Loud applause.)

If your version is correct, it is due to Mr. Hume that you should point out to him your source of information. If it be incorrect, you are bound,

my Lord, by every principle of fair play and, common honesty, to retract and apologize for an assault which is as cowardly as it is coarse. It is not by artifices such as these that you will damp the ardour of the Congress adherents. Nor by devices so unworthy will you induce Englishmen to believe that the cause of native progress is disentitled to support. A case must be bad and a defence weak which trust for success to tricks so base as these. We have used against you and those who are behind you nothing but fair argument. If the heat of controversy has sometimes given rise to expressions which exceed the fair limits of courtesy, we regret it, and will make atonement. But though we have no Lieutenant-Governors on whom to lean, nor look for sympathy to the representative of Her Majesty in India, we are sufficiently proud and sufficiently confident of the cause we plead not to sully it or ourselves with any wilful or careless perversion of the truth. You call what you say "plain speaking," my Lord, and you plead the voice of duty. Your speaking is so "plain that some of us may well shudder at its hideousness. And as for duty, I can only say with deep regret that your conception of your obligations to your neighbour does not tally with that which I believe prevails among the majority of moral and educated English gentlemen. And, since the proud man often is the mean, you sowed a slander in the common ear. You have given a fresh fillip to the National Congress. To the common conviction which binds us all in the one strong belief that the reforms we urge are those to which we are entitled, as well by reason of past pledges as by those great laws of nature and philosophy which must overcome the most stubborn of human resistance, your Lordship has now added a new reason why the members of the Congress, European and Native alike, should rally with increased gratitude round the figure of Mr. Hume. Your Lordship has traduced him. We are not more likely to forget his splendid services on our behalf when we see the gentle and patient courtesy with which he met your Lordship's shameful charge. No European in India before you spoke held such control as Mr. Hume over Indian hearts. Your Lordship's speech will seat him more firmly in their love.

Your Lordship sneers at the "microscopic minority" of those who advocate the Congress. In what relation does the handful of the English Executive in this country stand numerically to the population? In a minority, compared with which the relative minority of the Congress party becomes a huge majority. Yet your Lordship does not sneer at the

minority of the service you direct. The relation of one Civilian to about every 250,000 Indians does not seem to predispose your Lordship to contempt that you reserve for the Indians. Even if the avowed adherents of the Congress represented no one but themselves, a statesman's sagacity should be able to discern in the huge body of educated Indians a useful and formidable ally for the better government of the Empire. You admit that "they know the ways and habits of the people, they know the nature of their occupations, they know their needs." There surely are qualifications for a share in the government if as your Lordship adds, they are "loyal and patriotic." Empty phrases these, my Lord, unless you have the prudence of your conviction and turn for help, for knowledge, and for support to those most deeply interested in the successful administration of their country and themselves.

You have, we know, travelled through the land. We know also how much real information you are likely to acquire thereby at first hand from the people themselves. Had I any doubts upon the subject, your Lordship's St. Andrew's Speech would have removed them. "Distinguished persons," within the meaning of your Lordship's reference, are not usually calculated to enlighten authority upon popular wants; for the reason that authority elevates the unknown into the "distinguished," and the principles of such elevation do not pretend to be based upon any system of merit. But if your Lordship had condescended to talk with people whose claims to knowledge and candour rested upon facts and not titles, your Lordship would have made the great discovery that ninety-nine hundredths of Indian intelligence strongly espouse the main principles of the National Congress. Has your Lordship ever spoken frankly to the Maharaja of Durbhanga, who is no whit behind any Indian prince in patriotism, intelligence, and generosity; to Sir T. Madhava Rao, "distinguished" both in your Lordship's sense and mine; to Mr. Budruddin Tyabji; to Mr. Telang; Mr. V. N. Mandlik; to Mr. R. M. Sayani; to Mr. Pherozeshah Mehta; to Mr. Chandavakur; to Mr. Dinshaw E. Wacha; to Mr. Rash Behary Ghose; to Mr. Manomohun Ghose; to Mr. Bonnerjee; to Mr. Rnnade, to Mr. Naorojee; to Mr. Subramania Iyer; to Mr. Ananda Charlu; to Mr. Ramasamy Moodelliar and others far too numerous to mention, "distinguished" in my sense and not in your Lordship's? With tomes of information, all uncut, ready to your hand, your Lordship prefers the limited circle of those who would not deserve your Lordship's sympathy and support if they were not primed with views and facts to meet your Lordship's wants.

Ye think the rustic cackle of your *bourg*
The murmur of the world,

and Viceroys proceed to legislate and act as though the Taluqdars of Oudh fairly represented the consensus of native ambition, and all loyalty was fashioned upon the model of the Raja of Bhinga's !

Your Lordship can spare us a recapitulation of 'the 'great nobles' who have sent in their adherence to your views. We are well posted up in that department. We do not desire any reproduction of that list of titled vacuity. But we should like to know something of that other section of the "leading" people of India who from the ranks of the "professional and leisured" classes confer upon your Lordship's *critique* the boon of their approval and regard. The information would be relished by those who believe that in all India there are not a half-a-dozen intelligent men who have not thrown in their lot with the work originated and carried on by their countrymen.

Your Lordship's perusal of Congress literature is at the best superficial. It is evident that you rely greatly on the *brochure* of Sir Auckland Colvin. You speak of Congress publications, "animated by a very questionable spirit and whose manifest intention is to excite the hatred of the people against the public servants of the Crown in this country." The spirit of that remark is in keeping with Sir Auckland Colvin's strictures. And as your Lordship quotes your subordinate with approval, so Sir Auckland's subordinates will quote him with approval, to be quoted, in turn, themselves by their inferiors with approval. There is no occasion for surprise. It is only an exemplification of that law of nature whereby

*Big fleas have little fleas upon their backs to bite 'em,
And little lesser fleas have fleas, and so ad infinitum.*

The great demerit of your criticism is, that it is not correct. Members of the Congress have published nothing of which they are either ashamed or afraid. They have never intended to hold up your Executive to the hatred of the people. They have merely done that which they are entitled to do. They have plainly exhibited the defects of the Government. Without this portraiture, reform could not proceed. Change can only be justified on the proved existence of present inconvenience. If the Executive were perfect there would be no room for advance. Upon its imperfection the plea of progress leans. And, in the language of Sidney Smith, "it is quite obvious to all who are capable of reflection, that by no other means than

by lowering the Government in the estimation of the people can there be hope or chance of beneficial change." That we should need to lower you is our misfortune. Our ability to do so is your fault.

Your Lordship waxes eloquent over the misdirected energies of the Congress whose admitted abilities you would prefer to see engaged upon social reform. I can quite understand the eagerness of authority to turn the keenness of public criticism from itself. Undoubtedly your prerogatives would be longer lived if the people would bestow upon questions of widow re-marriage and polluted drinking water that consideration which they are he-towing by preference upon the autocracy of the Government and the scandalous waste of public money. Your Lordship would smile with ceaseless benignity upon a nation engaged in vilifying itself and not the authorities. You would even encourage the process, and laugh in your sleeve at the denunciations which you had averted from your own head. We are grateful to your Lordship for the suggestion. But we elect to turn our batteries on the system which, in the choice diction of Lord Lytton, enables your Government to "cheat" the Indian people of their unquestioned rights : we prefer to arraign the *fons et origo malorum* which is answerable for the misappropriation of the public revenues ; we choose to be heard, in the first instance, against a Government which permits its officials to exercise some taste and discretion in the selection of Indian women for European soldiery ; in a word, we desire to pluck the beam from your eye before operating upon the mote in our own. The people are quite sensible of their private faults, and they believe, rightly enough, that with an increased share in the administration of their own concerns will come an increased power to remedy their own defects. Chronic indebtedness to a money-lender may be a grievous fault. But I do not see that it is more culpable than the chronic indebtedness of your Government as represented by your public loans. Every one regrets the waste of money on marriage ceremonies among the natives. Is there no national extravagance at home on wives' and women's dresses ? To drink the water in which you bathe is most distressing. But is there no filth amid vast proportions of the population of English cities ? Yet is political reform made to stand aside in the old country until a perfected education has stamped out vice ; is the extension of the franchise deferred until the criminal population shall elect to attend church on Sundays in their best attire ? Your criticisms, my Lord, are mere pleas for delay : flimsy pretexts to put off any diminution of your power.

The truth is, my Lord, that you have fallen a victim to the subtle influences of your environment. The old muscularity of your mind has yielded to the fumes of official incense ; you are bordering on the belief, formulated so succinctly by a member of the Civil Service here, that "God made the white man and the Devil made the black." You are effeminate in your distrust of the people. Yet you retain enough of the statesman, we all so admired of yore to be ashamed to give explicit utterance to a doctrine out of tune with all that makes a man a man. Thus it is you flounder in inconsistencies, giving vent at one time to a declaration which is in keeping with your past repute, at another to a statement worthy only of a Bashi Bazouk. The picture is most pitiful to those who see you "fallen from your high estate." To you was accorded a chance not given many men of directing and consolidating a great Empire of new energies. You have thrown it away. Between your speech and your performance I see something of that difference which Canning painted in the portrait of the philosopher who interviewed the needy knife-grinder. Like him, my Lord, you have been profuse in your expressions of sympathy. And like him you have turned from the object of your compassion at the first hint of real relief :

"I give thee sixpence ! I'll see thee damned first !"

You have made your final bow, my Lord, upon the great stage of the Indian Empire. " 'Tis mercy bids thee go." For though we all pray, and many of us believe, that in the invigorating atmosphere of a colder clime, and amid those moral surroundings which give backbone to the sentiments of an English politician, you will regain that virility of understanding which marked your administration of Canada as an epoch of such peculiar brilliancy, we cannot conscientiously avow that your departure is premature. You have succumbed to the flatteries of your office. In Rome or in London may be restored to you the lost vigour of your political manhood, Here it has parted company with you. In proportion to our previous admiration for your great qualities will be our regret that you had not earlier recognised your failing strength.

*Solve senescentem mature sanus equum, ne
Peccei ad extremum ridendus.*

I beg to remain, my Lord Marquis,
Your Lordship's obedient servant,
EARDLEY NORTON.

TWO MEMORABLE SPEECHES

OF

MR. EARDLEY NORTON,

DELIVERED AT

PATCHEAPPAN'S HALL, MADRAS,

GIVING AN ACCOUNT OF THE WORK OF

INDIAN POLITICAL AGENCY

AND HIS ENGLISH TRAVELS.

LUCKNOW :

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1889



THE MADRAS STANDING CONGRESS COMMITTEE'S RECEPTION.

[On 22nd November 1888 a grand public meeting was held to welcome and do honor to Mr. E. Norton for his valuable services in England on behalf of the Congress. The big Patcheappa's Hall was overcrowded and found too small to contain the audience. Some twenty telegrams were recieved from different parts of Presidency expressing the confidence in Mr. E. Norton and joining in welcoming him. Mr. D. S. White, of the Eurasian Association presided. Mr. White after alluding to the services of Mr. John Bruce Norton, the illustrious father of Mr. E. Norton said that Mr. Norton was following in the footsteps of his distinguished father and was doing to the country in which he had settled even more valuable services than those of his father. Mr. Eardley Norton who rose amidst great cheering then addressed the meeting.]

MR. CHAIRMAN AND GENTLEMEN,—The welcome, which you have accorded me, has greatly touched me, and gone very near my heart I regard your manifestation to-night as the best reward a man can seek who endeavours to discharge his public duty, and who, in the interests of the people of India, attempts to convey, not without some personal sacrifice and peril, their views and aspirations to the intelligences of the people of England. It has repeatedly been said that the Natives of India are incapable of feeling or exhibiting gratitude. I wish those who hold and promulgate this opinion, would be present to-night so that they might modify their conclusions by the light of a welcome, which is most valuable to me, because I could not purchase its warmth or its magnitude by the bestowal of medals and titles, or by the potent promise of favors to come. (Cheers.) I am glad that this meeting is presided over by a citizen so worthy and estimable as our good friend, Mr. White. (Cheers.) I appreciate his presence, for he knows what is to fight a long and irksome battle for a peoples' sake : and I am proud to speak under the auspices of a man whose moral courage has been tried and proved, who knows what he wants, and has the courage to ask for it, and whose mouth it would be as impossible to shut as it is impossible to shut mine. (Cheers.) And I am more than glad to meet you in this splendid hall, the scene of many a political gathering in the days gone by, full to me of many loving and tender recollections of my early youth. Here, in olden times, when a kindness and a larger sympathy it would seem impelled the Europeans to plead as we are pleading to-day the cause of Native reform—here, many a time have I seen my father, whose portrait on yonder wall encourages me to persevere in the path in which he so assiduously labored (cheers) speak before an audience as large as this,