

# Understanding Islam

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## Series III: Building a Just Society

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## **Understanding Islam**

### **Series Three: Building a Just Society**

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#### **Part One: The family as the basis of society**

One of the most important changes that Muhammad made in Arab life was to make marriage the foundation stone of society. A man and woman must freely enter into a public contract with each other. Marriage became the only acceptable place for sexual relations. Adultery was declared immoral and illegal. The husband takes on the responsibility to house, feed, clothe, and educate his family. The wife is to guard the family honour and establish a Muslim pattern of life within the family home.

Marriage is seen by Muslims as being an essential aspect of living a godly life. It is through marriage that people enhance their God-consciousness (*taqwa*) and have the opportunity to achieve a life in harmony with God and the created world. Muhammad married his wife Khadija when he was twenty-five years old and they remained in this monogamous marriage until her death some twenty-four years later. Thereafter, he married again and in the last thirteen years of his life contracted multiple marriages. It was therefore part of his *sunna*, the way that he laid out in obedience to God for human life to be lived. A Hadith reported from him makes this clear:

By God, I am more submissive to God and more afraid of him than you; yet I fast and break my fast, I sleep and I also marry women. So he who does not follow my tradition in religion is not from me.

Remaining single is not an acceptable alternative lifestyle, although in exceptional circumstances it is tolerated. There is no tradition of monasticism or celibacy in Islam. Sexual drives are a natural part of being human and marriage is the only acceptable context for those drives to be expressed. It did happen that some people were so caught up in a life of study or mystical devotion to God that they did not marry but this was exceptional. If someone lacks the necessary financial means to keep a family then they must control their sexual urges through fasting and prayer and ask God to bless them with the means to marry and support a family [Q. 24:33]. The single celibate state is in no way seen as somehow closer to God or more spiritually exalted, as another Hadith makes clear:

A married person sleeping is better in the sight of God than an unmarried person spending his night in fasting and prayer.

#### **The status of marriage**

Marriage is a contract between the two parties in Islamic understanding. Like any other contract, both parties must enter into it freely and with knowledge of what they are doing. A forced contract is not binding; so a forced marriage is no marriage at all. We have the example of a young woman who came to Muhammad to complain that her father had forced her to marry a man without her consent. The Prophet examined

the situation and the father admitted that he had done so on the basis that this was the traditional practice in pre-Islamic Arab society. Muhammad declared that this was unacceptable in Islam and said that the marriage was invalid. Then the woman asked the Prophet to marry her to the man! Now it was her choice. Muhammad duly married them.

Muslim marriage is more than a romantic encounter between two people. In traditional societies, marriage is a bond between two families. The husband takes on responsibilities to his wife's extended family and she does the same for his. This makes it important that the two families can get on together. In a society where unmarried men and women do not mix freely, how are they to find their marriage partners? These two factors normally mean that the families get involved in the search for a suitable partner. This happens in many traditional cultures around the world and in many religious communities. The idea is that if two people and their families are well matched, then a loving bond will grow between them. This is what is meant by an arranged marriage. In the end, of course, the two people themselves must make the final decision.

In recent decades, due to migration, society has become more fragmented, with people often having to move to work far away from their families. Advances in education and employment opportunities often mean that the lifestyle of young professionals is quite different from the experience of their parents and so the family is less well equipped to play a part in partner selection. Such young Muslims and their families often employ the services of agencies to seek suitable marriage partners, which might mean through advertisements in the press, internet-based and local marriage bureaux or the assistance of friends. It is not unusual in such societies for young people to find a potential partner and then subsequently involve the families to assist them in making the right choice. This is sometimes referred to as assisted marriage.

### **Suitable marriage partners**

Muhammad taught that the most important quality in a marriage partner should be their piety. Their commitment to living a godly Muslim life was more important than beauty, wealth or social status. Factors such as race or colour, social position or wealth should be completely irrelevant. It might be that a suitable partner would be someone from within the person's extended family, which would help to bind the family together, especially when it is divided geographically through migration. Marriage to cousins, including first cousins, is permitted in Islamic law.

The question of whether a Muslim may marry a non-Muslim is complex. In the Sunni tradition, a Muslim man is permitted to marry a Muslim woman or one from amongst the People of the Book, a Jew or a Christian, but not an atheist or a follower of another religion [Q. 5:5]. Such a Jewish or Christian wife is free to continue in the practice of her faith. A Sunni Muslim woman must marry a Muslim man. The Shi'a interpret things differently; both a man and a woman should marry another Muslim, although some scholars permit a Shi'a man to marry a Jew or Christian but (strongly) caution

against it. Sunni-Shi'a marriages happen quite often in places where both communities live together.

We may ask why God decreed that Muslim women must marry a Muslim man if the same rule does not apply to Muslim men. The scholars pointed to the reason that in a traditional society a woman normally moved into her husband's family home on marriage. What chance would a Muslim woman have of retaining her faith living in an extended Christian or Jewish family? Similarly men were seen as the head of the household, so there was a fear that a Muslim woman might be drawn away from the practice of Islam. If a Muslim woman were to marry a non-Muslim man, it would be sin as it breaks a direct command of God in the Qur'an. Not only that, she would be risking alienation from her family and the Muslim community. Of course, these types of dilemma are not only found in Islam. Many other religions impose controls over marriage and many families are split apart by people marrying outside the bounds of their faith or their particular tradition within a faith community.

Even in the case of permitted mixed marriages, such as a Sunni man marrying a Christian, it is often seen as better for all parties if the wife converts. Many do so, out of a desire to present a united front to their children or out of admiration for the warmth of Muslim family life. Many women who convert to Islam in the West do so before the question of marriage is on the agenda, so this should not be seen as the principal reason for female conversion.

### **The marriage ceremony**

Marriages in any culture are full of local customs and practices. The Islamic ceremony (*nikah*) itself is quite simple. The couple agree a marriage gift (*mahr*) in the form of money or some other material benefit, which the man will transfer to the woman [Q. 4:4]. This is her property and even if they divorce, under most circumstances, she's entitled to keep it. They draw up a marriage contract, which these days is generally a written document. Provided that they both agree, they may include in their marriage contract anything that they please, as long as it is acceptable within Islam. For example, they might agree that both will complete their education before they start a family or that they will have their own quarters and not live within either extended family. The marriage ceremony comprises the two parties freely signing this contract in the presence of witnesses. This is normally accompanied by a reading from the Qur'an, an address on the nature of marriage from a religious leader and prayers for God's blessing on the couple and their future life together.

Providing for his wife is a major responsibility for the husband. For her part, a wife must respect her husband and guard the family honour. She has the responsibility to be open to the gift of children and to look after them when they come. They must both be modest and refrain from seeking to be sexually attractive to other people. Both must wear modest clothing and not look with lust at other people. Sex is only permitted within marriage [Q. 17:32].

## **Permission for limited polygamy**

The overwhelming majority of Muslim men today, marry only one wife. However, the Qur'an gives permission for a Muslim man to marry up to four wives provided that he can treat them all equally [Q. 4:3,129]. The Qur'an goes on to say that this is extremely difficult and so "one is better." The scholars point to this as a preference for monogamy but permission is given for limited polygamy, if this is desirable. The verse giving this permission was revealed in the context of there being widows and orphans after men were killed in battle. They needed protection and stability in a traditional society; better then to marry them into an existing family if this was the right solution. Warfare around the world before the invention of modern weapons resulted in the disproportionate death of men. This made societies imbalanced with widows and single women having a shortage of available partners. Rather than being forced to remain single, the Islamic solution would be limited polygamy, provided that the man could afford it and could treat his wives equally. Similarly, if the first wife was unable to have children; better to leave her with the dignity of being the first wife within the family and bring in a second wife, who would have children for the family. The same might be true in the case of a woman who was divorced and needed a new family in which to live.

After the death of his first wife, Muhammad himself set the example of marrying widows and divorced women polygamously in his later life. One indicator of his treating them all equally is that each was given the same marriage gift irrespective of their social status and each had her own home in which she entertained the Prophet, who visited them for a night and a day in rotation. When he was travelling, he drew lots to see which wife should accompany him and was careful to ensure that they were not accorded undue favours on account of their marital status. There are many reports of his tenderness towards them and special concern for those who were ill or in any special need.

In reality, the vast majority of Muslim marriages are monogamous. Polygamy is common in certain cultures around the world where it is practised by people from various religions, including Islam.

## **Fixed-term marriage**

Marriage for a fixed period of time (*muta*) is based on a verse of the Qur'an [Q. 4:24]. There is a disagreement between the Sunnis, who hold that this was forbidden by Muhammad, and the Shi'a, who say that the ban came after the time of the Prophet and thus is invalid. They hold that it was practised in the time of the Prophet with his approval and thus is still permissible. A man and woman freely agree to enter into a marriage contract for a term fixed in advance; it can be any term that is agreeable to both. Any children that come from the marriage are legitimate and inherit from both parents. At the end of the term fixed for the marriage, the woman must observe a waiting period (*'idda*) to ensure paternity of the child should she be pregnant. As in a permanent marriage, an agreed marriage gift (*mahr*) is given by the man to the

woman. Classic examples of the practice of *muta* are in the case of students who are not in a position to contract a permanent marriage and men working on contracts away from their wives and families. It is a way of making sure that sexual urges have a legitimate outlet so that no-one resorts to fornication. In contemporary western society, where young people often have to seek and come to a decision about marriage partners without the traditional extended family structures for assistance, *muta* can be used with mutual consent for “getting to know each other better;” the two people concerned, by mutual agreement, can place limitations on their intimacy during this fixed-term marriage.

## **Divorce**

Everyone knows that marriage is not always an easy or smooth relationship. If problems arise, the couple are to try to work them out themselves. If this fails, then the extended families are called on to help to find a solution [Q. 4:35]. Often this extended family support can provide the advice or practical solution to help the marriage survive. Ultimately, if the marriage cannot be made to work, then divorce is the solution. If a husband wishes to divorce his wife, he has formally to state ‘I divorce you.’ In the Sunni schools, this can be done in private, but the Shi'a require two witnesses. When the woman wants a divorce, she applies to the Shari'a Court, through which she can get a divorce even if her husband is against it. There then follows a waiting period (*'idda*) of three menstrual cycles [Q. 2:228]. This time should be devoted to trying to bring about a reconciliation. Should this not be possible, at the end of the waiting period the divorce is final and both parties may marry again and are encouraged so to do. The couple can be reconciled with each other at any time during the waiting period and this cancels the intention to divorce. If they want to, a couple can re-marry formally after the divorce is final but only twice. Should they divorce a third time, then there is no possibility of re-marriage unless she has been married to someone else and divorced in the meanwhile [Q. 2:230].

There is a third situation acknowledged in the Qur'an [Q. 24:6-9] where a man accuses his wife of adultery without independent witnesses. In this case, he is to swear four times that she is guilty of the offence and then a fifth time invoking the curse of God upon himself if he is lying. The woman so accused can counter by swearing a similar four oaths and then the fifth invoking God's curse if she is lying. If this process is followed, then the marriage is dissolved, no action is taken with regard to the offence of adultery and the two are left to the final judgement of God whose curse they have invoked if they are lying.

Where the civil law of a country has been written according to Islamic law, divorce proceedings take place in the civil courts. In other countries, if a couple are married according to civil law, then they must apply to the civil courts for a civil divorce in addition to their Islamic divorce. An Islamic marriage that is not registered according to civil law is not recognised as such by the civil courts and thus an Islamic divorce is sufficient.

The question of custody of any children is addressed by Islamic law, which states that they should remain with their mothers whilst they are young, provided she is a fit person to look after them [Q. 65:6-7]. The length of time they should remain with the mother varies in different schools of Islam. When they are old enough, a final decision over custody is made in which the views of the children are taken into account.



## **Part Two: The ethics of life**

When God created Adam, God breathed into him God's spirit and thus human life is sacred; we are the bearers of the breathe of the divine [Q. 32:9; 15:29; 38:72]. This means that every human life is of infinite value in the sight of God. To kill one human being without due cause (murder or "spreading corruption upon the earth") and process of law, is as though one has killed all humankind; to save one human life, is as though one has saved all humankind [Q. 5:32]. Life is a gift from God, suicide is forbidden, we do not have the right to determine when we should die [Q. 4:29]. Every reasonable effort then should be made to preserve human life, to prevent death and cure illness. Human life is of the highest ethical value, to preserve it, the Muslim may do something that under normal circumstances would be forbidden, for example, to drink alcohol and eat the flesh of the pig.

In pre-Islamic Arab society, if there was a surplus of girl babies, the practice was to kill some of them. This reflected a sense of girls being less valuable than boys and an attitude to life that did not reflect its sacred character. This practice was categorically forbidden by the Qur'an [Q. 16:59; 81:8-9]. It was one of the essential criteria of belief for those who embraced the way of Islam [Q. 60:12]. It was a sign of lack of trust in the providence of God to sustain all even when times are hard [Q. 17:31].

### **The beginning of life**

The question of when human life begins determines the moral character of some human actions, like assisted conception, contraception and abortion. The process of breathing the divine spirit into a human being is often referred to as ensoulment; the giving of the human soul to mark the transition from being a mass of cells to having human life, rights and dignity. There are verses of the Qur'an that speak of the process of human development in the womb [Q. 23:12-14]. They speak of stages in this development: a drop of sperm that comes to rest, that is transformed into a clot and then an undifferentiated lump, which comes in turn to take human form with bones and flesh. There is a Hadith of the Prophet that refers to the initial stages taking 120 days before the arrival of the human soul. This was also arrived at through observation by the philosopher Aristotle, who spoke of ensoulment at the same 120 days; mothers will know that this (around seventeen weeks) is when there are detectable signs of independent movement within the womb. Most schools of Islam traditionally took this as the point at which human life begins. For a minority of Muslims, human life was held to begin at conception, although in the early centuries this was seen more as the depositing of the seed in the seed-bed of the womb rather than the fusion of sperm and egg.

### **Assisted conception**

Modern developments in medical practice have made it possible to take semen from the man and eggs from the woman and bring them together outside the womb. This is called in-vitro fertilisation, artificial insemination or assisting the process of



conception. The usual practice is to take several eggs and inseminate them to see which develop into healthy fertilised eggs and then to implant a few of these into the mother's womb. This necessarily means that some fertilised eggs are discarded. For Muslims who hold that human life begins at conception, this is problematic and thus the process is forbidden. For those schools that hold that human life begins at the later stage of ensoulment, these surplus eggs are not human life and thus, for the sake of the higher ethical goal of assisting a couple to have a child, they can be discarded; thus the process is permitted.

There is a stress in Islamic law on every child having the right to know its origins or parentage and so most schools only permit such artificial insemination when both semen and eggs come from a married couple. The use of donated semen or eggs is held to infringe on the sanctity of the marital bond and to throw the question of parentage into doubt. Some schools will permit donation provided that the donor is prepared to be identified, thus securing the right to know one's parentage. The use of such a technique to assist conception in an unmarried couple or a same-sex couple would not be permitted. The stress on knowing one's parentage can be seen in the fact that anonymous adoption is forbidden in Islamic law, whereas fostering children, in which they keep their birth identities, is a highly meritorious act. Recent trends in some countries to give the legal right for an adopted child to know its birth parents have made this practice more acceptable.

## **Contraception**

Couples in the early Muslim community practised withdrawal (*coitus interruptus*) with the Prophet's knowledge and approval, thus in principle contraception is permitted to delay having a family, to space children and when the couple decide that their family is complete. "Completion" is a personal decision but the scholars stress the importance of ensuring the continuation of the human race and thus having sufficient boys and girls to ensure this is desirable. Those schools of Islam that hold that life begins at conception would not approve of contraceptive methods that prevent the implantation of a fertilised egg, e.g., the intrauterine coil (IUD) or "morning-after" pills. Other schools would permit such as well as barrier and hormonal methods but not sterilisation as this would amount to mutilation.

## **Abortion**

The question of when human life begins is of particular importance in relation to abortion or the deliberate termination of a pregnancy. The majority, who hold human life to begin at ensoulment are generally permissive of a pre-ensoulment termination; some require there to be a justifiable reason and others hold it to be a neutral act (*mubah*) on which the couple can decide as they choose. Many scholars hold that the father must agree as well as the mother as the pregnancy is the result of a joint action. An exception would be if the mother's health is at risk as she ultimately has the right to preserve her own life. Traditionally, this was likely to be a decision within the family but where access to abortion is regulated by law, the state delegates certain

rights to doctors to act in the interests of their patient when it is a matter of risk to health or life.

An incident is recorded in the life of Muhammad when a miscarriage was induced in a dispute between two co-wives. One wife struck the other, who was pregnant, causing her death and the death of the foetus that she was carrying. The Prophet ordered that blood-money must be paid for the life of the woman but only a lesser recompense (*ghurra*) for the loss of the foetus. This was the same recompense (five per cent of human blood-money) that was to be paid for the loss of a body-part. This distinction is seen in Islamic law, in which murder cannot be redeemed by the payment of a *kaffara* (expiation for a sin) but abortion can be; some schools hold this to be obligatory (*wajib*) while others see it only as an act of devotion.

The general principle is that an abortion post-ensoulment can only be permitted for therapeutic reasons when there is a risk to the life of the mother. When the foetus is discovered to be malformed so that it would result in a severely disabled child, some scholars will permit a therapeutic abortion on the grounds of undue hardship to the life of the child or the parents and their other children.

Abortion is never something to be entered into lightly and scholars highlight the responsibility of Muslim societies to reduce the social circumstances that might militate towards it such as making appropriate means of contraception more widely available and setting up welfare institutions (*waqf*) to provide for families in need. Some modern Muslim countries have recognised violation of the woman, e.g., through rape or incest, as grounds for an abortion, and some see modern social trends, e.g., the breakdown of the extended family, unemployment and the need for women to contribute to the family income, as grounds leading to pre-ensoulment abortions. There is a general fear of the rise of a culture of abortion brought about by material consumerism and moral decadence, as has been experienced in some non-Muslim societies around the world.

## **Homosexuality**

Mention of sexual ethics necessarily raises the question of Muslim attitudes to homosexuality. The Qur'an speaks at length of the situation in the time and society of the Prophet Lot [Q. 7:80-84, also: 11:77-81; 15:61-72; 26:161-174; 27:54-57; 29:28-35]. The offence for which that community was destroyed is held overwhelmingly to have been their practice of male homosexual acts. The Qur'an also prescribed punishment for both parties engaged in such acts [Q. 4:16]. There is no explicit mention in the Qur'an of female homosexual acts or what would today be referred to as a homosexual disposition.

Islam is opposed to both the practice of homosexuality and regarding a homosexual culture as an alternative lifestyle. It runs counter to the principle that sex should be heterosexual and only take place within marriage. Many Muslims take the view that it is encouraged by the permissiveness of decadent societies. Some Muslim schools

accept that people may have a homosexual tendency or disposition but such a person should abstain from sex and control their urges by prayer and fasting [Q. 29:45]. In some Shi'a societies sex-change operations are performed. Homosexual practice is never acceptable but the door of repentance always remains open. God will reward the suffering of those who resist, as God knows best.

### **Organ transplantation and donation**

Our bodies do not belong to us but they are a trust from God, therefore Islamic teaching is that we can only consent to those acts regarding our bodies that are godly. As we have seen [Q. 5:32], saving a human life is a highly meritorious act as though we had saved the whole of humankind, therefore there is a generally positive attitude towards organ donation and transplantation. The donation of parts of the human body that naturally regenerate is permissible, e.g., blood, skin and bone marrow. At the same time, suicide is forbidden [Q. 4:29], so the donation of an organ that would kill the donor is forbidden. Scholars are divided on the permissibility of the donation of an organ from a healthy living donor who has two, e.g., a kidney, that would not result in the death of the donor. Some will permit this if the best available medical evidence is that the donor can survive healthily with only one such organ, on the principle of saving the life of the recipient who would die without a transplant. Others hold that this is tantamount to saying that we know better than God who gave us two kidneys in the first place.

There is a general principle of respect for a dead body, and thus a disinclination towards post-mortem dissection unless it cannot be avoided (non-invasive post-mortem examinations are preferred). Scholars permit the removal of organs from a dead donor on the grounds of the higher ethical good of saving life. It would be illegal to kill someone to remove their organs and at the same time, organ removal must be done whilst there is still oxygenated blood flowing in them. This has led to a re-definition of the point of death. Traditionally death was held to have occurred with the cessation of breathing and a beating heart but brain death is now widely accepted for organ removal. Modern Muslim societies generally require death to be certified by two doctors who are not involved in the transplant operation. The donor or the next-of-kin must give free consent to organ donation and no coercion or financial incentive is permissible. Muslim doctors are permitted to perform transplant operations and there is no bar on a Muslim receiving an organ from a non-Muslim.

### **Euthanasia**

When considering the ending of human life certain principles are indicated by Muslim scholars. Life is a gift from God, so when a Muslim is greeted with an enquiry after her health, she responds, "All praise is due to God" (*al-Hamdu illah*). We are not the owners of our bodies; therefore we do not have the right to decide when we should die. Indeed, the Qur'an says repeatedly that every person has an allotted span of life and God will cause them to die at the designated time [Q. 3:145, 156, 185; 39:42], therefore a deliberate action that causes our death before this designated time is in fact

an act of disobedience to God for which account must be given on the Day of Judgement. It is the duty of the medical profession to do all that is possible to prevent premature death, i.e., death before God's designated time, hence the need to preserve life where possible.

Illness is not something that is inevitable or to be sought. Muhammad is reported to have said at a funeral: "How fortunate you are that you died while not afflicted with illness." At the same time, illness is not seen as an evil but as an invitation to trust in God and grow in faith. It can be an expiation of the sins of one's life, as the Prophet is reported to have said: "No fatigue, disease, sorrow, sadness, hurt or distress befalls a Muslim, even if it were the prick that he received from a thorn, but that God expiates some of his sins for that."

Medical professionals make a distinction between active euthanasia, which is killing someone, and passive euthanasia, which is letting someone die when their illness is clearly terminal and death is inevitable. Active means of euthanasia, included assisting someone to take their own life, are forbidden in Islam. When it comes to letting death take its natural course, two instances might be considered. When medication is given with the intention of relieving pain and suffering and not with the intention of killing someone, even though the effect of taking the medication will be to shorten the patient's life, this is permissible according to Muslim scholars as it is to relieve suffering; the decision as to the point at which death occurs is still left to God. When a patient's life is maintained artificially through the use of a machine, for example, then the withdrawal of this machine, after due consultation with the patient (if possible), the family and medical professionals, would be to allow the disease to take its inevitable course. The disease would be the cause of death and not the withdrawal of the artificial means. Similarly, after due consultation, the withholding of certain treatments that would only prolong the process of dying against the patient's best interests, is held by Muslim scholars to be permitted.

### **Part Three: Education to serve God and humanity**

Although Muhammad himself was not a man of books – he was rather a man on whose life God wrote by the sending down of the Qur'an, by the direct gift of esoteric knowledge, and by the nobility of soul that enabled him to live out this wisdom in an exemplary way – there are several incidents in his life that demonstrate the high value that he placed on education. This was to be expected, given that the Qur'an on numerous occasions commands its readers to ponder on what they read [Q. 4:82; 23:68] and to read the signs around them [Q. 10:67]. Indeed, the word signs (*aya*) occurs more than four hundred times in the Qur'an.

When prisoners were taken after the Battle of Badr (634), those who could read and write were able to earn their ransom by teaching these skills to Muslims in Madina. Muhammad appointed scribes to write down the verses of the Qur'an from his lips. He drew up written treaties and sent letters to the rulers of his time. When appointing a governor to send to the Yemen, he commended him for realising that his own ability to reason, based on the guidance of the Qur'an and the *sunna* of the Prophet, was his guide in applying the message to the circumstances of the people there.

Knowledge is a gift from God sent down upon the Prophet to allow people to live a life filled with God-consciousness (*taqwa*), which will enable them to flourish in this life and attain the life of paradise [Q. 3:164]. This message is emphasised in the Hadith:

Acquire knowledge: it enables the possessor to distinguish right from wrong, it lights the path to heaven. It is your friend in the desert, your society in solitude and your companion when friendless. It guides you to happiness, it sustains you in adversity. It is an ornament among friends and an armour against enemies.

Here we see that knowledge has an ethical dimension, it not only enables one to know right from wrong but also guides people along the right path. This has led Muslim scholars to emphasise the importance of learning which uplifts the human being; and the corollary: to keep away from knowledge that debases and diverts the human being from the godly quest.

Knowledge then is part of the birthright of every human being. The Prophet is reported to have said: “The search for knowledge is compulsory for every Muslim male and every Muslim female.” There is no gender distinction here. Again, “Wisdom is the lost property of the believer. Wherever he finds it, he has a right to it.” There is no distinction between “secular” and “religious” knowledge but rather between knowledge that leads to a godly life and that which detracts from that aim. The theologian and the scientist should both be seeking to explore and unpack knowledge that will benefit the human quest. Muslims are to seek to emulate the people of learning, as made clear in the Hadith:

Do not try to be like anyone except in two cases. The first is a person to whom God has given wealth and who spends it righteously. The second is one to

whom God has given wisdom and who acts according to it and teaches it to others.

The linkage here between “having wisdom,” “acting upon it,” i.e., putting it into practice in one’s life, and “teaching it to others” should be noted. Knowledge is not an end in itself but something that shapes the life of the possessor; knowledge must be integrated so that the student can see it lived out in the life of the teacher and not just spoken about. The student is quite entitled to ask the teacher: “Why should I believe the teaching that you share if I do not see it lived out in your own life?”

As God is the possessor of all knowledge – two of the names by which God is known are Al-Alim (the All-knowing) and Al-Hakim (the Wise) – so seeking knowledge is an act of worship of God (*ibada*) and an act of exploring the attributes of God. As God is infinite, the quest for knowledge is without end. As the Hadith put it: “Search for knowledge even though it be in China” and “A believer will never be satisfied with the good that he hears until he reaches paradise.”

It is reported that Muhammad came across two groups of people sitting in the mosque and said:

Both of them are doing good but one of them is better than the other. As for these, they call upon God and pray to him for help. If he wills, he gives it to them, and if he wills, he denies it to them. As for these, they learn theology or knowledge and teach them to the illiterate. They are therefore better. Indeed, I have been sent as a teacher. Then he took his seat in their midst.

It is well established that to pray the regular five-times-each-day prayers (*salat*) is an obligation on every Muslim man and woman but Hadith report: “Studying together for an hour during the night is better than spending the whole night in devotions.” And again: “The superiority of the learned man over the devout man is like that of the moon on the night when it is full over the rest of the stars.” The reason for this becomes clear when we read: “To the devil, a learned theologian is stronger than a thousand pious worshippers” and “The ink of the scholars is higher in merit than the blood of the martyrs.”

### **Scholarship after the Prophet**

For the Shi'a, the primary focus of scholarship after Muhammad resided with the divinely-appointed Imams, who were the bearers of the light of knowledge, which gave them privileged access to interpret the Qur'an and way of Islam. But in general, a special place of honour was always given to the learned, according to the Hadith: “The learned ones are the heirs of the prophets; they leave their knowledge as their inheritance. He who inherits it inherits a great fortune.”

In the early centuries, any Muslim man or woman with knowledge regarded it as a duty to pass it on to those who would learn from them. As time went on, a body of scholars arose (*ulama*), who took on the particular responsibility of teaching within the Muslim community. Such scholars taught their students and when they were



satisfied with their mastery of a particular subject, they gave them their permission to teach (*ijaza*). This system continues until the present time within both Sunni and Shi'a schools. Outstanding scholars, like the founders of the Sunni schools of law, great theologians and masters of the sufi teaching, were given the title Imam. This is not to be confused with the specific use of this title for the divinely-appointed Imams in the Shi'a tradition. The title of Imam for an outstanding scholar is used within both schools through the centuries, e.g., Imam al-Ghazali and Imam Ibn Taymiyya, in the Sunni school, and Imam al-Khoei and Imam Khomeini in the modern period in the Shi'a school. Such Shi'a teachers of the highest rank take on the responsibility of being guides to the community (*marja*) so that people of lesser knowledge can emulate and follow their teaching. Within the Sunni schools, the system is not so formal but many Sunni Muslims will identify themselves with a particular school of learning and take their guidance from the scholars who belong to it.

### **Centres of learning**

Over the centuries, great centres of learning have been established, such as al-Azhar in Cairo (founded in 978) and the seminary of Deoband in India (founded in 1867), in the Sunni tradition, and Najaf in Iraq and Qum in Iran in the Shi'a tradition. Some of these, like al-Azhar and Qum, in the twentieth century expanded to cover all the disciplines of a modern university, whilst others, like Deoband, have concentrated on the religious sciences. Various titles are associated with such educational centres: *jamia*, *dar ul-uloom* and *madrasa* are most common. *Madrasa* can be used for a wide range of establishments from a school for children to a centre of higher learning.

### **Life-long learning**

Every child is born in a natural relationship with God and the rest of creation (*din al-fitra*) but a child needs example and instruction to stay on that path and follow it to fulfilment in this life and paradise in the next. Training a child in correct behaviour begins as soon as they are able to learn. As is reported in a Hadith: "No parent gave their child a gift better than beautiful manners."

Once they begin to talk, children are taught to say *bismillah*, "In the name of God," before they begin an action. Progressively, they will be taught phrases and then verses from the Qur'an. The traditional practice was for children to learn at least part of the Qur'an by heart before they began reading and writing. At this early stage, the memory is like a sponge that soaks up the rhythms of the Arabic Qur'an. In countries where Arabic is not the common language, the children learn the Qur'an phonetically either by listening to it being recited to them or sounding it out from a written text. Having some verses of the Qur'an in one's memory is essential for a Muslim to pray their daily prayers. As Muhammad is reported to have said, "The best amongst you is the one who learns the Qur'an and teaches it."

School education should take place within an atmosphere that promotes Islamic values. A respectful relationship is encouraged between teachers, pupils and parents.



Teachers are required to have integrated their learning so that it is reflected in their life and conduct. They should be a role model of the quest for advancement in knowledge and growth in etiquette. To provide a modest, moral atmosphere conducive to learning, Muslim schools are generally single-sex, especially after the early years. Young people are encouraged to continue their education as far as appropriate, ideally in a single-sex institution. In universities where students mix freely together, Muslim men and women will often form groups so that they can socialise in a way that promotes a Muslim lifestyle.

As children grow up, their parents move through phases from playing with them, to instructing them and finally accompanying them into and throughout adulthood. Many adults will seek out the wise counsel of grandparents and other family elders until they in turn become grandparent counsellors themselves. There is a tradition of life-long learning and many adults seek the opportunity to learn in study circles or classes. A familiar saying about a praiseworthy mosque is that there should be a scholar sitting at the foot of every pillar surrounded by those who want to learn. It has also been common in history that dedicated students have travelled great distances for the opportunity to study in a noted centre of learning or with a particular scholar.

## Part Four: A just economic system

On several occasions in the Qur'an, Muslims are commanded to "establish the prayer and pay the *zakat*" [Q. 2:277]. From this we can see that Islam places a double emphasis on the vertical pole of prayer and the horizontal pole of bringing one's economic life under divine guidance; but what does it mean: "to pay the *zakat*"? As a starting point, we can say that *zakat* is about the purification of wealth by making money circulate in due proportion from those who have more than is necessary to cover their basic responsibilities to those who lack sufficient money to meet their needs.

Every human being has the high dignity of being the *khalifa* and the *abd* of God: the regent and the loving servant. To be the regent means to be the steward of the good things of God. This means that whatever it appears that we own is not ours to do with as we please but rather, human beings are the custodians of goods that ultimately belong to God and are to be used according to divine guidance. To be the servant means to obey the commands of God. All that we possess is to be used according to God's guidance for the benefit of humankind and in the service of God. Just as God has no favourites, all are sustained and guided, so the regent of God must practise *sadaqa*, which we can translate as "bearing one another's burdens."

### An economic system

Muslims will always be concerned about money; how it is made, saved and spent. Money must be made in ways permitted by God. If something is forbidden (*haram*) for Muslims to do, then Muslims cannot profit by it. Alcohol is forbidden for Muslims to consume, therefore it is forbidden to profit from the sale of it or to invest money in its manufacture or distribution. Our money is a moral extension of our selves. Being in business for profit is good as it creates employment, provides a service and provides more money for us to use wisely according to God's guidance. But trade must operate on principles of fairness and justice. It is forbidden for a Muslim to withhold goods so that there is a shortage and thus an unjust price can be charged. Similarly a buyer must be prepared to pay a fair price for goods and not try to force the seller to let the goods go for an unjust price. Muhammad said that workers must not be exploited and thus should be paid their wages before the sweat dries on their foreheads. When it comes to choosing a profession, Muslims are encouraged to look for something that builds up society and serves the common good. A profession or business that leads to corruption on the earth would be forbidden by the Islamic code of living.

It is a reality of human societies that some people have more money than others and that those with less will sometimes need help from those who have a surplus. If someone needs to borrow money, then those who have surplus are encouraged to lend it to help them out but not to seek to make money out of the other person's need. Interest-free loans are a way of helping those in need without exploiting them. The borrower is obliged to pay back the loan in full on the agreed date but the lender

should not seek to profit from the transaction. In this way, human society becomes a mutual undertaking rather than a system of exploitation by those who have financial power. This system requires a stable currency in which money is dependent on tangible assets, such as a gold standard. Scholars debate whether, in a society in which money is divorced from assets and therefore subject to inflation, the borrower should repay the numerical sum or return to the lender the equivalent amount based on the purchasing power of money at the time of repayment.

### **No gain without risk**

Profit in business is good but profit can only come when the money is exposed to a proportionate share of risk. An Islamic bank or wealthy person might invest in a business as a way of injecting money. The investment is open to both profit and loss. If the business does well, then both borrower and lender profit. If the business does badly, then both borrower and lender must accept a due proportion of the loss. A loan that is guaranteed against assets in the business in such a way that the lender gets an agreed guaranteed return without any danger of loss is not permitted. This means that business loans are based on taking a share in the equity of the business; thus money is not a commodity in its own right but must be based on assets. Financial speculation on fluctuating currencies, e.g., I buy a million pounds worth of dollars in the expectation that the dollar will rise against the pound so that when I sell them, I get more pounds in return, would be an example of a non-asset-based transaction and thus forbidden.

Money lent at guaranteed interest without risk is an example of a forbidden loan. If someone takes a mortgage based on interest to buy a house in which the loan is guaranteed against the value of the house it means that the lender does not share in the risk. Even if the house goes down in value, the borrower still has to repay the original loan. If the lender owns a share in the equity of the house and it goes down in value, then the lender's share goes down in value too. This makes for a much more responsible lending system. It is in no-one's interest to see house prices rise and fall dramatically.

An example will make this clear. If I take an interest/guaranteed asset mortgage of 220,000 to buy a house for 250,000 and the house drops to a value of 200,000, then I still owe the bank 220,000. If the bank invests 220,000 to buy a house valued at 250,000, then the bank owns 88% of the house and I have to pay a rent to the bank for the use of their share. If the house drops to a value of 200,000, the bank now owns the same 88% share in the house, which means that their share is worth only 176,000; the bank has taken a share of the loss as well as me! In such an Islamic mortgage, in addition to the rent that I pay, I save up and buy an additional portion of the house each year and the bank's share and rent are reduced. In this shared equity system I gradually become the owner of the whole house as my share increases and the bank's share and rent decrease.

In reality, there are currently insufficient funds available to meet the demand for such Islamic mortgages; the repayment on loans for house-buying is necessarily long-term and thus requires huge amounts of capital on the part of the bank in the beginning. In a society based on home ownership, there are real difficulties as to whether taking a simple repayment mortgage can be permitted as the only available means of housing one's family. Some Muslim scholars in Britain have given guidance on this question and see it as the only possible means of achieving the higher ethical goal of housing one's family. Typically, such guidance lays down five necessary principles to be considered: it can only be for the principal family residence and not for a second home; the house purchased should be adequate for the family's needs but not luxurious; the term should be for the fewest number of years possible so that one does not fall into the debt-based economy; the loan should be for the smallest necessary amount (interest-free loans from family and friends can reduce the amount needed to be borrowed at interest); and the mortgage must be of the simple repayment type in which there is no element of seeking a further gain, for example, through an end-term endowment.

### ***Riba***

The Arabic term *riba* literally means “doubling and re-doubling.” In pre-Islamic Arab society, the practice was that a loan would be taken for a year and if the lender could not repay it when it fell due, it would be re-negotiated so that the term would be extended for a further year but then the lender would have to repay double the original loan. If the double-loan could not be repaid at the end of the two year term, the amount would be doubled again and the term extended for a further year. This was *riba* and amounts to economic exploitation. It is easy to see that people could get into un-repayable debt, which would be a form of slavery. In some societies around the world today, children are born into debt-slavery in which they are working to repay loans taken out by their parents or even grandparents.

*Riba* is a hard term to translate into a direct English equivalent. Some Muslim scholars have seen it as usury or exploitative levels of interest. The majority see it as forbidding all forms of interest, no matter what the rate. This is especially problematic in modern times when developing countries need huge loans in order to develop infrastructure, education and health provision to provide for the needs of their populations, to lift them out of poverty. Such massive loans are only available from financial institutions that operate on an interest-based system. The consequences can be seen around the world in which poor countries are in overwhelming debt, in which a major proportion of their national product goes in servicing the debt and thus making rich countries, which provide the initial loans, even richer, often at the expense of the poor. It is this interest-based world economy that is challenged by the principles of Islamic economics.

The same situation can be seen on an individual basis too when developed societies operate on the basis of personal debt. Merely to survive and meet their family running costs, many people come to rely on bank loans, credit cards and pay-day loans, often

at exorbitant rates of interest. In this way, the poorest within society work to make rich institutions and the rich investors who own them, even richer. It is this debt-based personal economy that is likewise challenged by Islamic economic principles.

When Muslims live in societies not governed by Islamic economic principles, this makes for some difficult decisions. How can one deal with banks that are based on interest? Can one survive without a bank account? Can one live without a plastic payment card issued by such a bank? This leads to a struggle to live in such an economic system, which is likely to involve compromises. The mere struggle alone is a constant reminder to the Muslim to strive to live as much by God's guidance as is possible in the circumstances. In this way, the economic struggle promotes an awareness of standing before God and being accountable to God. The struggle itself promotes a sense of *taqwa*.

### **How to save money?**

When it comes to saving money the same principles apply. Money must be invested in things that build up society according to God's guidance. Such money must also share in a proportion of risk in order to make a fair profit. In practice, this might be done through ethically-screened unit trusts or bonds, in which money is invested in approved businesses in the expectation of making a profit, even though it is exposed to a share of risk. In this way, Muslims can save for a pension or to pay for their children's education or for any other need.

### **A reality-check**

It is obvious upon reflection that not all Muslims, especially some of the wealthiest in the world today, organise their financial affairs fully according to the economic principles of Islam. If that were so, then the human condition on earth might be very different. This is a matter for which they are accountable ultimately to God.

### **Purifying one's wealth – *zakat***

Surplus money must be made to circulate to those in need. Human beings are the stewards of what we earn and own. Each year a Sunni Muslim calculates the money that is surplus after they have met the basic living costs of their family. Once it has been calculated, one-fortieth, 2.5% of this surplus wealth no longer belongs to them but must be distributed as *zakat*. These funds are to be passed to eight categories of people: the poor, those in need, to assist people out of impossible debt, to assist the stranded traveller, to free slaves, to assist those who would suffer financial hardship if they converted to Islam, to spread the message of Islam and to pay those who administer the funds.

The Shi'a have a similar system calculated on surplus income, net profit and wealth (plus other specific monies or unused items) after the basic needs of the family and commercial expenses have been met. This is called *khums*, which literally means

“one fifth.” *Khums* is thus calculated at the rate of 20% and the funds are to be passed to a Grand Ayatollah to be used for the welfare of society. Both Sunni and Shi'a pay *zakat* on the produce of agriculture and gold and silver. Sunni understanding limits *khums* to the spoils of war.

Both *zakat* and *khums* should not be seen as charity, which is a freewill offering, or as a modern tax, as the rates are fixed by divine decree and cannot be increased or decreased by the government, but rather as a device for redistributing wealth from those with more than they require to those in need. The best equivalent is to see these payments as a “legal charge” on surplus assets. Once calculated, they no longer belong to the one who pays but are the right of the recipients. Those who draw on these funds should not be seen as beggars; the funds belong to them and they draw only what they need. They should not be seen either as “alms to the poor;” the stranded traveller, for example one who has been robbed on their travels and is thus in need of help to buy a ticket to return home, has a right to such assistance. Those who administer the funds have a right to be paid an appropriate salary from them so that they can discharge their responsibilities to their families and thus have dignity and be relieved of any temptation to help themselves to the funds in an inappropriate way.

Part of the meaning of the word *zakat* is purification. By passing on the portion that no longer rightly belongs to them, the remaining wealth of Muslims is purified so that it can be used according to God's guidance. In addition, Muslims are recommended to perform charitable giving, which has no limits provided that responsibilities have been met. Each individual adult Muslim is responsible for calculating their own *zakat* and *khums*. The scholars are there to help and guide as necessary but it remains the responsibility of the individual to calculate the funds honestly before God, to whom one will be accountable on the Day of Judgement. Again the relationship between the believer and God is direct and the struggle to resist temptation and calculate with care is itself a striving for *taqwa*.

### **More money than one needs?**

Muslims have the first responsibility to take care of and provide for their families. This does not stop at spouse and children. There is a responsibility towards elderly parents and other members of both partners' extended families. There is a responsibility towards neighbours, those in need and for general welfare. People should make adequate provision for the future needs of their families for housing, health care, education, retirement and so on. What about if there is money left over after all these responsibilities have been met?

Such surplus wealth should not be hoarded: it would be ethically better to make it circulate and put it to good use for the welfare of society. This is the principle of *infaq* (the circulation of wealth). Here the money is given wisely to help others set up in business or otherwise become economically active so that they can take care of their families and become productive members of society. Such money is given

without any return to or control of the giver. God will reward the giver as God knows best, either in this life or in the life hereafter.



## **Part Five: Relieving the sufferings of others**

Every human being has the high dignity of being the *khalifa* and the *abd* of God: the regent and the loving servant. To be the regent means to be the steward of the good things of God. To be the servant means to obey the commands of God. All that we possess is to be used according to God's guidance for the benefit of humankind and in the service of God. Just as God has no favourites, all are sustained and guided, so the regent of God must practise *sadaqa*, which we can translate as "bearing one another's burdens."

*Sadaqa* emphasises human beings in need; not members of our families, peoples, nations or religions. Muslims have duties to all these but concern for human beings must not stop there. Islam is not a mutual welfare society that only takes care of its members. Prophet Muhammad tells us that someone who goes to bed with a full stomach knowing that his neighbour goes to bed hungry should no longer be called a Muslim. Similarly, it is reported that he always went to bed at night with empty pockets, having given away to those in need anything that he had been given during the day. He was noted for his visits to the sick and those in any kind of distress.

### **Working for the good of society**

How is this principle of caring for other people to be put into a structure in Muslim society? Like in other societies, the welfare of people is cared for by a charitable trust, or in Arabic, a *waqf*. In Muslim societies, a *waqf* would be created to support an orphanage, library, hospital or place of learning. Often a particular family would establish a *waqf* and think of it as part of their family responsibility to keep that welfare organisation in funds and able to do its work.

Every human being has two angels assigned to them to record their good and bad deeds throughout their lives [Q. 82:10-12]. These records will be brought out on the Day of Judgement. When we are dead, there is nothing more that we can do to affect our records of good or bad deeds – except for three things. Upright children full of *taqwa* can be an on-going credit to us after we die. If we do something for education, as a teacher or through writing a book, the knowledge goes on working after we die. Finally, we can establish a charitable trust to go on doing good for later generations. Imagine creating a water supply for a village or building some houses for elderly people; those who use them in future generations will bless the name of the person who established the *waqf*.

The principle of *sadaqa* also applies to job and career selection; human beings should work in areas that take care of other people and not exploit them. This applies to business, in which those involved in food production, building, trading or service industries should seek the ethical dimension in what they do. Muslims also are called to what would today be known as the caring professions: the various branches of medicine, caring for the young and elderly, and in social provision for those in need of

support. There has always been an Islamic emphasis on education, whether in teaching, research, publication or the mass media.

### **Caring for one's neighbours**

Muslim living requires that one is concerned about those who share the same location. Some scholars have spoken of the duty to neighbours encompassing those who live within forty houses on either side of one's own. To smile at someone in the street is an act of *sadaqa* and a Muslim is required to greet those that one meets; indeed, the Qur'an counsels that when someone pronounces a greeting, the recipient should reply with one even better [Q. 4:86] and Islamic etiquette places the responsibility on the younger to be the first to greet the elder when they meet. Following the example of Abraham, who entertained the angels of God who came to his dwelling [Q. 51:24-27]; hospitality has always been a hallmark of Muslim society. Travellers are counselled to make for the mosque when they enter a new settlement, where they will be found and entertained when the community comes to pray and in which they have a right to sleep if no other place can be found. Food is taken to neighbours who are sick or bereaved and every family celebration entails sharing food with neighbours, such as when a child is named or a boy is circumcised.

Following the principle that all things come from God and are to be shared with God's people, Muslims are forbidden to hoard food in times of shortage. It is reported that a man came to the Prophet with his neighbour to request him to punish the man for stealing food from his store. Muhammad investigated the matter and it transpired that there was hunger in the area where they lived. The neighbour had come to the man to ask him to share some of his stored surplus food with him as he had nothing to give his children. The request was turned down and the man returned repeatedly to renew the request, always meeting with the same reply. Eventually, the desperate neighbour broke into the man's storeroom and took food to feed his family. Upon hearing the circumstances, Muhammad punished the man who hoarded and refused to share his stores. Such extreme circumstances meant that the punishment for theft was lifted for as long as they endured; the responsibility was on the people with food to share with those who were in need.

### **Festival time**

The festival at the end of Ramadan, 'Id al-Fitr, is marked with a celebratory feast at which festive food is shared and presents are exchanged. Before Muslim householders can celebrate this feast, they are required to make a gift to their neighbours to ensure that they have sufficient funds to buy presents for their children and join in the festive spirit. This *Zakat al-Fitr* is calculated at the cost of a meal for each person in the household, which should be passed to neighbours in need whilst respecting their dignity. How could a Muslim celebrate a feast whilst neighbours have not enough to eat and treat their children?

At the Festival of Sacrifice, 'Id al-Adha, Muslims sacrifice an animal and share the food with family, neighbours and the poor. In the modern world, where many live with an abundance of food and others go hungry, many Muslims in such circumstances will send money to a place where there is not enough to eat to pay for an animal to be purchased and sacrificed with all the food going to those in need in that place; this is often called *qurbani*, which is derived from the Arabic for sacrifice. Indeed, in a time of migration, when some members of a family have left their traditional homes and gone in search of work and a better life in a more industrialised country or city, it is only the money that they send back to their families on a regular basis that enables them to survive.

### **A duty to all humankind**

Just as with the often misquoted Jewish principle, “Charity begins at home but must not end there,” so Muslim responsibilities to suffering humanity know no boundaries. The recently formed Islamically-inspired British charity, Al-Mizan, dispenses most of its funds to non-Muslims who are facing hardship. Similarly, when there were devastating floods in the extreme south-west of England, an area in which few Muslims live, thus depriving the local people of clean drinking water, the charity Islamic Relief took the initiative immediately to load lorries with bottled water and drive down there from their base in the Midlands so that the recipients might have their needs met and experience the Islamic principle of *sadaqa*. Many Shi'a centres have interpreted the willingness that they feel to shed their blood after the spirit of Imam Husayn at Karbala by setting up blood donation clinics during the month of Muharram. The blood goes into the common blood banks destined for all patients in need of a transfusion.

### **International relief**

The principle of *sadaqa* can be seen in the work of Islamically-inspired relief agencies, who work for the relief of suffering people worldwide. They are not mutual welfare organisations, going to the help of suffering Muslims, but Islamic bodies, working to relieve the sufferings of all human beings. When the Tsunami struck on the coast of Indonesia in December 2004, Islamic Relief went immediately to the help of the inhabitants of this, the largest Muslim population in the world but they went on precisely the same day to Sri Lanka, an overwhelmingly Buddhist and Hindu population who had been devastated by the other side of the Tsunami, to make clear that it is an Islamic humanitarian organisation and not one that serves Muslims alone. Similarly, during the civil war in the Sudan before the south became a separate country, they went to both sides and not to the predominantly Muslim north alone.

Just as Christian Aid would not be Christian if it went to the help of Christians alone, so also with Islamic relief agencies. It is not sufficiently well known that religiously-inspired organisations work together on training and field projects and, where one is better equipped to deliver aid on the ground, the other will enter into cross-funding agreements to assist in the most effective way.

## **Part Six: Ecology and the environment**

The situation affecting our planet in terms of sustainability, preserving the environment and ecology is well known. Of the 510m square kilometres surface of the earth, 149m square kilometres are dry land, which represents about 29 per cent, but only about 70 per cent of this is suitable for agriculture. The human population now exceeds seven billion, with a forecast that this will reach between eight and nine billion by mid-century. This will put pressures on the earth's ability to feed all these people if we continue to consume and waste as we do and if we maintain the meat-based diet of much of the developed world. Whilst Islam accepts the right of human beings to eat meat, Muslim scientists are aware of the fact that it requires forty hectares to provide meat for twenty people. The same amount of land can produce sufficient maize for 100 people, or wheat for 240 people, or beans for 610 people. They are also aware that fodder for animals in the developed world is grown in the developing world where local people starve. The shift towards producing fuel from plant crops further exacerbates this situation.

361 square kilometres of the earth's surface or 71 per cent is covered by water but of this 98 per cent is salt water, one per cent is ice and only one per cent is fresh water. An increasing amount of this water is becoming polluted through sewerage, industrial effluent and the products of intensive farming so that hundreds of millions of people have to cook, drink and wash with this polluted water. This is exacerbated by the drift of populations from rural areas to live in cities with the strain that this puts on water transportation and the appropriate disposal of sewerage. Our atmosphere is becoming increasingly polluted by the "greenhouse gasses" of carbon dioxide and methane, thus leading to global warming and the increased desertification of the land.

The forests of the earth are being cleared at the rate of millions of hectares per year, often to provide for additional grazing and fodder for animals for human consumption. Many of our medicines have been developed from the rain forests and thus their loss is a double blow for the future. The importance of trees was known in the time of Prophet Muhammad, who is reported to have said:

Whoever plants a tree and looks after it with care until it matures and becomes productive will be rewarded in the hereafter.

And

If anyone plants a tree or sows a field and men, beasts or birds eat from it, he should consider it as an act of charity on his part.

A respect for trees was written into the Muslim rules of engagement in war from the beginning, in which it was forbidden to cut down a tree or kill an animal except such as was needed for food.

### **An Islamic perspective**

The Qur'an makes clear that the earth was created by God and belongs to God [Q. 22:64] and that the way in which it is looked after by human beings is a test from God [Q. 7:129]. This led to a principle in shari'a that the land, air, sunlight, water and fire

are the common property of all creatures and not the private property of human beings. Men and women are given the right to use God's earth [Q. 55:10] but not to waste its produce [Q. 7:31]. God created the world with a balance in nature and not out of a sense of play; human beings must accordingly act with responsibility towards it [Q. 55:3-9; 21:16-17; 14:19-20]. All the elements of creation were created and live in a state of submission to God, that is, they are *muslim* [Q. 22:18]. The human being, created to be the *abd* and *khalifa*, that is, the obedient servant and the regent of God on earth, has the responsibility to cherish, protect and conserve the earth although some people rebel and spread corruption in nature [Q. 30:41]. Such corruption incurs God's displeasure and must be accounted for on the Day of Judgement [Q. 2:204-206].

The earth is created in a state of balance in which all living beings have their right to a share. It obeys the laws of nature given by God and indeed, as Muhammad is reported to have said:

All creation is like a family of God and he loves the most those who are most beneficent to his family.

Not even a leaf falls to the ground without the knowledge of God [Q. 6:59]. This balance provides limits to human activity and must be learnt and obeyed, therefore the principle of utility is not sufficient as a guide to living. Even though the earth is provided for human sustenance [Q. 16:10-11; 80:24-32], we are not at liberty to abuse it but rather must learn to live within it and read the signs of God contained therein [Q. 3:190-191; 16:66; 51:20-21; 88:17-20]. This is a duty placed upon every human being [Q. 17:70; 7:172], in regard to which we will be held to account [Q. 23:115; 99:7-8]. Thus there is a God-given balance in nature, which human beings must comprehend and put into practice in all their dealings with the environment.

### **Focus on water**

The Qur'an regards water as the source of all life [Q. 24:45; 25:54] and it is detestable (*makruh*) to waste it. This is made clear in a Hadith of the Prophet:

God's Messenger appeared whilst Sa'ad was performing the ablutions [for prayer]. When he saw that Sa'ad was using a lot of water, he intervened saying, "What is this? You are wasting water." Sa'ad replied, asking, "Can there be wastefulness while performing the ablutions?" To which, God's Messenger replied, "Yes, even if you perform them on the bank of a rushing river."

It should be noted here that the abuse of water in this way was detestable even though the supply was plentiful, it was free and obtained without effort, it did not pollute or deprive other creatures of their share and it was for a good cause, to perform the ritual washing for prayers. This then describes a Qur'anic and Prophetic attitude to the good things of the earth that transcends the limitations of utility and harm. The water is to be respected in its own right. The corollary is clear when we consider how often water is wasted for a lesser cause, whilst causing harm and pollution and depriving others of their rights.



## **Widening the perspective**

The same rules that apply to the profligate use of water can be applied to the waste of food in the developed world or the reckless consumption of petroleum products or other natural resources. The Muslim attitude must be guided by the principles of justice and balance. The principles of fair trading apply, workers must be paid a just wage promptly and justice requires that a fair price is asked and paid.

Muslim scholars hold various opinions on the question of genetically modified plants. Some see it as interfering with the rights of all creatures, in the same way that many object to the degrading conditions of much of intensive farming, whilst others see it as the engagement of science under divine guidance to provide the necessary food for those in need.

## **Two case studies: land and water**

By looking at the way in which land and water were to be treated and conserved according to the Muslim code of living, we glimpse the underlying ecological principles of balance, respect, justice and a sense of fairness.

Land was traditionally divided into three categories: developed, undeveloped and protected. Developed land was that which had been enhanced by human settlement or cultivation. Undeveloped land, by contrast, was that which had not been “brought to life” by cultivation or settlement. Key to our concern is the concept of protected land, which could be a protective zone around developed land, almost like a “green belt” around a settlement that would allow space for the people who live there to collect firewood or pasture their animals. It could also be a cordon around a well or a river to allow open access to people and to keep away animals that might pollute it. In a similar way, it could be an area surrounding a tree to correlate with its roots to allow it to draw the water that it needed. Such protected lands (*harim*) could be owned by individuals or collectively. There is also a concept of protected land as being set aside (*hima*) for emergency or collective need; this could be “common land” open to all the residents of a settlement, emergency pasture that could be cut for fodder in times of shortage, a “tree nursery” to bring on robust stock for cultivation or an area of wild flowers needed for bee pollinators.

Water is a gift from God and thus remains God’s property for the use of the people as a whole on uncultivated land. Rivers were divided into three categories: those large ones that flow naturally and permanently, which are open for all to use and to tap for irrigation; small or seasonal rivers that might barely suffice the needs of all had to be divided justly according to local need, e.g., depending on soil types, crops, seasons and potential for storage; finally, water conveyed by artificial canals may be used only by those who contributed to their building or digging. Similarly, wells were categorised according to those dug for the common good, to which all had equal access: first for human consumption, then for livestock and then for crops. If a group dug a well for their temporary camp, they had first call on that water as long as the

camp remained, with others having access to the excess, until such time as they broke camp, when the well became common property. If someone dug a private well on their own land, then they had sole rights to it for human consumption, animals and crops, except in a time of emergency such as a drought. Any excess water should be freely given away if required by people or animals but those who use it should then do the work of drawing it or else a contribution would be in order. A similar equitable usage was drawn out for naturally occurring springs with variations according to whether they arose on private or common land and whether they had been developed through a reticulation of pipes or canals; there was an overriding clause of “human necessity” having preference over private claims.



## **Part Seven: Politics – community life under God**

Islam is a complete way of life, therefore the affairs of society are to be organised according to God's guidance. This we call politics, therefore politics are part of Islam. The important thing about Islamic politics is that the organisation of society is under God's guidance. This is the same perpetual guidance that has been sent to all the peoples of the earth, which in its final and universal form is contained in the Qur'an. The problem with any book of guidance is that it has to be interpreted and applied to human society.

This task was performed by the Prophet Muhammad, who is understood by Muslims to be sinless and infallible in his interpretation of the Qur'an. The Qur'an tells us that he speaks not out of his own will but by the will of God, therefore his example is normative for Muslim political interpretation [Q. 53:3]. Muhammad himself was not above the law of God. Rather he was subject to God's guidance, like everyone else. As the prophet, he was the single leader of the Muslim community and thus set a model in Madina of the leader having spiritual, political, legal and military rule. This did not mean that he did not consult with other people in guiding the community. He followed the customary Arab practice of his time in consulting with the traditional clan chiefs and also extended this to consulting the whole community, including pointedly the women of the community. From this example, we have the Muslim practice of *shura*, seeking guidance through consultation.

The principle of *shura* is rooted in the Islamic understanding of what it is to be human. This is exercising the duty of every human being to be both the *abd* and the *khalifa* of God in society. Every Muslim has the duty to listen to, understand and put into practice the guidance of God in the affairs of society. This does not make human beings autonomous. The people are not free to do whatever the majority decide, just because it is a majority decision. Rather human laws must be worked out within the ethical guidelines laid down in the Qur'an and the *sunna* of Muhammad.

### **Two models after the death of Muhammad**

We see this principle of *shura* at work in the election of the first four Sunni Caliphs. They were chosen by a variety of methods: council of the elders, nomination, an appointed *shura* council, and popular acclaim. In each case the chosen candidate was proposed to the community as a whole and they affirmed the choice. The Caliph was acknowledged by the community to be its leader under God. They were to follow him in all things that agreed with God's guidance and to assist him in discerning what that guidance is and how it was lived out by the earliest generation. For those Muslim scholars who speak in terms of an Islamic democracy, they see here a model of the people exercising their individual responsibility to be the *khalifa* in discerning who are the best people to implement the guidance of God and then putting them into authority. Once they assume that authority, they are to be followed by the community.

The Shi'a have a different interpretation. The divinely-appointed Imams had a share in the inspiration of Muhammad, which equipped them uniquely to guide the community. They were able to give infallible guidance on how the message was to be put into practice. It was thus the duty of individual Muslims to hold fast to the twin sources of guidance, the Qur'an and the Imams, and to follow them. This provided the Muslim community with an additional 309 years of infallible guidance until the final occultation of the Twelfth Imam in 941. This period becomes the beacon from which guidance must be sought through the ages until the reappearance of Imam al-Mahdi, who will then assume the responsibility of direct guidance of the peoples of the earth.

### **Who has the duty of guidance now?**

According to Shi'a understanding, in the present period, the time of the Hidden Imam, the responsibility of guiding the community rests with the highest rank of Shi'a scholars, the Grand Ayatollahs. It is the responsibility of individual Shi'a Muslims to decide, by the use of their reason, who is the most learned of these Grand Ayatollahs in every generation and, once they have done so, to follow that person's guidance.

The Sunni too recognise that not all human beings have the same level of intelligence or knowledge. The most learned scholars, the *ulama* (plural of *alim* – a scholar), have the responsibility of giving guidance to the community. This is likely to result in a variety of learned opinions. Each individual Muslim then has the task of listening to that guidance and putting it into practice. Each is accountable directly to God.

### **Two contemporary models**

In the Islamic Republic of Pakistan, there is a body of scholars charged by the government with giving advice on how the Islamic message should be applied in modern times. The government listens to this advice and then brings forward laws. It is the duty of the electorate, the people, to put into government those who they think are best equipped to make laws that agree with God's guidance.

The role played by Islam in the Pakistani constitution has been controverted since its creation in 1947; should it be a homeland for the Muslims of the Indian subcontinent or should it be an Islamic state? Throughout its history, both tendencies have been seen in play. The idea of an Islamic state is drawn from the principle that Islam is a complete code of life and thus requires political power for it to be fully realised. The laws should be derived from Islamic principles and they will guide the people towards living fully according to Islam. In the Pakistani context, such an interpretation was pioneered by Maududi (d.1979), but the ideal also exercised other political leaders, notably Hasan al-Banna (d.1948) in Egypt. It is this ideology that is in play in various ways in the Arab lands after the Arab Spring and its diversity can be seen in the al-Nahda party in Tunisia and in the constitution brought in by President Morsi and the Muslim Brotherhood in Egypt. Another version of the same ideology was the inspiration for the Taliban in Afghanistan. The construction of a modern Islamic state must be seen as a work in progress and none of these models can be seen as definitive.

Further manifestations of this tendency can be seen in various ways amongst parties in Turkey as well as other Muslim majority countries in Africa and Asia.

Following the Islamic Revolution in Iran in 1979, Ayatollah Khomeini brought forward a different model in that predominantly Shi'a state. He saw the need to combine democracy and democratic legislation within the parameters of the revealed text of the Qur'an. This can be seen as a new way of developing a religious democracy suitable for a people who took their Islam seriously. It required a combination of consulting with the general populace and the oversight of a Supreme Religious Leader, guided by a Board of Guardians, who are experts in Islamic law. The parliament is charged with listening to the people and formulating laws that meet their needs in a modern society. These laws are then referred to the Board of Guardians to ensure that they comply with the principles of *shari'a*. The *shari'a* is understood in a dynamic rather than a static way so that it has the capacity to evolve within the bounds of the divine law. The Board of Guardians has the right to veto proposed legislation if it is deemed to be outside these parameters; the proposed law is then sent back to the parliament for further consideration. If the parliament is unable to resolve the proposed law in accordance with the guidance of the Board of Guardians, it is then referred to a higher body, the Expediency Council, made up of people appointed by the Supreme Religious Leader on the basis of their experience in running the country and wide expertise. This body is empowered to implement the law if appropriate, if necessary after consulting the Supreme Leader, as it is then the result of the collective conscience of the people plus the wisdom of experts or it might again be rejected. It is the responsibility of the *ulama* to help the people to understand their religion better so that they can act in an informed way in the legislative process.

### **Political systems in history and today**

The Islamic Empire grew rapidly after the death of Muhammad and remained largely united for the first two centuries. Local dynasties arose, the most important of which were the Abbasids, who ruled from Baghdad (750-1258) and later over a much smaller area from Cairo (1261-1517), the Umayyads in Spain (756-1031) and the Fatimids in Egypt (909-1171). In the last five hundred years, Empires were more geographically limited with the most important being the Ottomans based in Turkey and ruling at times much of the Middle East (1280-1924), the Mughals in India (1526-1858), the Safavids in Iran (1501-1765) and the Alawids in Morocco and West Africa (1631 onwards).

There have been many other forms of government in Muslim lands. There were regional caliphates or smaller stand-alone areas only theoretically under the rule of the Caliph. There have been many examples of hereditary kingdoms, sultanates or emirates. In the modern period there have been various forms of presidential rule and democracies. There are dozens of modern Muslim-majority countries, some of which use the title "Islamic" as part of their names but no serious scholar would suggest that any of them fully follow the principles of Islam. Some aim to have Islamic principles as their guiding ethos. Some are established as secular states and some, like

Indonesia, the country with the largest Muslim population on earth, are constitutionally religiously plural.

### **The aim of political life**

The guidance of God contained in the Qur'an and *sunna* of Muhammad is universal both in time and geography. It is for all humankind and for all times, therefore it is not just limited to Muslim majority countries. All human beings are required to "command the good and oppose the evil" [Q. 3:104] as a basic human responsibility. The criteria for good and evil are to be found in the Islamic sources and need to be applied in each new context by Islamically informed people. In the modern world, hundreds of millions of Muslims live in mixed societies alongside citizens who are not Muslims. Muslims living in such societies are bound by the *shari'a* to obey the law of the land in everything that is not contrary to the law of God. Like other people of faith, Muslims ultimately answer to a higher authority than human governments and must be prepared to accept the consequences of living according to their consciences. Ultimately, if Muslims cannot live according to divine guidance in a particular country, they are counselled to migrate to some other country where they can live upright lives rather than succumb to evil [Q. 4:97].

God's guidance is not just for Muslims but for all humankind. Muslims living in a minority situation have the duty to listen to that guidance and seek to move their society in a godly way through the normal channels of citizens: writing, speaking, campaigning, standing for election and voting in those elections. The Islamic principle is not only for Muslims *to be just* but also *to do justice* in whatever situation they find themselves.

## **Part Eight: An ethical framework**

Human beings were created for no other reason than that we should worship God. To worship God entails living according to God's commands and observing God's prohibitions, therefore the basis of an ethical life is to believe in the divine guidance and put it into practice. This is the basis of a good human life, which will develop into a good character after the example of Prophet Muhammad, who was possessed the highest of human qualities [Q. 68:4]. To live in this way, as the *abd* of God, leads human beings to fulfilment in this life and proximity to God in the life after death.

In order that human beings should strive to live in this way, we have been given the two high dignities of intellect and free will. Our intellect allows us to know the path that we should tread and our freedom enables us freely to choose to put it into action. This gives us the ability to achieve our second human duty, that of being the *khalifa* or regent of God on earth. This is an awesome responsibility which is spoken of as the trust that God has placed in human beings [Q. 34:72]. We have been given the ability to rise above our base nature and instincts and, through faith and intellect, to grow in purity and wisdom so that ultimately we might grow into sublime proximity to the infinite God in Paradise.

God created human beings to seek God, to grow in truth and to lead a life striving for perfection [Q. 30:30]. This is our true human nature; therefore a life of obedience to God's commands is not an imposition or a burden but rather a fulfilment of our deepest needs. In this sense, the greatest gift that God has given to human beings is the guidance and ability to know the divine will and the freedom to put it into practice [Q. 90:8-10]. This will lead to happiness both in this life and in the life to come.

### **The medicine of the spirit**

The freedom that God has given to human beings allows us to choose to obey or to enter into rebellion and sin, which diminishes our human dignity. Human beings have the tendency to be forgetful and our freedom carries with it the pull of our lower instincts, which can lead to a spiral of disobedience that can ultimately lead to disbelief. In this sense, human beings are necessarily involved in an inner spiritual battle between these tendencies and the natural disposition to seek God's pleasure and thus attain peace [Q. 89:27-30]. Ethics is sometimes called "the medicine of the spirit" (*al-tibb al-ruhani*); it provides the means to preserve spiritual health. The human conscience plays an important part in this process as it accuses us of wrongdoing and thus prompts us to strive for the right path [Q. 91:7-8; 75:14]. To live an ethical life requires firm belief in God, which finds its necessary outcome in good deeds [Q. 103:1-3]. Such faith and acts are a bastion against rebellion and sin, and thus they form a self-sustaining power to strengthen belief and thus avoid lapsing into disbelief, thus taking us on the journey to Paradise [Q. 79:40-41].

## Development of character

Ethics can be described as the science, knowledge or philosophy of morality (*'ilm al-akhlaq*), thus providing the structure for living a good or moral life. The Muslim life is the middle way between two extremes; thus generosity is the middle way between extravagance and meanness. It emphasises good characteristics, e.g., honesty, courage, wisdom and justice, which in turn, when exercised, will lead to the formation of a good character in the individual believer, and good people will build a good society. Indeed, the poet Rumi emphasises that real happiness will not be attained just through personal perfection but through the common perfection of the whole of society. I may be able to cultivate the virtue of patience living alone in a cave but the real test of the virtue will be when I exercise it in community alongside other people; thus there is always a communal or societal outcome of ethical living. Muhammad is reported to have said that the most perfect amongst people is the one who possesses the most perfect character.

Muslim tradition records the story of Abu Hanifa's father who saw a fig floating down a river, so took it and ate it. He then realised that the fig must have belonged to someone and so traced the river upstream to find the farmer from whose plantation it had come. Upon explaining to the farmer what he had done, the farmer refused to take any money for the fig but, by way of recompense, said that he wanted him to marry his blind and dumb daughter. The man agreed in order to clear his conscience. After the marriage, Abu Hanifa's father found that his new wife was beautiful and possessed all her faculties. He asked his new father-in-law why he had lied to him. The farmer replied that he had not lied but rather had told the truth in a different way because he wanted a man of the highest character to marry his daughter. She was "dumb" because she had never heard or spoken evil and was "blind" because she had never seen evil.

A Muslim is required to do good for the sake of God, in its own right, and not through expediency or through the hope of a reward. This is extended beyond the individual to be the ethic of society in which Muslims are required to promote the good (*al-ma'ruf*) and oppose the evil (*al-munkar*) [Q. 3:104]. This public dimension is seen in another report from the Prophet, that he was going through the market one day and saw a man selling figs with the best on top but rotting ones concealed beneath. The seller explained that they had been affected by the rain but Muhammad corrected him and told him to display his goods so that people could see what they were buying. This led, in Muslim societies, to the institution of the role of the market supervisor (*muhtasib*), whose task it was to enforce good marketing practice; we could think of this as the forerunner of our modern trading standards officers.

## On not seeking minute certainty

Certain limits have been set: the guidance is to obey the commands and observe the prohibitions set out by God but the Prophet counsels people not to keep pressing for



certainty. It is reported that when he announced the annual pilgrimage as an obligation, one person asked if they should do it every year. He replied:

If I were to say “yes,” this would mean that it was prescribed; if you were obliged to perform it yearly, you would hardly comply with that; leave me in peace as I leave you... So, when I forbid you something avoid it; if I command you something, you only have to put it into practice as much as you are able.

Again, it is made even clearer in the following Hadith, which sources record to have been spoken in a context similar to the revelation of Q. 5:101-102:

God established limits which you must not exceed, prescribed duties which you must not neglect and instituted precautions which you must never violate; but he has also omitted things, not out of forgetfulness but out of compassion for you; in such cases, do not enquire too much.

This leaves people room to exercise intellectual and moral faculties. The Qur'an is a book of ethical guidance that needs to be applied in changing daily living and not a book of rigid laws. This can be seen worked out in practice by the five-fold division of human actions. A small number of things are forbidden (*haram*) or obligatory (*fard/wajib/halal*). This leaves room for the overwhelming bulk of human life to be lived in accordance with ethical guidance rather than command or prohibition. Within these two distant parameters, some acts are noted as being recommended (*sunna/mustahabb*), meaning that they carry a reward if performed but do not incur a punishment if omitted, and some are disapproved or detested (*makruh*) but attract no prescribed punishment. This leaves the vast majority of human actions as being neutral (*mubah*) leaving people free to choose. This scope for ethical living highlights the importance of character development; the person of good character will seek to do more than is required and thus draw closer to the divine embrace as indicated by the saying of God given to Muhammad (*hadith qudsi*):

My servant draws near to me through nothing that I love more than what I have made obligatory for him. My servant never ceases drawing near to me through additional voluntary works until I love him. Then, when I love him, I am the hearing with which he hears, his sight with which he sees, his hand with which he grasps, and his foot with which he walks.

As with all things for Muslims, Muhammad is the role-model in human living, the one who submits totally to the divine will [Q. 6:163] and the possessor of an exemplary character [Q. 33:21,45-46]; therefore the second source of ethical living is following his *sunna* [Q. 4:85,80; 24:56; 59:7].

## Guiding principles

There are certain ethical guiding principles that help to shape a Muslim life. One is that God does not command the impossible, e.g., those who lack the physical capacity to make the prescribed movements in prayer are only expected to make them to the degree possible, for example, by sitting on a chair and moving the upper body only. Similarly, God does not want our harm but rather our good, e.g., during the days of



fasting, those for whom fasting would cause serious harm are exempt, for example, women who are pregnant, travellers or the sick. This can require a moral judgement by the individual before God: when is sickness of such gravity or the distance and mode of travel such that one decides not to fast? Obligations are placed on people according to their ability, e.g., poor people whose wealth does not reach a certain level do not pay *zakat*. Circumstances can alter normal requirements, e.g., those who live in the polar regions where they do not experience the usual alternation of daylight and darkness at certain times of the year are not expected to observe endless “daylight fasts” during Ramadan but to take their timings from another region where the days are of such a length as one could reasonably fast. God wants our ease and not our hardship; therefore if two outcomes to a question are equally possible, then one is bound to take the easier solution. There is a hierarchy of ethical values, so that, in extreme circumstances, one may break a general prohibition in order to achieve the higher goal, e.g., the Muslim who is deprived of any other form of food and drink may eat pork and drink alcohol in such quantities and for such a length of time as is necessary to preserve life because the preservation of human life is more important than even these clearly established prohibitions; this is summarised in the legal saying: “necessity knows no laws.” The Qur'anic principle that God did not create us for sport [Q. 21:16] is important in living an ethical life. This life is a test from God [Q. 2:155] but God is not like the picture painted of the ancient Greek gods, who sent hardship on people as an amusement. Rather, God is purposeful in Islamic understanding, therefore through the use of human reason, guided by the revelation and precedents, can derive guidance in life's challenges with a good conscience, on which people can rely.

## **Part Nine: Shari'a – life on the path to Paradise**

It was the duty of Prophets who were given a new scripture to establish a way or pattern of living that put the guidance into practice. This “established way” is called in Arabic a shari'a. The word itself means a well-beaten path that leads straight to the goal. This is like the path from a village to the well from which the people draw their water. It will be the straightest quickest route and so well-marked that one could find it in the dark. The goal for a Muslim's life is to follow this path in obedience and draw closer to God.

Islam gives guidance for every aspect of human life: personal, family, community, society, political, economic, business and spiritual. Islamic Law covers personal, civil, commercial and criminal law. The central Islamic ethic is justice. Muslims are required to promote justice on the earth. Justice must be done, even if it goes against oneself [Q. 4:135]. There can be no favourites under justice. On one occasion someone suggested to Muhammad that he should let a guilty person go free because she came from a high-ranking family. His response was to say, “Even if it was my own daughter Fatima, she would get justice.” Justice does not carry a label. There is no such thing as “Muslim justice.” Justice is based on reason and evidence. Wherever justice is found, there is the shari'a.

### **The sources of the shari'a**

The principal source of the shari'a is the Qur'an as it is the divine guidance and thus our best deposit of knowing how human life should be lived. However, taking guidance from the Qur'an is not a question of finding one relevant verse and then putting it into practice. To begin with, the Qur'an was sent down upon the heart of Muhammad over a period of twenty-two years. It rarely says everything there is to say on a particular subject at any one time. It sometimes reveals divine guidance gradually. What's more, revelations are made in a particular circumstance or situation and often need to be interpreted in the light of a certain context. We can't understand the fullness of the guidance unless we know what these contexts were. These have been recorded from the earliest days of Islam as the occasions of revelation (*asbab al-nuzul*). To be clear what effect the Qur'anic revelation was intended to have involves the study of these occasions together with the life, times and society of Muhammad.

The need continuously to strive for understanding of the Qur'an led to the discipline of Qur'anic commentary (*tafsir*), which is practised by learned scholars. Over fourteen centuries, many commentaries have been written. Naturally, some differences of methodology have developed: linguistic, historical, traditional, philosophical, mystical etc. The Shi'a believe that the Imams were infallible. So they could give both definitive interpretations of the Qur'an and articulate new guidance based on it.

Prophet Muhammad was the first and best interpreter of the Qur'an. Everything he said, taught, did and approved of was a practical illustration of how his life had been shaped by the Qur'an. His life was the shining example of correct behaviour - known

as the *sunna* - for everyone to follow [Q. 33:21,45-46]. The *sunna* of the Prophet is the second source of guidance as to how human life should be lived. Guided by this understanding from the Qur'an, his companions made sure to remember elements of his *sunna* in minute detail. These records are the Traditions or Hadith of Muhammad. Muhammad made it clear when he was speaking in his own right as the Prophet and when he was conveying the revelation from God in the Qur'an. As each Hadith was memorised and taught to others, a chain of transmitters (*isnad*) developed. These were carefully preserved as proof of the authenticity of the Hadith. What's more, painstaking research has been undertaken to check that the connections in the chain were valid and that every person involved was of sound character and pious life so that their word could be trusted.

Malik ibn Anas (712-795) was the first to give us a written deposit of Hadith. He lived in Madina and was a descendant of one of the companions of Muhammad. In Baghdad, Ahmad ibn Hanbal (780-855), was reported to have memorised a million Hadiths and left a collection of around forty thousand called the *Musnad*. Schools of Law were named after both of them.

As early as the ninth century, due to the availability of mass-produced quantities of paper, it became possible to write down great systematic collections, arranged around particular topics. The Hadith were classified into categories according to the reliability of their chain of transmission. The highest classification was for those Hadith which were sound and without defects or *sahih*. The next category down was *hasan* - good and reliable but not as well-authenticated as a *sahih* and so on... Further down the scale, we have classifications covering cases where there is a break or uncertainty in the chain of communication. These are weak Hadith or *da'if* and can only be used in law as supportive evidence. There are six major collections of Sunni Hadith. The most important two are those drawn up by Al-Bukhari (810 -870) and Muslim (820 – 875). These contain thousands of Hadith, all of which are classified as *sahih*.

For the Shi'a, the infallible Imams are the guarantors of the authenticity of the Hadith. Each is traced back through one of them. The confusion of the early centuries renders the tracing back of chains of transmitters to the Prophet unreliable for the Shi'a, who prefer to rely on the infallible word of one of the Imams. The great Shi'a collections of Hadith, like *al-Kafi*, date from the 10<sup>th</sup> century.

### **A third source**

Muhammad wanted to send a man as governor to the Yemen. He called the man that he wanted and asked him how he would give guidance on the Islamic way of life to the people there. He replied that he would use first the Qur'an and then the *sunna*. "And then?" said Muhammad. "I will use my own reason," he replied. The Prophet approved of his reply. Using human reason is the way that the guidance must be applied based on the Qur'an and *sunna*. This personal judgement based on human reason is known as *ra'y*. This is called *ijtihad* (intellectual struggling). This is what scholars have been doing down the centuries since Muhammad's death. In so doing,

they have worked out a clear path of correct conduct for Muslims to follow. This path is essentially one, although there are some variations between the different schools.

The Sunnis exercise personal judgement when faced with a new question through analogical reasoning or *qiyas*. This involves looking for something similar that has already been decided and then reasoning out an answer for the new question based on the already agreed earlier position. One of the first examples in history was about wine. The verses in the Qur'an that we usually think of as referring to alcohol [Q. 4:43; 2:219; 5:90] actually speak about grape-wine. The Arabs also made wine from dates; was that forbidden too? The scholars reasoned that grape-wine makes people lose self-control and changes the balance of the mind. Date-wine and grape-wine are similar in the way that they work. The ruling was thus extended to all forms of alcohol. What we generally call “drugs” have a similar effect, therefore they are forbidden too. However such judgements are one stage removed from the two principal sources and so future rulings could not be based solely on them but had to be rooted in the Qur'an and the *sunna* of Muhammad.

This scholarly intellectual activity continued in the Sunni schools with one scholar refining the reasoning of another until a consensus or *ijma* on legal matters was reached. This consensus of the scholars eventually led to a wider, more general agreement, the consensus of the community. This consensus was considered to be a solid foundation for Sunni Islamic law on which later generations could build, a position supported by a Hadith of Muhammad saying that the Muslim community would never agree on an error. In the Sunni schools, during the time when a consensus is emerging, there is a legitimate diversity of interpretation. Where there is no universal consensus, the rule is to accept the legitimate diversity.

Shi'a scholars do not approve of the use of analogical reasoning but prefer to use deductive logic instead. This involves establishing agreed general principles that can then be applied with a degree of precision. We could take the general principle that eating any animals that eat dead animals is forbidden. Then, when faced with a question about hyenas, one can determine that they eat dead animals and therefore they are forbidden for Muslims to eat. Because it goes through timeless general principles, for the Shi'a, deductive logic remains an enduring source. However, in Shi'a understanding, *ijma* is only an indicator and has no abiding weight. In the absence of the infallible Imam, guidance is found through rigorous, rational examination of the two sources, which is practised by the most learned religious scholars, whose teaching is then followed by the people.

## Classification of actions

Drawn from these sources, Islamic law came to recognise five categories of actions. These are:

- Those actions that are obligatory
  - for every Muslim individually (*fard 'ayn*) e.g. prayer, fasting

- for the community but which can be performed by a group on behalf of the whole (*fard kifaya*) e.g. taking part in funeral prayers
- Those recommended acts that carry a reward if performed but do not involve punishment if omitted (*sunna* or *mustahabb*) e.g. visiting the sick
- Neutral acts which carry neither punishment nor reward as people are free to choose (*mubah*) e.g. types of diet, styles of dress
- Actions that are disapproved of but attract no specific punishment (*makruh*) e.g. smoking
- Any action that is clearly forbidden and carries a punishment if it is committed (*haram*) e.g. drinking alcohol.

Naturally, there are some variations of opinion regarding the three middle categories. Also, as time goes on and knowledge advances, some actions may well be re-classified. For example, some would classify smoking as forbidden, as it is now known seriously to damage health.

## Schools of Law

In the first few centuries of Islam, in different regions of the growing Islamic Empire, various ways developed to give detailed guidance on living the Islamic shari'a. Over time, five main Schools of Law (sing. *madhhab*) were accepted within the community. The vast majority of Muslims follow one of these schools; some choose to take their guidance directly from the Qur'an and *sunna*, thus relying on the earliest generations of Muslims rather than later scholarly reasoning. The schools agree on a huge amount but there is room for difference of opinion. These differences are seen as a blessing and not a weakness. The shari'a has the ability to accommodate legitimate diversity as an enrichment.

The five schools are named after a founding influential scholar. The Shi'a who recognise twelve Imams follow the Ja'fari School, named after the sixth Imam, Ja'far al-Sadiq (699-765). The four Sunni schools are the Hanafi (Abu Hanifa 700-767), Maliki (Malik ibn Anas 712-795), Shafi'i (Al-Shafi'i 767-820) and Hanbali (Ahmad ibn Hanbal 780-855). They are traditionally rooted in certain parts of the world. If a Muslim was born in North or West Africa, for example, she would be likely to follow the Maliki school. With modern transport and the movement of peoples, there is more mixing. It is permitted for a Muslim to change from one Sunni school to another for good reasons.

## Contemporary Situation

As times change, new situations arise which pose new challenges for human beings. Advances in science and developments in society in particular can create moral and ethical dilemmas. When this happens, Muslim scholars examine the question by making a profound study of the principles of jurisprudence (*usul al-fiqh*), before going on to study the body of knowledge within their particular school. A scholar of Islam is called an *alim* (plural, *ulama*) and one who specialises in the study of Islamic law is

called a *faqih*. The science of law in Islam is known as *fiqh*, which means originally to understand “the path”, that is the shari'a.

If an ordinary Muslim is confronted with a question on how to live a Muslim life, then the normal thing to do would be to seek the guidance of a local *alim* or *faqih*. This can be done today via a recognised helpline or the internet. A simple query that has been dealt with by the body of scholars can be answered “off the shelf.” If the problem is something that needs original research and a “learned opinion,” then the question must be referred to a *mufti* in the Sunni tradition or a specialist *ayatollah* in the Shi'a tradition, these are *ulama* of outstanding learning. A *mufti* or *ayatollah* is capable of using personal judgement to apply the principles of *fiqh* to a new question.

This personal judgement would be given in the form of a *fatwa*, which is not to be confused with the ruling of a court. This is a learned opinion and must be respected as such, but it is not necessarily the last word. The same question can be presented to another *mufti* or *ayatollah* and that may bring forward another *fatwa* or it may reinforce the earlier opinion. All authority is based on knowledge; not on political or priestly power. In Muslim societies, there is a legal officer called a *qadi* or judge, who sits in a court and dispenses justice.

## Dietary Laws

According to the Qur'an, certain types of food are forbidden or *haram* [Q. 5:1; 5:3a; 2:173]: carrion, blood and pork. Carrion describes any animal which has died from natural causes, disease, accident or those animals which eat dead animals. Blood includes liquid blood or food made from it. Pork is anything from the pig. Guided by this, Muslim scholars generally outlaw eating scavengers such as dogs or crows. Pigs are explicitly ruled out by the Qur'an, although there were many other practical reasons for avoiding pork in hot countries such as its tendency to turn bad rapidly. Modern industrialized food production has created problems for Muslims, as all sorts of additives are included in manufactured foods. The danger is that these have unacceptable elements such as pig products in them. Bread or cakes might contain lard or suet from a *haram* source. Sweets can contain gelatine from *haram* sources.

When animals have to be killed, there are strict regulations governing the way they are to be kept and slaughtered [Q. 6:118-121]. After being reared humanely, they are to be killed as quickly and painlessly as possible. Whilst they await slaughter, they are not to be allowed to see or hear other animals being killed. Then thanks must be given to God for its life before the animal is killed with a single cut to the throat by a skilled person. The effect is instantly to cut off the supply of blood to the brain, so that suffering is minimal. The blood must then be allowed to drain from the body. Methods of slaughter that do not allow the release of blood are not acceptable to Muslims. Animals should only be killed when necessary for food or other practical reasons; animals are part of God's creation. Hunting or shooting simply for sport is forbidden.



In the case of water-living creatures, most Muslim schools accept them as *halal* (permitted) no matter how they were killed, provided that they are alive when they leave the water. For the Shi'a and the Hanafi schools of Islam, fish must have scales and fins to be *halal*, other schools generally approve seafood, as the sea is considered clean.

All vegetables, plants and fruit (apart from those substances that could be classified as “drugs”) are *halal* for Muslims with no particular rules about their preparation. Vegetarianism is permitted as long as one doesn't claim that meat-eating is wrong [Q. 5:87-88].

Alcohol in all its forms is forbidden under Islamic law, whether it is to drink or in cooking [Q. 5:90-91]. Even in medicines, an alcoholic base would be avoided if at all possible.

## **Criminal Law**

There are 350 specifically legal verses in the Qur'an out of a total of 6235. Of these 350, only 30 verses speak about criminal law. A few of the most serious crimes that destroy the balance of society are mentioned with particular punishments; these are called the *hudud* (sing. *hadd*, literally, “the limit”) [Q. 2:178]. Some scholars interpret the *hudud* as mandatory; whilst others see them as a maximum, with the actual punishment being at the discretion of the judge taking into account the individual circumstances and degrees of evidence. There were no prisons in seventh century Arabia, so punishments were physical or financial [Q. 4:92]. Corporal punishment took the form of a beating or, for the severest cases of theft, amputation [Q. 5:38]. These were carried out in public. The humiliation of the guilty person and the example set to the crowd were as important as the pain endured [Q. 24:2]. In the case of thieves, a hand amputated would serve as an example to everyone who saw them for the rest of their lives.

Muhammad taught that the *hudud* punishments are to be avoided if there is any room for doubt. An extremely high level of proof is needed. Let us take the case of adultery, which under certain circumstances, following the Hadith, can carry the death penalty. To find someone guilty would require the evidence of four adult eye-witnesses [Q. 4:15]. They would need to have seen the actual act itself in detail. All their evidence would have to agree and stand up to investigation and cross-examination. They would have to stand by their evidence until witnessing the execution. If less than four witnesses came forward, the case would be dismissed through lack of evidence. The witnesses would be beaten for destroying the person's honour [Q. 24:4]. If witnesses changed their evidence, they would be beaten and never accepted as a witness in future. Even after all this, one needs to ask what kind of people stood by and watched such an act and why did they not attempt to stop it. It is also possible to convict someone on the basis of their own confession, which they keep repeating over a period of time. Here the judge would have to question whether

the person is sane and free from any kind of pressure to make such a confession. The law applies equally to both men and women.

## **Part Ten: Peace, war and *jihad***

If we go right back to the beginning of Understanding Islam and look at the relationship of the three terms: *islam*, *muslim* and *salam* all being built on the root **slm**, then we will remember that this root brings with it the range of meanings: harmony, justice, due order, safety, security, balance, and peace, which, in the case of human beings possessed of free will, requires that we submit in obedience to the revealed ethical divine will. Then we can see two things: *salam* requires that state of abiding *islam* that is built on justice, etc. and that this is not something that just happens but it is built and maintained by human beings struggling to learn, rationally understand and live out the requirements of the revealed divine will. Thus, *salam* means more than a meagre “peace” describing the absence of war and want, it is something much more far-reaching; the Islamic understanding of peace is that state of the whole of creation in justice, harmony and obedience within itself and with the creator. This state of *salam* is the goal of human life, which leads to Paradise, one of the names for which is the Abode of Peace (*Dar al-salam*). It requires the struggle above all for the principal ethic of justice; without justice, there can be no peace.

### **The greater *jihad***

Although every human being is born in the state of *islam*, in harmony with God and creation, and although *islam* is the natural way of life for the human being, we do not remain in this state for long; the pull of our lower instincts and the pressures of others can easily draw us away. It is the parents’ responsibility to train their children in the ways of Islam and raise them according to that guidance. The Qur’an speaks of the existence of *jinn* [Q. 51:56]. They are neither angels nor humans but a different form of life. This is where we get the folklore of the genie of the lamp. One of these *jinn* was Iblis [Q. 18:50]. He rebelled against God by saying that he knew better than God. He became the *Shaytan* (Satan), the Great Tempter. He has set himself to tempt human beings to rebel against God’s commands [Q. 38:71-85]. Society, influenced by the sins of others, can also be a breeding ground for temptation.

Even when we grow to adulthood and can make our own decision to follow the way of Islam, we have a natural inclination to be forgetful and to stray off the path. The Qur’an tells us that this life is a test; an opportunity for human beings to put into practice the guidance of God, to do good and keep away from wrong [Q. 18:7]. This requires a constant effort, a struggle, or in Arabic, a *jihad*. The word *jihad* means to struggle or strive. Any man or woman who wants to live the life of Islam must be ready to undertake *jihad* every day and every minute [Q. 29: 5-7]. To struggle against temptation, to obey God’s commands and keep away from those things that God forbids. In this way we can say that *jihad* is a constant, life-long commitment that is obligatory for every Muslim [Q. 22:78]. Temptation is to be resisted with all one’s strength. If one does sin, then there should be immediate repentance and seeking the mercy of God. Full repentance includes avoiding the circumstances that lead to sin.

This struggle is first of all an inner one, against our own lower inclinations, our laziness, impatience and arrogance. Unless this inner struggle is undertaken, we are no use in trying to guide wider society in the right way. It is reported that Muhammad was returning from fighting off an enemy attack when he told his companions that they were returning from the lesser *jihad* to resume the greater *jihad*, the inner struggle. The struggle must not end within ourselves but also has to affect the outer world of our lives too. The kind of work that we do, the people with whom we mix and the way that we carry out our duties within the family, are all part of the *jihad* too. This is where living within a Muslim community can be so important as we ought to find there people who are struggling in the same direction. Even if Muslims live in a society that does not share Islamic values, this does not mean that they can allow themselves to adopt them. They are called to live in the world but not necessarily to accept all of its values; this might be thought of a kind of psychological withdrawal. This could mean changing one's job or one's companions, moving to another area or even moving to another country where it would be easier to live a godly life [Q. 4:97].

### **Promoting the good and opposing the evil**

However Muslims must also look outside themselves at what is happening around them. Their struggle has also to be an outward one, to establish justice on the earth [Q. 5:8; 4:135]. The Muslim is not permitted to sit back and allow evil to pollute the world but is required to “command the good and forbid the evil” upon the earth [Q. 9:71; 3:104; 3:110]. In particular, Muslims are required to stand firm on the principle of justice. Justice overrules all partiality; a Muslim is commanded by the Qur'an to do justice even if it goes against oneself [Q. 4:135]. This *jihad* is a struggle to establish justice and to root out evil and oppression [Q. 4:74-76]. As a servant, a Muslim doesn't own their own life and so the struggle for justice upon the earth might involve even giving up their own life as a martyr, if God so wills. This helps to explain why Muslims are called to resist injustice, even, in the extreme case, at the cost of their own lives.

Every individual has the duty to promote the good of society. It is not enough just to be good and pious within oneself. Muslims are required to seek to *do* good not just to *be* good. Even the smallest thing can be part of a Muslim's duty to do good: smiling at someone, being the first to greet them, removing a stone from the pavement, showing hospitality, going to visit those who are sick, and so on. The Muslim habit of praying in community with others provides many opportunities for showing concern for them after the prayers are over. The other side of doing good is opposing evil: not allowing others to tell lies about someone, standing up for those who are oppressed or trying to prevent an injustice.

Muslim wisdom sees three levels of this “promoting the good and opposing the evil” [Q. 3:104]. First, through taking action; going to the aid of those who are oppressed or suffer injustice. Second, if action is not possible, then speaking out, campaigning or writing about the matter. As the Prophet said, the greatest *jihad* is to speak the word of truth into the face of a tyrant. Third, if these are not possible, then at least not

allowing the bad influence to take root in one's own heart: but, as Muhammad said, "this is the weakest form." This should make Muslims active citizens within society, engaged in all manner of public affairs, to seek the good of the whole and guide society away from anything that is or will lead to the bad. This could be on a large scale: setting up a charity to promote good works, campaigning against the evils of racism, ignorance, hatred or oppression, or joining a political movement for the betterment of all. Even if one cannot achieve all that the ideals of Islam would like, this struggle to do good is obligatory and part of promoting *taqwa* in one's own life and being a model for others.

### **The *jihad* of legitimate force**

What to do when men are intent on attacking innocent people and killing them? What to do when tyranny and oppression are walking the streets? What to do when campaigns, arguments, negotiation and appeals to international justice have proved useless and people continue to suffer? When all else has failed and injustice cannot be checked in any other way, then the Islamic position is not "peace at any cost." It may be necessary to take up arms and use legitimate force to oppose the evil.

Fighting, and therefore being open to the possibility of killing other people, is the most serious thing that human beings can ever undertake. It must never be entered into lightly but is to be governed by strict rules; it must be regulated according to the laws of God. An armed *jihad* must be the last resort after all else has been tried and can only be defensive; either of one's own community or of others who need help to defend themselves or to preserve the Islamic way of life against injustice, as this is "defending the rights of God." It must be called by legitimate authority; historically, this was the Caliph but some scholars argue that in the present divided nature of Muslims worldwide, this could be the leader of a nation. There must be a reasonable chance of success and it must be a collective effort.

### **The rules of engagement**

When it comes to fighting, this must be conducted according to the Islamic rules of engagement laid down for all fighting, both *jihad* and war. These rules were drawn up in the earliest years of Islam based on the Qur'an and the teaching of Prophet Muhammad. Minimum force is to be used and this must be directed against opposing combatants. Muslims must distinguish between combatants and non-combatants. Non-combatants include all women, children, the elderly, the sick and those who have thrown down their weapons. Such people must not be killed, attacked or intimidated. Fighting must not bring about a human or ecological disaster. In seventh century terms, that meant not poisoning a water supply or burning food crops, whether in the field or in the barn, and trees must not be cut down. In 21<sup>st</sup> century terms, this means weapons of mass destruction: nuclear, chemical or biological weapons. By their nature, such weapons are indiscriminate and kill or injure non-combatants; therefore they are immoral and illegal. If all these conditions are met, then it may be necessary for every able-bodied man to take up arms and answer the call. As the Qur'an says,

fighting may be required of you even though you detest it [Q. 2:216]. If the only alternative is that evil is allowed to oppress people, then we can see the weight of the argument. If it is to protect the God-given Islamic way of life, which is the natural state of the human being, then not to resist such evil would be to give in to human degradation.

### **Wars of territorial expansion**

There were times in the history of Islam when the Islamic Empire went to war to gain territory and bring it under the rule of the Caliph. Such wars must be distinguished from *jihads*. There have been occasions in history when aggressive wars to gain land have wrongly been called *jihads*. Sometimes, as in every other community, the rules of engagement have not been followed. Perhaps the closest that we have come to a legitimate *jihad* in modern times was the effort by the Mujahidin in Afghanistan to drive back the Russian invasion (1979-89) or the defence of the Bosnians in the war after the break-up of Yugoslavia. In both cases, Muslim men from around the world responded by going to join in the fight to defend those who could not defend themselves.

### **Weapons of mass destruction**

With the development in the West of long-range artillery, bomber aircraft, and biological, chemical and nuclear weapons, many more non-combatants are killed in modern warfare than ever before. Christian and Muslim scholars have questioned whether such methods can ever meet the terms of the Christian just war theory or the Muslim rules of engagement. Both Muslim and Christian political leaders are torn between the demands of the guidance of God and their perceived need to protect their people from aggression. This can help us to see why some Muslim-majority countries, such as Pakistan, openly hold nuclear weapons, which their politicians feel to be necessary as a deterrent to attack.



## **Part Eleven: Martyrdom and sacrifice**

The discussion of martyrdom hinges around one of the most fundamental questions for any human being: Whose life is it anyway? The person of faith must always answer that we are not the products of our own will or even that of our parents, for no human being has the ultimate decision over whether or not someone is conceived and born, but rather this depends upon the will of God as the author of all life. So our lives do not belong to us; therefore it is not our right to decide whether we live or die.

The Qur'an is clear in saying that we come from God and to God we return [Q. 2:156]. No-one knows the hour of their own death [Q. 31:34] and thus no-one has the right to usurp that ultimate decision that belongs to God alone [Q. 4:29; 50:43]. In Islamic understanding, the duty of every man and woman is to surrender all to the divine will in total submission. If God calls someone to die at a particular moment and in a certain context, then our duty is to accept the divine will as an act of faith and obedience. To be a martyr then is not a choice made by any human being but rather the acceptance of God's invitation and the surrender to God's will. A believer may pray for the gift of martyrdom and for the courage and strength to endure whatever comes but it is ultimately a matter of invitation and response.

A good example of this surrender to God's will in death is contained in the Qur'anic account of the sacrifice of Abraham. He is told by God to sacrifice his son and conveys this news to Ishmael [Q. 37:102]. He tells his father to do what God has commanded and "if God wills, you will find me to be patient." It is this patient acceptance of the divine will as a public act of faith that lies at the heart of martyrdom, as the Arabic term, *shahid*, a witness, conveys.

### **In the Abrahamic faiths**

Such a concept is present also in Judaism and Christianity. The Hebrew term used, *Qiddush ha-Shem*, sanctification of the Divine Name, makes clear that martyrdom is something accepted for the sake of honouring the name of God and not submitting to those who would dishonour it. In the time of the Roman occupation of Palestine in the second century before the Common Era, the Romans tried to force Jews to defile the Temple and the worship that belongs to God alone by offering idolatrous sacrifices. In a revolt led by the Maccabee family, pious Jews accepted brutal martyrdom to sanctify the Divine Name and not profane it. Two hundred and fifty years later, when the Romans had again laid siege to Jerusalem and destroyed the Temple, a group of Zealots made a last stand at Masada in 73CE and, when their defeat was certain, preferred to die at their own hands to sanctify the Divine Name rather than surrender to those who had destroyed the Temple of God (Josephus: *The Jewish War*, Bk VII, Chap 8-9).

The term "martyr" comes from the Greek *martyrs*, a witness, and came to be used of those Christians in the early centuries after Jesus, who faced Roman persecution. The choice was to engage in the worship of the "divine Emperor" or face horrible deaths.

The martyrs were those who preferred to suffer and die rather than deny their faith. They saw this as a sacrificial act that would give hope, strength and example to others; a witness to “baptism of blood” as it came to be called, their sins having been washed clean by the shedding of their blood. Such martyrs throughout the Christian centuries have been honoured as of the highest rank in heaven and held to be intercessors there in the court of God.

The martyr spirit can also be seen in various warrior orders in the Christian tradition, the Knights Templar and Hospitallers, and in the Japanese Samurai and the Chinese Shaolin. Similar elements can be seen in various religious and secular traditions with the example of hunger-strikers being prepared to take a stand for a cause, even if it leads to their own deaths.

### **The term *shahid* in the Qur'an**

The Arabic word *shahid* has the primary meaning of “witness” as in those who give evidence in court or witness a contract [Q. 2:282; 24:4]. It is also used with reference to God being a witness to all that happens within creation [Q. 5:117]. The term takes on more of the dual meaning of witness and martyr in other contexts in the Qur'an [Q. 3:140; 4:69; 39:69; 57:19]. Thus the martyr is one who bears faithful witness to God and is obedient to God's commands unto death.

The Qur'an speaks on several occasions about those who lose their lives “in the way of God” or “for the sake of God” (*fi sabil allah*). They will be rewarded [Q. 4:74] and their sins will be forgiven [Q. 3:156-158]. They are not to be thought of as dead but are “living” [Q. 2:154]. They are promised Paradise [Q. 9:111; 47:4-6], where they will be near God [Q. 3:169].

The teaching of these Qur'anic verses was developed in Muslim tradition to include the understanding that all the martyr's sins will be forgiven, they will not be confined by “life in the grave” (*barzakh*) but will go straight to Paradise; therefore they are alive and not dead. At the resurrection, they will be restored to their bodies like everyone else and then enter into Paradise where they will receive the crown of glory and be attended by sexual companions (*houris*) [Q. 52:20]. They will be invited by God to intercede for others, especially members of their own families.

### **Two groups of martyrs**

Muslim tradition has divided martyrs into two groups: those who are “martyrs in this world and the next” (*shuhada al-ma'raka*) and those who are “martyrs in the next world only” (*shuhada al-akhira*). The various schools of Islam classify these slightly differently but here we will confine ourselves to broad outlines only.

The “martyrs in this world and the next” are those who lose their lives on the field of battle; generally when fighting against unbelievers or against the tyranny of injustice. As with any act in Islamic understanding, the act is determined by the intention

(*niyya*); this can be judged by God alone but the Muslim community must assume the correct intention for those who appear to die as martyrs and treat them accordingly, leaving the final judgement to God. Martyrs in this category are awarded special burial rites: their bodies are not washed before burial as this betokens cleansing the body of the deceased from impurity but, in the case of such a martyr, all sin and impurity has been washed away “by their blood.” They are not shrouded but are buried in whatever clothing they were wearing at the time of death (“blood-stained clothing”), which, at the resurrection, will be their badge of honour. Some schools do not pray over the martyr at burial as this is to ask for God’s mercy and forgiveness but all their sins have been washed by their martyrdom so this would be unnecessary. They are not dead but alive so prayers for the dead are inappropriate. In other schools, prayers are offered on the basis that everyone stands in need of God’s mercy. Many examples are recorded of mothers commanding no mourning at the death of a martyr; there should only be gratitude that their son or daughter has been given this special honour by God.

The second group of “martyrs in the next world only” is much broader and they are not accorded special burial rites but are washed, shrouded and prayed over in the customary way. These include:

- Those who die later on account of the wounds that they received in battle or who are simply “worn out” by fighting
- Those who die fighting off criminals
- Those who are murdered while in the service of God
- Those killed for their beliefs, e.g., Sumayya umm Ammar ibn Yasir, who was killed by her family in the early years in Makka for converting to Islam and is reckoned as the first Muslim martyr
- Those who die through disease or accident, especially at times of plague
- Women who die in childbirth
- Those who migrate to preserve their faith and die in a foreign land
- Those who die whilst making the pilgrimage to Makka
- Those who die whilst travelling to seek knowledge
- Especially amongst the sufis, those who have defeated their lower desires whilst fighting the Greater Jihad.

### **Exemplary martyrs**

Amongst the numerous martyrs of the Prophet’s time, pride of place is given to his paternal uncle Hamza ibn Abd al-Muttalib, who fought with noted bravery at the Battle of Badr (624) and was finally killed in the Battle of Uhud (625) and mutilated by Hind, who cut out his liver and ate it. Both he and the third Imam in the Shi’a tradition, Imam Husayn, the grandson of the Prophet, who was martyred at Karbala (680), are accorded the title of Prince of Martyrs. Imam Husayn becomes the archetype of martyrdom for the Shi’a, who hold that all the first eleven Imams died a martyr’s death.

## **Suicide martyrs?**

The causality of the death of a martyr is that someone takes a stand “in the way of God” against injustice and ungodliness and accepts death, if God so wills, rather than submit to unbelief and injustice. This means that the cause of a martyr’s death is an act by someone else set on the path of ungodliness. This is quite a different causality from someone who commits suicide; in this case the person takes their own life. Suicide in itself is forbidden [Q. 4:29]. This is compounded in the case of someone who brings about their own death with a view to causing indiscriminate death and injury to non-combatants, as in the case of a suicide bomber who uses this means to terrorise members of the public. Such an indiscriminate act is forbidden, even in time of war. Some Muslim scholars have gone so far as to call such a suicide attack an act of ultimate rebellion against the will of God as the person not only usurps the right of God to determine the hour of death but deliberately leaves themselves without any chance of repentance before their life is ended. It is significant to notice that, of all the figures from the Hebrew Bible who are recorded with respect in the Qur'an and Islamic tradition, Samson, the one who brings about the death of his enemies through the vehicle of his own death by bringing down the pillars of the idol-worshippers’ temple on himself together with them [Judges 16:30], is never mentioned. This has led Muslim scholars to declare suicide attacks and terrorising people to be unislamic acts (see: the Amman Message, [www.ammannmessage.com](http://www.ammannmessage.com)).

## **Suicide or self-sacrifice?**

To distinguish between suicide and self-sacrifice is not an easy matter; it hinges on the intention of the person, which only God can judge, as well as the nature of the act. If we consider a mother who puts herself in the line of fire or throws herself over a grenade, thus bringing about her own death, to save the lives of her children; is this suicide or self-sacrifice? Let us consider the case of an injured soldier who gives covering fire to his comrades so that they can escape in the certain knowledge that by thus remaining he will be killed by the advancing enemy; is this not a noble act of self-sacrifice? What of those who try to disarm a bomb, tackle someone with the intent of preventing them from killing many others or someone who deliberately enters a malfunctioning nuclear facility to prevent its explosion and dies in the process; might that not be regarded as heroic? In a similar way, some Muslim scholars are of the opinion, such as in the case of the Palestinian Intifada, that someone, who has no other means to fight against overwhelming military might who turns their body into a walking weapon as the only possible way to resist injustice, would be justified in thus taking their own life provided that they did not target innocent civilians. Other Muslim scholars would disagree with this opinion and regard this as unacceptable. It is only the followers of the extremist al-Qaida Tendency, who regard deliberate suicide-attacks on people who do not agree with them as acceptable and indeed godly.

## Part Twelve: Inviting others to the path

Imagine the scene: a doctor stands looking at her patient, who is terminally ill, and in the doctor's bag, she has the cure for his illness. What kind of a human being would she be if she did not offer it to the sick patient? Now broaden the picture: imagine that humanity was in terminal sickness and a group of people knew the cure; would they not be bound to share it? Even if the cure required a radical change in lifestyle and abandoning some practices to which people had become habituated; surely one would have to offer? Whether humanity agreed to take the remedy and change its ways or not would be for each individual to decide; once those who knew the cure had made it available and accessible, their job would be done. This is the way that Muslims think of inviting others to the path of Islam (*da'wa*).

As we have seen repeatedly, Islam understands itself to be the natural way for human beings and all creation to live (*din al-fitra*). It is the way of obedience to the creator's plan for the creatures. As it is a "natural fit" for human beings, it is not a burden to be imposed but a liberation for those who follow it, which will bring happiness in this life and in the life hereafter. Because it is the God-given straight path that leads through this life to Paradise, it is the birth-right of every human being; everyone has the right and the need to hear the message and be invited to follow it. Not to share it would mean that Muslims don't care about other human beings and they would also be neglecting a duty laid on them by God. This is the rationale of *da'wa*.

### The underpinning logic

From the beginning of time, God has been sending guidance to human beings on how to live a fully human life. This has come in the form of many books of scripture and a long line of Prophets; according to a report from Prophet Muhammad, 124,000 of them. The Qur'an tells us that no people has been left without guidance; God has no favourites. The last of these books of guidance is the Qur'an, which is understood to be definitive for all subsequent time and all peoples. The last of the Prophets is Muhammad, who is the seal of prophecy [Q. 33:40]. Islam, the way of life based on the Qur'an and the *sunna* of Muhammad, is the perfect way of life (*din*) [Q. 5:3]. Muhammad was not sent to one group of people but is a mercy to all nations [Q. 21:107] and his message is universal [Q. 34:28]; therefore Islam is *the* way for all human beings [Q. 3:19], including those who still follow an earlier revelation, who, if they were truly following the way of their earlier Prophets, would recognise it as the confirmation of what they now follow. This leads to the conclusion that Islam should be made known to all human beings, who should be invited to follow it.

*Da'wa* is the invitation or call to follow the way of Islam and the one who issues the call is a *da'i*. "Invitation" is the key word here; it is not something that can be compelled but rather something that must be freely given and accepted with freedom and the use of human reason. The Qur'an tells us that "there is no compulsion in religion; truth stands out clear from error" [Q. 2:256]. People who hear the call are thus invited to examine it for themselves using their reason and see that it is true or



reject it, if that is what they choose [Q. 18:29]. The idea of forcing someone to convert to Islam is abhorrent to this Qur'anic way of thinking. Again, we are told that some people will reject the message and decide not to follow it, in which case the Qur'anic attitude is “to you your religion and to me mine” [Q. 109:1-6]. Those who choose to follow the way of Islam, the way of truth, become agents of truth in the world and thus a beacon to others.

### **A Qur'anic methodology for *da'wa***

The Qur'an gives various pointers towards a methodology that should be adopted in giving the invitation to people to follow the way of Islam. Moses and Aaron are sent to the Pharaoh to ask him to release the Hebrew people from slavery and they are counselled to speak “in a soft manner” in order to win him over [Q. 20:43-44]. This use of a soft voice is also to be seen in the instruction to people not to raise their voices in the presence of the Prophet [Q. 49:2-3], who was also noted for the gentleness of his approach. Likewise, Muslims are counselled to use their reason to interrogate new material and also to check the veracity of what they hear from others [Q. 49:4-6]. This would indicate, for example, not accepting on hearsay what are the beliefs or attitudes of the people to whom they would make *da'wa* but rather to check this out with the people themselves so that there would be no cause for misunderstanding. The Qur'an is against ridicule in dealing with other people [Q. 49:11-12] and gives a firm instruction not to abuse the gods of the idolaters for fear that they might abuse God out of hostility [Q. 6:108]. Just as Muhammad prepared himself by prayer to bear “the weighty word” of the Qur'an [Q. 73:1-5], so Muslims are to prepare themselves for the task of inviting others. They are counselled against arrogance in thinking people are doing them a favour in embracing Islam, just as it was not a favour to Muhammad that people converted but rather the converts had been favoured by God, of whom the Prophet and the Muslims are but agents [Q. 49:17].

The key verse in a Qur'anic methodology of *da'wa* is Q. 16:125. This commands Muslims to invite people to the way of God with beautiful words, the best of arguments and wisdom. “Beautiful words” here obviously means without using coarse or aggressive tones, haranguing people. I am reminded of a scene that I witnessed in a pedestrian shopping area in a major British city, where a Muslim *da'i* and a Christian evangelist were literally standing nose to nose hurling verses from their respective scriptures at each other, and, not surprisingly, all the onlookers were giving them a wide berth and saying, “if that's religion, I want none of it.” And again, in the same city, a Muslim *da'i* standing in a public square mounted on a step-ladder with two “minders” in big boots and dark glasses standing at the foot, hectoring passers-by, who certainly wanted nothing to do with his message! “The best of arguments” rules out verbal “dirty tricks” and slanderous arguments that patently do not bear close examination. There are those who set out selective verses from another scripture and then proceed to attack them with an argument that is manifestly ridiculous to those who follow that faith... and then they wonder why only their supporters are impressed by them! “Wisdom” indicates that one should be sensitive to the audience and choose a time, place and manner that is likely to be productive. I am



reminded again of a convert to Islam, who said that he wanted to “engage me in a dialogue” with a view to convincing me of the weight of his arguments as to why I should follow his example and embrace Islam too. He opened his discourse on the floor of a mosque at 2300 and did not let me get in a single word in this “dialogue” until 0300, by which time I was not well disposed to appreciate his methodology! Wisdom was in short supply!

### **The Prophetic model**

As in all things Islamic, Muhammad is the model for the believers [Q. 33:21] and to obey him is to obey God [Q. 4:80]. The Muslim *da'i* should then follow the prophetic model. The Prophet was, of course, one of the utmost sincerity and strength of faith, so this must be the starting point for the *da'i*. Sincerity is an interesting term. It is derived from two Latin words meaning “without wax.” Sculptors and figure-carvers would cover up their mistakes and errors by applying molten wax to their works and smoothing it in so that the purchaser would be fooled into thinking that they were perfect. So to be “without wax” means that there is no covering up; everything is genuinely what it appears. Any lack of sincerity or weakness of faith in the one who would call others to Islam is likely to show up – just as the flaws in the waxed figure would if you placed it too close to the fireplace!

The Prophet was noted as having the best moral character, so that he was spoken of as the “Living Qur'an,” thus every action was a manifestation of the word of God. He was the living example to those who saw him and engaged with him. “Actions speak louder than words,” so says an oft-quoted saying, and the actions of the Prophet were essential parts of his invitation to others. There is an example recorded that on one occasion in Madina he stood up as a sign of respect when a dead Jew was being carried to his place of burial, thus sending a message to his followers and the funeral party. On another occasion, a woman who habitually threw refuse at him in the market place was taken ill, so Muhammad went to visit her out of concern; this changed her appraisal of the man and his teaching; she reformed her ways and embraced Islam there and then. I am reminded of a saying attributed to St Francis of Assisi, who was sending out some of his brothers as missionaries and told them, “Preach the Gospel of Jesus – use words only if you really have to!” The message that is lived out in actions speaks much louder than words.

During the first twelve years of his mission in Makka, Muhammad had limited success in winning people to his message. His community never amounted to more than a few hundred and they faced persecutions and hardship. In this situation, Muhammad showed perseverance and did not lose heart at the limited response. Perseverance is a quality needed by any *da'i*. The message of Islam is for all humankind, irrespective of their wealth or station in life. Muhammad proclaimed his message to slaves and wrote to the rulers of nations inviting them to embrace Islam; no-one was too high or low to be beyond the reach of his mission but he adapted his methods to suit those that he addressed.

The Qur'an summarises five elements of the prophetic mission [Q. 33: 45-46]. He was a witness (to the truth of what he had received from God), a bearer of good news (the remedy for the ills of humankind in this world and the next), a warner (of the consequences of not following the divine guidance), one who summons to God (issuing the invitation to embrace Islam) and a guiding lamp (lighting the way to closeness to God by example). These five characterise the life and methods for those who would invite others to the way of Islam.

### **Means of issuing the invitation**

Traditionally the means of making *da'wa* were by word and example through personal meeting either in groups or one-to-one. Since the coming of the printing press, many books and leaflets have been printed; often pious Muslims will pay the expense of printing such material in order to make the invitation more widely available. Such leaflets might be handed out in the street or made available at events. With the coming of electronic media, a new range of audio tapes was produced, followed by video tapes and then DVDs. Some of these were talks or structured presentations or debates with various non-Muslims. It was not uncommon in some of them that the Muslim speaker set the rules of debate in such a way that he always won! These were used for training purposes and given to people as a way of spreading around “convincing arguments.” Sometimes unfortunately, the arguments were more convincing to the speaker and his Muslim followers than they were to the non-Muslim target group but they served as a good boost to Muslim morale.

Since the development of the internet, there has been an explosion in sites conveying something of the message of Islam. Too often these sites have a narrow focus and want to push “their understanding of Islam” either ignoring or attacking other Muslim groups. It is hard for the enquirer to know just how authentic or mainstream these websites are and when they are being fed a particular propaganda. It is not difficult after all for a single person with modest means, sufficient technical ability and abundant time to run a number of websites simultaneously, each seeking to push a particular understanding of Islam. Enquirers need to know that there is little of this material that is neutral and presents the range of understandings held by different Muslim groups.

### **A final word to the recipient of *da'wa***

Anyone who wants to engage with Islam and Muslims in a serious way is bound, sooner or later, to encounter the invitation to embrace Islam and become a Muslim. It might occur to one's own intelligence whilst reading and studying or it may be posed by a Muslim acquaintance. I regard it as a sign that people care about me and are genuinely concerned about my eternal welfare. It is a question that must be faced in stillness before God; after all, God might be calling a particular person to embrace Islam. On the other hand, “there is no compulsion in matters of religion” and one should feel free to follow one's conscience and reason, and if it seems right decline

the invitation: “To you your religion and to me mine.” In the ultimate tribunal, God alone is the judge and it is to God that we must all answer [Q. 88:21-26].