COMMUNITY INSTITUTIONS AND MINORITY RESILIENCE AMONG MUSLIMS IN KERALA

MOHAMED JABIR ALI AL-HUDAWI
Sultan Omar ‘Ali Saifuddien Centre for Islamic Studies (SOASCIS),
University Brunei Darussalam.
Email*:* 20h0703@ubd.edu.bn

KHALIL AHMAD
Sultan Omar ‘Ali Saifuddien Centre for Islamic Studies (SOASCIS),
University Brunei Darussalam.
Email*:* khalil.ahmad@ubd.edu.bn

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Abstract

This article investigates diverse institutions developed by Muslims in Kerala to preserve their Islamic identity within a pluralistic society. Kerala’s historical experience of peaceful coexistence while preserving religiosity offers a contrasting model to the contemporary formulations of *fiqh al-aqalliyyāt* that advocate legal innovation to address the challenges of Muslim minorities living under non-Muslim polities. Muslims in Kerala have maintained strong religiosity and communal cohesion for over a millennium without departing from the classical Islamic legal framework. This study primarily relies on secondary literature, supplemented by limited site visits and field observations. It argues that Muslim survival in Kerala depended less on legal reinterpretation and more on the vitality of local institutions and community-driven strategies. It identifies the *Maḥal* system of self-governance, the *Qāḍī* institution, religious educational networks, scholarly associations and community leadership as central to this institutional framework which together sustain religious continuity, socio-economic stability, and peaceful coexistence in a minority context. The findings demonstrate the continued relevance of community-based institutional frameworks in safeguarding Muslim minorities from legal and moral pressures of non-Muslim societies. It calls for further ethnographic research on how such institutions function in a minority setting that can offer

alternative strategies for emerging Muslim communities in the West and North America.

Keywords: Muslim Self-Governance, Minority Jurisprudence, Malabar Muslims, Necessity *Qāḍī*s, Scholarly Associations, Peaceful Coexistence

1. Introduction

Muslim minority communities living under non-Muslim polities have traditionally developed diverse strategies to preserve their religious identity and communal cohesion within their respective socio-political contexts. The modern scholarship on *fiqh al-aqalliyyāt* (minority jurisprudence) overstates the role of legal adaptation for Muslim minority communities. In contrast, the historical experiences show that minority resilience was sustained through locally rooted institutions than through comprehensive legal reform.

Minority jurisprudence was developed by scholars such as Ṭāhā Jābir al-'Alwānī (d. 2016/1437) and Yūsuf al-Qaraḍāwī (d. 2022/1444) as a contemporary legal framework to reinterpret Islamic law to deal with the moral dilemmas encountered by Muslim minorities residing in pluralistic contexts.[1] While this legalistic orientation succeeded in generating valuable legal insights for contemporary minorities, it often prioritizes jurisprudential innovation as a central means of minority survival. Thereby it ignores historically evolved religious and social institutions.

The survival of the Muslim minorities of Kerala, one of the oldest Muslims minorities in South Asia, present a compelling counterpoint to this legal-centric paradigm. Focusing on them, this study argues that social harmony and religious integrity can be sustained without recourse to legal reinventions. The community has sustained religious continuity and social integration for over a millennium within a predominantly non-Muslim polity and coexisted harmoniously with Hindu and Christians communities.[2] Scholarship on the status of Muslim minority in non-Muslim polities have hardly given any voice to this traditional model of peaceful coexistence that has been practiced by indigenous Muslim minorities prior to the development of minority jurisprudence.[3] Through a case study of minority resilience in Kerala, this paper offers an alternative to both *Salafi* and *Wasaṭi* approaches within minority jurisprudence. The former emphasises strict textualism and universal application of Islamic law to guard against minorities' assimilation to the majority, while the latter promotes legal flexibility and facilitation in Islamic law to ensure integration of Muslims to the host societies.[4]

In this background, the present study examines what institutional mechanisms have enabled Kerala's Muslims to coexist sustainably within a multireligious society? To do so, it is aimed to identify and examine the key institutions that empowered Muslims in Kerala to maintain religious continuity, social wellbeing, and religious harmony. This study highlights relevance of Kerala model peaceful coexistence in the context of more than 40% of the global Muslim population now resides as minorities in non-Muslim societies.[5]

Constituting 26.56% of Kerala's 33.4 million population, Muslims coexist harmoniously along with other religious communities[6] including Hindus (54.73%) and Christians (18.38%).[7] Unlike Muslim communities in northern India, which have often faced communal tensions and marginalization, Kerala's Muslim community has achieved comparatively better socio-political status.[8] The state's high literacy rates, and strong human development indicators have fostered circumstances favourable conditions for interfaith harmony. This coexistence has been supported by well-established community institutions, dedicated religious leadership, and robust legal and educational networks. In contrast to the advocators of minority jurisprudence who contend for reinterpreting Islamic law to suit minority contexts,[9] scholars and institutions in Kerala have historically managed community affairs within classical Islamic frameworks, while adapting organically to their pluralistic society.[10]

The Muslims in Kerala traditionally follow the Shāfiʿī legal school,[11] adhere to Ashʻarī theology, and adopt a Sufi orientation, the defining features of Sunni scholastic traditionalism.[12] They reject methodological innovations in Islamic law while sticking on the flexibilities within the Islamic legal tradition in their engagement with the local realities, as evident in the writings of Zayn al-Dīn Makhdūm II (1531-1583?), author of *Fatḥ al-Muʿīn*. In a set of juridical and historical texts he authored, Makhdum II engaged with the legal problems of Malabar such as its status as a non-Muslim polity from within the traditional legal framework without questioning the very premises that shape it.[13] A set of similar scholastic productions highlight the adaptability of madhab-based legal reasoning by making itself evolved to different social and political contexts, in opposition to the proponents of the new model of minority jurisprudence.

2. Literature Review

The emerging genre of *fiqh al-aqalliyyāt*, advanced by Muslim jurists including al-ʻAlwānī, al-Qaraḍāwī, al-Najjār, al-ʻAṭiyyah, suggests a modern legal framework for addressing ethical

dilemmas faced by Muslim minorities.[14] A central concern of the writings proliferated within this genre is that minority questions as we see now are unprecedented in the broader Islamic legal tradition and therefore the later should be innovated in order to engage with the modern puzzles.[15]Alongside this normative approach, a set of writings have dealt with the patterns of Muslim adaptation in diverse socio-political contexts. Foundational works by M. Ali Kettani, [16] Muḥammad ʻAlī al-Dawānī, [17] and Masʻūd al-Khawand [18] has classified Muslim minority communities by geography, legal structures, and socio-political conditions, illustrating the challenges of living in non-Muslim societies. However, these typologies often fail in highlighting the complexities of trajectories of survival of Muslim polity in different social and political contexts. Subsequent scholarship, such as Ibrāhīm Al-ʻAbādī's study of coexistence of Muslims in Sweden,[19] Humayun Ansari's work on British Muslims,[20] Jocelyne Cesari's exploration of Muslim interaction with secular democracies,[21] and Andrew March's survey of theological discourses on citizenship,[22] has enriched the studies on Muslim minorities. Yet they tend to focus on the Western contexts by giving hardly any voice to the experiences of Muslims in South Asia. Muslim activist-cum-scholars such as Tariq Ramadan have also sought to propose normative guidelines for Muslim minority in Europe. [23] The historical experiences of Muslim minority in Kerala, where many so-called "new" challenges of Muslim minorities were part of legal imaginations of Muslim jurist from 15th century onward offer a new perspective for Minority resilience that goes beyond the above writings from the western context.

Academic exploration on Indian Muslims mostly focuses on identity, political participation, and communal harmony,[24] and offer only limited insights into the complexities of the Muslim resilience in Kerala. For instance, Yoginder Sikand attributes Kerala's peaceful coexistence to its socio-economic development and community leadership.[25] In addition, several studies have highlighted Kerala as a model of peaceful coexistence of diverse religious communities.[26] Historical works such as *Tuḥfat al-Mujāhidīn* by Shaykh Zayn al-Dīn Makhdūm[27] and William Logan's *Malabar Manual*[28] demonstrate foundational insights into the social organizations of Kerala's Muslims. Recent writings by Husain Randathani, [29] Mayankutty Ottappilakkool,[30] and Shabeeb Khan[31] stress the inevitable role of Muslim religious leadership in shaping a shared identity and promoting intra-religious cohesion.

Roland E. Miller's *The Mappila Muslims of Kerala* shows community's resilience while negotiating the balance between

tradition and modernity.[32] Since Filippo Osella in his exploration of Islamic movement in Kerala has focused on the reformist groups aligned with Salafi ideas, he largely overlooks the significant role of Ulema subscribing to madhab-based juridical reasoning and Sufi normativity in upholding interfaith harmony and social cohesion within the region.[33] Mahmood Kooria's *Islamic Law in Circulation* explores the circulation and transmission of Shāfiʿī legal texts across the Indian Ocean World in which he assert a significant role for the textual productions from the Malabar coast.[34]

Additionally, community documents, memoirs, and articles in Malayalam, native language in the region, detail Kerala's Muslim religious institutions and the contributions of its leadership. However, these works are scattered and remain largely inaccessible to the wider academic community.

Nevertheless, a major share of the existing scholarship focuses on historical narratives, identity politics, or Islamic reform but offer little insights into the institutional and communal mechanisms that have enabled the community to preserve its religious identity while integrating into a pluralistic society. This study seeks to fill this gap by analysing the roles and functions of the institutions associated with the Muslim community in Kerala. In doing so, it provides a more inclusive and comprehensive account of Kerala's past and present along with contributing to the broader discussions on minority jurisprudence and dynamics of Muslim minorities in non-Muslim contexts.

3. Methodology

This research adopts a qualitative and interpretive methodology, primarily based on secondary literature. To enrich the analysis, it also incorporates limited field observations. The research relies on close textual analysis of historical treatises, religious literature, institutional reports, and contemporary scholarship on the Muslim community in Kerala. Site visits were undertaken to key institutions, including madrasas, religious colleges, *Maḥal* networks, and *Qāḍī* houses in Malappuram and Kozhikode districts. During these visits, informal discussions with scholars, community leaders and educators provided valuable insights into how these institutions function and served to contextualise the textual findings without forming an ethnographic account. Data were analysed employing thematic and textual methods, to identify patterns in religious education, institutional resilience, and organizational practices. This methodology facilitates a thorough understanding of how Kerala's

Muslim community has sustained itself and navigated life within a multireligious society.

4. Results and Discussions

The study argues that Kerala's Muslim community, shaped by the region's cross-cultural entanglement with the maritime networks of the wider Indian ocean world, has managed to negotiate between its religious identity and the social identity of a multireligious society. In contrast to the Muslim minorities shaped by the ideological movements from the Arab world and beyond, the community has maintained its unique way of interpreting Islam. They have adapted their religious and social structures to meet local realities and thereby provided a practical example that could serve as a reference for other Muslim minorities around the world.

Kerala's Muslim resilience is enabled by well-structured religious institutions, particularly the *Maḥal* system, which integrates educational, religious, and social functions. Influential leaders including the Panakkad Sayyid family, play a central role in promoting community cohesion and interfaith harmony. The development of *madrasahs* (Islamic primary learning centres), mosque-*dars*, and higher learning institutions facilitated the proliferation of Islamic learning and later to integrate modern academic disciplines with them. This model reflects Ali Kettani's framework for minority survival in which he emphasizes the election of leaders (*qā'id*), the appointment of judges (*qāḍīs*), the establishment of religious institutions, and the cultivation of intra-community networks as key strategy for the resilience of Muslim minorities.[35]

4.1 The History of Islam in Kerala

Islam reached India during the first century of Hijra through two main channels: One is mercantile networks and missionary activities on the Indian ocean littorals, particularly Malabar and Gujarat. The other one is military interventions by Arabs and Turks in the northwestern parts of the subcontinent. The earliest documented military engagement occurred in 44 AH/664 CE during the reign of the Umayyad Caliph Muʿāwiyah (r. 661–680 CE), which culminated in the conquest of Sindh by Muḥammad ibn al-Qāsim (d. 96/715) in 91 AH/712 CE. Later, Maḥmūd Ghaznawī (d. 1030) conducted a series of campaigns between 388–417 AH/998–1026 CE, which led to the establishment of enduring Islamic dynasty in India that persisted for centuries.[36]

In contrast to the above experience of the military intervention, Islam's trajectory in Kerala was largely formed by its interactions with the Arab merchants and Sufi missionaries.[37] A set of historians argue that Islam reached Kerala during the lifetime of *Ḥaḍrat Muhammad Rasūlullah Khātam un Nabiyyīn Ṣallallahu 'alaihi wa 'alā Ālihi wa Aṣḥābihi wa Ṣallam*, while others suggest a slightly later date. The prominent traditions held that Cheraman Perumal, a Chera king embraced Islam for witnessing the miracle of splitting the moon, later travelled to Mecca,[38] and, upon his return, invited Mālik ibn Dīnār (d.748 AD?), who led the first organized *da'wah* mission and established India's first *masjid* (Cheraman Mosque) in Kodungallur.[39] Islam became popularized in the region and reached to the mass through Sufis, scholars, and Sayyids along with the patronage of both local Hindu rulers and the wider population. While the precise dates of the arrival and mass reception of Islam remain debated in the historical writing, scholars broadly agree that Islam reached Kerala during its formative period itself and it was facilitated by the mercantile networks of the Indian Ocean world.[40]

4.3 Expansion of Islam

The early presence of Islam in Kerala was consolidated through the building of mosques and the appointment of Arab *Qāḍīs*, which ensured a peaceful and enduring Muslim presence.[41] Travel accounts and records from the 10th century onward, including the writings of al-Mas'ūdī (d. 345/956), Ibn Battuta (d. 770/1369),[42] and the Portuguese historian Duarte Barbosa (d. 1521), clearly show that Malabar coast in the early modern period had vibrant Muslim communities marked by economic prosperity, and social integration.[43] The Zamorins of Calicut actively supported Muslims while also benefited from their maritime commerce and naval expertise. In parallel, Sufis, Sayyids, and scholars contributed to the popularisation of Islam through their piety, moral authority and healing practices. The egalitarian ideal of Islam also motivated lower-caste Hindu communities to embrace it and thereby attain a higher social status.

Nevertheless, European colonialism, beginning with the violent Portuguese intervention in Malabar coast in 1498, significantly disrupted this social and political scenario.[44] The economic policies of Portuguese marginalized Muslims economically and religiously,[45] pushing many to migrate to the inlands. Subsequently, colonial ambitions of European powers, including the British and French deepened the political and social tensions within the region. Although the Mysore rulers Hyder Ali (d. 1197/1782) and Tipu Sultan (d. 1213/1799) briefly improved the condition of Muslims in Malabar

through social reforms after getting power in the nineteenth century,[46] these advances were undone after they were defeated by the British Empire.

The colonial rule of British empire followed Mysore role witnessed agrarian revolts led by Muslims and lower-caste communities in the region and they culminated in events such as the 1921 Mappila Rebellion.[47] British repression and divide-and-rule policies significantly shaped the new dynamics of communitarian boundaries generally and Hindu-Muslim relations specifically. Despite these challenges, Kerala's Muslims evolved to the changing circumstances and laid the foundations for long-term resilience and progress. As evident, this historical pattern of peaceful coexistence of Muslims within diverse societies without a Muslim political authority challenges the primary justification for minority jurisprudence that rests on the claim that modern Muslim minority face a set of historically unprecedented challenges and therefore is in need of going beyond the conventional engagement with the tradition.

5. Mechanism for Identity Preservation

The identity of minority communities can be kept from being evaded only through well-structured social organizations that preserve their cultural and religious status while integrating into the broader society. Ali Kettani notes that in the absence of such institutional frameworks, the Islamic identity of minorities risks erosion over time.[48] This section explores the various strategies adopted by Kerala's Muslim minority to keep its identity from being permeated. It will begin with the *Maḥal* system, a central Islamic institution that supports socio-religious stability and prosperity within a predominantly non-Muslim context.

5.1 *Maḥal* System

Ali Kettani rightly observes that a *Jamāʿat* with its own mosque as a community hub provides an ideal structure for the internal organization of Muslim minority groups.[49] The *Maḥal* system of Kerala aptly represent this structure. Also known as *Muslim Jamāʿat*, it constitutes the foundational unit of socio-religious organization among Kerala's Muslims, centred around the *Jumuʿah masjid*. Every Muslim household within a locality is affiliated with its respective *Maḥal* and it facilitates a community self-governance. A model developed by local community leaders followed by the emergence of a secular government based on the non-interference policy in the

religious affairs, the *Maḥal* system functions as a mechanism to ensure the social and religious well-being of Muslims at the community level.

The *Maḥal* system gradually evolved possibly through the Islamic proselytizing efforts associated with Mālik ibn Dīnār, who established a Muslim settlement around each *masjid*.[50] Today, each *Maḥal* oversees the function of multiple mosques, Islamic primary learning centres and, in some cases, educational institutions, such as mosque-*dars* and Islamic higher learning centres. Additionally, they also oversee a set of activities related to family and social life including marriage, and funerals. By doing so, they foster a strong sense of collective identity and community belonging among Muslims in their respective boundary.[51]

At present, there are more than five thousand *Maḥals* across Kerala, each varying in size and scope, ranging from small local groups to extensive networks encompassing thousands of families. Each *Maḥal* operates under a well-structured governance system in which adult male members elect committee officials such as the president, secretary, and treasurer. Legally, *Maḥal* are registered under the Societies Registration Act of 1860, and are recognized by the state Waqf Board to manage their endowment properties. The Sunni Mahallu Federation (SMF) serves as the parent organization that coordinate *Maḥal* committees and coordinates their collective operations and initiatives.[52] The Federation also guides committee members on regulatory and administrative matters, such as waqf registration, and functions as a joint platform for addressing and responding to secular government policies that impact Muslim communal life.[53]

Beyond the functions related to religious and social life mentioned above, *Maḥals* also play an inevitable role in social empowerment as it is active in community welfare endeavours analogous to the congregational models found in Western societies.[54] A central feature of this role is the *Maṣlaḥat* (reconciliation) committee, which mediates family and community disputes to reduce the dependence on formal legal courts. Many *Maḥals* organize programs related to pre-and post-marital guidance, parenting education, and career orientation along with providing financial assistance to widows, the sick and the poor.[55] Some *Maḥals* provide interest-free loans and community-based investment opportunities and thereby offer local alternatives to the ethical dilemmas associated with *ribā*.

In its role as an autonomous socio-religious unit aimed at managing community life and moral guidance, this system shares notable structural parallels with Central Asian *maḥallah* institutions. Nevertheless, they are varied in their political ambitions: post-Soviet Uzbek *maḥallahs*, for example, have often been co-opted as state mechanism for welfare distribution and social regulation,[56] whereas Kerala's *Maḥals* hardly associated with any aspects of the secular state and continue to function within the boundaries of religion set by the former. Additionally, *Maḥals* combine elected administrative committees with hereditary religious leadership. This obviously stand in contrast to the Western congregational models of democratic voluntarism and reflect distinct historical and social contexts in which each formed.[57]

From the perspective of minority resilience, the *Maḥal* system functions as a pre-judicial and non-governmental organisational mechanism that addresses everyday legal, moral, and social concerns at the community level. This reduces the minority's dependence on external legal institutions and lessens the need for abstract legal reinterpretation, allowing religious norms to be observed through a socially negotiated setting.

It should also be noted that the conversations with community leaders indicate that *Maḥals* today face a set of challenges. Organizational factionalism among Muslims based on the religious polemics, where each group establish separate mosques and parallel *Maḥals* for their followers has weakened their functions as a united self-governing body of Muslims. The widening generational gap poses an added concern as many younger members, showing less interest in religious life, mosque participation, and *Maḥal* initiatives. Adding more concerns to these, shifts in the social attitudes and legal frameworks have further restricted the *Maḥal*'s ability to implement moral guidance. In response, the SMF with support of the governing body of each *Maḥals* under it began to initiate new projects. Overall, this point to this article's central claim that institutions clearly show their potential to address emerging challenges.

5.2 *Qāḍī* System

Historically, the office of *Qāḍī* has been understood as a central institution of Islamic social and political system and its primary function is centred on the judicial mechanism for the application of Islamic law. Since Abbasid era, *Qāḍī*s were appointed by ruling authorities with a Chief Justice (*Qāḍī al-Quḍāt*) supervising local judges. [58] Ali Kettani has stressed the continuing relevance of

appointing *qāḍī*s in minority contexts as a mean of preserving religious cohesion and communal identity.[59] As the absence of Islamic political authority significantly limits their formal jurisdiction, *qāḍī*s in the minority settings tend to uphold their moral and symbolic authority in guiding communities to uphold Islamic principles. This role is often characterized as that of a *"Qāḍī al-ḍarūrah"* (judge by necessity)[60] which means community trust and moral standing of *qāḍī* may carry greater weight than his formal mastery of Islamic legal texts.

In Kerala, the *qāḍī* system as we see now it formed through a unique trajectory. Under the political authority of the petty kingdoms of Zamorins (12th-18th century), *qāḍī*s were appointed and remunerated by the state. They played a central role in implementing *Sharī'ah* law, advising the Zamorin on matters concerning the Muslim community,[61] maintaining diplomatic ties with Muslim kingdoms, while also supporting anti-colonial initiatives.[62] Under European colonial rule, the institution was retained but confined largely to personal and family laws. Following independence, the system persisted only in select states. In Tamil Nadu, it survived as a hereditary institution under government patronage,[63] while in Maharashtra it was reinforced through the Kazis (Maharashtra Amendment) Act, 1978, administered by the State Waqf Board.[64] In contrast, Assam abolished the system entirely in 2024, citing its misuse in informal marriage registrations.[65]

Kerala's *Qāḍī* system evolved into an internal community institution, where decentralized *Maḥal* committees appoint *qāḍīs* through *bay'at* (pledge of allegiance), and operate entirely outside formal legal structures. Some *qāḍīs* oversee multiple *Maḥals*, such as the *Qāḍī* of Kasargod, whose position dates to 22 AH.[66] The *qāḍī* positions are typically occupied by prominent scholars or members of influential Sayyid families. Major *qāḍī*s may appoint deputies (*nā'ib qāḍī*) to represent them within individual *Maḥals*.[67]

After the formation of the modern nation state and its regulation over the religious practices, the function of *qāḍī*s have been significantly reduced to few matters that fall within the personal law of the state.[68] Nowadays, they solemnize marriage contracts (*nikāḥ*), act as guardians (*walī*) in the marriages when necessary, declare the beginning of Ramaḍan and Eid based on moon sightings, and arbitrate disputes (*ṣulḥ*) ranging from family conflicts to organizational and inter-community tensions.[69] Indian Courts have recognized this mediatory role of *qāḍīs*, while also clarified that only the formal judiciary can issue legally binding verdicts.[70]

Nevertheless, the Kerala system significantly differs from *Dār al-Qaḍā'* in northern and western Indian contexts, including those under the purview of the All India Muslim Personal Law Board (AIMPLB).[71] The later has often faced criticism as forming a "parallel judiciary," despite the Supreme Court's confirmation that their rulings are non-binding and advisory in nature.[72] In contrast to these, *qāḍī*s in Kerala function within a community-based framework on the basis of voluntary arbitration and by providing religious guidance rather than legally binding rulings.

Recent legal reforms at both the central and state levels have further limited the scope of *qāḍīs*. For example, the Kerala Registration of Marriages Act, (2008) necessitates the civil registration for a marriage to have legal validity; [73] the Prohibition of Child Marriage Act (2006) criminalizes legally underage marriages; The Muslim Women (Protection of Rights on Marriage) Act (2019) criminalizes triple *ṭalāq* while Kerala High Court rulings have affirmed women's independent right to *khul'*.[74] These developments create great moral dilemmas for *qāḍī*s, especially when Muslim believers seek guidance or demand remarriage after divorces unrecognized in Islamic law.[75]

Beyond their role as voluntary legal adjudicators of Muslim community, *qāḍī*s are morally tasked to persuade his Muslim public to leave in accordance with Islamic principles. Important *qāḍī*s often maintain a Qāḍī House supported by administrative staffs. Recently, Panakkad Sayyid Family who oversee many *Maḥals* in Kerala comparing to other *qāḍī*s, established a Qāḍī Foundation to coordinate the activities of more than 1,000 *Maḥals* under their leadership.[76]

However, religious factionalism within Kerala Muslim community have significantly shaped how they select and appoint their *qāḍī*s. For example, a faction of the Samastha Kerala Jam'iyyathul Ulama led by AP Aboobacker Musliyar (b. 1931) appointed separate *qāḍī*s exclusively for its followers,[77] leading to disputes over moon sightings and, at times, parallel Eid celebrations. A notable case occurred in 1997, known as the *masappiravi vivādam* (moon-sighting controversy), which sparked intense debates over the juristic authority of "necessity *qāḍīs*."[78] Over time, mutual consultation mechanisms, often led by Panakkad Sayyid family emerged as a means of getting rid of such contradictions which effect the social cohesion.

Parallel institutions have emerged to mediate Islamic law within pluralistic societies like Sri Lanka's *Quazi* system. While this system established under the Muslim Marriage and Divorce Act

(1951) and operates under state authority with judges appointed by the Judicial Service Commission[79] *qāḍī*s in Kerala derive their legitimacy and authority from community recognition. In Western context, Muslim communities have developed alternative dispute resolution (ADR) mechanisms, such as *Sharī'ah Councils* in the UK[80] and Islamic arbitration tribunals in Canada.[81]

Despite the challenges and limits posed by the modern legal reforms and the secular politics, Kerala's *Qāḍī* system remains a key institution that facilitate an Islamic moral life for Muslim community in a minority context. This adaptive and community-centred model stands in stark contrast to the approach of certain northeastern scholars including Ḥājī Sharī'atullāh (d. 1840) of Bengal. For him, British India should be considered as a *dār al-ḥarb* and therefore prohibited the performance of *Jumu'ah* and *'Īd* prayers in the absence of properly appointed *qāḍīs*.[82]

Although today's *qāḍīs* in Kerala does not possess the legal authority as the state do, their role as moral guides and custodians of religious authority remains vital. Historically, this function has preserved the Muslim communities from legal disorientation and lessened the need for constructing entirely new jurisprudential framework, as is frequently argue by the proponents of minority jurisprudence from the contexts mentioned above.[83]

5.3 Community Leadership

A defining feature of Muslim minorities is the absence of formal political authority, which makes social cohesion and effective leadership essential for survival. The prime challenges facing Indian Muslims have been the lack of influential and visionary leadership, a consequence of Partition. In contrast, Kerala's Muslims have historically benefited from rich and diverse forms of leadership. Miller attributes the "Great Transition" witnessed by Kerala during Muslims in the post-independence period to this leadership vitality, in contrast to the decline experienced by Muslims societies elsewhere in India.[84]

Kerala Muslims hold their community leaders in high regard, particularly those from renowned Arab-descended Sayyid families. Leadership generally falls into two categories: charismatic Sayyid leaders (Tangals) and scholarly figures (*'ulamā'*), with varying levels of influence, ranging from local communities to statewide significance.[85]

One of the most noted lineages is the Mampuram Sayyids migrated from Haḍramaut in Yemen in 18th

century. Their ancestor Sayyid Shaykh Jifrī (d. 1808) arrived in Kerala in 1746 followed by his nephew Sayyid ʻAlawī ibn Muḥammad (1749-1844), who became popular in the region before the arrival of the former. Sayyid ʻAlawi's son, Sayyid Fazl Pasha (1823-1901), famous for anti-colonial activism against the British empire was deported by them.[86] In the 20th century, PSMA Pukkoya Tangal of Panakkad (d. 1975) emerged as a central leader, succeeded by his sons. Most notable of them was Sayyid Mohammadali Shihab (1936-2009) popularly known as Shihab Tangal. He successfully embodied the fusion of religious and political roles by serving as *qāḍī* across hundreds of *Maḥals* while also presiding the Indian Union Muslim League (IUML), a secular political organization aimed at negotiating for the rights of Muslim minority using the language of democratic politics. Parallelly, he has also guided many educational and charitable institutions.[87] After his demise, this role was passed to his brother, Sayyid Hayder Ali Shihab (1947-2022) and then to Sayyid Sadiq Ali Shihab (b. 1964). As is obvious, their activism within Kerala Muslim community continues to clearly reflect the successful blending of religious, political, and community leadership in a minority context.

Alongside the Sayyid families, Kerala's scholarly leadership was deeply influenced by the Makhdūm family. Figures such as Shaykh Zayn al-Dīn Makhdūm I (1467-1521) and Makhdūm II transformed Ponnani into a vibrant centre of Islamic learning, often referred to as "little Makkah." Makhdūm al-Saghīr's *Fatḥ al-Muʿīn, remain as an important legal text that is being widely read in Islamic higher learning centres in Malabar and Southeast Asia*. The Makhdūms also legitimized from within the Islamic tradition the Muslim allegiance to non-Muslim Zamorins and endorsed their appointment of Muslim *qāḍīs*,[88] recognizing the Zamorins' realm as *dār al-amān* (abode of peace).[89] Based on this, they played a significant role in spearheading the united resistance of Muslims and non-Muslims to Portuguese incursions and reinforced the political authority of Zamorins.[90] For this purpose, they mentored figures like Kunjali Marakkars who were the naval chief of Zamorins.[91] As these instances highlight, they helped to naturalize Muslims' existence within a non-Muslim polity[92] and did not frame the political and social scenario as an exceptional situation that is in need of the interpretation of the new jurisprudential categories as the proponents of minority jurisprudence do.

Other prominent scholarly families including Faḍfarīs has also contributed influential scholars. Notables of them are Shaykh ʻAbd al-Qāḍīr al-Faḍfarī (1895-1944) and ʻAbd al-Raḥmān al-Faḍfarī (1917-1974).[93] The 20th-century witnessed remarkable scholars including

figures like Pāngil Aḥmad Kutty Musliyār (1888-1945), Chālilakath Kunjaḥammad Ḥājī (1866-1919), and Shams al-'Ulamāʾ EK Abū Bakr Musliyār (1914-1996). All these scholars-cum-activists have made significant contributions to the adaptation of the ideals of Islamic legal tradition to the specificities of social and political conditions in Malabar.

It should be also added that the political figures including CH Muhammad Koya (1927–1983), Kerala's only Muslim Chief Minister, played a crucial role in advancing the community's socio-economic development.[94] The Indian Union Muslim League (IUML) provided a political platform for community leaders to engage in social mobilization within India's secular democracy while preserving Muslim identity. These instances of the long tradition of collaboration between '*ulamāʾ* (religious scholars) and *umarāʾ* (community leaders) clearly highlight what sets Kerala Muslim community different from others.

It merits noting that this model of collaborative leadership facilitated the promotion of communal harmony. Shihab Tangal, for example, played a key role in reducing tensions after the Babri Masjid demolition in 1992. In 2007, following the arson of the Gopura gate at the ancient Thali Temple in Angadippuram, a Muslim-dominated area, he personally visited and oversaw its reconstruction[95] and thereby erased the potential communal tensions. Similarly, during the Marad communal conflict, he acted as a mediator, helping to restore heightened inter-communal tensions between Muslims and Hindus in the region.[96] Countering the rising communal polarisation, Sadiq Ali Shihab Tangal convened a state-wide series of interfaith gatherings, inviting prominent figures from all major religious community in each district, which was widely lauded by media and public.[97] All these activisms presided by them shows how they helped prevent Kerala from descending into communally fragmented social system as scholars have highlighted in the context of Uttar Pradesh, Gujarat, and Bihar.

5.4 Scholarly Associations

During the post-1921 period, Muslim leadership progressively shifted from prominent individual figures to organized bodies aligned with theological lines.[98] This began with reformist scholars, influenced by modernist thinkers such as Muḥammad 'Abduh (1849-1905) and Rashīd Riḍā (1865-1935), founded the Kerala Muslim Aikya Sangham in 1922 and the Kerala Jam'iyatul Ulama in 1924. In response to their objections to certain traditional practices and beliefs, traditional

scholars founded the Samastha Kerala Jam‘iyyathul Ulama in 1926. Samastha incrementally grew to become the largest religious body, managing mosques, *madrasahs*, and other community institutions. Though reformists promoted modern education and women's empowerment but caused theological debate and division within the Malabar Muslim community. These groups, often known as *Mujāhids* or *Iṣlāhī* movements, were labelled *Salafīs* and *Wahhābīs* by their traditional critics.[99]

The formation of Jamā‘at-e-Islāmī by Abū al-A‘lā Mawdūdī (1903-1979) in 1941 influenced some reformist intellectuals, leading to the establishment of a separate Islamist party in Kerala. Initially, they opposed participation in India’s secular democratic system, deeming government jobs and elections to be haram. However, they later changed their stance and even formed a political party. Despite progress in publications and intellectual activities, they attracted few followers in Kerala.[100] The Tablīghī Jamā‘at movement also gained support among Malabar Muslims.[101]

Most Kerala Muslims are affiliated with one of these organizations. All *masjids*, *madrasahs*, Islamic higher learning institutions, and even secular colleges owned by Muslim managements are linked to these groups according to their theological beliefs. Each of these organizations operates various sub-wings focused on different aspects of community life, thereby playing a vital role in protecting the religious identity and prosperity of the community. This section examines Samastha and its affiliated bodies as representative models of religious organization in the region.

5.4.1 ***Samastha Kerala Jam‘iyyathul Ulama***

Samastha is the largest and most influential Muslim scholarly body in Kerala, particularly in the Malabar region. Founded to counter reformist movements, it initially focused on mass gatherings to refute their discourse but later expanded to a broader community development agenda. Its highest decision-making body is a forty-member *Mushāwarah* council of scholars, while a Fatwa Committee, established in 1963, comprises seven authoritative *muftīs* to address legal queries. This development predates the `formation of similar *fatwā* councils in Europe and North America that emerged to address Muslim minority concerns, offering an early and instructive model of *fatwā* institutionalization within a minority framework. [102]

The organisation aims to:

a. Propagate the true beliefs and rituals of *Ahl al-Sunnah wa'l-Jamā'ah*.
b. Legally defend against campaigns opposing the beliefs of *Ahl Sunnah*.
c. Protect the rights of Muslim community.
d. Promote religious education and compatible secular education.
e. Work for the welfare and progress of Muslim society by eliminating superstitions, anarchy, immorality and disunity.[103]

Over time, Samastha evolved from a council of scholars into a broad-based movement through establishing various sub-organizations.[104] Internal disagreement among traditional scholars, however, led to divisions and the formation of new bodies. In South Kerala, Dakshina Kerala Jam'iyyatul Ulama emerged as Samastha concentrated in the Malabar region. Objections to Samastha's methods prompted the short-lived Akhila Kerala Jam'iyyatul Ulama.[105] In 1967, Ṣadaqatullāh Mawlawī, then president of Samastha, resigned over disputes over issues such as the permissibility of loudspeakers in prayers and the obligation of Zakat on paper currency. He went on to found Samasthana Kerala Jam'iyyatul Ulama, which survives with a handful of followers and limited institutions.[106]

The most consequential division occurred in the late 1980s, resulting in the formation of the Samastha Kerala Sunni Jam'iyyatul Ulama (AP Samastha) under the leadership of A.P Aboobaker Musliyar, Kanthapuram. Though this split was primarily rooted in disagreements over socio-political engagements, particularly Samastha's collaboration with the All-India Muslim Personal Law Board, it had a significant impact on the Muslim community. On the one hand, this division led to the fragmentation of *Maḥals*, *madrasahs*, mosques, and affiliated institutions and frequently manifested in public disputes, online debates, and legal battles, diverting communal energy and resources.[107]

On the other, this rivalry paradoxically stimulated institutional growth and diversification as each faction responded by creating new educational networks, charitable trusts, and publications.[108] Yet, ongoing factionalism and personality-driven decisions continue to challenge the organizational coherence of Malabar Muslims. Moreover, reformists' perspectives and independent scholarly voices, which were once central to Kerala's vibrant Islamic intellectual tradition, are increasingly marginalized within mainstream institutions.

Today, nearly every major Muslim organization in Kerala maintains its own support bases, mosques, educational institutions, students and youth wings, as well as publications. Within Samastha, notable sub-organizations include:

1. **All Kerala Islamic Education Board (SKIMVB):** Established in 1951, the Samastha Kerala Islam Matha Vidhyabhyasa Board institutionalized *madrasah* education to preserve Islamic learning in Kerala. Expanding from 10 *madrasahs* in 1952 to 10,761 by 2023, it operates across India and the Gulf. [109] The board standardizes curricula, examinations, and teacher training, with inspectors (*mufathish*) under Samastha Kerala Jam'iyyatul Mufathisheen (SKJM) [110] and management oversight by the Samastha Kerala Madrasa Management Association (SKMMA).[111]
2. **All-Kerala Religious Teachers' Association (SKJMCC):** Samastha Kerala Jam'iyyatul Mu'allimeen, established for SKIMVB-approved *madrasah* teachers, has approximately 100,000 members. It supports educators through service awards, training, grants, pensions, and welfare funds. SKJMCC also publishes al-Muallim (for teachers), Kurunnukal (for children), and Santhushta Kudumbam (for families). Additionally, Samastha Kerala Jam'iyyathul Mudariseen (SKJM) serves advanced Islamic educators, while Samastha Kerala Sunni Bala Vedi (SKSBV) represents *madrasah* students. [112]
3. **Sunni *Maḥal* Federation (SMF):** Founded in 1976, SMF focuses on organizing the *Maḥal* committees and strengthening the *Maḥal* system. It has reformed the higher education system, introduced *swadeshi dars* (part-time religious studies), and established Darul Huda Islamic Academy for integrated education. At the *Maḥal* level, SMF implemented various key projects including pre-and post-martial courses, parenting courses, interest-free microfinance, guidance programs for higher studies.[113]
4. **Sunni Yuvajana Sangham (SYS):** Formed in 1961 as a Youth Association of Samastha, SYS aims to extend Samastha's influence and engage with broader public. SYS became a recognised feeder organization of Samastha in 1961. Through its network of unit committees, SYS conducts a variety of religious and community activities at the grassroots level.[114]
5. **Samastha Kerala Sunni Students Federation (SKSSF):** Established in 1989, SKSSF is a vibrant student organization with sub-committees like IBAD for *da'wah*, TREND for educational activities, *Sahajari* relief cell, *Wiqaya* volunteer wing, and Islamic Sahitya Academy for publishing. It has campus wings for secular college students and *Thwalaba* wings for students in religious

institutions. SKSSF is credited with its campaigns against radicalisation of Muslim youth.[115]

6. **Samastha Kerala Jam'iyyatul Quthabah:** This platform for *Khatībs*, who deliver Friday sermons, guides them by providing Khutbah notes, and suggests speech topics, ensuring consistency and guidance in their address.
7. **Samastha Employees' Association (SEA):** Targeting government employees, SEA promotes morality and resists atheist and modernist propaganda under the guise of scientific reasoning.[116]

Though initially functioned solely as a religious organization, Samastha has now developed into a multifaceted movement encompassing education, social welfare, and religious guidance. Its extensive network of sub-organizations, *madrasahs* and mosques play a crucial role in shaping Muslim life in Kerala. For example, weekly *Khuṭbah* notes allow it to reach most believers, *Maḥal* networks timely implement its projects at grassroot levels, and local *madrasahs* ensure sustained religious consciousness. In addition, these institutions act as a collective voice of the community, advocating for its rights and influencing government policies that affect Muslim community. Through its centenary celebrations held in February 2026, Samasatha aims to expand its mission throughout India. The effectiveness of these initiatives relies on the region's distinctive Islamic education system, which provides both the intellectual foundation and spiritual legitimacy for scholars' work, a subject explored in the following section.

5.5 Islamic Education System

Religious education has been central to the preservation of Muslim identity within Kerala's pluralistic society. The community has built a multi-layered religious education system without government patronage, combining both informal methods, such as public sermons (*wa'ẓ*) and Islamic literature, [117] and a formal institutional framework ranging from primary to higher education.[118] *Madrasahs* constitute the core of moral education, operating in morning or evening shifts to allow formal schooling.[119] Today, over 10,000 *madrasahs* educate more than one million students aged 5-15, taught by approximately 100,000 religious teachers.[120] Organizations like HADIA, the alumni association of Darul Huda Islamic University, are expanding this model to over 1,50,000 students across 20 Indian states. [121] This vast network has served as a bulwark against secularization and cultural assimilation, guiding the community to navigate moral life in a pluralistic society. [122] In response to

contemporary challenges, *madrasah* authorities have introduced innovations such as digital learning tools, QR-code-enabled textbooks, and English-medium schools.[123]

At the level of higher learning, the *pallidars* (mosque-college) system, resembling the *Pesantren* of Southeast Asia, constitutes the longest-standing form, producing hundreds of eminent scholars.[124] From the latter half of the twentieth century, a spectrum of specelized institutions emerged: *Sharīʿah* Colleges dedicated to Islamic sciences; *Daʿwah* Colleges offering skill development programmes and basic secular subjects along with Islamic disciplines; and Arabic Colleges affiliated with state universities.[125] A major milestone was the establishment of Darul Huda Islamic Academy in 1986, which pioneered an integrated curriculum designed to produce scholars capable of addressing modern challenges from within the internal logic of the Islamic tradition.[126] Granted university status in 2009,[127] Darul Huda today supervises more than thirty affiliated institutions and educates over 10,000 students from Kerala and beyond.[128] Its model has inspired the broader adoption of integrated programmes including the traditional *pallidars*.[129]

By the end of 20th century, parallel institutions for women's religious education had also taken shape. Early initiation includes the establishment of Fathima Zahra Islamic Women's College in 1992,[130] and Samastha's Sharīʿat College for Women in 2004. The subsequent diffusion of the Wafiyyah program significantly widened women's access to advanced religious studies.[131] Alongside religious education, Kerala's Muslims has made notable advances in mainstream education by founding privately managed, state-recognized schools and colleges. These institutions aim educational mobility while preserving the religious identity of minority Muslims in a pluralistic setting.[132]

6. Conclusion

This study highlights that Kerala Muslims' resilience in a non-Muslim polity sustained not primarily through novel jurisprudential framework but through innovative institutions and adaptive strategies. While firmly rooted in Shāfiʿī *madhhab*, traditional scholars creatively interpreted existing frameworks to cop up with regional realities. The study establishes this as a traditional approach to minority resilience, an alternative to both Salafī textual universalism and Wasaṭī legal reinvention for minority contexts.

This study identified several institutions as the key agency of minority resilience. The *Maḥal* system, alongside the necessity *Qāḍī*

institution, functions as mechanisms for self-governance, spiritual guidance, ethical mediation, and social welfare within the Muslim community. Religious organizations, most notably Samastha and its affiliated bodies, further reinforced this balance by integrating educational systems, social welfare, and religious authority. Taken together, these institutions absorbed routine moral and legal tensions at the community level, operating as a viable substitute for the absence of an Islamic government, thereby reducing secular pressures and limiting the need for continuous legal reinterpretation.

At the same time, the study acknowledges complex challenges from sectarian fragmentation, legal limitations, and broader processes of secularization. Kerala's experience highlights constructive institutional responses, with influential community leaders essential for resolving intra-and inter-community challenges. Thus, minority resilience reflects an institutional framework capable of preserving identity, facilitating adaptation, and absorbing crises over time, challenging assumptions that prioritize legal reform over rooted institutions.

These findings imply that policymakers, civil society actors, jurists, and community leaders should support locally grounded minority institutions, rather than viewing them as separatism. By emphasizing institutional vitality and ethical leadership, this study transcends *fiqh al-aqalliyyāt* debates, offering valuable comparative insights for Muslim minorities navigating plural societies. Further ethnographic research is needed on their influence on daily practice and identity. Ultimately, grassroots institutions sustain religious identity and social integration in multicultural contexts.

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