

QURAN

THE FOUNTAINHEAD OF ISLAMIC LAW (SHARIA)

**THE QURAN: IN EASY-TO-
UNDERSTAND FORMAT SERIES**

VOLUME 6

FAROOQ MIRZA

*The first-ever rendition of the Quran According
to specific topics and the subject matter*

A new paradigm in understanding the Quran

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The Quran Foundation

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DEDICATION

The seven-volume book series about the Quran is dedicated to the memory of Muhammad Asad, whose work, “*The Message of the Qur’an*,” was the first-ever attempt at an idiomatic, explanatory rendition of the Quranic message in English. In my opinion, it is the best translation and commentary on the Holy Quran.

Muhammad Asad was born Leopold Weiss in July 1900 in Lviv, now Ukraine. He was the descendant of a long line of rabbis, a line broken by his father, who became a barrister. Asad himself received a thorough religious education that would qualify him to keep alive the family’s religious tradition. He left Europe for the Middle East in 1922 for what was supposed to be a short visit to an uncle in Jerusalem. There, he came to know the Arabs and was struck by how Islam infused their everyday lives with existential meaning, spiritual strength, and inner peace. Weiss then became, at the remarkably young age of twenty-two, a correspondent for *The Frankfurter Zeitung*, one of the most prestigious newspapers in Germany and across Europe. As a journalist, he traveled extensively, mingled with ordinary people, held discussions with Muslim intellectuals, and met heads of states in Palestine, Egypt, Transjordan, Syria, Iraq, Iran, and Afghanistan.

Back in Berlin from the Middle East, a few years later, Weiss underwent an electrifying spiritual epiphany—reminiscent of the experiences of some of the earliest Muslims—that changed his mind and his life. “Out of the Quran spoke a voice greater than the voice of Muhammad,” Weiss said. Thus, it was that Weiss became a Muslim. He converted in Berlin before the head of a small Muslim community in the city. He took the names Muhammad to honor the

Prophet and Asad—meaning “lion”—a reminder of his given name, Leopold, which is derived from the Latin word for lion.

Asad spent some six years in the holy cities of Mecca and Medina, where he studied Arabic, the Quran, and the “Hadith”—the traditions of the Prophet and Islamic history. He mastered the Arabic language not only through academic study but also by living with a tribe that spoke the Arabic dialect of the Holy Quran. At the age of eighty, after seventeen years of effort, he completed his life’s dream for which he felt all his life had been an apprenticeship: a translation and exegesis, or “tafsir,” of the Quran in English: *The Message of The Qur’an*.

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CHAPTER 1

INTRODUCTION TO ISLAMIC LAW

ISLAM, IT IS often said, is a religion of laws. Among all Islamic expressions of piety, the law is the most characteristic. Muslims use two words to describe Islamic laws:

Shariah: The literal meaning of Shariah is "the way to a watering place" since water is indispensable for organic life. Shariah refers to something divine and unquestionable.

Fiqh: The concept of Fiqh or jurisprudence entails the creation of a body of law and methods of interpreting the Sharia. Fiqh is man-made and subject to error, debate, and change. Muslim legal scholars were very aware of their fallibility, and though their work is God's law, they do not speak for God.

THE PERFECTION OF RELIGIOUS LAWS IN FOUR STAGES

Today, those who are bent on denying the truth have lost all hope of [you ever forsaking] your religion. Do not, then, hold them in awe, but stand in awe of Me! Today, I have perfected your religious law for you and bestowed the full measure of My blessings. I have willed that self-surrender unto Me shall be your religion. (5:3)

The above passage was revealed at Arafat (Mecca) on Friday, the 9th of Dhul-Hijjah, AH 10, about eighty-two days before the Prophet's death. It seals the Quran's message, and no legal injunction was revealed after this verse. This explains the reference to God perfecting faith and bestowing His blessings upon believers. Man's self-surrender to God is the basic law of all true religions.

This self-surrender expresses itself not only in belief in Him but also in obedience to His commands. The study of the Quran gives the distinct impression that God's revelation to man proceeded through four distinct stages.

Through Abraham, God revealed monotheism, God's oneness.

Through Moses, He gave the Ten Commandments.

Through Jesus, He revealed the Golden Rule that we must love our neighbors as ourselves. All these men were authentic prophets; each nailed down indispensable planks on the platform of God-directed life. Only one question remains unanswered. How should we love our neighbor? If Jesus had a longer career, or if humanity had been sufficiently advanced to absorb more refinements, he would have developed his ideas more systematically. As it was, Jesus' work was left unfinished. It was reserved for another teacher to systematize moral laws.

What does the love of neighbor require in this complicated world in which human interests cross each other and become tangled? A final prophet was needed to answer that question, and he was Muhammad. Islam's fundamental objective in interpersonal relations is precisely that of Jesus and the other prophets: brotherly love. Islam's distinctive aspect is not its ideal but the detailed proposals it offers for achieving it. Because God answered this final question, resulting in the culmination of the perfection of religious law through Muhammad, he deserves the title "the seal of the Prophets." But while the Prophet Muhammad comes chronologically at the bottom of this long and honorable list, in significance, he is ranked at the top. He is the "seal [*khatam*] of the Prophets," the last charged by God. Through Muhammad, God sent his final word to humanity. After that, no one could improve on it.

THE OBJECTIVES OF ISLAMIC LAW

To preserve the five indispensables are:

- 1 Right to life
- 2 Freedom of religion
- 3 The protection of family and children's lineage
- 4 The protection of private property
- 5 The protection of an individual's freedom.

DIFFERENCES BETWEEN ISLAMIC AND WESTERN LAWS

There are two significant differences between Shariah and Western laws.

ISLAMIC LAWS MOLD SOCIETY

Finally, [O Muhammad] We have set you on a way by which the purpose [of faith] may be fulfilled. So, you follow this [way] and follow not the likes and dislikes of those who do not know [the truth]. They could never be of any avail to you if you defied the will of God. Such evildoers are but friends and protectors of one another, whereas God is the Protector of all who are conscious of Him. This [revelation, then] is a means of insight for humanity, and guidance and grace to people who are endowed with inner certainty. (45:18-20)

This revelation, the Quran, unfolds to man the purpose of faith, so you follow the straight way. Do not support the likes and dislikes of those who are not primarily motivated by God-consciousness and are swayed only by what they regard as right following changing worldly circumstances.

The secular legal systems are based upon requirements that grow out of society under changing circumstances. Islamic Law's basic moral code is based on divine will and is not subject to change with changing moral values. In Islamic jurisprudence, it is not society that molds and fashions the laws but the laws that mold and fashion society. Shariah regulates its members' actions and enforces the law by imposing penalties.

Pre- and post-Islamic Arabia show how Islamic laws change society's moral compass. In his book *The Religions of Man*, Huston Smith writes, "Looking at the difference between pre-and post-Islamic Arabia, we are forced to ask whether history has ever witnessed a comparable ethical advance among so many people in such a short time. Before Muhammad, there was virtually no restraint on inter-tribal violence. Glaring inequities in wealth and possessions were accepted without conscience. Women were regarded more as possessions than as human beings. Rather than say that a man could marry an unlimited number of wives, it would be more accurate to say that his relations with women were very casual. Beyond the first wife or two, they barely approached marriage at all. Child infanticide was common, especially among girls. Drunkenness and large-scale gambling were rampant. Within a half-century, there was a remarkable change in the moral climate on each of these counts. If we ask what it was in Islam that enabled it to accomplish this near miracle, we are brought back to a point we have already remarked on, namely Islam's explicitness."

WIDER SCOPE OF ISLAMIC LAW

Secular laws regulate man's relationship with his neighbors and the state, which is the limit of most legal systems. The scope of Shariah is much broader. It involves a relationship with God and a man's conscience. Shariah includes a great deal that, in the modern world,

has nothing to do with the law. About six hundred of the six thousand verses in the Quran concern prayer and rituals. These matters cannot be termed "law" in the strictest sense of the word. For instance, it regulates everything respecting religion, both beliefs or faith and rituals.

“O you who have attained faith! Be true to your covenants!” (5:1)

The term “covenant” in the above verse denotes a solemn undertaking or engagement involving more than one party. The covenants referred to in this verse are of two kinds, embracing the entire area of man’s moral and social responsibilities.

The Covenant between man and God entails fundamental beliefs (faith) in Islam. The five articles of faith are belief in one God, all the prophets, all revealed scripture, angels, and the Day of Judgment. Shariah is further divided into two types of duties: duties to God and responsibilities to man, such as to family and society.

The covenants between God and man or man’s obligations toward God have been summarized as the Five Pillars, such as Islam's creed, prayer, zakah or poor tax, fasting, and hajj (pilgrimage to Mecca). Islamic laws hold that men's obligations toward God rest on His forgiveness and liberality. The reason being that God is almighty and needs no defender. Wrong beliefs include the denial of God's truths revealed through His prophets. They also include refusal to acknowledge His existence or ascribe divine powers or qualities to anyone or anything besides Him.

For, thy Sustainer would never destroy a community for wrong [beliefs alone] so long as its people behave righteously [towards one another]. (11:117) We would never destroy a community unless its people harm [one another]. (28:59)

STRICT OBSERVANCE OF PEOPLES' RIGHTS

Man's responsibility toward family and society is to treat people as equal. He must avoid wrongdoings, compensate others when we harm them, promote the good of others, express gratitude to those who help us, and keep our promises.

God's chastisement does not afflict people because they hold beliefs amounting to *shirk* and *kufr*. Instead, it afflicts them only if they persistently commit evil in their mutual dealings. They deliberately hurt other human beings and act tyrannically toward them. Since man is weak and needs protection, his rights must be strictly observed. Also, sins committed against man may not be forgiven.

The Prophet said, "In my community, the poorest is he who appears before God on the Day of Resurrection with his acts of prayer, fasting and charity. However, he abused someone, usurped another's property, and shed blood or struck another person. Then, his virtuous deeds were taken away and given over to each of his victims. When nothing was left of his virtuous deeds to compensate, some of the sins of each wronged one were transferred to him. He shall be cast into Hell."

THE QURAN

THE PRIMARY SOURCE OF THE ISLAMIC LAW

Al-Shafi designated the four principles/sources/components, in order of importance, are the Quran, hadith, consensus or *ijma*, *qiyas* or analogical reasoning/*ijtihad*.

And whatever you may differ, [O believers], the final decision rests with God. [Say, therefore]: "Such is God, my Sustainer, and in Him have I placed my trust, and unto Him do I always turn!" (42:10)

Islamic law is based on the Quran, God's word, which has clear instructions that prevail over all else. The Quran is an immense body of moral and legal ordinances, as well as a manual of spiritual exercise. Approximately eighty verses in the Quran treat legal topics in the strict sense of the term “law.” Some examples are as follows: rules governing family laws, marriage, divorce, inheritance, family life, child-rearing, contractual relations, commerce, governance, crime, and punishment.

In more mundane terms, Shariah prescribes the food Muslims can eat. It prohibits alcohol and pork, rules concerning the proper slaughter of animals, the manner of acceptable dress, and even the forms of courtesy that lubricate social relations.

THE QURAN IS NOT A COMPREHENSIVE BOOK OF LAWS

The Quran is Muslims' constitution and first source of law. As a constitution, the Quran gives the law in generality and seldom resorts to details. It consists of broad, general moral directives—what Muslims should do or avoid. Despite its wide scope, the Quran does not constitute a complete code of laws.

The Prophet said: “God, the most honored, has ordained some obligations, so do not ignore them; has set some limits, so do not go beyond them; and has prohibited some things, so do not commit them. God has left some things without rulings, out of mercy for you, not that He forgot them.” By leaving certain unspoken issues to man's discretion and free will, God allows him to act according to his conscience and the highest interests of the community.

FLEXIBLE AND DYNAMIC QURANIC MESSAGE

O you who have attained faith! Do not ask about matters which, if made manifest to you [in terms of law], might cause you hardship. If you should ask about them while the Quran is being

revealed, they might [indeed] be made manifest to you [as laws]. God has absolved [you from any obligation] in this respect: for God is much-forgiving, forbearing. People before your time have indeed asked such questions and as a result, have come to deny the truth. (5:101-102)

The lesson from the above verses is to not deduce specificity from general Quranic injunctions. Doing so might impose additional burdens on believers beyond anything stipulated concerning the law in the Quran.

In one of his sermons, the Prophet said, “O my people! God has ordained the pilgrimage [*al-hajj*] for you; therefore, perform it.” Someone asked, “Every year, O Apostle of God?” The Prophet remained silent, and the man repeated his question twice. Then the Prophet said, “Had I answered yes, it would have become incumbent on you to perform the pilgrimage every year. Indeed, it would have been beyond your ability to do so. Do not ask me about matters I leave unspoken, for there were people before you who fell to their doom because they asked too many questions to their prophets and disagreed with their teachings. Therefore, if I command you anything, do it as much as you are able, and if I forbid you from anything, abstain from it.”

THE SACRIFICE OF A COW AND LEGAL HAIR-SPLITTING

The story of the sacrifice of a cow is another example of an attempt to deduce specificity from the more general injunction. This story refers to the Mosaic Law, which ordains that in some instances of unsolved murder, a cow should be sacrificed. The elders of the town or village nearest to the place of the murder had to wash their hands over the site of the murder and declare, “Our hands have not shed this blood, neither have our eyes seen it”—whereupon the

community would be absolved of collective responsibility. For details of this Old Testament ordinance, see Deuteronomy 21:1-9.

And lo! Moses said unto his people: "God bids you to sacrifice a cow." They said: "Do you mock at us?" He answered: "I seek refuge with God against being so ignorant!" Said they, "Pray on our behalf to thy Sustainer that He makes clear to us what she is to be like." [Moses] replied: "He says it is to be a cow neither old nor immature, but of an age in-between. Do, then, what you have been bidden!" Said they, "Pray on our behalf to thy Sustainer that He makes clear to us what her color should be." [Moses] answered: "He says it is to be a yellow cow, bright of hue, pleasing to the beholder." Said they: "Pray on our behalf to thy Sustainer that He makes clear to us what she is to be like, for to us all cows resemble one another; and then, if God so wills, we shall truly be guided aright!" [Moses] answered: "He says it is to be a cow, not broken-in to plow the earth or to water the crops, free of fault, without markings of any other color." Said they, "At last you have brought out the truth!" And they sacrificed her, although they almost left it undone. For, O children of Israel, because you slain a human being and then cast the blame for this [crime] upon one another—although God will bring to light what you conceal. (2:67-72)

The imputation of mockery was because Moses promulgated the above ordinance in very general terms, without specifying details. The Israelites' obstinate desire to obtain precise definitions of the simple commandment revealed to them through Moses made it almost impossible to fulfill it. If they had sacrificed any cow chosen by them, they would have fulfilled their duty, but they complicated the process.

The use of the plural “you” implies the principle of collective, communal responsibility stipulated by Mosaic Law in cases of murder by a person or persons unknown. God’s bringing guilt to light refers to the Day of Judgment.

We said: “Apply this [principle] to some of those [cases of unresolved murder]. In this way, God saves lives from death and shows you His will, so that you might [learn to] use your reason.” (2:73)

The above phrase may be suitably rendered as “apply this principle to some of those cases of unresolved murder,” for the principle of communal responsibility for murder by a person or persons unknown can be applied only to some and not to all such cases. God shows His will through such messages or ordinances. The figurative expression “God saves a life from death” refers to the prevention of bloodshed and the killing of innocent persons, be it through individual acts of revenge or because of an erroneous judicial process based on no more than vague suspicion and possibly misleading circumstantial evidence.

HALAL AND HARAM

Say: “Have you ever considered all the means of sustenance God has bestowed upon you from on high—and which you divide into ‘things forbidden’ and ‘things lawful’?” (10:59)

Anything not expressly forbidden by the Quran or the Prophet's teachings is permitted (halal). What the Quran and the Prophet have left unspoken, neither ordering nor prohibiting it, is allowed—that is, neither forbidden nor obligatory. Whatever the Quran or the Prophet forbade is illegal (haram).

THE HADITH THE SECODARY SOURCE

The Sunnah is an established practice of the Prophet Muhammad. The **Hadith** is the written record of the Sunnah. Hadith or the collections of Ahadith (Arabic plural for hadith) or Prophet Mohammad's traditions, words, actions, and tacit approval are recognized as second in authority to the Quran itself. Sunnah may supplement Quranic injunctions but never set them aside.

When Quranic laws are supplemented with a slightly less authoritative hadith or tradition based on what Muhammad did or said, we are not surprised to find Islam the most socially vocal of man's enduring religions. Muslims would never understand Westerners who define religion in terms of personal experience. Their religion calls for them to establish a specific kind of social order where the rights of the poor, oppressed, orphans, and widows are not forgotten. Faith and politics, religion, and society are inseparable in Islam.

PAY HEED TO THE APOSTLE

They do not [really] believe unless they make you [O Prophet] the judge of all disagreements among themselves. They then find in their hearts no bar to acceptance of your decision and give themselves up [to it] in utter self-surrender. (4:65) Whoever pays heed to the Apostle pays heed to God. Those who turn away—We have not sent you to be their keeper. (4:80) Now, whenever God and His Apostle decide on a matter, it is not for a believing man or woman to claim freedom of choice. This is insofar as they are concerned, for one who acts in opposition to God and His Apostle has already, most obviously, gone astray. (33:36)

The above verses lay down unequivocally the obligation of every Muslim to submit to the ordinances which the Prophet, under divine inspiration, promulgated. This exemplifies the Quran's message and enables believers to apply it to actual situations. These ordinances constitute what is called the **sunnah** (literally, “the way”) of the Prophet Muhammad and have full legal force whenever they are authenticated beyond doubt. Whenever a specific law has been formulated in the Quran or as an injunction promulgated by the Prophet, believers should not let their attitude or course of action be determined by their interests or biases rather than the relevant law. Those Muslims who hold the view that all Ahadith literature should be declared null and void because of the questionable authenticity of some Ahadith are obviously in error.

LIMITATIONS OF AHADITH LITERATURE

When it comes to earthly affairs, there is no difference between the Prophet and other humans. One hadith accounts an utterance of the Prophet: “Whenever I command you to do something related to religion, do obey, and if I command you something according to my own opinion (do remember this), I am a human being.”

METHODOLOGY FOR COLLECTING AHADITH

While the Quran is considered the verbatim word of God, the hadiths were collected over time through a rigorous but not infallible methodology. There is a fundamental problem of criticism—namely, the difficulty of establishing how much hadith material is a veritable record of the Prophet’s activities. In contrast, how much of an extraneous origin, is assimilated into Islam?

During the Prophet’s lifetime, many of his companions wrote down his sayings for their own use. After the death of the Prophet and with the expansion of the Islamic Empire, the importance of

Ahadith was acutely felt by the Muslim community. The Ahadith collection continued more than two hundred years after the Prophet's death. Those who transcribed the Ahadith did so by collecting the first-hand testimony of those who lived with and observed the Prophet (his "companions"). The second-hand testimony of second- and third-generation followers of the original companions.

THE FALLIBILITY OF HUMAN MEMORY

Human memory is fallible over long periods. Sahih al-Bukhari's work is the best known of all the works in hadith literature. Al-Bukhari collected around 300,000 Ahadith but chose 7275 as authentic. He found 292,727 Ahadith which could not be verified as true. No matter how meticulous and thorough scholars, it was impossible to come up with 100 percent authentic Ahadith.

FORGED AHADITH

At the time of collection, the Ahadith were forged either to please rulers and kings or to corrupt Islam. This fact is mentioned in Sahih-al-Bukhari's introduction. It was during this period that the written Ahadith literature was formulated. Extraneous harmful teachings not taught by the Prophet but skillfully attributed to him gradually gained a foothold and turned people away from the Quran's dynamic teachings.

NEGATIVE EFFECTS OF FORGED AHADITH LITERATURE

The process of Ahadith overshadowing the Quran is widespread in Muslim societies. This is because many Muslims think that the Ahadith literature is infallible and thus carries legal authority, as the Quran does. The accuracy of some Ahadith can be compared to the gospels written down many years after Jesus' death. The collections of all Ahadith literature cannot be considered infallible because of

the human element involved. This may have compromised some of Ahadith's accuracy. For example,

Some Ahadith contradict Quranic teachings, and some contradict each other. For example, many biographies of the Prophet attribute numerous miracles to him; however, the Quran categorically states that the only miracle the Prophet had was the Quran itself.

Others vilified the Prophet's chivalrous and good-natured character.

Hadith supports superstitions, such as the evil eye.

Ahadith literature is the main cause of sectarianism. The differences between Shia and Sunni sects are rooted in the Ahadith and not in the Quran.

Islam critics use Ahadith to attack Islam.

TRADITIONS VALIDATED BY THE QURAN

The Quran is considered the gold standard, and any hadith contrary to its teachings should be rejected. This is according to ibn Khaldun's formula, which requires all acceptable traditions to be validated by the Quran and fulfill the rational criteria.

THE TERTIARY SOURCES OF ISLAMIC LAW

CONSENSUS

Failing to find what is needed in these two sources, the lawyer may turn to the consensus of the community and among scholars. The Prophet said, "My community will not agree on an error" (At-Tirmidhi). The community striving in good faith to live out the "living *sunnah* of the Prophet" can presuppose what the Prophet would do if he were alive today. This principle is another indication of Islam's traditionalist outlook and is of immense importance to the community. Consensus (*ijma*) plays a pivotal role in the

development of Islamic law. This is so because *ijma* represents the majority agreement on a regulation or law, either by the Muslim community or by Muslim scholars. Ideas of consultation (*shura*) and parliamentarianism are used to formulate a consensus theory that is useful in the modern world.

ANALOGICAL REASONING

Islamic law applies analogical reasoning to the deduction of juridical principles from the Quran and the Sunnah. When faced with novel situations or problems, scholars seek a similar situation in the Quran and Sunnah. The key is the discovery of the effective cause or reason behind Shariah rules. If the same reason could be identified in another situation, then judgment was extended to resolve the case. For example, narcotics are not mentioned in the Quran and were not known to early Muslims. Alcohol use is explicitly prohibited in the Quran. Likewise, the use of narcotic drugs is also prohibited, except for medical reasons, because they have similar effects to alcohol.

IJTIHAD

According to tradition, when the Prophet appointed Muadh ibn Jabal as governor of Yemen, he asked Muadh, "According to what will you judge?" Muadh replied, "According to the Quran."

Then the Prophet asked, "And if you find nothing therein?" "According to the Prophet's sunnah," Muadh said. "And if you find nothing therein?" Muadh replied, "Then I will exert myself to judge."

The Prophet was pleased with his reply. This hadith demonstrates the role of critical thinking and individual judgment in legal matters.

The need for individual judgment developed soon after the Prophet's death, when the expanding Islamic state met societies and situations beyond the scope of the Quran and the sunnah. Early Muslim scholars had considerable latitude in individual judgment, called *ray*. Independent judgment was considered valid if it took the basic Shariah principles to solve novel and unforeseen situations in far-flung territories. The first four centuries of Islam saw vigorous discussion and flexibility regarding legal issues; this was the tradition of *ijtihad*, or independent judgment and critical thinking. In the early centuries, with the development of Islamic Law, reason played a vital role. Caliphs, judges, jurists, and legal scholars interpreted the law where no clear, explicit revelation or consensus existed.

Since the laws based upon consensus, analogical reasoning, and *ijtihad* are not based directly on the self-evident wordings of the Quran or the Prophet's commandments, technically, it cannot be termed as a religious law.

OSSIFICATION OF ISLAMIC LAW

The door of *ijtihad* was closed, and that the *fiqh* left by the Four Imams obviated the need for any further *ijtihad*. The force of precedents, adhering to Scripture and traditions, wholly governs them. *Ijtihad* was seen as no longer necessary since all-important legal questions were already answered. By the end of the eleventh century, discordant ideas were increasingly seen as a problem. Autocratic rulers worried about dissent—so the “gates of *ijtihad*” were closed to Sunni Muslims. The Shiites (the minority branch) never followed the Sunnis in this respect, and in practice, Shiite law is more flexible than that of the Sunnis.

THE DOCTRINE OF TAQLID

And most of them never use their reason: for when they are told, "Come to that which God has bestowed from on high and to the Apostle," they reply, "Enough for us is that which we found our forefathers believing in and doing." (31:21)

Instead of being a testimony to the dynamism of the Quran, which allowed diverse opinions to exist and served as a catalyst for Muslims to continuously exercise their intellect, conformity became the norm, followed by passiveness and blind obedience. The doctrine of taqlid, or blindly following one's forefather's religion or religious scholars, is strongly condemned by the Quran, as evidenced by the verse above. Thinkers who resisted this anti-intellectual, anti-reason movement were seen as nefarious dissidents. Averroes (ibn Rushd), for example, was banished for heresy, and his books were burned.

With ever-changing technology, ijihad is becoming indispensable. The twenty-first century Shariah must be supplemented with laws based upon scientific evidence such as fingerprinting, DNA technology, trace evidence, and countless other scientific advancements in its penal code. Forensic science is much more reliable than eyewitness accounts: the basis of Islamic criminal law.

FIQH (ISLAMIC JURISPRUDENCE)

FIQH REFERS TO the human effort to translate God's transcendental will into specific rules. It is the science of jurisprudence that derives rules of law from source materials and is written down in numerous thick volumes.

SCHOOLS OF LAW

In the first and second Islamic centuries, several schools arose, each with a differing point of view and each locked in a dispute with the others. In the third Islamic century, five schools of thought emerged and have survived to the present day. Each school is associated with a prominent jurist:

Abu Hanifah was an Islamic scholar, jurist, theologian, ascetic, and eponym of the Hanafi school of Islamic jurisprudence, which remains the most widely practiced to this day. It was established in the 8th century.

Abdullah Muhammad ibn Idris al-Shafi [767-820] was a Muslim scholar, jurist, traditionist, theologian, ascetic, and eponym of the Shafi'i school of Islamic jurisprudence. He is known to be among the first contributors to the principles of Islamic jurisprudence)

Malik ibn Anas, Medina's traditionalist, founded the third school. The Maliki school is one of the four major schools of Islamic jurisprudence within Sunni Islam. It was founded by Malik ibn Anas in the 8th century.

The smallest and strictest of all is Ahmad ibn Hanbal's, which is currently confined to Arabia. Its uncompromising traditionalism appeals to the puritanical Wahhabi sect. Ahmad ibn Hanbal was a Sunni Muslim scholar, jurist, theologian, traditionist, ascetic and eponym of the Hanbali school of Islamic jurisprudence—one of the four major orthodox legal schools of Sunni Islam.

Shia Muslims follow the Jafar school of thought. He was a descendant of Ali and was also a prominent Muslim jurist respected by both Shia and Sunni Muslims. Jafar ibn Muhammad al-Sadiq was a Muslim scholar, jurist, and theologian and the sixth imam of the Twelver and Ismaili branches of Shia Islam.

THE ROLE OF JUDGES

During his lifetime, the Prophet acted as the supreme judge of the community and resolved legal problems as they arose. He did this by interpreting and expanding the general provisions of the Quran, establishing a legal tradition that continued after his death. With the rapid expansion of the Islamic realm under the Prophet's political successors, the Muslim polity became administratively more complex. It came into contact with the laws and institutions of lands that Muslims conquered. With the appointment of judges, or qadis, to the various provinces and districts, an organized judiciary came into being. The qadis were responsible for a growing corpus of administrative and fiscal law. They pragmatically adopted Roman-Byzantine and Persian-Sasanian law into Islamic legal practice in the conquered territories.

Depending on the discretion of the individual qadi, judicial decisions could be based on the Quranic rules where these were relevant. However, the sharp focus on Quranic laws held in the Medinan period was lost with the expanding horizons of activity. Muslim jurisprudence, the science of ascertaining the precise terms of the Shariah, is known as **fiqh** (literally, "understanding"). Beginning in the second half of the eighth century, oral transmission and development of this science gave way to written legal literature devoted to exploring the substance of the law and the proper methodology for its derivation and justification.

Throughout the medieval period, the basic doctrine was elaborated on and systematized in many commentaries. The voluminous literature thus produced constitutes Shariah law's traditional textual authority.

Since this is a Quran series, the major emphasis of this volume is the description of the Quranic principles upon which Islamic laws

are based. Detailed study of Hadith and fiqh is beyond the scope of this book.

FREEDOM AND ITS LIMITS

CHAPTER 2

PREDESTINATION OR FREE WILL

FREE BUT NOT INDEPENDENT

The Quranic picture illustrates the structure of God's plan. Behind all events is a grand, divine, macrocosmic scheme. Man's life from birth to death is a microcosm of a larger divine plan. Human freedom is confined within the orbit of God's omnipotent will, and past a certain point, man cannot act outside God's ordination. Man is virtually free but not entirely independent. Human beings live in a paradoxical coexistence where God controls all affairs. Human beings are responsible for every choice they make. This is because God gives him free "rein for a while," and he cannot claim predestination as the basis for his decisions. The Prophet's saying, "Trust in God but tie your camel," expresses the paradox of believing in the unfathomable mystery of God's omnipotence while acknowledging individual responsibility.

Humans are created in God's image, but not in the physical image of their Creator. Rather, humans are made in the moral image of God – that is, they are endowed with the capacity to exercise free will and to make genuine choices. Having free will comes with moral responsibility for good deeds and wrongdoings, as well as for what is left unfinished. This ownership indicates that if we choose good, we deserve the rewards. In turn, if we make the wrong choice, we probably deserve those consequences.

REJECTION OF PREDESTINATION

Those who are bent on ascribing divinity to aught beside God will say, "Had God so willed, we would not have ascribed divinity to aught but Him, nor would our forefathers [have done so]; and

neither would we have declared as forbidden anything [that He has allowed]. Even so, did those who lived before them give the lie to the truth?" Say: "Have you any [certain] knowledge you could proffer to us? You follow, but other people's conjectures and you guess and do nothing else." (6:148)

They deny the truth that God has endowed man with the ability to choose between right and wrong. Do they have any specific knowledge of predestination, or do they follow others' conjectures? It alludes to the erroneous idea that man's good or evil actions are not the outcome of free choice. Instead, God predetermines his behavior and attitudes. The above verses reject the doctrine of predestination in the commonly accepted sense of this term.

MAN IS ENDOWED WITH FREE WILL

Now had it been Our will [to obscure men's ability to distinguish between right and wrong]? We could surely have deprived them of their sight, so that they would stray forever from the [right] way: for how could they have had an insight [into what is true]? And had it been Our will [that they should not be free to choose between right and wrong] We could surely have given them a different nature [and created them as beings rooted] in their places, so that they would not be able to move forward and could not turn back. (36:66-67)

God has endowed human beings with reason and moral sense. This is as much a part of human nature as hearing, seeing, and feeling. Insistence on blind faith is contrary to reason. If it had been God's will that men should have no freedom of will or moral choice, He would have endowed them from the very beginning with a spiritually and morally stationary nature, entirely rooted in their instincts, devoid of all urge to advance, and incapable of positive development or retreating from a wrong course.

ALL THINGS SUBJECT TO GOD'S WILL EXCEPT MAN

All the things and beings in the heavens and on earth prostrate willingly or unwillingly before God, as do their shadows in the morning and evening. (13:15) Have, then, they [who deny the truth] never considered any of the things God has created—[how] their shadows turn right and left, prostrating themselves before God and utterly submissive [to His will]? For, before God surrenders itself all that is in the heavens and all that is on earth—every beast who moves, and the angels: [even], these do not bear themselves with false pride. They fear their Sustainer high above them and do whatever they are bidden to do. (16:48-50) Art thou not aware that before God prostrate themselves all [things and beings] in the heavens and on the earth, the sun, moon, stars, mountains, trees, and beasts? And many human beings [submit to God consciously]. While many [others, having defied Him], will inevitably suffer [in the life to come]. He whom God shall scorn [on Resurrection Day] will have none who could bestow honor on him: for God does what He wills. (22:18)

"Prostration" is a symbol expressing the intrinsic subjection of all created beings and things to God's will. The "things" denote inanimate objects and perhaps living organisms like plants, as they are submissive. Animals and angels, the lowest and highest, also obey God's will. In contrast with the natural sinlessness of every beast who moves and the angels, man is endowed with free will in the moral sense of this term. He can choose between right and wrong—and therefore, he can, and often does, sin. Believers submit to God willingly, whereas deniers of the truth, who are not willing to surrender to Him, are subject to His will also, without knowing it. Those who defy God will suffer in the afterlife as a necessary consequence and corollary of their attitude in this world. This is not

an arbitrary punishment in the conventional sense of this term. Evildoers will submit unwillingly to God's will in the afterlife.

We offered the trust [of reason and volition] to the heavens, and the earth, and the mountains: but they refused to bear it because they were afraid of it. Yet man took it up—for he has always been more prone to be foolish and wicked. (33:72)

The faculty of volition is the ability to choose between two or more possible courses of action or modes of behavior, good and evil. Yet man took it up and failed to measure up to the moral responsibility that arises from reason and freewill with which he has been endowed. This applies to all humanity, not necessarily to all its individuals.

MAN'S FREE WILL AND GOD'S OMNIPOTENCE

Pre-Islamic Arabs believed that Allah was the creator and sustainer of life but remote from humanity's concerns. Allah created the world and retreated and left humanity to its fate or an impersonal "time" that dictated the destinies of all people. The Quran counters this fatalistic, predestined view of life with the message. The Quran counters this fatalistic, predestined view of life with everlasting hope. It states repeatedly that events in individual and community life are firmly under the control of a compassionate and all-powerful God.

In the Quranic view, God is the ultimate source of all happenings. This universe is controlled by a transcendent, omnipotent God who controls good and evil. God knows all that has happened and will happen, and nothing occurs without His knowledge or His omnipotent will.

ALL IS FROM GOD

When a good thing happens to them, some [people] say, “This is from God,” whereas when evil befalls them, they say, “This is from thee [O fellowman]!” Say: “All is from God.” What, then, is amiss with these people that they are nowhere near grasping the truth of what they are told? (4:78)

When something good happened to the Jews of Medina, they would proclaim, “This is from God,” for He knew they were worthy. If evil befell them, they would say, “This is from thee [O fellowman],” referring to the ill omen of Muhammad's presence. God tells the Prophet to say: “All is from God,” both good and evil. “They are nowhere near grasping the truth” about God’s ultimate authority on the flow of all events.

Whatever good happens to thee is from God, and whatever evil befalls you is from yourself. (4:79)

The two propositions, “all is from God” and “whatever evil befalls you is from yourself,” seem to contradict one another. However, this paradox can be explained to a limited extent within the context of man’s free will. Although good and evil that come to man flow from God’s will, God has granted man the power of self-determination in the form of free will or freedom of choice. Some evil situations may result from wrong choices between several choices open to man. For some sufferings, man has only himself to blame since “God does not wrong anyone by as much as an atom's weight” (4:40). However, not everything man regards as misfortune is evil. It may be no more than a trial and a God-willed means of spiritual growth through suffering and may not result from an erroneous choice or wrong deed on the part of the afflicted person.

GOD'S SUBTLE SCHEME

Hence, leave Me alone with those who give the lie to this tiding. We shall bring them low, step by step, without them realizing how it has come about: for though I may give them rein for a while, My subtle scheme is exceedingly firm! (68:44-45)

“This tiding” refers to divine revelation in general and resurrection and judgment in particular. The implication is that God alone decides whether to chastise them. The term “subtle scheme” is God’s unfathomable plan of creation and flow of events, of which man can glimpse only isolated fragments and never the totality—a plan in which everything happening has a specific function, and nothing is accidental. The “rein for a while” alludes to the grant of free will that allows evil persons to enjoy their lives to the fullest. In contrast, so many of the righteous suffer. Man is not privy to understanding the role good and evil deeds play in God’s “subtle scheme” of events in this life and afterlife.

If it were true that all our actions are predetermined, why would God hold human beings responsible for their deeds? Divine predestination of acts is incompatible with God’s justice and individual responsibility. If God has not given man freedom of choice, He is not justified in judging and consigning evil men to hell or virtuous men to heaven. Since human beings are endowed with free will, it is only logical that individuals will be held responsible for how they use this God-given gift. The Quranic verses can lend themselves to different interpretations of man's authorship. However, the underlying theme of human accountability is never compromised.

CHAPTER 3

DIVINE GUIDANCE

GOD SETS THE RULES

And [because He is your Creator], God alone shows you the right path. Yet there are [many] who swerves from it. However, had He so willed, He would have guided you all aright. (16:9) O you who have attained faith! If you remain conscious of God, He will endow you with a standard by which to discern the true from the false. (8:29)

God sets the rules and reveals them through His prophets. Whether a person listens or obeys is up to that person, who exercises free will in the matter. God establishes the goals of ethics and morality implied in the concept of the right path. Human beings can attain faith only under God's guidance and within the compass of what He has decreed to be man's nature. This includes the ability to discriminate between right and wrong. Since man's freedom of moral choice expresses itself in his willingness or unwillingness to conform to his true, God-willed nature, it depends on God's grace. No mortal can cause another person to believe unless God graces that person with His guidance.

MORALITY BASED ON CONJECTURE

What is amiss with you? [O you sinners!]. How do you base your judgment [on right and wrong]? Or have you, perchance, a [special] divine writ which you study, and in which you find all you may wish to find? Or have you received a solemn promise, binding on Us until Resurrection Day, that yours will assuredly be whatever you judge [to be your rightful due]? Ask them which of them can vouch for this! Or have they, perhaps, any sages to

support their views? If they are sincere in their claim, let them produce their supporters. (68:36-41)

ASCRIBING SELF-SERVING PREFERENCES TO GOD

Hence, do not utter falsehoods by letting your tongue determine [at your discretion], “This is lawful, and that is forbidden,” thus attributing your lying inventions to God. A brief enjoyment [may be theirs in this world], but grievous suffering awaits them [in the life to come]! For they who attribute their falsehoods to God will never attain a happy state! (16:116-117)

PROPHETS CONVEY GOD’S GUIDANCE

Indeed, We vouchsafed Moses and Aaron [Our revelation as] the standard by which to discern the true from the false. This was a [guiding] light and a reminder for the God-conscious who stand in awe of their Sustainer. He is beyond human perception and those who tremble at the thought of the Last Hour. And [like those earlier revelations] this one, too, is a blessed reminder, which We have bestowed from on high: will you, then, disavow it? (21:48-50)

The reference to revelation given to the earlier prophets as “the standard by which to discern the true from the false” alludes to the Quranic doctrine of historical continuity in all divine revelations. It stresses the fact that revelation alone provides a criterion for all moral valuations. It relates here to the fundamental ethical truths contained in the Torah and is similar to all divine revelations.

And never have We sent forth any apostle otherwise than [a message] in his own people’s tongue so that he might make [the truth] clear unto them. (14:4) [Say, O Muhammad]: “I have been

bidden to worship the Sustainer of this City [Mecca]—Him who has made it sacred, and unto whom all things belong. I have been bidden to be of those who surrender themselves to Him and to convey this Quran [to the world].” (27:91-92) He it is who has sent forth His Apostle with the [task of spreading] guidance and [propagating] the religion of truth, to the end that He proves it superior over every [false] religion; and none can bear witness [to the truth] as God does. (48:28) The only true religion in God's sight is man's self-surrender to Him. (3:19)

From which, it follows that any religion (in the broadest sense of this term) not based on the above principle is false, and truth is always superior to falsehood.

GOD WARNS, THEN PUNISHES

And withal, never have We destroyed any community unless it was warned and reminded, never do We wrong [anyone]. (26:208-209) For [thus it is] We had destroyed them by a chastisement before this [divine writ was revealed], they would indeed [be justified to] say [on Judgment Day]: “O our Sustainer! If only Thou had sent an apostle unto us, we would have followed Thy message rather than be humiliated and disgraced [in the hereafter]!” Say: “Everyone is hopefully waiting [for what the future may bring]: wait, then, [for the Day of Judgment] for then you will come to know as to who has followed the right path, and who has found guidance!” (20:134-135)

DOING GOOD IS FOR YOUR OWN GOOD

“Convey this Quran [to the world].” Whoever, therefore, chooses to follow the right path, follows it for his good; and if any wills to go astray, say [to him]: “I am only a warner.” And say: “All praise is due to God! In time, He will make you see [the truth of] His

messages, and then you shall know them [for what they are]. And your Sustainer is not unmindful of whatever you may do.” (27:92-93) Means of insight have now come to you from your Sustainer [through this divine writ]. Whoever, therefore, chooses to see, does so for his good; and whoever chooses to remain blind, does so for his hurt. And [say unto the blind of heart]: “I am not your keeper.” And thus, We give many facets to Our messages. And to the end that they might say, “Thou hast taken [all this] well to heart.” [i.e., God’s message] We might make it clear to people of [innate] knowledge, follow thou what has been revealed unto thee by thy Sustainer—save whom there is no deity—and turn thy back upon all who ascribe divinity to aught beside Him. (6:104-106)

Islamic morality is based on pragmatism. The Quran repeatedly reminds us that if you do good deeds that are for your benefit, you do no favor to God. If you commit evil, that is for your hurt, and it will not affect God in any way.

BLESSINGS CONTINGENT UPON REAL CHANGE

God would never change the blessings with which He has graced a people unless they changed their inner selves and [know] that God is all-hearing, all-seeing. (8:53)

The above verse indicates that God never wrests the power of self-determination from an individual.

God does not change men’s condition unless they change their inner selves; and when God wills people to suffer evil [in consequence of their evil deeds], there is none who could avert it. They have no one to protect them from Him. (13:11) Those who strive hard in Our cause—We shall most certainly guide them onto paths that lead unto Us for God is indeed with the doers of good. (29:69) We have bestowed from on high this [divine writ] in

the shape of clear messages: for [thus it is] that God guides him who wills [to be guided]. (22:16)

God does not withdraw His blessings from men unless their inner selves become depraved (see 8:53), just as He does not bestow His blessings upon willful sinners until they change their inner disposition and become worthy of His grace. In its wider sense, this is an illustration of the divine law of cause and effect (Sunnat Allah), which dominates the lives of both individuals and communities and makes the rise and fall of civilizations dependent on people's moral qualities and changes in their "inner selves."

HIGHWAY OF GOOD AND EVIL

I call to witness this land—this land in which you are free to dwell—and [I call to witness] parents and offspring. We have created man for [a life of] pain, toil, and trial. Does he, then, think that no one has power over him? He boasts, "I have spent wealth abundant!" Does he, then, think no one sees him? Have We not given him two eyes, and a tongue, and a pair of lips, and shown him the two highways [of good and evil]? (90:1-10)

"This land" signifies Mecca, and the pronoun "you" in the second verse refers to the Prophet Muhammad. The sequence, however, deserves a wider, more general interpretation. "This land" denotes the earth, while "you" refers to man in general. That which is metaphorically "called to witness" is his natural environment. The phrase "every parent and all their offspring" signifies humanity from its beginning to its end.

He boasts that his resources and possibilities are inexhaustible. This is a widespread belief characteristic of all periods of religious decadence, that there are no limits to man's power. His worldly "interests" are the only criteria for right and wrong. Does he think

he is only responsible for himself? “Have We not given him two eyes, and a tongue, and a pair of lips” to recognize the voice of the truth of God’s existence or to ask for guidance?

ARBITRARY DETERMINATION OF RIGHT AND WRONG

Moral relativism is the doctrine that morality exists in relation to culture, society, or historical context and is relative and not absolute. What you regard as right conduct may be right conduct for you but may or may not be right conduct for me. Moral relativism is based on an individual’s decision, and it justifies every action of an individual or a group. The Quran rejects this humanistic perspective, which credits man with the inherent ability to live a life of justice with no outside references or standards. Human beings can discern what is moral and what is wrong through rational ethics. Still, natural human reason alone is not always reliable in distinguishing between good and evil. Man, in his natural state, regards his self-interest as good and that which thwarts his interest as bad. Independent of revelation, murder is not always evil or saving lives good. God’s revelations to His prophets set an objective and universal moral standard.

The Quran also condemns the practice of the arbitrary determination of God’s commandments or prohibitions beyond what He has clearly ordained (*Zamakhshari*). Some commentators, such as Muhammad Abduh, include within this expression the innumerable supposedly “legal” injunctions, which, without being warranted by the Quran or an authentic tradition, have been obtained by individual Muslim scholars through subjective methods of deduction and then put forward as “God’s ordinances.”

CHAPTER 4

FREEDOM TO ACCEPT OR REJECT GOD'S GUIDANCE

THE NATURAL LAW OF CAUSE AND EFFECT

The doctrine of natural law to which man's inclinations and actions—as well as all other conditions in the universe—are subject states that for every action, there is an opposite reaction. Every cause has an effect, and every effect has a cause. The only exception is God, who is the uncaused cause of all that exists. God endowed humans with free will, and He allows many events to follow certain causes.

And thus, clearly, We spell out Our messages: and [We do it] so that the path of those lost in sin might be distinct [from that of the righteous]. (6:55)

HE WHOM GOD LETS GO ASTRAY

God lets go astray him that wills [to go astray] and guides him that wills [to be guided] — for He alone is almighty, truly wise. (14:4) For, behold, thy Sustainer knows best who strays from His path and who is rightly guided. (16:125) None does He cause, thereby to go astray save the iniquitous. (2:26) He (God) lets go him astray that wills [to go astray] and guides him that wills [to be guided]. (16:93) And be not like those who are oblivious of God, and whom He, therefore, causes to be heedless of [what is right for] their selves: [for], it is they, they who are surely depraved! (59:19)

All Quranic references to God letting man go astray must be interpreted against the background of “none does He cause to go astray save the iniquitous.” One who “wills to go astray” will

choose to reject the truth (cause) and will persevere in this denial and will never attain to faith. He has deliberately misused the free will that God has endowed to man. Man's drift from the right path is because of his attitudes and preferences, not arbitrary predestination. God does not forsake anyone except those who deserve to be left alone. "Do not be like those" who, by remaining oblivious to Him, have wasted their spiritual potential. God does not cause anyone to be spiritually lost, nor does He compel sinners to repent and be righteous, leaving them alone and depriving them of all favor or guidance (effect).

To whomsoever He allows to go astray, He causes his bosom to be tight and constricted as if he were climbing into the skies. God inflicts horror upon those who will not believe and undeviating is this Thy Sustainer's way. (6:125-126) And, verily, thou canst not make the dead hear and [so, too], thou canst not help the deaf [of heart] heed this call when they turn their backs [on thee] and go away. Just as thou canst not lead the blind [of heart] out of their error. (27:80-81) For those God let's go astray, there is no guide. He shall leave them in their overweening arrogance, blindly stumbling to and fro. (7:186)

"Horror" signifies anything intrinsically loathsome, horrible, or abominable. In this case, it denotes that fearsome feeling of futility that overcomes everyone who does not believe life has meaning and purpose. "Thy Sustainer's way is straight"—it is unchanging in its application of the law of cause and effect to man's inner life as well.

HE WHOM GOD GUIDES

Such is God's guidance: He guides him that wants [to be guided]. While he who God lets go astray can never find any guide. (39:23) And whomever God wills to guide, in his bosom, He opens wide with willingness for self-surrender. (6:125) None canst thou make

hear [thy call] save such as [are willing to] believe in Our messages, and thus surrender themselves unto Us. (30:53) [As for those who are bent on denying the truth] though you be ever so eager to show them the right way, [know that] God does not bestow His guidance upon any whom He judges to have gone astray. (16:37)

God knows who will choose faith and will repent (cause), exercising God-given free will, and then He will bestow His favor or guidance (effect) upon him. The expression “guidance” or “showing the right direction” denotes His grant of fulfillment and favor upon anyone who deserves to be favored.

FREE WILL AND GOD’S GUIDANCE

If God had so willed, they would not have ascribed divinity to aught beside Him. Hence, We have not made you (Muhammad) their keeper, and neither are you responsible for their conduct. (6:107) We could indeed have imposed Our guidance upon every human being: but [We have not willed it thus]. (32:13) Have, then, they who have attained to faith not yet come to know that, had God so willed, He would indeed have guided all humanity aright? (13:31)

They cannot determine what is good and what is bad for them. *God* seals unrepentant sinners’ hearts for their persistent, conscious refusal to submit to His guidance.

NOAH ADDRESSED HIS SINFUL COMMUNITY

For my advice will not benefit you much as I desire to give you sound advice—if it is God’s will that you remain lost in grievous error. He is your Sustainer, and to Him, you must return. (11:34)

This statement conforms to the Quranic doctrine of “God’s way” concerning those who persistently refuse to acknowledge Him.

APOSTLE CAN ONLY DELIVER THE MESSAGE

Pay heed to God, and to the Apostle. If you turn away, [know that] Our Apostle’s only duty is a precise delivery of this message: God—there is no deity save Him! In God, then, let believers place their trust. (64:12-13) But if they turn away [from thee, O Prophet, know that] We have not sent thee to be their keeper. Thou art not bound to do more than deliver the message [entrusted to thee]. (42:48)

When God, knowing the persistence in sinning on the part of one who denies the truth, leaves him in this condition and does not compel him to repent, this act of God is depicted in the Quran as “causing one to err” and “causing one to go astray.”

GRANT OF RESPITE TO SINNERS

And they should not think—they who are bent on denying the truth that Our giving them rein is good for them. We give them rein only to let them grow in sinfulness, and shameful suffering awaits them. (3:178)

The above verse states that since these people are bent on denying the truth, Our giving them rein—freedom of choice and time for consideration of their attitude—will not work out for their benefit. On the contrary, it will make them grow in false self-confidence and sinfulness. God attributes their “growing in sinfulness” to His own will because He has imposed the natural law of cause and effect.

ACCOUNTABILITY

Say [O Prophet]: “O humankind! The truth from your Sustainer has now come to you. Whoever, therefore, chooses to follow the

right path follows it but for his good. Whoever chooses to go astray goes but astray to his hurt. And I am not responsible for your conduct.” (10:108) You will undoubtedly be called to account for all you ever did! (16:93) And whatever [wrong] any human being commits rests upon him alone, and no bearer of burdens shall be made to bear another's burden. (6:164) Say: “Neither shall you be called to account for whatever we may have become guilty of, nor shall we be called to account for whatever you are doing.” (34:25) No bearer of burdens shall be made to bear another's burden, and that naught shall be accounted for unto man but what he is striving for. In time [the nature of] all his striving will be shown [to him in its true light], whereupon he shall be repaid for it with the fullest requital. (53:38-41)

“No bearer of burdens shall be made to bear another's burden.” This basic ethical law appears in the Quran five times—in 6:164, 17:15, 35:18, 39:7. In the above instance, which is the oldest in the revelation chronology. It rejects the Christian doctrine of original sin. It refutes the idea that a person's sins could be atoned for by a saint's or a prophet's redemptive sacrifice, as in the Christian doctrine of Jesus's vicarious atonement for mankind's sinfulness or in the earlier Persian doctrine of man's vicarious redemption by Mithras. By implication, it denies the possibility of any mediation between the sinner and God. The Quran stresses the Islamic tenet of individual responsibility and denies the Jewish idea of the “chosen people” by their descent from Abraham.

THE CONSEQUENCES OF REJECTING DIVINE GUIDANCE

Now that they have passed away, unto them shall be accounted for what they have earned. Unto you, what you have earned, and you will not be judged on the strength of what they did. (2:134) Say: "Our Sustainer will bring us all together [on Judgment Day], and

then He will lay open the truth between us, in a just manner—for He alone is the One who opens all truth, the All-Knowing!” (34:26) They whose hearts, hearing and sight God has sealed—it is they, they who are heedless! Truly it is they, they who in the life to come shall be loser! (16:108-109) Such shall have none to aid them [on resurrection day]. (16:37) But [as for those who refuse to avail themselves of divine guidance] that word of thy Sustainer shall be fulfilled: “Most certainly will I fill hell with invisible beings as well as with humans, all together!” (11:119)

God is the objective source of all moral law from which right and wrong are judged, a standard of ethical valuation binding on the individual and society. However, followers of Satan who reject the guidance offered to them by God will have to suffer in the afterlife.

CHAPTER 5

FREEDOM OF RELIGION

FUNDAMENTAL FORM OF LIBERTY

Freedom of religion is considered the most fundamental form of liberty. It encompasses freedom of thought and speech and freedom of association and movement. More importantly, there cannot be religious freedom without secure private property because safe property means an individual can hold whatever worship services he or she might wish on their property without any interference.

The concept of morality is linked to man's God-given freedom of choice between good and evil and freedom to choose from various religions. Religious liberty asserts that each man has the right to profess and practice the faith that seems right according to his conscience.

NO COMPULSION IN FAITH

There shall be no coercion in matters of faith. Distinct has now become the right way from [the way of] error. Therefore, he who rejects powers of evil and believes in God has indeed taken hold of a source of unwavering support, which shall never give way: for God is all-hearing, all-knowing. (2:256)

The “**powers of evil**” denote anything that is worshipped instead of God and all that may turn man away from God and lead him to evil. On the strength of the above prohibition of coercion in anything related to faith or religion, all Islamic jurists hold that forcible conversion is null and void. Any attempt at coercing a non-believer to accept Islam's faith is a grievous sin. This unanimous verdict disposes of the widespread fallacy that Islam places before

unbelievers the alternative of “conversion or the sword.” The imposition of religion through government or by force is inherently un-Islamic and against freedom of religion.

FAITH ONLY THROUGH GOD’S BLESSING

And [thus it is] had thy Sustainer so willed, all those who live on earth would surely have attained to faith, all of them. Do you, then, think you could compel people to believe, notwithstanding that no human being can attain faith except by God’s leave? It is He who lays the loathsome evil [of disbelief] upon those who will not use reason? (10:99-100)

The Quran repeatedly stresses the fact that “*had He so willed, He would have guided you all aright*” (6:149). The implication is that He has willed it otherwise—He has given man the freedom to choose between right and wrong, raising him to be a moral being. Disbelief is a result of a person’s a priori unwillingness to use reason to understand God’s messages. They may be directly expressed through the revelations granted to His prophets or in the observable phenomena of His creation that can be perceived by man.

YOU CANNOT COMPEL THEM TO BELIEVE

We are fully aware of what they [who deny resurrection] say, and thou cannot force them [to believe in it]. As a result, remind, through this Quran, all those who fear My warning. (50:45) And so, [O Prophet] exhort them; your task is only to urge: you cannot compel them [to believe]. However, as for him who turns away, bent on denying the truth, God will cause him to suffer tremendous suffering [in the life to come]. Their return will be to Us, and We will call them to account. (88:21-26)

LEAVE THEM ALONE IN THEIR IGNORANCE

Make a due allowance for man's nature, and enjoin the doing of what is right, and leave alone all those who choose to remain ignorant. And if Satan prompts you [to blind anger], seek refuge in God: He is all-hearing, all-knowing. They who are conscious of God bethink themselves [of Him] whenever any dark suggestion from Satan touches them—whereupon Lo! They begin to see [things] clearly, even though their [godless] brethren would [like to] draw them into error: and then they cannot fail [to do what is right]. (7:199-202)

The believer is admonished to make allowance for human nature and not to be too harsh with those who err. Make things easy for them without causing them undue hardship, and do not demand efforts that may be too difficult for them. This admonition is even more remarkable as it follows immediately upon a discourse on the most unforgivable of all sins—the ascribing of divine powers or qualities to anyone or anything but God. Seek refuge in God if what angers you is the rejection of the truth by those who remain ignorant. The words "blind anger" inserted between brackets are based on a tradition according to which the Prophet, after the revelation of the preceding verse calling for forbearance, exclaimed, "And what about justified anger, O my Sustainer?" After which the above verse was revealed to him. "Their brethren" are those who willfully remain ignorant of the truth by provoking anger or engaging the God-conscious in a futile argument.

FORGIVE MEN'S SHORTCOMINGS

And [remember] We have not created the heaven and the earth and all that is between them without [an inner] truth, but the Hour [when this becomes clear to all] is indeed yet to come. Hence,

forgive [men's failings] with fair forbearance: thy Sustainer is the all-knowing Creator of all things! (15:85-86)

He has created all human beings with full knowledge of their natural differentiation and disparity in conditions. This includes their failings and errors (see 7:199).

GENUINE FAITH OUTCOME OF FREE CHOICE

These are messages of the divine writ, clear in itself, and showing the truth! Would you, perhaps, torment yourself to death [with grief] because they [who live around you] refuse to believe [in it]? Had We so willed, We could have sent down to them a message from the skies so that their necks would [be forced to] bow down before it in humility. [But We have not willed it] and so, whenever there comes to them any fresh reminder from the Most Gracious, they [who are blind of heart] always turn their backs upon it. Thus, indeed, have they given the lie [to this message as well]. But [in time] they will understand what they were wont to deride! Have they, then, never considered the earth—how much of every noble kind [of life] We have caused to grow thereon? In this, there is a message [to men], even though most of them will not believe [in it]. But thy sustainer-He alone is almighty, a dispenser of grace! (26:2-9)

The spiritual value of man's faith depends on its being an outcome of free choice and not of compulsion. The visible or audible appearance of a "message from the skies" would, by its very obviousness, nullify the element of free choice and, therefore, deprive man's faith in that message of all its moral significance. The above verses illustrate the statement that rejection of God's messages is a recurrent phenomenon in humanity's history. This is even though His existence is clearly manifested in all living creation.

MIRACLES UNDERMINE FREE WILL AND FAITH

If it distresses you that those who deny the truth turn their backs on you, why not go down deep into the earth or ascend a ladder to heaven? This will enable you to convey a [yet more convincing] message? [Do so] but [remember] had God so willed, He would indeed have gathered them all for guidance. Therefore, do not ignore [God's ways]. Only they who listen [with their hearts] can respond to a call. As for the dead [of heart], God [alone] can raise them from the dead, whereupon unto Him, they shall return. (6:35-36)

GOD'S JUDGMENT ON SINFUL COMMUNITIES

And then, when they [clearly] witnessed Our punishment, they said: "We have come to believe in the one God, and we have renounced all beliefs to ascribe a share in His divinity!" But their attaining to faith after witnessing Our punishment could not benefit them. Such has always been God's way for His creatures and lost were they who denied the truth. (40:84-85)

The two examples above, "Miracles Undermine Freewill and Faith" and "God's Judgment on Sinful Communities," illustrate the relationship between free will and faith. Even after continuous preaching, the Meccans rejected Muhammad's message. It is said that the Prophet was deeply distressed by the hostility his word aroused among the pagan Meccans. He suffered agonies of apprehension regarding their spiritual fate. Sometimes, he wished God sent a clear sign that would give them no alternative but to accept his message. If this mission had been performed by miracles, God would have done so. However, faith acquired under compulsion is no faith at all.

God punishes whenever communities persistently do wrong for a long time. God does not allow them to sin with impunity in this world. When their society collapsed, they claimed to renounce God's divinity. However, this belated faith could not contribute to their spiritual growth, as it was not an outcome of free choice but rather forced on them by the shock of an irreversible calamity. The “way of God” or *Sunnat Allah*, in this case, is that faith has no spiritual value unless it arises out of genuine, inner enlightenment.

DO NOT IGNORE ANYONE WHO BELIEVES IN GOD

And contain yourself in patience by the side of all who in the morning and evening invoke their Sustainer, seeking His countenance. Let not your eyes wander beyond them in the quest for this world's beauties. Pay no heed to any whose heart We have rendered heedless of remembrance of Us. Because he always pursued [only] his own desires, abandoning all that is good and true. (18:28) Therefore, do not repel those who at dawn and evening invoke their Sustainer, seeking His countenance. You are not accountable for them, just as they are in no way responsible for you. You have, therefore, no right to repulse them: for then, you would be among the evildoers. For it is in this way that We try men through one another—to the end that they might ask, “Has God, then, bestowed His favor upon those (poor believers) in preference to us?” Does not God know best who is grateful [to Him]? (6:52-53)

Traditions say some pagan chieftains in Mecca expressed their willingness to accept Islam. However, they demanded that the Prophet dissociate himself from former slaves and other "lowly" members among his followers—a demand that the Prophet rejected. The verse states that you (Muhammad) must deal patiently with those who call on their Lord morning and evening and let your eyes

not overlook them, desiring the pomp and glitter of the world represented by Mecca chieftains. Do not favor nobility and wealth over downtrodden and weak followers.

Although primarily addressed to the Prophet, the exhortation voiced in this passage is directed at all Quran followers. They are enjoined not to repel anyone, whether Muslim or not if they believe in God. They always seek His grace and acceptance. Even if their beliefs do not adequately answer the Quran's demands, try to help them by explaining the Quranic teachings. They all are accountable to God alone for their beliefs or actions that may or may not coincide with the Quran's teachings. "We try men through one another." The trial referred to consists of the unwillingness of people of other faiths to accept the claim of Quranic validity and renounce the prejudice against Islam to which their cultural and historical environment has made them predisposed, whether consciously or subconsciously. "Has God, then, bestowed His favor upon those (poor believers) in preference to us?" This is an allusion to the sarcastic incredulity of the Mecca aristocracy and of many non-Muslims who look down upon the poor followers of the Prophet.

CHAPTER 6

RELIGIOUS PLURALISM AND MINORITY RIGHTS

PLURALISM, TOLERANCE AND EXCLUSIVISM

Tolerance means the absence of persecution. The term “religious tolerance” is implicit disapproval that religious minorities are merely “tolerated” by the majority.

Religious pluralism refers to the belief in multiple religious worldviews and lends credence to competing truths and diverse beliefs regarding God and salvation. More than mere tolerance, religious pluralism accepts various paths to God. Religious pluralism embodies:

- 1 Active engagement and building of social interactions across the religious divide to promote understanding between various religious groups. Tolerance allows people to stay in their own bubble with little interaction.
- 2 Actively seeking and understanding practices and beliefs from other religious traditions.
- 3 Visit other places of worship
- 4 Call for interreligious and intrareligious dialogue.

It usually contrasts with “**exclusivism**,” the idea that there is only one true religion or way to know God. Religious pluralism is incompatible with biblical teachings since it teaches exclusivism in that there is just one way to know God—through Jesus Christ. Islam is the only major religion that states that other faiths will also attain salvation in the afterlife. (See Volume Seven of this series for more

details.) It is the ultimate example of religious pluralism and equality for all God's religions.

MANY PATHS TO GOD

God, unto whom there are many ways of ascent. (70:3)

The plural used here ("ways") is meant to stress that there are numerous paths that lead to the cognizance of God. The phrase "many ways of ascent" is a metonymical phrase implying that there are many ways by which man can ascend to a comprehension of God's existence and thus to spiritual nearness to Him. It is up to each human being to avail himself of any of the ways leading to Him. This uniqueness of the Quranic message does not preclude earlier faith adherents from attaining God's grace.

The concept of exercising free will instead of God having rules is essential to final judgment. A decent human being can earn salvation even if he isn't a Muslim and hasn't obeyed its laws. This includes daily prayers, Ramadan, dietary restrictions, and the like. The Quran often points out that those who believe in the one God and the Day of Judgment and live righteously "need to have no fear, and neither shall they grieve." Belief in the Day of Judgment represents individual moral responsibility.

DIVERSITY OF RELIGIOUS LAWS AND THE WAY OF LIFE

Had God so willed, He would have guided you all aright. He could surely have made you all one single community. (16:93) (The implication is He willed it otherwise.) ***To everyone, We have appointed a different law and way of life. And if God had so willed, He could surely have made you all one single community: but [He willed it otherwise] to test you by what He has vouchsafed unto you. Vie with one another in doing good works! Unto God, you all must return, and then He will make you truly understand all that***

on which you used to differ. (5:48) Verily, [O you who believe in Me], this community of yours is one single community since I am the Sustainer of you all: worship, then, Me [alone]! (21:92) And, verily, this community of yours is one single community since I am the Sustainer of you all: remain, then, conscious of Me! But they [who claim to follow you] have torn their unity wide asunder, piece by piece, each group delighting in [but] what they possess [by way of tenets]. (23:52)

God could surely have made you all one community bound by mutually agreed-upon moral values, but He did not. Had God so willed, everyone would have been forced to live righteously. However, this would have deprived man of his free will and morality of all its meanings.

The Quran preaches basic, unchanging spiritual truths preached by all God's apostles. The body of laws promulgated through God's prophets and the way of life recommended by them varied with the exigencies of the time. This varied with each community's cultural development. The Quran stresses unity in diversity. The different religious laws imposed on you are designed to test your willingness to surrender yourselves to God and obey Him. They are also designed to enable you to grow spiritually and socially. The Quran impresses all who believe in God, Muslims and non-Muslims alike, that differences in their religious practices should make them "vie with one another in doing good works" rather than be hostile. In the end, God will make you understand why you used to differ.

PROTECTING HOUSES OF WORSHIP

If God had not enabled people to defend themselves against one another, [all] monasteries and churches and synagogues and mosques in [all] God's name is abundantly extolled would surely have been destroyed [before now]. (22:40) Hence, who could be

even more wicked than those who bar God's name from His houses of worship? They strive for their ruin, [even though] they have no right to enter them save in fear [of God]? For them, in this world, there is ignominy in store; and for them, in the life to come awesome suffering. (2:114)

Islam's early history reveals some outstanding examples of religious equality. One of Islam's fundamental principles is that every religion that believes in God as its focal point must be accorded full respect. This is even though how much one disagrees with its tenets. Muslims are under an obligation to honor and protect any house of worship dedicated to God. This is whether it be a church, a mosque, or a synagogue. The Quran condemns any attempt to prevent followers of another faith from worshiping God as heresy.

Based upon the Quranic injunctions of protecting churches, the Prophet entered a covenant with the monks of St. Catherine monastery and Christians in general. He offered religious liberty and protection until the end of time.

PROHIBITION OF DESECRATING TEMPLES AND IDOLS

Do not revile those [beings] whom they invoke instead of God, lest they revile God out of spite, and in ignorance: for, goodly indeed We have made their doings appear unto every community. In time, [however], unto their Sustainer they must return and then He will make them [truly] understand all that they were doing. (6:108)

This prohibition of reviling anything others hold sacred—even in contravention of God's oneness principle—is expressed in the plural and addressed to all believers. The above verse prohibits desecrating idols and temples that house them. While Muslims are expected to argue against others' false beliefs, they are not allowed to abuse the objects of those beliefs and hurt the feelings of their

erring fellow men. It is man's nature to regard the ideas implanted in him from childhood as the only true faith—with the result that a polemic against those beliefs often provokes a hostile psychological reaction.

DESTRUCTION OF BUDDHA STATUE

Before its destruction, the 1,700-year-old Buddha of Bamiyan statue stood more than 150 feet high above a small town at the foot of the Hindu Kush Mountains in central Afghanistan. The Taliban demolished the sacred statue in March 2001, contrary to Quranic teachings. Those men involved in the destruction of Buddha's statue probably had never heard of verse 6:108 above.

PROTECTION OF INFIDELS AND PAGANS

If any of those who ascribe divinity to aught beside God seeks your protection, grant him protection. This is so that he might [be able to] hear the word of God [from you]. Then transport him to a place where he can feel secure. This, because they [may be] people who [sin only because they] do not know [the truth]. (9:6)

“If any of those [unbelievers] . . . seeks to become your neighbor” is a metaphorical expression denoting a demand for protection, based on the ancient Arabian custom of honoring, and protecting a neighbor to the extent of one's ability, a tradition affirmed by Islam. Let him rejoin his homeland “where he can feel secure,” which implies that he is free to accept or not to accept the Quran's message, a further re-affirmation of the Quranic injunction that “*there shall be no coercion in matters of faith*” (2:256).

PROHIBITION OF RELIGIOUS DISCRIMINATION

It is not for you [O Prophet] to make people follow the right path since it is God [alone] who guides whom He wills. And whatever

good you may spend on others is for your good, provided you spend only out of a longing for God's countenance. Whatever good you spend will be repaid unto you in full, and you shall not be wronged. (2:271-272)

Discrimination based on religion is not allowed in Islam, as shown in the verses above. It appears that in the early days after his migration to Medina, the Prophet, confronted with the high poverty prevalent among his community, advised his companions that charity should be bestowed only on Muslims. The revelation of the above verse immediately corrected this view. The Prophet then encouraged his followers to disburse charities to all who needed them, irrespective of their religion.

Many authoritative commentators agree that the above verse of the Quran—although expressed in the singular and addressed to the Prophet—lays down an injunction binding on all Muslims. Charity, or the threat to withhold it, must never attract unbelievers to Islam. An authentic faith must be the result of inner conviction and free choice. It agrees with verse 2:256: “There shall be no coercion in matters of faith.”

SHINING EXAMPLES OF RELIGIOUS PLURALISM

COVENANTS WITH CHRISTIANS

Based upon the Quranic injunctions of protecting churches, the Prophet entered into a covenant with the monks

of St. Catherine monastery and Christians of Najran. He offered religious liberty and protection until the end of time. (For more details, see volume 2)

EQUAL RIGHTS FOR JEWS

Prophet Muhammad offered equal status and complete religious freedom to Jews as part of the Medina Constitution. Rather than simply "tolerance," Islam offers complete equality to religious minorities. The following is an excerpt from the Medina Constitution authored by the Prophet:

“The Jews who attach themselves to our Commonwealth shall be protected from all insults and vexations. They shall have equal rights and access to our assistance and good offices. Jews of various branches and all others domiciled in Yathrib shall form one composite nation. They shall practice their religion as freely as the Muslims. The allies of the Jews shall enjoy the same security and freedom.”

RULE DURING THE CALIPHATES

The practice of religious freedom did not end after the Prophet's death. As a result of conquering the Persian and Byzantine empires during the later caliphate, Muslim rule was more tolerant than Byzantium and Persia. Religious communities were free to practice their faith and worship and governed by their leaders and laws. For these reasons, some Jewish and Christian communities aided and welcomed the invading armies. In Damascus and other towns, natives hoped for better times. It was only under the Arab caliphate that a prosperous Jewish community was established in Jerusalem. Governments and societies also achieved freedom of thought and expression. This led persecuted Jews and even dissident Christians to flee Christendom to Islam.

AL-ANDALUS

In Islamic Spain, known as al-Andalus, from the eighth century through the tenth century, Muslims, Jews, and Christians lived

together in a sophisticated civilization notable for advances in medicine, astronomy, mathematics, agriculture, and architecture. Even Aristotle's lost philosophy was preserved in Cordoba's vast library and debated by cadres of Andalusian scholars. While the Muslim Moors arrived in Spain through military conquest, they governed their Jewish and Christian subjects through inclusive policies. For Islam's stand on religious equality, we have the direct words of the Prophet: "Will you then force men to believe when belief can only come from God?"

SHARIAH DOES NOT APPLY TO NON-MUSLIMS

There shall be no coercion in matters of faith. (2:256) is the foundational verse pertaining to freedom of religion. Islamic laws cannot be applied to non-Muslims because that would be perceived as forcing religion.

ABSENCE OF RELIGIOUS FREEDOM TODAY

Contemporary Muslim societies have forgotten that religious equality was first practiced under early Islam. Today, there are hardly any Muslim nations that have implemented their religion's high ideals.

CHAPTER 7

FREEDOM OF THOUGHT, SPEECH, BLASPHEMY, AND APOSTASY

THE INEVITABILITY OF DIVERGENT VIEWS

Had thy Sustainer so willed, He could surely have made all mankind one single community. But [He willed it otherwise, and so] they continue to hold divergent views— [all of them] save those upon whom thy Sustainer has bestowed His grace. And to this end, He has created them [all]. (11:118-119)

The Quran alludes to the inevitability of disagreement among human beings. In other words, it is God's will that their way to truth should be marked by trial and error. Divergent views include everything, even God's truths. The God-conscious avail themselves of His grace through the God-given ability to recognize His existence and the guidance He offers to mankind through His prophets. The expression “to this end” relates to men’s ability to differ intellectually from one another.

ARGUE GRACIOUSLY WITH NON-MUSLIMS

Call thou [all humanity] unto thy Sustainer’s path with wisdom and goodly exhortation and argue with them in the kindest manner. Thy Sustainer knows best who strays from His way, and who is right-guided. (16:125) Tell My servants to speak kindly [to those who do not share their beliefs]. Satan is always ready to stir up discord between men—for Satan is man’s open foe! (17:53) And do not argue with the followers of earlier revelation otherwise than in the kindest manner. (29:46)

The emphasis on kindness, tact, and the use of reason alone in religious discussions with adherents of other creeds is entirely in tune with the primary injunction regarding freedom of religion.

ENDURE FALSE ARGUMENTS WITH PATIENCE

Hence, if you must respond to an attack [in argument], respond only to the extent of the attack leveled against you. It is far better to bear with patience [since God is with] those who are patient in adversity. Endure, then, with patience [all that deniers of the truth may say]. Always remember that only God gives you the strength to endure adversity. You should not grieve over them and be distressed by the false arguments they devise [against God's messages]. For God is with those who are conscious of Him and are doers of good withal. (16:126-128)

SELF-IMPOSED CENSORSHIP

Although retaliation in arguments is permissible if an opponent impeaches your integrity, the sequence makes it clear that it is morally preferable to renounce it altogether and to bear the unjust attack with patience. The Quran limits freedom of speech on ethical grounds. Believers are admonished to observe self-restraint while arguing with people of another persuasion and never to offend their decency and intellectual integrity. One has the right to respond in kind when attacked personally, but it is morally preferable to bear the unjust attack with patience.

LIMITS TO FREEDOM OF SPEECH

According to the United States constitution, freedom of speech is a fundamental right, but not absolute. According to the US Supreme Court, specific narrow categories of speech are not protected by the First Amendment. The categories of unprotected speech include obscenity, child pornography, defamatory speech, false advertising,

true threats, and fighting words. Deciding what is and is not protected speech is reserved to courts of law. The First Amendment only prevents government restrictions on speech. It does not prevent restrictions on speech imposed by private individuals or businesses. Social media can regulate or restrict speech hosted on their platforms because they are private entities.

APOSTASY

Apostasy is the abandonment of religious faith or previous loyalty.

As for those who come to believe, and then deny the truth, and again come to believe, and still deny the truth, and thereafter grow stubborn in their denial of the truth, God will not forgive them, nor will He guide them in any way. Announce such hypocrites that grievous suffering awaits them. (4:137-138) It is [only to] him who willingly opens his heart to a denial of the truth—upon all such [falls] God’s condemnation. Tremendous suffering awaits them. All this because they hold this world’s life in greater esteem than the life to come. Because God does not bestow His guidance upon people, who deny the truth. Truly, it is they, they who in the life to come shall be loser! (16:106-109)

GOOD WORKS GONE TO WASTE

If any of you should turn away from his faith and die as a denier of the truth. Your works will be nothing in this world and in life to come. These are the ones destined for the fire, to dwell therein. (2:217)

FACES TURNED DARK WITH GRIEF

On the Day [of Judgment] when some faces will be dark [with grief] and [they shall be told]: “Did you deny the truth after

attaining faith? Taste then, this suffering for having denied the truth!” (3:106)

APOSTASY UNDER DURESS

As for anyone who denies God after having once attained faith and this, to be sure, does not apply to one who does it under duress, while his heart remains true to his faith. (16:106)

Apostasy is allowed under duress when believers who, under torture or threat of death, recant to save themselves. Renouncing faith superficially under duress is allowed, although the Quran makes it clear in several places that martyrdom in the cause of faith is highly commendable.

GOD WILL BRING FORTH PEOPLE WHO LOVE HIM

You who have attained faith! If you ever abandon your faith, God will in time, bring forth [in your stead] people whom He loves and who love Him. (5:54) We can replace them with [people] who are better than them, for there is nothing to prevent Us [from doing that]. (70:40-41)

If you ever abandon your faith because of relying on non-Muslims hostile to Islam and taking them for your allies and spiritual mentors, God will bring forth in your stead people who love Him. However, it is not God’s will to replace those who are bent on denying the truth by believers, as such a replacement would not be in accord with His design of multiform human existence, in which faith is always challenged and tested by unbelief and vice versa.

PUNISHMENT FOR APOSTASY IN THE AFTERLIFE

There is not a single Quranic verse prescribing punishment for simple apostasy. The Quran makes no provision for killing apostates. Such laws are against freedom of religion and Quranic

teachings. In the Prophet's traditions, the death penalty is applied only to apostates who also commit murder or treason. This is done by joining their enemies to wage war against Muslims. Apostasy punishment will be only in the afterlife.

BLASPHEMY

Blasphemy, in a religious sense, refers to disrespect through offending words or deeds shown to God or to something holy. The term **heresy** refers to a belief or opinion that contradicts the official orthodoxy (widely accepted beliefs) of a particular religion.

IGNORE THE BLASPHEMERS AND ADMONISH THE SINNERS

Now, whenever you meet people who indulge in [blasphemous] talk about Our messages, turn your backs upon them until they talk of other things. If Satan should ever cause you to forget [yourself], remain not, after recollection, in the company of such evildoing folk, for whom those who are conscious of God are not accountable. Theirs, however, is the duty to admonish [sinners], so that they might become conscious of God. And leave to themselves all those who, beguiled by this world's life, have made play and passing delights of their religion. (6:68-70)

This phrase can be understood in either of two ways: they have made their religion an object of play and fun, or they have made play and fun or passing delight their religion—the main goal of their lives. The latter reading is preferable. It emphasizes that many of those who are beguiled by the life of this world devote themselves to the pursuit of what the Quran describes as “passing delights.” The pleasure that money and power can provide is something akin to religious fervor—an attitude of mind that causes them to lose sight

of all spiritual and moral values. You shall not sit with them until they engage in something other than mocking God's message.

AVOID THE MOCKERS COMPANY

And, indeed, He has enjoined upon you in this divine writ that whenever you hear people deny the truth of God's messages and mock at them, you shall avoid their company until they begin to talk of other things—or else, you will become like them. Together with those who deny the truth, God will gather them in hell. (4:140) You should avoid, therefore, those who turn away from all remembrance of Us and care for no more than the life of this world, which, to them, is the only thing worth knowing. [That is their total or goal of knowledge] Thy Sustainer is fully aware of who has strayed from His path, and fully aware of who follows His guidance. (53:29)

Prophets throughout the ages have been mocked and abused by their contemporaries. Some of the epithets used, as cited in the Quran, are liar, possessed, fabricator, foolish man, etc. The contemporaries of Prophet Muhammad repeatedly perpetrated the same hateful speech, now called blasphemy or abusive language, against the Prophet. He was called an imposter, a mad man, a mad poet, a man bewitched, a sorcerer, a liar, etc., by his pagan contemporaries. Even his wives criticized him so strongly that he remained upset the whole day.

JOB'S WIFE SYMBOLIC PUNISHMENT FOR BLASPHEMY

It was God who pointed out to Satan that "my servant Job" was the most upright and devout man in the world. Satan suggested Job only worshipped God because he had power and riches. On a bet that Job would stay faithful, God let Satan take Job's possessions, kill his children, and afflict him with boils. Job's sufferings tested his faith.

At the time of his seemingly hopeless suffering, Job's wife blamed her husband for persevering in his faith: "Dost thou still retain thine integrity? Curse God and die." Job swore that if God restored him to health, he would punish her for blasphemy with a hundred stripes. But when he recovered, he bitterly regretted his hasty oath. His wife's blasphemy resulted from her love and pity for him. He was told in a revelation that he could symbolically fulfill his vow by striking her once with a bunch of grass containing a hundred blades or more. (See 5:89: "***God will not take you to task for oaths you may have uttered without thought.***")

Nowhere does the Quran prescribe the death penalty for blasphemy. The most effective response, according to the Quran, is the benign neglect of these hate-mongers and Islamophobes in the west, which will deny them notoriety. In Islamic societies, blasphemy punishments range from forgiveness to symbolic punishment (as in Job's wife). Harsh punishments were meant to impress upon sinners the gravity of the crime.

THE CASE OF SALMAN RUSHDIE

In 1989, Ayatollah Khomeini, the former Iranian spiritual leader, condemned Salman Rushdie to death. This was because he published *The Satanic Verses*, a novel in which Rushdie blasphemed Islam. In Paris in 2015, some Muslim vigilantes carried out murders in the offices of a newspaper that printed cartoons of the Prophet Muhammad. This newspaper also ridiculed other religions.

In the Western press, those who seek to defame the Prophet's good name need to count on some foolish Muslims resorting to violence and playing right into the hands of these provocateurs. Such violence makes headlines around the world, generating publicity that sells books and other publications. This results in the overnight

celebrity status of obscure authors, journalists, and politicians. Salman Rushdie, previously an unknown author, became a celebrity in the Western media. This was because of acts of violence committed by some ignorant Muslims and Ayatollah Khomeini condemning Rushdie to death. Otherwise, he probably would have remained an unknown author.

CHAPTER 8

SLANDER AGAINST AISHAH

(INNOCENT UNTIL PROVEN GUILTY)

The Prophet's wife, Aishah, accompanied him on an expedition against Mustaliq tribe in the year AH 5. She was inadvertently left behind when the Muslims struck the camp before dawn. After spending several hours alone, she was found by one of the Prophet's companions. He led her to the next halting-place of the army. This incident gave rise to malicious insinuations of misconduct on Aishah's part, but those rumors were short-lived, and her innocence was established beyond all doubt. The two legal implications arising from this incident are:

An ethical proposition becomes apparent in this case-that the accused is innocent until proven guilty and entitled to the benefit of the doubt. Innocent until proven guilty is one of Islamic Law's core principles.

Once a crime has been expiated by the transgressor, it must be considered atoned for and done with.

INNOCENT UNTIL PROVEN GUILTY

Why do not believing men and women, whenever such [rumor] is heard, think the best of one another and say, "This is an obvious falsehood"? Why do they not [demand of the accusers that they] produce four witnesses to prove their allegation? For, if they do not produce such witnesses, the [perpetrators], in God's sight, are liars indeed! (24:12-13)

"Think the best of one another," as everyone should be treated as innocent unless proven guilty. This general principle requires that

relations in a community should be based on good faith and not suspicion.

CALUMNY AND A FLAGRANT SIN

As for those who accuse believing men and believing women without doing any wrong, they surely burden themselves with the guilt of calumny, [thereby committing] a flagrant sin! (33:58) Woe unto every slanderer, faultfinder! (104:1) And [once again]: Why do you not say, whenever you hear such a [rumor], “It does not behoove us to speak of this? O Thou who art limitless in Thy glory this is an awesome calumny”? God admonishes you [hereby] lest you ever revert to the like of this [sin] if you are [truly] believers, for God makes [His] messages clear unto you—and God is all-knowing, Wise! (24:16-18)

The interjection “O Thou who art limitless in Thy glory” stresses the believer’s moral duty to think of God whenever he is tempted to listen to, or repeat, a calumny, since every such rumor is a calumny, defamation unless its truth is legally established.

THE ATONEMENT OF VICTIM SINS

Numerous among you are those who would falsely accuse others of unchastity: [but, O you who are thus wronged] deem it not a bad thing for you. No, it is good for you! (24:11) [Since God is aware that] these are innocent of all that evil tongues may impute to them, the forgiveness of sins shall be theirs, and most excellent sustenance! (24:26)

There is a silver lining for the person wrongfully accused of slander. This is because, in God's eyes, the unhappiness caused by unjust persecution confers spiritual merit on the afflicted person. This does every undeserved and patiently borne suffering. Forgiveness of sins will be extended to victims of slanderers. The Prophet said:

“Whenever a believer is stricken with any hardship, pain, anxiety, sorrow, harm, or distress—even if it be a thorn that has hurt him—God redeems him some of his failings.” The reference to God’s “forgiveness of sins” is meant to emphasize the natural weakness of man’s nature, which makes him prone to sinning. However good and pure he or she may be (4:28).

PUNISHMENT OF EIGHTY STRIPES

As for those who accuse chaste women [of adultery], and they cannot produce four witnesses [in support of their accusation], flog them with eighty stripes and refuse to accept any testimony—since it is they, they that are truly depraved! Excepting [from this interdict] only those who repent and make amends: for God is much-forgiving, a dispenser of grace. (24:4-5)

The term *muhsanat* literally denotes “women who are fortified against unchastity” by marriage, faith, and self-respect, implying that legally, women must be considered chaste unless conclusive proof to the contrary is produced. This injunction also applies to cases where a woman accuses a man of illicit sexual intercourse and cannot prove her accusation legally. The requirement of four witnesses—instead of the two that Islamic Law regards as sufficient in all other criminal and civil suits—is based on the necessity of preventing slander and off-hand accusations.

As laid down in several authentic sayings of the Prophet, the evidence of the four witnesses must be direct and not circumstantial. They must have witnessed the sexual act and must be able to prove this to the satisfaction of the entire judicial authority. Such complete evidence is difficult, if not impossible, to obtain. The purpose of the above Quranic injunction is to preclude all third-party accusations concerning illicit sexual intercourse. They are excepted who publicly withdraw their charge after suffering the punishment of

flogging—which, being a legal right of the wrongly accused person, cannot be precluded by mere repentance and admission of guilt. However, the victim of the false accusation can forgive the punishment of flogging out of mercy. Grievous distress will befall everyone who maliciously tries to uncover real or imaginary faults in others.

SEVERE SUFFERING HERE AND IN THE HEREAFTER

[As for the slanderers] everyone [will be accounted] what he has earned by sinning. Awesome suffering awaits those who take it upon themselves to promote this [sin]! (24:11)

Awesome suffering awaits those who increase the sin by stressing certain circumstantial details or aspects of the case. This is to make the defamatory, unfounded allegation more believable.

And were it not for God's favor upon you, [O men] and His grace in this world and in the life to come, awesome suffering would indeed have afflicted you as a result of all [the calumny] in which you indulge, when you take it up with your tongues, uttering with your mouths something of which you have no knowledge, and deeming it a light matter whereas in the sight of God it is an awful thing! (24:14-15)

As for those who like [to hear] foul slander spread against [any of] those who have attained faith grievous suffering awaits them in this world [the legal punishment] and in the life to come for God knows [the full truth], whereas you do not. And were it not for God's favor upon you and His grace, and that God is compassionate, a dispenser of grace! (24:19-20)

UNREPENTANT SINNERS

[But] those who [falsely] accuse chaste women, who may have been unthinkingly careless but remained true to their faith. [The accuser] shall be rejected [from God's grace] in this world and in the life to come. Awesome suffering awaits them on the Day when their tongues and hands and feet will bear witness against them by [recalling] all that they did! On that day, God will pay them in full their just due. They will know that God alone is the Ultimate Truth, manifest, and manifesting [the true nature of all that has ever been done]. (24:23-25)

Awesome suffering awaits those who falsely accuse virtuous women who thoughtlessly expose themselves to situations upon which a slanderous construction may be put. The absence of repentance is implied in the condemnation expressed in the sequence since the Quran makes it clear in many places that God always accepts a sinner's sincere repentance. The meaning of "manifesting" relates to God's revelation, on Judgment Day, of the true nature of man's actions. It also relates to the enormity of the sin to which this passage refers.

FORGIVE AND FORBEAR

Hence, [even if they have been wronged by slander], let not those of you who have been graced with God's favor and ease of life ever become remiss in helping [the erring ones among] their nearest of kin, and the needy, and those who have forsaken the domain of evil for the sake of God but let them pardon and forbear. [For] do you not desire God should forgive you for your sins, seeing that God is much-forgiving, a dispenser of grace? (24:22)

This verse refers to Abu Bakr, who swore he would never again help his poor cousin, the *muhajir* Mistah (whom he had supported until then). Mistah had taken part in slandering Abu Bakr's daughter, Aishah and was flogged with eighty stripes for spreading the false rumor. The above verse's ethical meaning is timeless and independent of its historical significance. This view finds additional support in the use of the plural form throughout the above passage. The call to "pardon and forbear" is fully consonant with the Quranic principles of countering evil with good. Abu Bakr, despite his anguish and hurt feelings, immediately responded by exclaiming, "By God, I would love it that God forgives me!" He promptly resumed his help for Mistah again.

The Quran teaches forgiveness and respect for the ties of kinship that God has created. Also, once a crime has been expiated by the transgressor undergoing the ordained legal punishment, it must be considered atoned for and done with.

CHAPTER 9

INDIVIDUAL RIGHTS

IN HIS FAMOUS address on the Farewell Pilgrimage, the Prophet said, “Your lives and property are sacred and inviolable until you appear before the Lord. Nothing should be legitimate to a Muslim, belonging to a fellow Muslim unless he or she gave it freely and willingly.”

THE INVIOLABILITY OF A HOME

You who have attained faith! Do not enter houses other than your own unless you have obtained permission and greeted their inmates. This is [enjoined upon you] for your good so that you might remember [your mutual rights]. Hence, [even] if you find no one within [the house], do not enter it until you are given leave [by the rightful owner]. If you are told to "turn back," turn back. It will be most conducive to your purity, and God has full knowledge of all that you do. [On the other hand], you will incur no sin if you [freely] enter houses not intended for living in but serving a purpose useful to you. But [always remember] God knows all you do openly, and all you conceal. (24:27-29)

"Houses not intended for living" are buildings or premises of a public nature, such as inns, shops, administrative offices, community baths, and the like, as well as ancient ruins. The verses above postulate the inviolability of home and private life. As a result of the prohibition of entering any house without the rightful owner's permission it provides additional protection against slander.

RIGHT TO PRIVACY

You who have attained to faith! At three times [of a day], let [even] those whom you rightfully possess, and those who have not yet attained puberty, [all children] ask leave of you [before intruding upon your privacy]. Before the prayer of daybreak, and whenever you lay aside your garments in the middle of the day, and after the prayer of nightfall: the three occasions on which your nakedness is likely to be bare. Beyond these [times], neither you nor they will incur any sin if they [freely] move about you, attending to [the needs of] one another. In this way, God makes His messages clear: for God is all-knowing and wise! (24:58)

PRIVACY FOR ADOLESCENTS

Yet when the children among you attain puberty, let them always ask for leave of you, just as those [who have reached maturity] before them have been instructed to ask for it. (24:59)

The Quranic principle that the social and the individual, as well as the spiritual and material aspects of human life, form one indivisible whole means that they cannot be dealt with independently of one another. The discourse above elaborates on some rules of healthy social behavior. "Whom you rightfully possess" denotes male and female slaves. Since, however, slavery is envisaged in the Quran as a merely historical phenomenon that must be abolished, the above expression may also be understood as referring to close dependents and domestic servants of either sex.

The phrase "the three occasions on which your nakedness is likely to be revealed" is to be understood both literally and figuratively. It signifies those parts of a mature person's body that cannot be exposed to anyone but a wife or husband or, in case of illness, a

physician. It applies to any situation and circumstance in which a person is entitled to absolute privacy.

DO NOT INTERFERE WITH OTHERS' AFFAIRS

God does not like the open mention of evil unless it is by someone who has been wronged by it. Whether you do good overtly or in secret, or pardon others for evil [done unto you]: for God is indeed an absolver of sins. (4:148-149)

The above statement prohibits the public from mentioning anybody's evil deeds or sayings unless it is by the person who has been wronged. Furthermore, it implies that sinful behavior that affects society may be made public to benefit the community. In some Islamic countries, so-called "moral police" interfere with the affairs of ordinary Muslims. The verses above and the Prophet's sayings make a clear case against such an un-Islamic practice.

GUESSWORK, SPYING, AND BACKBITING

You who have attained faith! Avoid most guesswork [about one another] for some guesswork is [in itself] a sin. Do not spy on one another and speak ill of one another behind your backs. Would you like to eat his dead brother's flesh? No, you would loathe it! And be conscious of God. God accepts repentance, dispenser of grace! (49:12)

Avoid any guesswork that may lead to unfounded suspicion of another person's motives (see 24:19). Do not spy on each other to find weaknesses. This includes reading other people's letters, listening secretly to a private conversation, and peeping into a neighbor's home, among other violations of privacy. The Prophet said, "Do not pry into the affairs of other people, for he who prys into others' secrets, God will pry into his affairs. He whom God follows inquisitively is disgraced by Him in his own house." The

prohibition of spying applies to individuals and the state, with the following exceptions.

SECRECY FOR THE BENEFICIAL END

No good comes, as a rule, out of secret confabulations, except when they are devoted to enjoining charity, equitable dealings, or setting things to rights between people. To him who does this out of a longing for God's goodly acceptance, We shall in time grant a mighty reward. (4:114)

Secret talks aiming at positive, beneficial ends—for instance, peace negotiations between states or communities—are exempted from the disapproval of “secret confabulations.” Premature publicity may sometimes be prejudicial to the achievement of those ends or may hurt the feelings of the people concerned, especially in cases where charity is involved.

AL-KHATTAB AND THE SANCTITY OF HOME

Umar ibn al-Khattab, the second caliph, heard someone singing in a house. He climbed a wall and entered the house to find wine and a woman present. He shouted at the man who lived there and said, “O enemy of God, do you think you will disobey God and God will not expose your secrets?”

The man replied: “Do not make haste, O commander of the faithful. If I committed one sin, you committed three. God has forbidden spying, and you have spied. God has commanded you to enter houses by doors, and you entered them by climbing over the wall. God has commanded that one should avoid entering other people's homes without permission, and you have walked into my house without my permission.” Hearing this reply, Caliph Umar confessed his error and did not take further action against the man (Ref: Abi Bakr Muhammad bin Jafar, Makarim al-Akhlaq).

Imagine the freedom of speech exercised by ordinary people against the powerful rulers of the Islamic Empire extending from Egypt to Asia. No one can have the courage to challenge the petty despotic rulers today in the Islamic world.

It is forbidden not only for individuals but also for the government to spy on the secrets of the people. This is to discover their sins and errors and then seize them for punishment. The Prophet said, “When the ruler searches for the causes of suspicions among the people, he corrupts them.”

CHAPTER 10

SLAVERY AND RACE RELATIONS

SLAVERY WAS PRACTICED universally during the Prophet Muhammad's lifetime and was part of society's socioeconomic fabric. Slavery was accepted as a necessary evil, undermining God's given right to freedom. The institution of slavery is seen in the Quran as a historical phenomenon that must, in time, be abolished. Islam did not outlaw slavery but encouraged its followers to free slaves to pay for various sins. The Quran uses moral and social persuasions to stress the sanctity and merit inherent in freeing slaves. It stipulates as a means of atonement for various transgressions. Slavery slowly disappeared from Arabia, but it took a long time. A sudden slavery abolition would not have been politically and economically feasible. When slavery was abolished in America, it led to the Civil War, with substantial loss of life. However, the evil of slavery was eliminated in a relatively short time.

SLAVES IN PRE-ISLAMIC ARABIA

Three kinds of slaves existed in pre-Islamic Arabia and during the Islamic era as well.

Hereditary slaves who did not know when their ancestors became slaves. Due to Quranic injunctions, hereditary slaves were freed in a few decades.

Freemen who were captured and traded as slaves. Islam strictly prohibits this kind of slavery.

Prisoners of war: Islam allowed prisoners of war to be kept as slaves until the war was over. See Volume Five, *Human Rights for Prisoners of War*.

To set the pace, the Prophet freed sixty-three slaves. He stated on many occasions that, in God's eyes, the unconditional freeing of a human being from bondage is among the most praiseworthy acts a Muslim could perform. The Prophet's gesture generated a movement for slave emancipation and employed inducements, persuasions, religious injunctions, and legal enactments to educate and motivate people to free slaves voluntarily or as an atonement for their sins or by accepting monetary compensation.

*And upon him who slays a believer by mistake, there is the duty of freeing a believing soul from bondage. He must also pay an indemnity to the victim's relatives. (4:92) Thus, the breaking of an oath must be atoned for by feeding ten needy persons with the same food as you give to your own families, by clothing them, or by freeing a human being from bondage. (5:89) **Zihar:** Hence, as for those who separate themselves from their wives by saying, "Thou art as unlawful to me as my mother," and thereafter go back on what they have said, [their atonement] shall be the freeing of a human being from bondage before the couple may touch one another again. (58:3) **Prisoner of war:** It is not fitting for a prophet to keep captives unless he has fought strenuously on earth. You may desire the fleeting gains of this world—but God desires [for you the good of] the life to come, and God is almighty, wise. (8:67) Now when you meet [in war] those who are bent on denying the truth, smite their necks until you overcome them fully, and then tighten their bonds; but thereafter [set them free] either by an act of grace or against ransom, so that the burden of war may be lifted: thus [shall it be]. (47:4)*

PROHIBITION TO ACQUIRE SLAVES (GRADUAL ABOLITION OF SLAVERY)

To bring about an eventual abolition of slavery, the Quran stipulates that only captives taken in a jihad—defined as a defensive war—may be kept as slaves. As in the Quran, an injunction addressed to the Prophet is binding on his followers. The above verse indicates that no person may be taken or retained in captivity unless he was captured as a prisoner in jihad—a just war in defense of faith or freedom.

The acquisition of a slave by peaceful means and the keeping of a slave thus acquired is prohibited. This amounts to the prohibition of slavery as a social institution. Prisoners of war were exchanged for Muslim prisoners of war or freed on ransom payment. The Quran ordains that such captives should be freed after the war is over. Islamic societies gradually eliminated slavery.

HELPING OTHERS AND FREEING SLAVES

Do good to your parents, your nearest kin, orphans, the needy, and the neighbor among your people. This neighbor is a stranger, the friend by your side, wayfarer, and those whom you rightfully possess. (4:36)

“Those whom you rightfully possess” means slaves of either sex. This verse enjoins the “doing of good” toward all people with whom one is in contact. The best that can be done for a slave is to free him. The above passage indirectly calls for slave freeing.

TRUE PIETY AND ABOLISHING SLAVERY

True piety does not consist in turning your face towards the east or the west. Truly pious is he who believes in God, the Last Day, the angels, revelation, and the prophets. And he spends his

substance— however, much he may cherish it—upon his near of kin, orphans, needy, wayfarer, beggars, and for the freeing of human beings from bondage. (2:177)

The freeing of human beings from bondage applies to both captive ransoming and slave freeing. By including this in the acts of piety, the Quran implies that freeing people from bondage—the abolition of slavery—is one of Islam's social objectives.

USE OF ZAKAH FUND TO FREE SLAVES

The offerings given for God are [meant] only for the poor, needy, freeing human beings from slavery, and [for] those overburdened with debts. (9:60)

Freeing human beings from slavery is specifically mentioned as one of the objectives of zakah funds.

FREEDOM FOR THE SLAVES (MANUMISSION)

And if any of those whom you rightfully possess [male or female slaves] desire [to obtain] a deed of freedom, write it out for them if you know any good in them: and give them [their share] of God's wealth He has given you. (24:33)

A deed of freedom is “mutual agreement in writing,” a juridical term also known as manumission. It is an agreement between a slave and his or her owner. The slave owner should share his wealth with the slave in an equitable manner, payable before the manumission.

“Write it out for them” means that the owner cannot refuse the manumission deed, the only condition being the slave’s honorable character. It indicates that Islamic Law has, from its beginning, targeted slavery abolition as a social institution. Its prohibition in modern times constitutes the final implementation of that aim.

EQUAL TREATMENT OF SLAVES

On some of you God has bestowed more abundant means of sustenance than on others. Yet, they who are more abundantly favored tend to be unwilling to share their sustenance with those whom their right hands possess. This is so that they [all] are equal in this respect. Will they, then, deny God's blessings in this way? (16:71)

The expression “those who their right hands possess” may refer either to slaves taken captive in a war in God’s cause or to all who are dependent on others for their livelihood, becoming the owner’s responsibility. Islam demands equal footing with dependents regarding life necessities. The Prophet said, “They are your brethren, these dependents of yours whom God has placed under your authority. Hence, whoever has his brother under his authority shall give him to eat what he eats himself and clothe him with what he clothes himself. And do not burden them with anything beyond their strength; but if you must burden them, help them yourselves.” However, men often fail to live up to this consciousness of moral responsibility, and these failures amount to a denial of God’s blessings and His unceasing care for all His creatures.

PROHIBITION OF ACQUIRING CONCUBINES

As for those of you who, owing to circumstances, are not able to marry free believing women [let them marry] believing maidens from among those whom you rightfully possess. (4:25) Do not, to gain some of the fleeting pleasures of this worldly life, coerce your [slave] maidens into whoredom if they desire marriage. And if anyone coerces them, after they have been compelled [to submit to their helplessness], God will be much-forgiving, a dispenser of grace! (24:33)

The term maidens here denote slave girls. Do not force slave girls into whoredom if they desire chastity protection through marriage. The above verse reiterates the prohibition of concubinage by explicitly describing it as “whoredom.” The Prophet said, “A person will have a double reward if as a master of a woman slave, he teaches her good manners, educates her in the best possible way and manumits her and then marries her.”

LAWFUL TO MARRY A SLAVE

Prophet! We have made lawful to you your wives whom you have paid their dowers. In addition, we have made lawful those whom your right hand has come to possess from among the captives of war whom God has bestowed upon you. (33:50)

Islam prohibits sexual relations between a man and a woman unless they are married to one another. Nowhere in the Quran is it mentioned that a slave owner can have sex with a slave girl without marrying her. Islam does not countenance concubinage, and the same is true if a woman is a slave owner and a male is her slave. In this respect, the only difference between a “free” woman and a slave is that whereas the former must receive a dower from her husband, no such obligation is imposed on a man who marries his slave (literally, “one whom his right hand possesses”), that is a woman taken captive in a just war waged in defense of faith or liberty (jihad). In such a case, the freedom conferred upon the bride by the act of marriage is considered equivalent to a dower.

RACE RELATIONS

BAN ON RACISM, TRIBALISM, AND NATIONALISM

O men! We have created you all from a male and a female. We have divided you into nations and tribes so that you might know one another. The noblest of you in God’s sight is the one who is

most deeply conscious of Him. The Bedouins say, “We have attained to faith.” Say [unto them, O Muhammad]: “You have not [yet] attained to faith; you should [rather] say, ‘We have [outwardly] surrendered’—for [true] faith has not yet entered your hearts.” (49:13-15)

This is an allusion to the intense tribalism of the Bedouins and their pride of descent. Although this relates primarily to the Bedouin contemporaries of the Prophet, its import is general and timeless. The above verses condemn all tribal preferences and prejudices and call for their abandonment as a prerequisite of true faith.

Mankind is created by a male and a female, implying that this equality of biological origin is reflected in the equality of human dignity. All belong to one human family, without superiority of one over another. Man’s development into nations and tribes is meant to foster rather than diminish the mutual desire to understand and appreciate the universal oneness underlying their outward differences. The Quran condemns implicitly, and the Prophet condemns explicitly all racial, national, or tribal prejudices.

RACISM AND THE PROPHET’S SAYINGS

The Prophet condemned racism in the following sayings:

“He is not of us who proclaims the cause of tribal partisanship, and he is not

of us who fights in the cause of tribal partisanship, and he is not of us who dies in the cause of tribal partisanship.” When he was asked to explain the meaning of “tribal partisanship,” the Prophet answered, “It means helping your people in an unjust cause.” Speaking of people’s boasting of their national or tribal past, the Prophet said, “God has removed from you the arrogance of pagan

ignorance with its boast of ancestral glories. Man is a God-conscious believer or an unfortunate sinner.”

“All people are children of Adam, and Adam was created out of dust.” On the Farewell Pilgrimage, the Prophet addressed the people and said, “No Arab has any superiority over a non-Arab, and no non-Arab has any superiority over an Arab. No white man has superiority over a black man, and no black man has superiority over a white man, except based on piety.”

“God will not ask about your lineage on the Day of Resurrection. The most honorable in God’s sight is the most virtuous,” the Prophet said.

One of the major problems of Western civilization, Judaism and Hinduism is racism. Some Jews regard themselves as the “chosen people” because of their Abrahamic lineage. Even some misguided Arabs think they are superior because of their lineage from the Prophet Muhammad. Hindus also practice class distinction, where Brahmins are held superior, and Shudras, Dalits and Muslims are regarded as inferior and unclean.

Islam stresses racial equality, and racial discrimination is a sin. The ultimate test of this is the willingness to intermarry. Prophets have deliberately intermarried to demonstrate to humanity the unequivocal character of this ideal. Abraham’s second wife, Hagar, was a black African. The wife of Moses was of Arab descent. The Prophet himself was probably of the same skin color as Jesus—a sun-tanned white—, but he married a black African woman. Today, his followers are drawn from all colors—black men from Africa, brown men from Malaysia, yellow men from China, and white men from Turkey. The significant advances Islam has made in color-conscious Asia and Africa today are related to the explicit way racial equality is embedded in its teachings. It is no wonder that

Islam is the second-largest religion today. In racially divided societies, interfaith or inter-racial marriages are not allowed. Marriages between Jews and “German-blooded” people were banned in Nazi Germany under the Nuremberg laws. Israel does not recognize inter-faith marriages.

CRIMINAL LAWS

CHAPTER 11

THE CONCEPT OF PUNISHMENT UNDER ISLAMIC LAW

INNOCENT UNTIL PROVEN GUILTY

The principle of evidence is that a plaintiff or accuser bears the burden of proof. The benefit of the doubt is given to the suspect under Islamic Law, “See chapter “Slander against Aishah.” Sharia law has a high burden of proof. This means that punishment should be avoided if any suspicion or doubt arises, as it is considered preferable to err in granting a pardon than to err in inflicting punishment. Therefore, for any offence that cannot be proved beyond a reasonable doubt, the court should find in favor of the defendant. This equates to the established legal maxim ‘presumption of innocence’ which is generally regarded as a key element of the right to a fair trial.

ERR ON THE SIDE OF NON-PUNISHMENT

The Prophet said, “Avoid punishment wherever you find scope for it. Try to avoid punishing Muslims wherever possible, and if there is a way for an accused to escape punishment, let him off. An error in judgment in letting off an accused is better than punishing him.”

LAW OF EQUIVALENCE

If tyranny afflicts them, they defend themselves. But [remember that an attempt at] requitting evil may, too, become evil: hence, whoever pardons [his foe] and makes peace, his reward rests with God— for, verily, He does not love evildoers. (42:39-40)

In principle, all crimes must be punished, but the punishment must not exceed the severity of the crime, which is the principle of

equivalence. The successful struggle against tyranny often degenerates into a similarly tyrannical attitude toward the former oppressors—hence, the absolute prohibition of “stepping beyond what is right” when defending oneself. This is the principle of justice designed to deter criminals from committing crimes.

VICTIM’S FORGIVENESS

A victim is empowered under Islamic Law to forgive the perpetrator of the crime and thereby atone for some of his past sins. The victim’s forgiveness is the final decision. If the victim refuses to forgive, then the court will decide the punishment.

FORGIVENESS IS PREFERRED OVER RETRIBUTION

We have ordained for them in that [Torah]: A life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and [similar] retribution for wounds. But he who forgoes it out of charity will atone for some of his past sins. And they who do not judge by what God has revealed—they are the evildoers! (5:45)

To encourage reformation, the law of mercy gives courts the power to lighten punishments for crimes. See Exodus 21:23 ff, where details of extremely harsh penalties under the Mosaic Law are given. The Pentateuch does not call for forgiveness. This call is brought out with excellent clarity not only in the Quran but also in Jesus’ teachings, especially in the Sermon on the Mount.

FLEXIBILITY IN PUNISHMENT

Contrary to popular belief, Islamic law is generally flexible in accommodating particular situations. Just as many Islamic doctrines are flexible and broad in scope, punishment for crimes is also varied based on the intent behind the crime. As the judge has

wide latitude, he or she can impose a punishment that fits the crime at hand. Murder sentences can range from monetary compensation for the victim's family to the death penalty. For stealing, punishment ranges from forgiveness to hand amputation. During the reign of the second caliph, hand amputation was abandoned because of a famine that afflicted Arabia. Starving people would steal out of necessity.

HUMANS CANNOT REPLICATE DIVINE PUNISHMENT

While traveling with his companions, the Prophet came across a pile of burned ants. He asked who burned them. His companions replied that they did. The Prophet said, "He should not punish with fire except by the Lord of fire." In the story of Sodom and Gomorrah, the divine punishment of brimstone and fire led to the destruction of both towns. In the afterlife, hardened criminals will be punished in hellfire. No human being in this life should be killed by fire, as forbidden by the Prophet.

SYMBOLIC PUNISHMENTS

The Quran prescribes severe punishment for heinous crimes. Many of these penalties, especially for crimes of passion, are symbolic to make a point about the severity of these crimes. They are not meant to be routinely applied. All crimes related to illicit sex require four eyewitnesses of the actual act, which makes it almost impossible to prove in a court of law. The rest of the crimes under Islamic Law require only two eyewitnesses to prove the case. See the previous chapter on blasphemy, where Job's wife received symbolic punishment for blasphemy.

UNDERAGE CRIMES

Sharia law also requires that a person cannot be accused of an offence if they are under the age of criminal responsibility known

as bulugh. Although the Quran does not specify what this age is, Islamic jurists interpret it to mean ‘age of physical puberty’ or ‘age of majority’. Prophet Muhammad would allow sixteen-year-old and older boys to participate in battles. By age 16, most boys have stopped growing, but their muscles will continue to develop.

ATONEMENT AFTER TRANSGRESSOR PUNISHMENT

It is a fundamental principle of Islamic Law derived from the Prophet’s traditions; once a crime has been expiated by the transgressor undergoing the ordained legal punishment, it must be regarded as atoned for and done with. Read the story of Muhajir Mistah, the cousin of Abu Bakr, who spread false rumors against Aishah, the wife of the Prophet and daughter of Abu Bakr (see chapter “Slander against Aishah”).

CHAPTER 12

OATH AND BEARING WITNESS

PLEDGE TO GOD

Be true to your bond with God whenever you bind yourselves by a pledge. Do not break [your] oaths after [freely] confirming them and calling upon God to witness your good faith: God knows all that you do. Hence, be not like her who breaks and completely untwists the yarn she [herself] has spun and made strong—[be not like this by] using your oaths as a means of deceiving one another, simply because some of you may be more powerful than others. (16:91-92)

The clause "whenever you bind yourselves by a pledge" represents a promise to God from man to man. Do not break an oath you have uttered consciously and freely. Breaking an oath is like unraveling the yarn made strong by your pledge. The exception to this rule is an oath uttered without thought or promises made of fear. This is because people are more powerful than you.

WHEN BREAKING AN OATH IS ALLOWED

Do not allow your oaths in God's name to become an obstacle to virtue and God-consciousness and to the promotion of peace among men: for God is all-hearing, all-knowing. God will not take you to task for oaths which you may have uttered without thought but will take you to task [only] for what your hearts have conceived [in earnest]: for God is much-forgiving, forbearing. (2:224-225)

This injunction refers primarily to oaths relating to divorce but is general in its import. There are several authentic traditions related

to the Prophet Muhammad: “If anyone takes a solemn oath (that he would do or refrain from doing such and such a thing) and realizes that something else would be a more righteous course, then let him do that which is more righteous, and let him break his oath and atone for it.”

ATONEMENT FOR OATHS WITHOUT THOUGHT

God will not punish you for oaths you may have uttered without thought. However, He will take you to task for the oaths you have sworn in earnestly. Thus, the breaking of an oath must be atoned for by feeding ten needy persons with more or less the same food as you want to give to your own families, or by clothing them, or by freeing a human being from bondage. He who lacks the means shall fast for three days [instead]. This shall be the atonement for your oaths whenever you swear [and broken them]. But be mindful of your oaths! [Do not make them lightly] Thus God makes clear His messages so that you might have cause to be grateful. (5:89)

This refers to oaths aimed at denying oneself something that the Law of Islam does not prohibit, such as good things in life. It also refers to all oaths taken without premeditation, such as those uttered under anger. The possibility of atonement relates only to “oaths . . . uttered without thought” and not to intentional oaths affecting other persons, which a believer is bound to observe faithfully to the best of his ability.

PUNISHMENT FOR BREAKING OATHS

Do not use your oaths to deceive one another—or else [your] foot will slip after being firm. Then you will have to taste the evil [consequences] of having turned away from the path of God, with tremendous suffering awaiting you [in the life to come]. Hence,

do not barter away your bond with God for a small gain! That which is with God is the best for you if you but knew it. All that is with you is bound to come to an end, whereas that is with God is everlasting. (16:94-96)

If you break your pledge after attaining faith, you will offend God, or your foot will slip after being firm. You will taste evil in the hereafter and in this world, as breaking promises leads to the gradual disappearance of mutual trust and to the decomposition of the social fabric.

BEARING WITNESS

[Know that true servants of God are only] those who never bear witness to falsehood. (25:72) And who are faithful to their trusts and pledges, who stand firm whenever they bear witness. (70:32-33)

FALSE TESTIMONY BASED ON HATRED

You who have attained faith! Be ever steadfast in your devotion to God, bearing witness to the truth in all equity. Never let hatred of anyone lead you into sin of deviating from justice. Be just and this is closest to God-consciousness. And remain conscious of God, who knows all that you do. (5:8)

BEAR WITNESS TO THE TRUTH

You who have attained faith! Be ever steadfast in upholding equity, bearing witness to the truth for God, even though it may be against yourselves or your parents and kinsfolk. God's claim takes precedence over either of them, whether the person is rich or poor. Do not, then, follow your desires, lest you swerve from justice: for if you distort [the truth], God knows all that you do! (4:135) When you voice an opinion, be just, even though it be

[against] one near of kin. And [always] observe your bond with God. This He enjoins on you so that you might keep it in mind. And [know] that this is the way leading straight to Me. Follow it, then, and follow not other ways, lest they cause you to deviate from His way. [All] this He has enjoined upon you so that you might remain conscious of Him. (6:152-153)

When bearing witness, do not allow the fact that a man is rich enough to prejudice you in his favor or against him. Do not, out of misplaced compassion, favor the poor man at the expense of the truth. True servants of God do not bear false witness (or tell a lie), nor do they knowingly take part in anything that is based on falsehood.

CHAPTER 13

MURDER AND MANSLAUGHTER

Qisas laws were introduced in response to pre-Islamic tribal laws where innocent individuals could be killed for crimes committed by members of their family or tribe. For generations, this resulted in revenge and counter-revenge killings. The objective of just retribution is not revenge but protection and safeguarding for a community. This is so you can live in security, as God wants you to live.

THE LAW OF EQUITY (QISAS) FOR MURDER AND MANSLAUGHTER

You who have attained to faith! Just retribution (qisas) is ordained for you in cases of killing. Free for the free, slave for the slave, and woman for the woman. And if something [of his guilt] is remitted to a guilty person by his brother, this [remission] shall be adhered to with fairness. Restitution to his fellowmen shall be made in a goodly manner. This is a relief from your Sustainer and an act of His grace. And for him who, nonetheless, willfully transgresses the bounds of what is right, grievous suffering awaits him. For, in [the law of] just retribution, O you, who are endowed with insight, there is saving of life for you, so that you might remain conscious of God! (2:178-179)

Just Retribution: The Quran speaks here of killing in general, including premeditated murder and accidental manslaughter. The term *qisas*, occurring at the beginning of the above passage, refers to making a thing equal to another thing. As a result, the punishment should be equally proportionate to the crime. This concept is better described as “**just retribution**” or the law of equity rather than retaliation.

Only the guilty should be punished: The stipulation “**the free for the free, the slave for the slave, the woman for the woman**” cannot be taken in its literal, restrictive sense. This would preclude its application to many cases of homicide. For example, the killing of a free man by a slave, or of a woman by a man, or vice versa. Thus, the above stipulation must be regarded as an example of the mode of expression (*ijaz*) so frequently employed in the Quran and can have but one meaning—namely that “if a free man has committed the crime, the free man must be punished, if a slave has perpetrated the crime . . .” and so forth whatever the status of the guilty person, he or she alone must be punished in a manner appropriate to the crime. What this means is that “**there is saving of life**” for innocent members of the tribe since only the killer should be held responsible.

The phrase “if something [**of his guilt**] is **remitted** to a guilty person by his brother” is the Quranic exhortation to extend forgiveness and practice forbearance. If the culprit is pardoned by his aggrieved brother or the victim’s heirs, they should be compensated fairly. Punishment is in store for those who willingly transgress after the meaning of what constitutes just retribution has been made clear in the above ordinance.

KILLING CHILDREN FOR FEAR OF POVERTY

Do not kill your children for fear of poverty. It is We who shall provide sustenance for you and them. Do not commit any shameful deeds, be they open or secret. Do not take any human being’s life— [the life] which God has declared to be sacred— otherwise than in [the pursuit of] justice. This He has enjoined upon you so that you might use your reason. (6:151)

Killing your children refers to infanticide and abortions dictated by economic considerations. Do not take human life except in the

execution of a legal sentence, in a just war, or in legitimate self-defense.

MURDER

Murder committed with malice aforethought and intent to kill a person (**first-degree**). The murderer must, therefore, have attacked or harmed their victim to end their life or do evil. Planning and premeditation are essential parts of quantifying first-degree murder. This type of crime must be purposeful and planned out rather than occurring in the heat of the moment. Quasi-intentional murder (**second-degree**) is one that doesn't have any premeditation and the killer at the spur of the moment decides to commit murder.

Hence, if anyone has been slain wrongfully, We have empowered the defender of his rights [to exact just retribution] but even so, let him not exceed the bounds of equity in the [retributive] killing. [And as for him who has been slain wrongfully], he is indeed succored [by God]. (17:33) Whoever deliberately slays another believer, his punishment shall be hell, to abide. God will condemn and reject him and prepare awesome suffering. (4:93)

The expression “slain wrongfully” refers only to cases of willful homicide since the concept of *zulm* applies in the Quran exclusively to intentional and never to accidental wrongdoing. The defender of one's rights is usually the heir or the government as the “defender of the rights” of all its citizens. Only the victim's heirs are entitled to impose a capital sentence or if the case warrants it, concede mitigating circumstances and refrain from capital punishment altogether. In the life to come, the victim is blessed by the special grace God bestows on all who have been slain without legal or moral justification. Those who commit murder and get away with it will face tremendous suffering in life to come.

MANSLAUGHTER (3rd degree murder)

Unintentional murder or culpable homicide is the unlawful killing of another person without premeditation or “malice aforethought” (an evil intent before the killing). It is distinguished from murder by the lack of prior intention to kill anyone or create a deadly situation. There are two levels of manslaughter: voluntary manslaughter includes killing in passion or while committing a crime. Involuntary manslaughter occurs when death is caused by a non-felony violation, such as reckless driving.

A **felony**, in many legal systems, is the term for very serious crimes, whereas **misdemeanors** are less serious offenses. Felonies include aggravated assault, arson, burglary, murder, and rape, among other crimes.

It is not conceivable that a believer should slay another believer unless it is by mistake. And upon him who has slain a believer by mistake, there is the duty of freeing a believing soul from bondage. He must also pay an indemnity to the victim's relations unless they forgo it through charity. Now if the slain, while himself a believer, belonged to people at war with you, [the penance shall be confined to] the freeing of a believing soul from bondage. While, if he belonged to people to whom you are bound by a covenant, [it shall consist of] an indemnity to be paid to his relations in addition to the freeing of a believing soul from bondage. And he who does not have the wherewithal shall fast [instead] for two consecutive months. [This is] the atonement ordained by God: and God is indeed all-knowing, wise. (4:92)

The heirs or dependents of the slain victim are entitled to compensation unless they forgo it for charitable purposes. Freeing a believing soul from bondage refers to persons taken captive in a war. If a slain person belongs to an enemy who is waging war with

Muslims, it would not be feasible to pay compensation to the dependents. However, the freeing of a slave is still required. If the victim is a non-Muslim belonging to a community with which Muslims have normal, peaceful relations, the penalty is the same as that imposed for the killing, under similar circumstances, of a fellow believer.

If a guilty person cannot afford to pay the indemnity and purchase the freedom of a slave or cannot find a slave to be set free, he will fast for two consecutive months in the way prescribed for fasting during Ramadan.

CONSEQUENCES IN THE AFTERLIFE FOR THE VICTIM

According to a well-authenticated hadith, if a person dies a violent death not caused by his sinful actions, his previous sins will be forgiven, as he had no time to repent. In cases of unprovoked murder, in addition to the sin of murder, the murderer is burdened with the sins his innocent victim might have committed in the past. Of these sins, the victim is now absolved.

FORGIVENESS IS PREFERRED OVER DEATH

The Quran encourages the victim's family to forgive the perpetrator and seek financial compensation instead of demanding retribution through execution. The provision for paying an indemnity provides a strong incentive for the next of kin to pardon the offender. It is not considered dishonorable to accept blood money. It is a right stipulated in the Quran. It will save another life of a murderer whose life is also sacred. It will allow him a chance to repent and mend his ways. Death penalty is waived for murder for monetary compensation, then the defendant from a wealthy family has a distinct advantage. He can pay and get Scott free. The answer is that convicted murderer should still serve prison time for his crime, and

his life should be spared if the victim's family accept monetary compensation.

The Prophet of God [Muhammad] said that whoever suffers physical injury and pardons the offender, God will elevate him or her a degree higher and erase some of his or her sins. Thus, the death penalty for murder is not the preferred punishment under Sharia law but an exception. Islam's strong emphasis on forgiveness and restitution in qisas cases presents Islamic countries to make fundamental reforms to their criminal justice system and establish a system based not on revenge or retribution but on forgiveness. Any death penalty must be approved by the highest court in the land and the head of the state.

CHAPTER 14

STEALING

Broadly speaking, “theft” is an umbrella term that includes all kinds of criminal offenses. Theft involves three categories of crime: larceny, embezzlement, and false pretenses. **Larceny** is considered one type of stealing under the general category of theft. The term is narrowly defined as the theft of personal property capable of being possessed and carried away. **Embezzlement** is the fraudulent taking of another’s property by someone who is in lawful possession of it. For example, if a banker takes one of his customers’ money. **False pretenses** involve misrepresentation of a fact by a defendant that causes another to hand over the title to property to the defendant. **Robbery** is theft that takes place in the victim’s presence by force. There are many other forms of stealing such as shoplifting, identity theft, theft of intellectual property, theft of services and theft of personal property.

CASE AGAINST HAND CUTTING

The concept of cutting off hands for stealing existed before Islam and was practiced in pre-Islamic Arabia. In Mark 9:43 in the New Testament, Jesus also mentioned cutting off hands: “And if thy hand offends thee, cut it off: it is better for thee to enter into life maimed than having two hands to go to hell, into the fire that never quits.”

THE POVERTY ARGUMENT

Stealing can be a result of severe poverty and the need to survive. One of the fundamental principles of Islamic law is that no duty is imposed on a man without granting him a corresponding right. It is evident from innumerable Quranic ordinances and the Prophet’s injunctions that a society or state must be so constituted that

everyone may enjoy a minimum of material well-being and security. If most people are forced to use up all their energies to find their daily bread, poverty becomes the most dangerous enemy of spiritual progress. It was likely that is what the Prophet had in mind when he uttered the warning words, “Poverty may well turn into a denial of the truth [Kufr].”

A brief glimpse into the Quran’s social justice message.

“Be a community that calls for what is good, urges what is right, and forbids what is wrong” (3:104). It is to free the slave, to feed an orphaned relative or a poor person in distress, and to be one of those believers who urge one another to steadfastness [in doing good] and compassion” (90:13-17). It prescribes as a pillar of Islam the institutionalization of almsgiving for the poor and needy (9:60) and an ethic of charity that affirms and restores the dignity of socially neglected people (2:26)

CALIPH UMAR WAIVED CUTTING HANDS DURING FAMINE

It was in the correct appreciation of this principle that the great Caliph Umar waived the penalty of cutting off hands in a period of famine. This afflicted Arabia during his reign. Since poverty is rampant in the Islamic world, the law of amputating a hand should be waived following Caliph Umar’s example. Most authorities exclude cutting off hands for stealing from the public treasury, food items, and other minor things.

FALSELY ACCUSED

What if the alleged thief is framed or falsely accused? Cutting off the hand of an accused thief who is innocent would be a grave injustice. Two examples are given below.

Joseph's story is a compelling example of why amputating a thief's hand should seldom be applied. When his brother Benjamin was falsely accused of stealing the king's cup (12:70-79), Joseph did not have Benjamin's hand cut off but instead kept him as a prisoner.

The Story of Taamah: A man named Taamah who stole another person's armor and hid it in a Jew's house. The owner of the armor brought the matter before the Prophet and accused Taamah, not the Jew, of the theft. The accused, his relatives, and the whole clan vehemently defended Taamah and laid guilt on the Jew. The Prophet was about to decide against the Jew when the following verses were revealed:

Yet he who does evil or [otherwise] sins against himself, and then prays to God to forgive him, shall find God much-forgiving, a dispenser of grace. He who commits a sin, commits it only to his own hurt and God is indeed all-knowing, wise. But he who is guilty of a fault or a sin and then throws the blame on an innocent person, burdens himself with the guilt of calumny and [yet another] flagrant sin. (4:110-112)

The innocent Jew was acquitted and Taamah was found guilty. Taamah left Medina and openly joined the Meccan pagan revolt against the Prophet. If an ordinary mortal was a judge instead of the Prophet of God, the innocent Jew's hand were cut off. This would have been a gross injustice, inflicting an irreversible penalty on an innocent person.

THE PRINCIPLE OF EQUIVALENCE

The literal cutting off of the hands of a thief stands against the general tenor of the merciful God of the Quran. Punishment must be based on the severity of the crime, the principle of equivalence. Imposing the irreversible punishment of amputating human hands

for lowly material things violates the principle of equivalence. Those familiar with anatomy and physiology know that the human hand is a masterpiece of the Creator. Cutting it off for a paltry thing does not pass a logical test.

STEALING AS A PSYCHIATRIC DISORDER

Kleptomania is a mental health condition where a person feels an uncontrollable urge to steal things. People with this condition might try, unsuccessfully, not to act on the urge, and many feel remorse or guilt for stealing. Experts classify kleptomania as an impulse control disorder. It's often treatable with medications, therapy, or both.

THIEF TO BEGGAR

Cutting off the hand is counterproductive and will only convert a thief into a beggar, who will become a burden on society.

7. DECREPIT JUSTICE SYSTEM

The justice system in many Islamic countries is in shambles. Fair trial rules are rarely followed, especially for poor defendants. Corruption is rampant. Who would expect justice in such circumstances? Only those who cannot lubricate a corrupt justice system will lose their limbs or their lives. Even in the United States, which has supposedly the most comprehensive justice system, many innocent people are found guilty of crimes they never committed. Many black men wrongly convicted of rape served 20-plus years in jail but were found to be innocent when the latest DNA technology first appeared.

8. REPENTANCE AND COMPENSATING VICTIMS

Now as for the man who steals and the woman who steals, cut off the hands of each of them in punishment for what they have

wrought. This is a deterrent ordained by God: for God is almighty, wise. But as for him who repents after committing the wrong, and makes amends, God will accept his repentance. God is much-forgiving, a dispenser of grace. (5:38-39)

There was no established jail system to house convicted thieves long-term. Therefore, punishing choices were limited to repentance and cutting hands. A judge can forgive a thief if he rectifies the offense by compensating the victim of his crime. See above (5:45) where forgiveness is preferred over retribution. As a gesture of mercy, the victim of the crime may forgive the thief. If the thief has already paid the ultimate price of hand amputation for stealing, repentance and forgiveness become meaningless.

9. IF DEATH PENALTY CAN BE WAIVED WHY NOT HANDS AMPUTATION

Consider the case of murder in the Quran (as discussed before), which is a much graver crime than stealing. Verse 4:92 deals with a believer's accidental killing. Capital punishment is not carried out, and only monetary compensation is given to the deceased's family. Verse 2:178 deals with murder when someone is meant to kill. This verse also gives the option of sparing the murderer's life, with compensation to the family of the person killed if they agree to this. Therefore, in Islam, the victims and the families of the victims must fix the quantum of punishment for all crimes committed against them. If compensation can be accepted for murder, it is illogical that a similar punishment cannot be allowed for the much lesser crime of stealing.

10. SYMBOLIC PUNISHMENT

Many punishments under the Islamic Law are largely symbolic and meant to emphasize the seriousness of the crime. The Arabic word

translated as “cut” in 5:38 occurs fourteen other times in the same verb form in the Quran. With two exceptions, all other occurrences mean the nonphysical or metaphorical action of “cutting off a relationship” or “ending.” Also, the Arabic word for “hands” (*aydi*) is often used in the Quran as a metaphor for the expression of power.

A classical Arabic idiom often describes cutting off one’s hands as destroying power. The alternative humane explanation is based upon the figurative meaning of cutting hands that deprive the thief of his resources to compensate the victim. This is a similar concept to sparing the murderer’s life for just compensation.

Whether it is out of necessity or a psychiatric condition, judges should have the latitude to forgive or give probation. The government should help him find a job. For the non-violent theft, monetary compensation for the victim and jailtime for the thief. For violent robberies, life sentences should be imposed and compensation for the victim.

CHAPTER 15

SEXUAL SINS

(Sexual transgression, fornication, adultery, and
homosexuality)

LEWD AND INDECENT BEHAVIOR

As for those of your women who become guilty of immoral conduct, call upon four witnesses who have witnessed their guilt. If these bear witness to it, confine the guilty women to their houses until death takes them away or God opens away [through repentance]. And [thus], punish both guilty parties. If they both repent and mend their ways, leave them alone: for God accepts repentance, dispensers grace. (4:15-16)

MEANING OF FAHISHAH (IMMORAL CONDUCT)

Some commentators attribute the term *fahishah*, here rendered as “immoral conduct,” to adultery or fornication. They believe that this verse has been repealed by 24:2, which lays down the punishment of one hundred stripes for each guilty party. The unwarranted assumption that any Quran passage could abrogate another has no authoritative basis in the Quran or the Prophet’s traditions.

The expression *fahishah* does not connote illicit sexual intercourse. It encompasses anything grossly immodest, unseemly, lewd, indecent, or abominable in word or deed. It is not restricted to sexual transgressions. This expression denotes immoral conduct not necessarily amounting to zina-adultery or fornication. It is noteworthy that in all cases of alleged sexual transgressions or misbehavior, the Quran stipulates the direct evidence of four

witnesses instead of the two required in all other judicial cases as a sine qua non of conviction.

FORNICATION AND ADULTERY

DEFINITION OF ZINA

In most Western languages, adultery is understood as the sexual intercourse of a married man with a woman other than his wife or a married woman with a man other than her husband. Fornication is the sexual intercourse between two unmarried persons. The Quran does not distinguish between adultery and fornication. The term *zina*, as used in the Quran, signifies voluntary sexual intercourse between a man and a woman not married to one another. This is regardless of whether one or both are married to other persons. For simplicity, *zina* is rendered throughout as “adultery” and the person guilty of it as “adulterer” or “adulteress.”

THREE CARDINAL SINS

Never invoke any [imaginary] deity side by side with God, and do not take any other human being's life- which God has willed to be sacred- other than in [the pursuit of] justice, and do not commit adultery. And [know that] he who commits aught thereof will not only meet with a full requital [but] shall have his suffering doubled on Resurrection Day: for on that [Day], he shall abide in ignominy. (25:68-69)

He who commits any of the three of grave sins referred to in this verse will have his suffering doubled on Resurrection Day.

PUNISHMENT FOR FORNICATION AND ADULTERY

Do not commit adultery—for it is an abomination and an evil way. (17:32) A surah [is this] which We have bestowed from on high and laid down in plain terms; messages which are clear [in

themselves], so that you might keep [them] in mind. As for the adulteress (or fornicator) and the adulterer—flog each of them with a hundred stripes and let not compassion for them keep you from [carrying out] this law of God if you [honestly] believe in God and the Last Day and let a group of believers witness their chastisement. [Both are equally guilty:] the adulterer couples with none other than an adulteress—that is, a woman who accords [to her lust] a place side by side with God. And with the adulteress couples none other than an adulterer—that is, a man who accords [to his lust] a place side by side with God: and this is forbidden to believers. (24:1-3)

The special stress on God laying down this *surah* in plain terms relates to the gravity of the injunctions spelled out in the sequence. It implies a solemn warning against any attempt to expand or redefine those injunctions by means of deductions, inferences, or any other considerations unconnected with the plain wording of the Quran.

MUSHRIK AND MUSHRIKAH

The terms *mushrik* for male and *mushrikah* for female normally signify a person who associates imaginary deities or forces with God. This person believes that any created being has a share in His qualities or powers. These terms are used here in the context of *Zina* in the widest metaphorical sense. This signifies one who accords his lust or desires supremacy or place side by side with God. This blasphemes the principles of ethics and morality enjoined by Him.

Some commentators understand the above passage in the sense of an injunction: “The adulterer shall not marry anyone but an adulteress or a *mushrikah*: and as for the adulteress, none shall marry her but an adulterer or a *mushrik*.” This interpretation is objectionable on several counts.

The Quran never condones the marriage of a believer, however severe a sin he or she may have committed, to an unbeliever. This is in the most pejorative sense of this term. Islamic Law says once a crime has been expiated by the transgressor undergoing the ordained legal punishment, it must be considered atoned for and done with. The construction of the above passage is that of a statement of fact and cannot be interpreted as an injunction. It is in this sense that the great commentator Abu Muslim (as quoted by al-Razi) explains the above verse. It stresses the fact that both partners are equally guilty since they commit their sins consciously. This implies that neither of them can be excused for being seduced.

PENALTY OF FLOGGING

The penalty of a hundred stripes should be applied so that its effects are confined to the skin only. It should not reach the flesh beneath it. Flogging that causes deep wounds or bruises is against Islamic law. The Prophet instructed that a whip or cane should be neither too thick and too stiff nor too thin and too soft. Instead, it should be average density. The nature of flogging with stripes is implied in the Quranic word *fajlida*. The word *jald* is derived from *jild*, which means skin. Lexicographers and commentators interpret this to mean that flogging effects should be confined to the skin only. Flogging is a symbolic punishment for the crime of passion. It is not an instrument of torture.

If a guilty person is suffering from a disease or is elderly, it is enough to strike him once with a branch of a hundred twigs. This is to meet the Law's requirements. When a sick man who committed fornication was brought to the Prophet, he commanded, "Take a branch of the palm tree with a hundred twigs and strike him once and for all."

Because of the strict proof necessary to establish the offense of adultery or fornication and the utmost secrecy with which these acts are committed, the penalty of the Law is largely symbolic, as it can hardly be meted out. Punishment should be administered in public to shame the guilty person. The number of people present to witness the punishment has been deliberately left unspecified. This indicates that while the punishment must be publicized, it does not have to be a public spectacle. The above verse abrogates the biblical punishment of stoning to death for adultery and replaces it with flogging.

STONING TO DEATH

The Jews of Medina introduced the biblical punishment of stoning to death to the early Muslims. It was reported that the Jews of Medina came to the Prophet and stated that a man and a woman had committed adultery. The Prophet asked them, “What is the legal punishment for this sin in your book [the Torah]?” They replied, “Our priests have innovated the punishment by blackening the faces of the accused with charcoal and then parading them in public.” Abdullah ibn Salam said, “O Allah’s messenger, tell them to bring the Torah.”

The Torah was brought, and the narrator belonging to the Jews of Medina put his hand over the verse regarding stoning to death for adultery. He started reading what preceded and followed it. At that, ibn Salam said to him, “Lift up your hand!” The biblical verse was under his hand. So, the Prophet ordered them to be stoned to death. The lesson deduced from this tradition is that non-Muslims under Islamic rules should be governed by their respective laws and not by Islam’s laws.

The most important adultery case reported in the Hadith is Maiz bin Malik al-Aslami. He confessed his sin before the holy Prophet, who

turned his face away from him and said, “Go back and pray to God for forgiveness.” Maiz confessed to committing adultery four times before the holy Prophet took any action. Even then, he said, “Had you kept it secret, it would have been better for you.” Then he ordered Maiz to be stoned to death. During the stoning, Maiz tried to escape but failed. Afterward, when the attempted escape was reported to the holy Prophet, he replied, “Why did you not let him go? Had you brought him to me, he might have repented, and God might have accepted his repentance.”

There is not a single verse in the Quran prescribing stoning to death for any sin or crime. On the other hand, there are several instances recorded in hadith literature where the Prophet ordered stoning to death for adultery and one hundred lashes for fornication. This apparent discrepancy between Quranic verses and traditions can be explained by the timing of the *surah Nur*. The Prophet imposed the penalty of stoning to death for adultery before the revelation of the twenty-fourth *surah (Nur)*.

A report by al-Bukhari in his Sahih anthology quotes Abdullah ibn Awala, who was asked about stoning and whether it was done before or after Surah Nur’s revelation. He said that it was perfectly possible that stoning as a punishment for zina was carried out before the Surah 24 revelation.

And as for those of you who, owing to circumstances, are not able to marry free believing women, (let them marry) believing maidens from among those whom you rightfully possess (slave girls). And when they are married, and thereafter become guilty of immoral conduct, they shall be liable to half the penalty to which free married women are liable. (4:25)

Stoning as punishment cannot be halved. Hence, the penalty referred to in the above verse must be flogging. In reviewing all the

traditions regarding adultery, in almost all cases, the guilty parties confessed. The punishment of stoning to death was voluntary. Without a confession, four eyewitnesses are required. During the Farewell Pilgrimage and in his last public address, the Prophet advocated mercy rather than punishment for adultery: “O Men, to you it is a right concerning your women and to your women a right with respect to you. It is your right to insist that they do not fraternize with anyone you do not approve of or commit adultery. But if they do, God has permitted you to isolate them within their homes and chastise them without cruelty.” The Quranic punishment of flogging for fornication and adultery applies to consensual sex outside the marriage, while a harsher penalty should be reserved for rape or incest.

ACCUSING ONE’S WIFE OF ADULTERY

Those who accuse their wives [of adultery], but have no witnesses except themselves, let each of these [accusers] call God four times to witness that he is indeed speaking the truth, and the fifth time, that God’s curse is upon him if he is telling a lie. But [as for the wife, all] chastisement shall be averted from her by her calling God four times to witness that he is indeed stating a lie. The fifth [time], that God’s curse is upon her if he is telling the truth. And were it not for God’s favor upon you, [O man] and His grace, and that God is a wise acceptor of repentance! (24:6-10)

The husband’s accusation is to be considered proven if the wife refuses to take an oath to the contrary and disproved if she solemnly sets her word against his. This oath of condemnation leaves guilt undecided. Both parties are absolved of all legal consequences of adultery except a mandatory divorce. The last sentence above is deliberately left incomplete, leaving it to man to imagine what would have happened to individual lives and society if God had not

ordained all the legal and moral safeguards against possibly false accusations or if He had made proof of adultery dependent on mere circumstantial evidence.

RAPE

Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sexual organ of another person without the consent of the victim, either by force, threats or by taking advantage of an incapacitated victim. The Quran does not address rape. The requirement of four witnesses to prove fornication or adultery applies only in cases of consensual sex outside of the marriage and not rape. It would be impossible to bring the rapist to justice if four witnesses were required as for consensual sex. In rape, all modern physical and medical evidence should be used to prosecute these cases. If rape is proven beyond a reasonable doubt, the rapist should receive a severe sentence. This is because rapists and child molesters seldom change their ways and present a constant danger to society.

HOMOSEXUALITY

Sexual orientation exists on a continuum that ranges from exclusive homosexuality to exclusive heterosexuality and includes various forms of bisexuality. Homosexuality is a persistent pattern of same-sex arousal in a person whose heterosexual arousal is weak or missing. Homosexual men should be differentiated from paedophiles, who are sexually aroused by children.

Numerous theories attempt to define sexual orientation. It is perhaps the result of complex interactions between environmental, cognitive, and biological factors. Genetic or inborn hormonal factors play a significant role in sexuality. Homosexuality controversy is inherent, or a choice continues. Perhaps that is the

reason the Quran declared homosexuality a sin but made no explicit mention of punishment. If, for argument's sake, homosexuality is inborn, why should it be considered a sin? Homosexual or heterosexual feelings are not sin. According to the Quranic doctrine of morality, sex is not a right but a privilege that individuals attain within marriage to have a family and children. Heterosexual sex outside marriage is a cardinal sin, while sex within marriage is a good deed because it may lead to procreation. Marriage in Islam is strictly between a man and a woman. Homosexual behavior is discouraged because if most members within a community have homosexual unions, as in the case of Sodom and Gomorrah, with no prospect of progeny, the community will have no future and eventually be extinct. There is no explicit or implied ruling on homosexual marriage in the Quran.

There is not a single verse in the Quran that prescribes punishment for homosexuality. The supernatural punishment (brimstones and rain of fire) meted out to the people of Lot was in part due to their attempt to rape the angels visiting Lot. According to the Prophet's traditions, humans cannot replicate divine punishment. The government has no authority under Islamic Law to violate the privacy of two consenting adults as long as sexual orientation is not a public spectacle. (See before and when Umar ibn al-Khattab violated the home's sanctity.)

CHAPTER 16

SEX, ALCOHOL AND DRUGS

HOW DOES ISLAM DIFFER FROM SECULAR FREEDOMS

The significant difference between secular and Islamic freedom concepts relates to sex and drugs, including alcohol. Sexual freedom, as understood in secular societies, is part of individual freedom. This is based on the notion that the government has no right to regulate what happens between two consenting adults in the privacy of their homes. Sexual freedom proponents consider it everyone's right to develop and express their unique sexuality. Fornication is a norm, and adultery is tolerated as an aberration and no longer a stigma.

Liberty, by definition, is the right of an individual to act without restraint if the act does not interfere with others' rights. Unprotected consensual sex between two adults not married to each other may have unintended consequences in the form of pregnancy or sexually transmitted diseases. A single mother's pregnancy can result in either abortion or childbirth. Unfortunately, children born to single mothers, especially from poor families, face an uncertain future.

Children brought to life under such circumstances become collateral damage. When children's welfare is adversely affected, sexual freedom becomes false freedom. Adult pleasures and happiness tend to supersede children's rights to live and have a stable family with both parents in their lives.

THE MAGNITUDE OF THE PROBLEM

It is difficult to get accurate statistics from developing secular societies such as India and China. Developed Western countries are

far more reliable in reporting births, abortions and out of wedlock births.

In the **United States** each year, six million women get pregnant. 63 percent of these pregnancies result in live births, 22 percent in abortions, and the remainder in miscarriages.

Miscarriages: About 15 percent of all pregnancies end in miscarriage. Often the fetus is not viable because of a genetic defect. Miscarriage is nature's way of limiting the birth of children with major birth defects.

Abortions: There are approximately 3 million unintended pregnancies each year in the United States, 47 percent are terminated by abortions. About 80 percent of women who have abortions are unmarried. An estimated ten thousand to fifteen thousand abortions are performed each year due to rape and incest.

Out-of-wedlock births: Despite more than one million abortions every year, 40 percent of all children in the United States are born out of wedlock, compared to just 5 percent in 1960. Having children out of wedlock is becoming more of a norm than an exception. African Americans have 70 percent of babies born to single women; in 1965, 26 percent. About one-third of all American children now live in single-parent homes.

OUT-OF-WEDLOCK BIRTHS IN OTHER WESTERN SOCIETIES

Between 1960 and 2000, out-of-wedlock births soared in Canada from 4 percent to 31 percent, in the United Kingdom from 5 percent to 38 percent, and in France from 6 percent to 36 percent.

VIOLATIONS OF CHILDREN'S RIGHTS

Every child has the right to have two parents and a stable and loving family. Many biological fathers walk away from their family responsibilities and act like feckless sperm donors. The link to biology is severed, and children become orphans. Single mothers, grandparents, and other relatives of the mother care for the baby. At least single mothers who lovingly take care of their children take responsibility for their actions by not abandoning their children, as so many fathers do.

ABSENT FATHERS, LOST SONS, AND DAUGHTERS

There is a strong correlation between rising illegitimacy rates and increasing prison populations. Inadequate parenting is one of the strongest predictors of juvenile involvement in crime. The rate of youth incarceration is significantly higher for children raised in single-mother homes. Children from broken households are more likely to experience abuse, behavioral and emotional problems, lower academic achievement, and drug use. Rates of engaging in problem behaviors, such as stealing, drunkenness, and violence, are sharply higher in children from dysfunctional homes than from intact families.

CIRCLE OF MISERY

These often-disadvantaged children cannot compete with children born to two-parent, stable households, resulting in a society of haves and have-nots. Adolescent girls who grow up without a father figure become sexually active earlier and have more sexual partners. Children from non-intact families are three times as likely to have children outside marriage, and thus the circle of misery is repeated with the next generation.

Child abuse is one of the leading causes of infant mortality. Risk factors include poverty and the presence of an adult male other than the father in the home. It may be the mother's boyfriend or a relative who is responsible for the abuse. In the emergency department of any hospital, children victims of physical and sexual abuse are common sights.

SELF-INFLICTED POVERTY

The phenomenon of children born out of wedlock is not just a moral issue, but it also has adverse socioeconomic effects on most single mothers and their children. It is clear from the above statistics that when Western societies were less affluent, illegitimacy rates were lower. This shows that poverty is not the major factor behind the rising trend of single-mother births. The erosion of marriage and the increase in single-mother families are the primary causes of poverty among children and women in the United States. Children raised by never-married mothers are seven times more likely to be poor than children raised in intact families.

THE ROLE OF GOVERNMENT

The government assumes the role of the father as a provider and pays many of the expenses for rearing children in poverty. The US government has established many programs, costing billions of dollars annually, to provide free food, medical care, and other services to these unfortunate children and single mothers. But these children need more than food, shelter, and clothing to grow up mentally and physically healthy. By providing aid to unmarried mothers, the government is indirectly rewarding irresponsible behavior. Some young women continue to have children from different fathers. But if the government withdraws its assistance, poor children will suffer. There is no easy answer to this moral dilemma. The dominant secular and religious establishments have

failed to come up with any solutions. Usually, liberals blame poverty for all the ills, which cannot be supported by the facts, and conservatives rail against a woman's right to abortion. If abortion is outlawed, it will result in even more illegitimate children and misery. Both liberal and conservative politicians are treating symptoms rather than the main cause, which is unprotected sex between two persons not committed emotionally and legally to each other.

CONTEMPT FOR WOMEN

There is a permanent second class of mostly unmarried women with children living in the ghettos. Women are treated as sexual objects for the sake of pleasure but are not granted the dignity of being equal partners in life. It is a moral crime for two people who cannot make a lasting, legal commitment to each other to have a child. This will deprive it of its rights. The greater crime, however, is society's failure to treasure and protect its children.

THE LONG-TERM CONSEQUENCES

The average fertility rate of a European woman has fallen to 1.4 children, with 2.1 children needed to replace the existing population. Today, in many European countries, burials outnumber births. In Russia, two of three pregnancies are terminated before birth. Russian women average 2.5 to 4 abortions each, and Russia's death rate is now 70 percent higher than the birth rate. Alcoholism is a major factor in premature deaths in adult population. By the end of this century, English will be a minority in their own country. More than half of all Japanese women now remain single, and many have abandoned the idea of marrying and having children. Italy's birthrate has been below replacement levels for twenty-five years. Spanish birthrate is the lowest in Europe.

The following is a quote from Patrick Buchanan's book *The Death of the West*: "Today, an aging, dying Christian West is pressing the Third World and the Islamic world to accept contraception, abortion, and sterilization as the West has done. But why should they enter a suicide pact with us when they stand to inherit the earth when we are gone?" Muslims must learn from the West and prevent such moral and social disasters.

POLITICIANS' REACTION

In the long run, any society that does not cherish women and children will eventually crumble. The liberal immigration policies of America have compensated for the decline in population, but their demographics are changing. America is slowly transforming from a white society to a nonwhite one because of Hispanic immigrants. Right-wing politicians are alarmed and want strict control over immigration from their southern neighbors. They have successfully banned or severely curtailed abortion in some states. This will only increase children born out of wedlock and promote back-alley abortions, endangering the lives of women. Women pay the price of either going through an abortion or having a baby and living a life of poverty. Men responsible for impregnating these girls go Scott-free without any legal or monetary consequences. Banning abortions is applying temporary band-aid without addressing the real cause of the problem. Right wing racist politicians and religious leaders will not dare to speak against unprotected premarital sex, a widespread practice, the real cause of the problems. These politicians spew hatred towards an easy target the immigrants. In Europe, the immigrants suffer from double jeopardy, being Muslims and non-white. Instead of taking self-responsibility and abandoning their decadent ways, these right-wing scum bags have decided to scapegoat emigrants and their religion.

SEXUALLY TRANSMITTED DISEASES

The early onset of sex activity and the pattern of multiple sexual partners set the stage for high sexually transmitted disease rates. Half of all young Americans will acquire sexually transmitted diseases by twenty-five. Sexually transmitted diseases (STDs), except AIDS, cause more severe complications in women than in men. The effects of STDs could be devastating for a growing fetus. The long-term complications of STDs include cancer, ectopic pregnancy, other pregnancy-related issues, and the transmission of a serious or fatal infection to the unborn or newborn infant.

DRUG USE BY MOTHERS

Fathers are not always responsible for their children's misery. Some women use alcohol and drugs during pregnancy, causing irreparable brain damage to the fetuses without legal consequences.

ISLAMIC REFORMS

In pre-Islamic Arabia, sex outside marriage was normal, just like today in most secular societies. In some parts of Arabia, a matrilineal social system was prevalent, and the matriarch was the family head. Some women only have one husband at a time. In some cases, a woman seems to have had more than one husband simultaneously. It was not essential or sometimes impossible to know who a child's father was; it was sufficient to identify the mother. Such a system deprived children of their birthright to know their paternity and absolved the biological father of the responsibility for providing for his children.

In pre-Islamic Arabia, a man could marry unlimited wives. His relations with women were casual. Beyond the first wife or two, they barely approached marriage at all. Protecting children and their lineage is one of the objectives of Islamic law. Revolutionary

Islamic reforms ushered in the transition from adult pleasure-oriented to child-centered society.

1. The Quran forbids female infanticide.
2. Islam sanctified marriage by making it the sole locus of sexual acts. There is no alternative to well-adjusted marriages, which provide social stability for mothers and a place to raise children in an ideal environment.
3. Islam is perhaps the only major religion that declares premarital sex a punishable offence.
4. When a woman is divorced or widowed, she must wait three months before remarrying to ensure there is no doubt about a child's paternity.
5. The Prophet said, "The woman who brings a child into a family that does not belong to it has no relation to God, and God will not admit her to paradise." Similarly, "the man who denies the fatherhood of his child will never see God on Judgment Day, and God will put him to disgrace in front of all mankind."

CHAPTER 17

INTOXICANTS, GAMBLING, AND FORETELLING THE FUTURE

Alcohol is a central nervous system depressant and is classified as Schedule II drugs. (Schedule II drugs have “high abuse potential with severe dependence liability.”) An estimated 22 million Americans abuse drugs, alcohol, or both.

[We grant you nourishment] from date-palms and vines. From it, you get intoxicants and wholesome sustenance. In this, there is a message indeed for people who use their reason! (16:67)

Although this *surah* was revealed about ten years before the Quranic prohibition of intoxicants mentioned in 5:90-91, there is no doubt that their moral condemnation is already implied in the verses above. Wine or, generically, intoxicants are contrasted here with wholesome sustenance, describing both alcohol’s positive and negative properties and effects. Intoxicants obscure the intellect. The prohibition on intoxicants laid down in these verses includes not only alcoholic drinks but also drugs, which have a similar effect.

PROHIBITION OF PRAYERS UNDER THE INFLUENCE

Ali ibn Abi Talib narrated that an Ansari man invited him and ‘Abdur Rahman ibn ‘Awf and offered them wine before alcohol prohibition was revealed. He led them in the Maghrib prayer, and recited Al-Kafirun (109), but he was confused. Then the following verse was revealed to the Prophet:

O YOU who have attained faith! Do not pray while you are in a state of drunkenness, (but wait) until you know what you are saying. (4:43)

Those who believe Imam Ali was infallible will be offended by the above hadith. However, according to the Quran, Prophet David was guilty of accessory to murder, Prophet Moses was guilty of manslaughter, Prophet Jonah defied God and abandoned his mission. Imam Ali was certainly not a prophet and, thus a fallible human being. Only God is infallible, period.

As regards the prohibition of praying “while in a state of drunkenness”, some commentators assume this ordinance represented the first stage of the total prohibition of intoxicants and has been, consequently, “abrogated” by the promulgation of the law of absolute abstinence from all intoxicants (5:90). While the doctrine of “abrogation” is entirely untenable (see surah 2, verse 106), there is no reason to regard the above verse as a “first step” which has become redundant, after total prohibition was ordained. Since “man has been created weak” (4:28), his lapse from virtue is always possible. It is to prevent him from adding the sin of praying while in a state of drunkenness to the sin of using intoxicants that the above verse was promulgated. The expression “while you are in a state of drunkenness” does not apply exclusively to alcohol intoxication. It can be applied to a temporary clouding of the intellect by narcotic drugs or any medical condition in which normal judgment is confused or suspended. And because the Quran insists on consciousness as an indispensable element in every act of worship, prayer is permitted only when man is in full possession of his mental faculties and “knows what he is saying”.

SATAN’S EVILS: INTOXICANTS, GAMBLING, IDOLATRY,
AND TELLING THE FUTURE

You who have attained faith! Satan’s loathsome evils include intoxicants, chance games, idolatrous practices, and future divination. Shun it then, so that you might attain a happy state!

By means of intoxicants and games of chance, Satan seeks only to sow enmity and hatred among you, and to turn you away from God's remembrance and prayer. Will you not, then, desist? Hence, pay heed to God, and the Apostle, and be ever on your guard [against evil]. If you turn away, then know that Our Apostle's only duty is clear delivery of the message [entrusted to him]. (5:90-92)

The only exception to this total prohibition of intoxicants arises in cases of "dire necessity," in cases where illness or a bodily accident makes the administration of intoxicating drugs or alcohol imperative and unavoidable. The Quran demands total abstinence from alcohol. It is only the author's opinion that drinking a moderate amount of alcohol is a minor sin. Getting drunk with the potential to harm oneself and others is a grave sin.

"Idolatrous practices" is used here metaphorically and is meant to restrict all practices of an idolatrous nature, like saint worship, the attribution of magic properties to certain inanimate objects, the observance of all manner of superstitious taboos, and so forth.

FORETELLING THE FUTURE

[You are forbidden] to seek to learn through divination what the future may hold in store for you: this is sinful conduct. (5:3)

The reference to the divining arrows without a point and feathers were used by the pre-Islamic Arabs to find out

what the future might hold for them. As is usual with such historical allusions in the Quran, this one is used metonymically; it implies a prohibition of all manner of attempts at divining or foretelling the future.

THE EVILS AND BENEFITS OF ALCOHOL AND GAMBLING

They will ask you about intoxicants and chance games. Say: “In both, there is great evil and some benefit for man. The evil they cause is greater than the benefit they bring.” (2:219)

MODERATE DRINKING

Moderate alcohol consumption is defined as no more than two drinks per day for men and no more than one drink per day for women. Alcohol in moderation may have some health benefits. It may reduce the risk of developing heart disease, lower the risk of heart attack death, possibly decrease stroke risk, gallstone risk, and diabetes and reduce mental stress. It is estimated that 60 percent of Americans drink alcohol occasionally. For most people, moderate alcohol consumption poses only a slight risk.

HEAVY DRINKING

Heavy drinking is defined as fifteen drinks or more and eight drinks or more for women. Heavy drinking during adulthood remains constant at 10 percent.

BINGE DRINKING

Getting drunk or intoxicated is a result of consuming excessive amounts of alcohol also known as binge drinking. It brings blood alcohol concentration level to 0.08 percent or more. This drinking pattern corresponds to five or more drinks on a single occasion for men or four or more drinks on a single occasion for women. This is generally done within two hours. Binge drinking typically results in acute intoxication.

ALCOHOLISM

Alcoholism is a form of addiction in which alcoholics physically depend on alcohol. When alcoholics do not drink, they experience withdrawal symptoms, and if not treated properly, this can lead to death. Alcoholism has a genetic component, and it often runs in families. Perhaps that is the reason the Quran does not ordain punishment for drinking, although the Prophet used various mild punishment methods for public drunkenness.

ALCOHOL, CRIME, AND VIOLENCE

Alcohol abuse is a factor in 40 percent of violent crimes committed in the United States. Two-thirds of domestic violence victims reported that alcohol had been a factor. Alcohol abuse has ended more marriages and broken more families than we will ever know. More than a million Americans are arrested each year for driving under the influence. In the United States, about 15,000 deaths occur each year because of drinking and driving.

LONG-TERM EFFECTS OF HEAVY DRINKING

Increased risk of cancer: Long-term heavy drinking increases the risk of cancer, especially cancer of the oesophagus, mouth, throat, and voice box. There is a higher risk of certain cancers, especially breast and liver cancer, even with moderate drinking. People who regularly drink for twenty or more years are at higher risk of colon cancer, and those who drink and smoke have an even greater risk.

Liver failure: About 10-20 percent of long-term heavy drinkers develop alcoholic cirrhosis or liver scarring, leading to liver failure and death.

Pancreatitis: Long-term heavy drinking can lead to pancreatitis (inflammation of the pancreas). This condition causes severe abdominal pain and can be fatal.

Stroke and Heart Disease: Long-term heavy drinking increases the risk of high blood pressure, heart disease, and some stroke types.

Brain damage: Long-term alcoholism can cause Wernicke-Korsakoff syndrome, a brain disease whose symptoms include severe memory loss, confusion, and visual problems.

Fetal brain damage: An alcohol-related birth defect called fetal alcohol syndrome is a pattern of mental and physical defects in babies born to mothers who drink alcohol during pregnancy. Such babies can suffer brain damage permanently.

Risky behaviors, especially among teenagers and young adults, include sex with multiple partners, illicit drugs, and other acts, all under alcohol influence. Alcohol abuse increases the risk of spreading sexually transmitted diseases.

Cost: Societies pay hundreds of billions of dollars annually. In addition to the health-related costs of alcohol abuse, there are costs involving the criminal justice system, property losses from alcohol-induced motor vehicle crashes, loss of productivity for victims, and individuals imprisoned because of alcohol-related crimes. It is impossible to measure the cost of lives lost, broken families, and heartaches brought about by alcohol abuse.

Conclusion: The benefits of drinking moderate amounts of alcohol are few compared to alcohol abuse's enormous impact on society at large. The common good of society takes precedence over an individual's right to seek pleasure, and that is why alcohol and other narcotics are not allowed under Islamic law.

GAMES OF CHANCE (GAMBLING)

Gambling, in the form of casinos, lotteries, sports betting, and online gambling, is a popular pastime for many around the world. According to the Quran, there are few advantages to gambling, but the harm it causes far outweighs its positive effects.

PROS OF LEGALIZED GAMBLING

Revenue for governments: Casinos and other gambling establishments pay taxes on their revenues. This can be used to fund various public services, such as education and healthcare.

Job Creation: Legalized gambling creates jobs in the construction, operation, and maintenance of casinos, hospitality, retail, and service sectors. This can lead to increased economic activity and lower unemployment rates. Legalized gambling attracts tourists which can create jobs and generate revenue for local businesses.

CONS OF LEGALIZED GAMBLING

Addiction: One of the main arguments against legalized gambling is that it leads to addiction. It can have serious consequences, including financial ruin and mental health problems. Additionally, gambling addiction can lead to other forms of addiction, such as substance abuse.

Crime: Legalized gambling can lead to increased crime, including theft, fraud, and embezzlement. Gambling establishments can also attract organized crime, which can lead to money laundering and other illegal activities.

Social Costs: Legalized gambling can have negative social consequences, including family problems, bankruptcy, and homelessness.

To conclude, legalized gambling has some economic benefits such as jobs creation and tax revenue for the government. It can lead to addiction, crime, and other social ills. Additionally, it can lead to social values and moral standards decline. Therefore, gambling is declared haram in Islam.

CHAPTER 18

DIETARY LAWS

LAWFUL FOODS

You who have attained faith! Partake of the wholesome things which We have provided for you as sustenance, and render thanks unto God, if it is [truly] Him that you worship. (2:172) Lawful to you is the [flesh of every] beast that feeds on plants, save what is mentioned to you [from now on]. (5:1) So, partake of all the lawful, good things and give thanks unto God for His blessings if it is [truly] Him that you worship. (16:114)

The term *rizq* or sustenance connotes all that may be good and useful to man, be it of a physical nature (the means of sustenance) or belonging to the realm of the mind (like reason and knowledge) or of the spirit (like faith, kindness, and patience). God has bestowed upon you from on high and has willed that man should make use of all that can be called *rizq*. This automatically makes all its manifestations lawful.

FOOD OVER WHICH GOD'S NAME WAS PRONOUNCED

Eat, then, of that over which God's name has been pronounced if you truly believe in His message. And why should you not eat of that over which God's name has been declared, seeing that He has so clearly spelled out to you what He has forbidden you [to consume] unless you are compelled [to do so]? (6:118-119)

“Narrated Aishah: 'The people said to the Prophet, “O God's apostle! Here are people who have recently embraced Islam, and they bring meat, and we do not know whether they mentioned God's

name while slaughtering the animal or not.” The Prophet said, “You should mention God’s name and eat.”

HUNTING

And as for those hunting animals, which you train by imparting to them something of the knowledge God has imparted to you. Eat of what they seize for you, but mention God’s name over it, and remain conscious of God who reckons swiftly. (5:4)

Any beast that resembles domesticated cattle in that it feeds on plants and is not a beast of prey is lawful. God ordained this in accordance with a plan of which He alone has full knowledge. Eat what the trained beasts of chase seize, such as a hound, a falcon, or a cheetah, after mentioning God’s name.

FOOD OF BIBLE FOLLOWERS

Today, all the good things in life have been made legal for you. And the food of those who have been vouchsafed by revelation aforetime is lawful to you, and your food is lawful for them. (5:5)

This permission to partake of the food of followers of other revealed religions excludes the forbidden meat categories enumerated in verse 5:3. The Law of Moses forbids them explicitly, and Jesus did not cancel these prohibitions. He said, “Think not that I have come to destroy the Law [of Moses]: I am not come to destroy, but to fulfill” (Matthew 5:17). The latitude enjoyed by post-Pauline followers of Jesus with respect to food, such as eating pork, does not correspond to what Jesus practiced and enjoined. Although Muslims can eat kosher meat, conservative Jews will not consider halal meat from Muslims as kosher. This is because Mosaic laws are far more elaborate in meat preparation.

FRESH WATER GAME AND SEAFOOD

As a provision, all water-games, as well as the sea's produce, are permissible. (5:96)

The above ordinance applies to all water games, whether derived from seas, rivers, lakes, or ponds. This includes fish and other marine animals that may have been cast forth by the waves onto the shore.

BREASTFEEDING

Mothers may nurse their children for two years. (2:233)

It is interesting to note that the World Health Organization and the Quran recommend breastfeeding for two years. Breastfeeding has numerous benefits, both for the child and the mother. Breast milk is ideal for children. It protects against childhood diseases and assists with child spacing. Breast and ovarian cancer risk is reduced in women who breastfeed their children.

UNLAWFUL FOODS

Say [O Prophet]: "In all that has been revealed unto me, I do not find anything forbidden to eat, if one wants to eat thereof unless it is carrion, or blood poured forth, or the flesh of swine—for that is loathsome." But if one is driven by necessity—neither coveting it nor exceeding his immediate need—then [know that] thy Sustainer is much-forgiving, a dispenser of grace. (6:145) He has forbidden to you only carrion, blood, the flesh of swine, and that over which any name other than God's has been invoked. If one is driven by necessity—neither coveting it nor exceeding his immediate need—no sin shall be upon him: for God is much-forgiving, a dispenser of grace. (2:173)

What has been forbidden does not belong to the category of “the good things in life.” All that has not been expressly prohibited is allowed. The Quran forbids only those things or actions that harm man physically, morally, or socially. The forbidden category of foods is allowed in cases of extreme hunger and in other situations in which overwhelming, extraneous forces beyond a person’s control may compel him, against his will, to do something normally prohibited by Islamic Law. For instance, using intoxicating drugs whenever illness makes their use imperative and unavoidable.

ANIMALS SLAUGHTERED ON PAGAN ALTARS

Forbidden to you is carrion, blood, swine flesh and that over which any name other than God’s has been invoked. Also, an animal that has been strangled, or beaten to death, or killed by a fall, or gored to death, or savaged by a beast of prey. This is as opposed to that which you yourself may have slaughtered while it was still alive. And [forbidden to you is] all that has been slaughtered on idolatrous altars. (5:3)

Forbidden are foods that have been dedicated or offered as a sacrifice to an idol, a saint or a person considered divine. For example, the flesh of the animals sacrificed on the altar stones set up around the Kabah by the pagan Quraysh was forbidden for believers. Not only sacrificial animals but also those destined for common consumption were often slaughtered there for a supposed blessing.

REASONS TO AVOID PORK

Accidental ingestion of pork tapeworm eggs through poorly cooked and infected pork can cause serious brain disease. In developing countries, the most common parasitic disease of the nervous system and the main cause of acquired epilepsy is infected pork. The adult

tapeworm excretes eggs that are passed on in stool and can contaminate food, water, or soil. Digestion of parasitic eggs in the human intestine releases a parasite stage that invades the intestine. It spreads via the blood to many tissues, primarily the brain and muscles. Parasitic brain invasion may cause seizures and brain damage, intellectual deterioration, dementia, and other disorders. In many underdeveloped countries where food sanitation is inadequate, eating pork can be dangerous. It has been increasingly recognized as a cause of severe and preventable neurologic disease in the United States, with up to 2 percent of emergency department visits for seizures being caused by the disease.

FAMILY LAWS

CHAPTER 19

EQUAL RIGHTS FOR WOMEN

Most women of Pre-Islamic Arabia were practically slaves or personal property to the males in their families. Just as the institution of slavery is seen in the Quran as a historical phenomenon that must, in time, be abolished, similarly, future Islamic societies must strive for equality between men and women. The Quran repeatedly stresses using reason, and any form of discrimination is counter to reason.

God enjoins justice, good, and generosity towards [one's] fellowmen. And He forbids all that is shameful and counter to reason. (16:90)

Huston Smith writes in *The Religions of Man*, “Chiefly because it has permitted a plurality of wives, Islam has been accused of degrading women. If we approach the question timewise, comparing the status of Arabian women before and after Muhammad, the charge is patently false. In the pre-Islamic days of the Dark Age, women were regarded as little more than chattel to be done with as their fathers or husbands pleased. Women were considered private property. In the face of these conditions, the very birth of a daughter was regarded as a calamity.”

GRANTING EQUAL RIGHTS TO WOMEN

The Quran did not give equal rights to women by twentieth-century standards. One cannot realistically expect that fourteen hundred years ago, women would be given equal rights overnight. However, Islam brought a giant leap toward the goal of equality. Since then, time has stood still, and Muslim women have not made much progress. Muslim men of a religious bent have been the biggest

obstacles to the advancement of Muslim women's rights. They fear losing their privileged position. They are willing to sacrifice a universal principle that all men and women are created equal and, therefore, should have equal rights.

ISLAMIC REFORMS

Islamic reforms improved women's status enormously, as follows:

Right to life: The Quran forbids female infanticide.

Inheritance rights: Daughters were included in an inheritance—not equally but up to half the proportion of sons. See chapter “Laws of Inheritance” for suggestions on how to make inheritance laws more equitable.

Right to education and to earn income.

Equal testimony under the law: Gender is not mentioned when testimony is described in the Quran, except in verse about debt.

Equal partners: The Quran makes men and women partners before God, with identical duties and responsibilities.

The sanctification of marriage: Islam sanctified marriage by making it the sole locus of the sexual act. The increase in single-mother families is the major cause of poverty among children and women in the United States.

Right to divorce: The Quran gave women the legal right to divorce. Most Western women had nothing comparable until the nineteenth century. However, divorce laws favor males and need reform.

PRE-ISLAMIC MEN'S ATTITUDE TOWARD WOMEN

They ascribe daughters unto God, who is limitless in His glory—whereas for themselves [they would choose, if they could, only]

what they desire [males]. Whenever any of them is given the glad tiding of [the birth of] a girl, his face darkens. He is filled with suppressed anger, avoiding all people because of the [alleged] evil of the glad tiding he has received, [and debating within himself]: Shall he keep this [child] despite the contempt [which he feels for it]—or shall he bury it in the dust? Oh, indeed, evil is what they decide to do! (16:57-59)

This passage condemns men's negative attitude toward women, resulting in female infanticide. The pre-Islamic Arabs believed that the goddesses al-Lat, al-Uzza, and Manat, as well as the angels they conceived as females, were "God's daughters." The Quran states that they ascribed daughters to God, while they only wanted sons for themselves because they regarded daughters as a necessary evil. The pivotal point of the whole passage is the sentence "for themselves [they would choose, if they could, only] what they desire." They are only too ready to associate with God the ideas that are repugnant to themselves—for instance, female progeny, which they despised. News of the birth of a girl should have been considered a happy one since the sex of the child should make no difference to parental love. However, the father would be full of contempt, deciding whether to keep the child as an object of perpetual contempt or bury her alive; either of these alternatives is evil.

FEMALE INFANTICIDE FOR FEAR OF POVERTY

Therefore, do not kill your children for poverty. It is We who provide sustenance for them and you. Killing them is a great sin. (17:31) [On the Day of Resurrection]: When the girl-child that was buried alive asks what crime she committed for which she had been slain? (81:8-9)

Historically, this is a reference to the pre-Islamic Arabian custom of burying unwanted female children alive, as well as to the occasional— though much rarer—sacrifices of male children to some of their gods. Beyond this, however, the above prohibition has timeless validity, as it also relates to abortions undertaken “for fear of poverty” on purely economic grounds. Even today, selective abortions of female fetuses are practiced around the world, especially in India and China.

On Resurrection Day, when all human beings are called to account for their deeds, God will ask the question, “For what crime had she been slain?” The barbaric custom of burying female infants alive seems to have been widespread in pre-Islamic Arabia, although perhaps not to the extent as commonly assumed. The motives were twofold: the fear that an increase in female offspring would result in economic burdens and the fear of humiliation frequently caused by girls being captured by a hostile tribe and preferring their captors to their parents and brothers.

FREEDOM OF RELIGION AND HUSBAND GUARDIANSHIP

You who have attained faith! Whenever believing women come to you, forsaking the evil domain, examine them, [even though only] God is fully aware of their faith. If you have thus ascertained that they are believers, do not send them back to the deniers of the truth, [since] they are [no longer] lawful to their erstwhile husbands. These are [no longer] lawful to them. (60:10)

Women under Islamic Law are free moral agents just as men are, and they have the right and responsibility to choose their religion. Women can venture outside their homes and have freedom of movement, as the following incident proves.

The Treaty of Hudaibiyyah was concluded in AH 6 (for details, see “The Conquest of Mecca and Later Conflicts” in Volume five) between the Prophet and the pagan Quraysh of Mecca. Anyone under the guardianship of the Meccans who crossed over to the Muslims without the permission of his or her guardian was to be returned to the Quraysh. The Quraysh took this stipulation to include married women, whom they considered under the guardianship of their husbands.

Accordingly, when several Meccan women embraced Islam against their husbands' wishes and fled to Medina, the Quraysh demanded their forcible return to Mecca. The Prophet refused because married women did not fall into the category of persons under guardianship.

PLEDGE OF ALLEGIANCE

Prophet! Whenever believing women pledge their allegiance to you. [Pledging] that [henceforth] they would not ascribe divinity to anyone but God, and would not steal, commit adultery, or kill their children, indulge in slander, falsely devise it out of nothingness, and would not disobey you in anything [that you declare to be] right—then accept their pledge of allegiance, and pray to God to forgive them their [past] sins: for God is much-forgiving, a dispenser of grace. (60:12)

There was always the possibility that some of these women had crossed over to Muslims not for faith reasons but for worldly considerations. Believers were urged to make sure of their sincerity. So, the Prophet asked each of them: “Swear before God that you did not leave because of hatred for your husband, or out of a desire to travel to another country, or in the hope of attaining worldly advantages. Swear before God that you did not leave for any reason save the love of God and His Apostle.” A positive response by the woman concerned was to be regarded as the only humanly

attainable—and, therefore, legally sufficient—proof of her sincerity.

A fundamental principle of Islam is that only God knows what goes on in a person's heart. It stipulates that any adult person's declaration of faith, in the absence of evidence to the contrary, makes it mandatory for the community to accept that man or woman as a Muslim based on this declaration alone. Thus, after ascertaining their belief as far as humanly possible, the Prophet, or in later times, the head of the Islamic state or community, was empowered to accept their pledge of allegiance.

REFUND THE DOWER TO A NON-MUSLIM FORMER HUSBAND

Nonetheless, you shall return to them whatever they have spent [on their wives by way of dowers]; and [then, O believers], you will not sin if you marry them after giving them their dowers. (60:10)

If a wife embraces Islam while her husband remains outside its pale, the marriage is automatically annulled. Such a divorce is subject to the same conditions as a khul, a no-fault divorce initiated by the wife from the Muslim husband. (See the chapter on divorce.) Since the non-Muslim former husband is presumed innocent of any breach of his marital obligations, the wife is the contract-breaking party. She must refund the dower she received from him during divorce. If she is unable to do so, the Muslim community is obliged to repay the husband, hence the plural form in the imperative “you shall return.”

RIGHT TO EARN

Men shall benefit from what they earn, and women should benefit from what they earn. Ask, therefore, God [to give you] out of His bounty: God has full knowledge of everything indeed. (4:32)

The Prophet said, “O women! God has allowed you to venture out for your needs.”

THE TESTIMONY OF WOMEN

And call upon two of your men to act as witnesses; and if two men are not available, then a man and two women from among such as are acceptable to you as witnesses, so that if one of them makes a mistake, the other could remind her. (2:282)

The only verse in the entire Quran that equates the testimony of two women to that of one man is the verse about debt (2:282). The rule applies only in a debtor-creditor transaction, which is an exception to the general rule that women can serve as witnesses equally to men. The original purpose was to secure testimony, as women usually did not engage in commercial transactions and thus were more likely to make a mistake or be deceived. The stipulation that two women may be substituted for one male witness does not reflect on women's moral or intellectual capabilities. The verse should be viewed as instructional and not binding, protecting women who may not be business-savvy. The Egyptian reformer Muhammad Abduh believed that the relevant scriptural passages on different gender roles and life experiences reflect the time rather than women's inferior mental capacities. He made the rule not applicable at all times and places. (Muhammed Abduh in *Manar* 111, 124 f.)

In some male-chauvinistic, theocratic societies, this verse is used to suppress women and declare them intellectually inferior. Some have argued as far as to claim that two votes cast by women should be counted as equal to one man's vote.

RIGHT TO EDUCATION

When a woman complained to the Prophet that only men benefit from his teachings, he set up a special day for their education. It is

only through education that women will be able to achieve equality. It is not surprising that retrogressive, fanatic Muslim men oppose girls' education.

FINAL ADMONITION

During the Farewell Pilgrimage, the Prophet had the following words about women's rights: "To them belongs the right to be fed and clothed in kindness. Treat your women well and be kind to them, for they are your partners and committed helpers. Remember that you have taken them as your wives and enjoyed their flesh only under God's trust and with His permission."

CHAPTER 20

MARRIAGE, MONOGAMY AND POLYGAMY

GOD-WILLED SEX FUNCTION

[He is] the Originator of the heavens and the earth. He has given you mates of your kind—just as [He has willed that] among the beasts [there are] mates—to multiply you thereby: [but] there is nothing like unto Him, and He alone is all-hearing, all-seeing. (42:11)

Polarity is evident in all creation (male and female) or the concept of opposites in general (black and white, positive and negative, up and down, etc.), whereas God—and He alone—is unique, without anything that could be termed “opposite” or “similar” or “complementary.” Hence, the above statement that “there is nothing like unto Him.”

SEX WITHIN MARRIAGE

Truly, a happy state shall attain believers: (23:1) who are intent on inner purity, and are mindful of their chastity, [not giving way to their desires] to anyone but their spouses—that is, those whom they rightfully possess [through wedlock]. For then, they are free of all blame, while those who seek to go beyond that [limit] are truly transgressors. (23:5-7)

PROHIBITION OF SEXUAL INTERCOURSE DURING MENSES

They will ask you about [woman’s] monthly courses. Say: “It is a vulnerable condition. Keep, therefore, aloof from the women during their monthly courses, and do not draw near unto them

until they are cleansed; and when they are cleansed, go in unto them as God has bidden you to do.” God loves those who turn unto Him in repentance, and He loves those who keep themselves pure. (2:222)

This is one of the many references in the Quran to positive, God-ordained sexuality. Abstaining from sex during menstruation to develop mastery over base desires. One can get or transmit an STI (sexually transmitted infection), like HIV or AIDS, during this time, according to the Centers for Disease Control and Prevention. The virus may be present in menstrual blood. Any bodily fluid can carry HIV or [other] STIs, and [during period] the cervix opens slightly, which might allow viruses to pass through.

A couple is pardoned if they transgress the above restriction and repented. Ritual purification after menses is also observed in the Orthodox Jewish community. According to Jewish law, married women must immerse themselves in a ritual bath, called a *mikvah*, seven days after the completion of their monthly menstrual period before resuming marital relations with their husbands.

FAMILY AS A BLESSING

God has given you mates of your kind and through your mates, children, and children’s children. He has provided for you sustenance out of the good things of life. (16:72) And who pray, “O our Sustainer! Grant that our spouses and our offspring be a joy to our eyes, [by living righteously] and cause us to be foremost among those who are conscious of Thee!” (25:74)

SPIRITUALITY AS A BASIS FOR MARRIAGE

Your wives are your tith; go, then, unto your tith as you desire, but first provide something for your souls, and remain conscious of God. (2:223)

A spiritual relationship between a man and a woman is postulated as the basis of sexual relations. The phrase “mates of your own kind” literally reads "made for your mates out of yourself.”

CHILDREN AS GOD’S GIFT

Only God has dominion over the heavens and the earth. He creates whatever He wills. He bestows the gift of female offspring on whomever He wishes, and the gift of male offspring on whomever He desires. He gives both male and female [to whomever He chooses] and causes to be barren whomever He wills: for He is all-knowing, infinite in His power. (42:49-50)

This passage reaffirms that whatever happens to a man is an outcome of God’s unfathomable will. This fact is illustrated in the sequence by the most common, recurrent phenomenon in man’s life— the unpredictability of male or female births, as well as of barrenness. So, too, God’s bestowal of worldly happiness and unhappiness cannot be measured or predicted in terms of what man regards as his “due.”

RESPONSIBILITIES OF MEN TOWARD WOMEN

Men shall take full care of women with the bounty, which God has bestowed more abundantly on the former than on the latter. This bounty is what they may spend from their possessions. And the righteous women are the truly devout ones, who guard intimacy, which God has [ordained to be] guarded. (4:34)

He took care of the woman, combining the concepts of physical maintenance, protection, and moral responsibility. It is because of the last-named factor that this phrase is rendered as “men shall take full care of women.”

THE DOWNSIDE OF THE FAMILY

O you who have attained faith! Some of your spouses and your children are enemies of you: so beware of them! But if you pardon [their faults], and forbear, and forgive, God will be much-forgiving, a dispenser of grace. Your worldly goods and your children are but trials and temptation. Whereas with God, there is a tremendous reward. (64:14-15) O you who have attained faith! Let not your worldly goods or your children make you oblivious of God's remembrance: for if any behave thus, it is they, they who are the losers! (63:9)

Family love can be two-edged. It is a blessing from God, and sometimes, the love of his family may tempt a believer to act contrary to conscience and faith. If any family member consciously tries to induce the person concerned to abandon some of his or her moral commitments to satisfy some real or imaginary family interest, they become a spiritual enemy. Love of worldly goods and a desire to protect one's family, described as "trial and temptation," may lead a person to transgression and betrayal of God's moral values.

PREREQUISITE FOR MARRIAGE

Marry the singles among you, as well as your male and female slaves as are fit [for marriage]. If they [you intend to marry] are poor, [let this not deter you]. God will grant them sufficiency out of His bounty—for God is infinite [in His mercy], all-knowing. Those who cannot marry, let them live in continence until God grants them sufficiency out of His bounty. (24:32-33)

"Fit for marriage" is determined through the attainment of physical and emotional maturity. Marriage is a serious commitment, according to the Quran, and deserves full intellectual maturity—not

just puberty. This verse rules out child marriage. Marriage is allowed among free community members and with slaves.

MARRIAGE OR CELIBACY

The term *ayyim* signifies a person of either sex without a spouse. This is regardless of whether he or she has never been married or is divorced or widowed. The verse above expresses the idea reiterated in many authentic sayings of the Prophet—that from both ethical and social points of view, a married state is preferable to celibacy.

The above verse rules out all forms of concubinage and postulates marriage as the only basis for lawful sexual relations between a man and his female slave. If one is unable to marry due to poverty or cannot find a suitable mate, or for any other personal reason, “God grants them sufficiency out of His bounty.”

CHRISTIAN AND JEWISH WOMEN

[Lawful to you are], in wedlock, women from among those who believe [in this divine writ], and, in wedlock, women from among those who have been vouchsafed revelation before your time—provided that you give them their dowers, taking them in honest marriage, not in fornication, nor as secret love-companions. (5:5)

Muslim men can marry women from another revealed religion. Many authorities believe that Muslim women should not marry Jews or Christians, although this is not explicitly stated in the Quran. The reason is that Islam reveres all prophets. Christians reject the Prophet Muhammad, and Jews reject both Muhammad and Jesus. Thus, a non-Muslim who marries a Muslim can be sure that—despite all doctrinal differences—the prophets of her faith will be mentioned with the utmost respect in her Muslim environment. A Muslim who married a non-Muslim would always

be exposed to abuse of him whom a Muslim regarded as God's apostle.

DOWRY AS A GIFT

And give the women their marriage portions in the spirit of a gift. If they, of their own accord, give it to you, then enjoy it with pleasure and good cheer. (4:4) And to those with whom you desire to enjoy marriage, you shall provide the dowries due to them. You will incur no sin if, after [having agreed upon] this lawful due, you freely decide with one another upon anything [else]: God is indeed all-knowing, wise. (4:24)

The gift of a dowry signifies giving something willingly, without expecting anything in return for it. The law has not fixed the amount of dower the bridegroom must give to the bride. According to several authentic traditions recorded in most of the compilations, the Prophet made it clear that even an iron ring may be enough if the bride is willing to accept it, or, short of that, even “the imparting to your bride of a verse from the Quran.”

The dowry may be specified or unspecified, and the specified dowry may be paid in two parts—prompt and deferred. Dowry is to be paid immediately. The deferred dowry is an unsecured debt from the husband paid upon divorce or after his death.

MONOGAMY AND POLYGAMY

And if you have reason to fear that you might not act equitably towards orphans, then marry from among [other] women such as are lawful to you. [Even] two, or three, or four: but if you have reason to fear that you might not be able to treat them with equal fairness, then [only] one—or [from among] those whom you rightfully possess. It will make it more likely that you will not deviate from the right course. (4:3)

The purpose of the above passage is this: Just as you are fearful of offending the interests of orphans under your care, you must apply the same careful consideration to the interests and rights of the women whom you intend to marry. Choose from among other women lawful to you or from among those you rightfully possess (female slaves)—even two, three, or four. But if you fear that you might not be able to treat them with equal fairness, marry only one—whether they are free women or former slaves. The number of wives must not exceed four. Permission to marry more than one wife is restricted by the condition that “if you have reason to fear that you might not be able to treat them with equal fairness, then marry only one.” The condition of equitable treatment makes plural marriages possible only under exceptional circumstances (see 24:32 in the previous chapter).

EXCHANGE OF ONE WIFE FOR ANOTHER

Consort with your wives in a goodly manner. For if you dislike them, it may well be that you hate something, which God might yet make a source of abundant good. But if you desire to give up a wife and take another. Do not take anything from what you gave the first one, however much it may have been. Would you, perhaps, take it away by slandering her and committing a manifest sin? And how could you take it back after you have given yourselves to one another, and she has received a solemn pledge? (4:19-21)

The allusion to the “exchange” of one wife for another is a clear indication of the Quranic view that monogamous marriage is the desirable norm. According to Islamic Law, if four witnesses prove a wife’s immoral conduct, the husband has the right to divorce her. He can demand the return of the dower he gave her at the time of

the marriage. The above verses warn the husband not to falsely accuse her of immoral conduct in the hope of regaining her dower.

It will not be within your power to treat your wives equally, however much you desire it. So, do not allow yourself to incline towards one to the exclusion of the other, leaving her without a husband. But if you put things to rights and are conscious of Him, God is indeed much-forgiving, a dispenser of grace. (4:129)

This refers to cases where a man has more than one wife. “Do not incline toward one” of the wives implies that the other is denied affection and left in suspense. A man who is fully conscious of his moral responsibility might feel sinning if he loves one of his wives more than the other (or others). The above verse provides judicial enlightenment on this point by clarifying that if you put things to rights, God is forgiving.

MONOGAMY AS A RULE

One man, one wife is the natural way. The Quran repeatedly stresses reason in decision-making. The ideal environment to rear children is one of mother and father, with extended family support. Monogamy is much more likely to promote family harmony than polygamy. God did not create one Adam and four Eves. Monogamy is superior to a healthy and happy family life and should be the rule; polygamy should be an exception. Muslim families are

mostly monogamous, and very few, usually wealthy men, practice polygamy.

The permission conditional upon the man’s determination and ability to treat his wives with equal fairness. It is laid down in 4:3 of the *surah* at the start of this chapter. However, given the fact that a man’s behavior toward another person is almost inevitably influenced by how he feels about that person, the above passage—

read in conjunction with 4:3 and especially its concluding sentence—imposes a moral restriction on plural marriages.

EQUITABLE DEALINGS

Quranic law pressures man toward monogamy. Supporting this view is the Quran's statement that "if you cannot deal equitably and justly with [more than one wife], you shall marry only one." As the word "equitably" is used in the Quran to signify not merely equality in material disbursements but also complete equity in love, affection, and esteem, the impossibility of equally dividing the latter causes this verse to preclude polygyny under normal circumstances. This interpretation has been in the Muslim picture since the third century of the *Hijrah* and is gaining increasing acceptance. To avoid any possible misunderstanding, many Muslims now insert in the marriage deed a clause by which the husband formally renounces his supposed right to a second concurrent spouse. In any event, since marriage in Islam is a purely civil contract, divorce is always available to either partner.

WHEN IS POLYGAMY ALLOWED?

Polygamy is another instance of Islam's flexible capacity to speak wisely in diverse situations. Islam does not allow unrestricted polygamy, where a man can have up to four wives just because he desires to. He can have multiple wives only under certain extraordinary conditions. There are circumstances in this imperfect state of human existence when polygamy is morally preferable to its alternative. Such a situation might arise, for example, if a wife contracts paralysis or another disability, which excludes her from intimacy. Instead of her husband divorcing her and dumping her in a nursing home, it is much more humane that she be taken care of in her home while the husband can marry a second wife.

A war in which men are reduced considerably would be another example. Idealists may call for heroic continence under such circumstances, but heroism cannot be mass-produced. The choice is sometimes between a recognized and moral polygamy or a widow facing a bleak future. It is this flexibility in approaching diverse situations that led Reginald Bosworth Smith, a Western student of Islam, to write the following: “By his severe laws at first, and by the strong moral sentiment aroused by these laws afterwards, [Muhammad] has succeeded, down to this very day and to a greater extent than has ever been the case elsewhere, in freeing all Islamic countries from those professional outcasts who live by their own misery, and, by their existence as a recognized class, are a standing reproach to every member of the society of which they form a part.”

The verse allowing more than one wife was revealed after the Battle of Uhud, in which seventy-five Muslim men were killed (4:3 above). Muslim men could take up to four wives to provide for widows and their children. This replaced not only monogamy but also various marital arrangements based on matrilineal kinship and often polyandry (polygamy in which a woman has more than one husband). In pre-Islamic Arabia, men could have as many wives as they wished. Verse 4:3 restricts polygamy to four wives, with justice for all wives; otherwise, only one is allowed.

NEGATIVE EFFECTS OF POLYGAMY AND THE PROPHET'S EXAMPLE

Polygamy has negative effects on the family. Intense rivalry and jealousy among wives and children poison the family atmosphere. Growing up in perpetually contentious circumstances is not healthy for children's psyches.

Even in the Prophet's house, mutual jealousy existed among his wives to the point that the Prophet threatened to divorce all his wives, requiring divine intervention.

The proponents of polygamy who claim to follow the Prophet's example should practice abstinence before marriage, then marry a widow fifteen years older and stay monogamous for twenty-five years. In their old age, they should marry widows with financial obligations to support them. The marital laws that apply exclusively to the Prophet were not meant for the rest of believers.

When it comes to polygamy, the Prophet did not approve of another wife for Ali bin Abi Talib, who was married to Fatima (Muhammad's daughter). The Prophet said, "Banu Hisham bin al-Mughira has asked me to allow them to marry their daughter to Ali, but I will not permit it unless Ali divorces my daughter. Fatima is a part of my body, and I hate what she hates to see, and what hurts her hurts me."

CONDITIONS FOR POLYGAMY

Men desirous of another wife should be required to have permission from the judge.

He should not be allowed to divorce and discard his older wives and marry young girls, thus perverting the sacred laws of marriage.

To prove the legitimacy of having another wife.

He should be financially able to make proper provisions for the maintenance and support of his wives.

He must take an oath that all wives will be treated equally.

MONOGAMY AS PRACTICED IN THE WEST

Monogamy in the West is inherited from Greece and Rome, where men were restricted by law to one wife but could have as many mistresses among the slave population as they wished. Sex is separate from responsibility. Children from such unions had no rights to their biological father's wealth or inheritance, and women had no rights conferred normally to wives.

The Old Testament contains dozens of examples of men marrying more than one wife at a time. The patriarchs Abraham and Jacob are examples of righteous men who had several wives to father male heirs.

Monogamy is the law of the land in the United States. It only exists on paper. This is because individuals can have as many partners/mistresses as they wish outside of the marriage if they do not enter another legal marital contract. Men usually avoid caring for their mistresses and children born in such a union. Fathers often must be forced through the legal system to pay child support. Texas law classifies bigamy as a third-degree felony. It is punishable by up to ten years in prison and a fine of up to \$10,000. If a man marries a second wife, he can go to jail, while extramarital sex has no punitive judicial consequences.

CHAPTER 21

PREVENTING SEXUAL TEMPTATION

LOWER YOUR GAZE AND AVOID STARING

Tell the believing men to lower their gaze and be mindful of their chastity. This will be most conducive to their purity-[and] God knows all that they do. And tell the believing women to lower their gaze and be mindful of their chastity. In addition, tell them not to display their charms [in public] beyond what may [decently] be apparent thereof. Hence, let them draw their head coverings over their bosoms. (24:30-31)

Staring at a member of the opposite sex is forbidden. The lowering of one's gaze and being mindful of their chastity relate both to physical and emotional modesty. The latter expression may be understood both in the literal sense of covering one's private parts or modesty in dress. It may also be understood in the metonymical sense of "restraining one's sexual urges," restricting them to what is lawful—namely, marital intercourse. The pivotal clause in the above injunction is the demand, addressed in identical terms to men and women, to "lower their gaze and be mindful of their chastity." This, in agreement with the Quranic principle of social morality, is considered decent with regard to a person's outward appearance. The definition of "what may [decently] be apparent" is much broader. The deliberate vagueness of this phrase is meant to allow for all the time-bound changes necessary for man's moral and social growth.

Women in pre-Islamic times used head coverings to look more attractive, but it usually had no practical purpose. The covering was loosely draped over the wearer's back. The injunction to cover the bosom was meant to clarify that a woman's breasts are not included

in the concept of “what may decently be apparent” and should not be displayed.

MODESTY

And let them [women] not display [more of] their charms to anyone but their husbands, or their fathers, or their husbands' fathers, or their sons, or their husbands' sons, or their brothers, or their brothers' sons, or their sisters' sons, or their womenfolk, or those whom they rightfully possess, [slaves] or such male attendants as are beyond all sexual desire, [very old men] or children that are as yet unaware of women's nakedness. And let them not swing their legs [in walking] [provocative gait] to draw attention to their hidden charms. (24:31) And [know that] women advanced in years, who no longer feel any sexual desire, incur no sin if they discard their [outer] garments, provided they do not aim at a showy display of [their] charms. But [even so] it is better for them to abstain [from this] and God is all-hearing, all-knowing. (24:60)

HIJAB FOR PROPHET'S WIVES

[As for the Prophet's wives] whenever you ask them for anything you need, ask them from behind a screen. This will deepen your and their hearts' purity. (33:53)

The term “hijab” denotes anything that intervenes between two things or conceals, shelters, or protects one from the other. It may be rendered, according to the context, as a barrier, obstacle, partition, screen, curtain, veil, etc. Prohibition to approach the mothers of the faithful other than behind a curtain was meant to show respect. Most of the companions took it literally. The verse above was prompted by a need to separate public from private

space. It was later misconstrued and turned into segregation of the sexes. This verse addresses only the Prophet's wives and not women in general, so the requirement to wear a hijab was solely meant for the Prophet's wives. There is no religious justification for Muslim women to cover their faces in public.

O Prophet! Tell your wives and your daughters, as well as all [other] believing women, that they should draw over themselves some of their outer garments [when in public]: this will be more conducive to them being recognized [as decent women] and not annoyed. But God is indeed much-forgiving, a dispenser of grace! (33:59)

There is deliberate vagueness in the recommendation that women “should draw upon themselves some of their outer garments when in public.” This verse was not meant to be an injunction in the general sense but was a moral guideline to be observed against the ever-changing background of time and the social environment. This finding is reinforced by the concluding reference to God's forgiveness and grace.

SEGREGATION OF WOMEN

Modesty in public was intended to check the widespread promiscuity of pre-Islamic society. The Quran establishes a minimum dress requirement in public. It is intended to prevent the exploitation of women and avoid them becoming sex objects. The Prophet Muhammad ever intended his admonitions concerning modesty or privacy to reach the rigid extremes into which they have hardened is to the modernist Muslim inconceivable.

The institution of *purdah*, or the seclusion of women within house walls, was unknown to original Islam and its teachings. *Purdah*, widely understood, is only possible for upper- and middle-class

women. Women from the laboring classes struggle for daily food throughout the Islamic world, and *purdah* for them is impractical.

The Quran prescribes some degree of segregation and veiling for the Prophet's wives as a mark of their status. Nothing in the Quran requires veiling or segregation. On the contrary, it tends to emphasize the participation and religious responsibility of both men and women in society. Indeed, during *hajj*, women are required not to cover their faces in the holiest of all places. Women perform *hajj* side-by-side with men without segregation.

The women of the first *ummah* in Medina took an active part in its public life, and some even participated in various battles. They did not seem to experience Islam as an oppressive religion. About a woman's rights as a citizen—education, suffrage, and vocation—the Quran opened the way for women's full equality with men.

Muslims adopted Christian customs of segregation and veiling several generations after the Prophet's death. Muslims at that time copied the Greeks and Persians, who veiled and segregated their women in this manner. Women's segregation has unforeseen and harmful effects. Since the mosque serves as the center of community life, women have ceased to worship publicly in the mosque. They are cut off from social and educational activities in many Islamic countries.

CHAPTER 22

DIVORCE, REMARRIAGE AND CHILD CUSTODY

DIVORCE IN THE PRE-ISLAMIC TIMES (ZIHAR)

God has indeed heard the words of her who pleads with you concerning her husband and complains unto God. And God hears what you both [Khawlah and the Prophet] have to say: God is all-hearing, all-seeing. As for those of you who [henceforth] separate themselves from their wives by saying, “You are as unlawful to me as my mother.” [Let them remember that] they can never be [as] their mothers: none are their mothers save those who gave them birth: and so, they utter a saying that runs counter to reason and is [therefore] false. (58:1-2) Never has God endowed any man with two hearts in one body: and [just as] He has never made your wives whom you may have declared to be “as unlawful to you as your mothers’ bodies” [truly] your mothers. (33:4)

Above is a reference to the case of Khawlah bint Thalabah. Her husband divorced her by pronouncing an arbitrary pre-Islamic oath known as *zihar*. She pleaded before the Prophet against this divorce. It deprived her of all her marital rights and made it impossible to remarry. The Prophet, who thought divorce through *zihar* was valid, repeatedly told Khawlah, “You are now indeed unlawful to him.” This opinion was almost immediately reversed by the divine prohibition of *zihar* expressed in the verses above. The custom of *zihar* was abolished after the above incident.

According to pre-Islamic Arabian *zihar*, a husband could divorce his wife by declaring, “You are henceforth as unlawful to me, as my mother.” In other words, it is now unlawful to have sex with his

wife, just as it is unlawful to have sex with his mother. Husbands could declare divorce as often as they pleased. Whenever his marriage was strained, he declared divorce and then reunited whenever it suited him. Temporary divorce pronouncements were repeated again and again. There was no limit to the number of times he could do this. The wife could neither have marital relations with her husband nor marry anyone else. In pagan Arab society, this mode of divorce was considered final and irrevocable. However, a woman thus divorced was not allowed to remarry and had to remain forever in her former husband's custody.

Two hearts in one body are referring to a man who intended to divorce from his wife after assigning two incompatible roles to the wife (from wife to mother) in the pre-Islamic society of Arabia. It is against nature's God-willed laws and unreasonable and morally objectionable to attribute to the same person's role of a wife to mother within the framework of human relationships.

ATONEMENT FOR THE SIN OF ZIHAR

Those who separate themselves from their wives by saying, "You are as unlawful to me as my mother." They would go back on what they had said. [Their atonement] shall be the freeing of a human being from bondage before the couple touches one another again. However, he who does not have the wherewithal shall fast for the next two consecutive months before the couple touches one another again. And he who cannot do it shall feed sixty needy ones [alternatively, one needy person for sixty days]. This is to prove your faith in God and His Apostle. Now, these are the rules set by God. And grievous suffering [in the life to come] awaits all who deny the truth. (58:3-4)

Those who still invoke the oath of *zihar* are obligated to free or purchase slave freedom. The phrase "he who does not find the

wherewithal” may indicate either a lack of financial means or the impossibility of finding someone who could be redeemed from factual or figurative bondage. Zihar is not a divorce, as in pre-Islamic times. Instead, it is to be considered solely as a reprehensible act that must be atoned for by sacrifice.

DIVORCE UNDER ISLAM

Although Islam tightened the marriage bond enormously, it did not forbid divorce, but it is allowed only as a last resort. The Prophet repeatedly asserted that nothing displeased God more than marital vow disruption.

AUTOMATIC ANNULMENT OF MARRIAGE

Hold not to the marriage-tie with women who [continue to] deny the truth and ask for [the return of] whatever you have spent [by way of dower]—just as they [whose wives have come over to you] have the right to demand [the return of] whatever they have spent. Such is God’s judgment: He judges between you [in equity]—for God is all-knowing, wise. (60:10)

If Muslims pagan wives refuse to abandon their beliefs and religious practices, the Muslim husband regards the marriage as null and void. There were only six such cases of apostasy in the Prophet's lifetime (all of them before the conquest of Mecca in AH 8).

WOMEN’S RIGHT TO NO-FAULT DIVORCE

And it is not lawful for you to take back anything of what you have ever given to your wives unless both [partners] have cause to fear that they may not be able to keep within the bounds set by God. There shall be no sin upon either of them for what the wife may give up [to her husband] to free herself. These are the boundaries set by God; do not transgress them. (2:229)

This verse relates to the unconditional right of the wife to divorce her husband. Such dissolution of a marriage at the wife's initiative is called *khul*. Jamilah, the wife of Thabit ibn Qays, came to the Prophet and demanded a divorce from her husband. This is because, despite his impeccable character, she disliked him. The Prophet ordained that she should return to Thabit the garden that he had given her as her dower at their wedding and decreed that the marriage should be annulled. Islamic Law stipulates that whenever a marriage is dissolved at the wife's instance, without any offense on the part of the husband, the wife is the contract-breaking party and must return the dower after the marriage is dissolved. In this event, "there shall be no sin upon either of them" if the husband takes back the dower, which the wife gives up of her own free will.

ARBITRATION OR MARRIAGE COUNSELING

If you have reason to fear that a breach might occur between a [married] couple, appoint an arbiter from among his people and an arbiter from among her people; if they both want to set things right, God may bring about their reconciliation. (4:35) If a woman has reason to fear ill-treatment from her husband, or that he might turn away from her, it shall not be wrong for the two to set things peacefully to rights among themselves. Peace is the best, and selfishness is ever-present in human souls. (4:128)

Once the marriage is in trouble, the first step is to appoint arbiters from both families and try to reconcile the two parties. Some couples may seek independent marriage counseling to resolve the dispute.

FILING FOR DIVORCE

A divorce may be [revoked] twice, whereupon the marriage must either be resumed in fairness or dissolved in a good manner. (2:229)

Provisional divorce can be declared twice, *and* the third pronouncement makes it final and irrevocable. The above verse does not mention male or female and, therefore, should be applied equally to either party. However, that is not the case in real life. Men can invoke a verbal divorce. The wife cannot initiate an oral or written divorce declaration like her husband. She can divorce her husband with his consent or petition a judge and prove that her husband is not keeping marital obligations. The above Quranic injunctions about divorce do not support this inequity. This is probably a vestige of pre-Islamic custom followed today as it benefits men. She can keep the dowry if her husband breaks the contract. She can also receive a divorce when her husband is at no fault and give up the dowry she received.

THE GRACE PERIOD OF THREE MENSTRUAL CYCLES

O prophet! When you [intend to] divorce women, divorce them with a view to the waiting period appointed for them, and reckon the period [carefully], and be conscious of God, your Sustainer. (65:1) Those who take an oath that they will not approach their wives shall have four months of grace. If they go back [on their oath]—[within this period of grace], God is much-forgiving, a dispenser of grace. But if they are resolved on divorce—behold, God is all-hearing, all-knowing. (2:226-227)

If they are resolved on divorce—the divorced women shall undergo, without remarrying, a waiting period of three-monthly courses: for it is not lawful for them to conceal what God may

have created in their wombs. And during this time, their husbands are fully entitled to take them back if they desire reconciliation. But, in accordance with justice, the rights of the wives are equal to the [husbands'] rights about them. Although men have precedence over them [in this respect]. (2:228)

The couple must undergo a mandatory grace period of four months or three menstrual cycles. The third divorce pronouncement can only be made after the grace period is over. The average menstrual cycle is twenty-eight days long; however, cycles can range from twenty-one days to thirty-five days. The primary purpose of the waiting period is to identify a possible pregnancy and the parentage of the unborn child. (Today, a simple urine test for pregnancy can be performed.) The second reason is that it provides an opportunity to reconsider their decision and possibly resume the marriage. During the grace period, the couple lives under the same roof but sleeps apart. The husband and wife are free to resume their relationship at any time, thus ending the temporary divorce process. A wife has the right to refuse resumption of marital relations. This is even if the husband expresses his willingness to have the provisional divorce rescinded before the expiration of the waiting period. Since it is the husband who maintains the family, the first option to rescind a provisional divorce rests with him.

And let two persons of [known] probity from among your community witness [what you have decided], and you bear true witness before God. (65:2)

Let two persons who are sufficiently acquainted with the circumstances of the case bear witness that the relevant decision of rescinding the provisional divorce or final divorce has not been made frivolously.

RIGHTS OF THE WIFE DURING A WAITING PERIOD

DO NOT EXPEL HER

Do not expel them from their homes and neither shall they [be forced to] leave unless they become openly guilty of immoral conduct. These, then, are the bounds set by God—and he who transgresses the bounds set by God does indeed sin against himself. [For O man, although] you know it not, after that [first breach] God may well cause something new to come about. (65:1)

HUSBAND IS RESPONSIBLE FOR MAINTENANCE

[Hence], let the women [who are undergoing a waiting period] live in the same manner as you live comfortably within your means. Do not harass them to make their lives miserable. (65:6)

During the waiting period, the husband is fully responsible for maintaining the wife he is divorcing. This is in accordance with the standard of living observed during their married life. The woman has the right to stay in the home, so the man must not evict her against her will. This particular injunction does not prohibit a divorced woman from leaving the home of her own free will. If she becomes guilty of immoral conduct, she may be legally forced to leave her marital home. “Something new to come about” is an allusion to the possibility of reconciliation and resumption of marital relations before the divorce becomes final.

WAITING PERIOD FOR MENOPAUSAL, NON-MENSTRUATING, OR PREGNANT WOMEN

Now as for such of your women as are beyond the age of monthly periods, [Menopausal women] as well as for such as do not have any menses, [non-menstruating for any reason] their waiting-period—if you have any doubt [about it]—shall be three

[calendar] months. Those who are with child, [pregnant] the end of their waiting shall come when they deliver their burden. (65:4)

WHAT CAUSES AMENORRHEA?

Amenorrhea is the medical term for women without menstrual periods. Some of the causes of amenorrhea are listed:

A family history of amenorrhea or early menopause.

A genetic or chromosomal defect affecting ovary function and the menstrual cycle.

Severely overweight or underweight

Eating disorder

An extreme exercise pattern

A poor diet, stress, and pregnancy

NO WAITING PERIOD

O you who have attained faith! If you marry believing women and then divorce them before you touch them, you have no reason to expect, and calculating, any waiting period on their part: hence, make [at once] provision for them, and release them in a becoming manner. (33:49)

WET NURSE

Take counsel with one another in a fair manner [about the child's future]. And if both of you find it difficult [that the mother should nurse the child] [for reasons of her health]; let another woman nurse it on behalf of him [who has begotten it]. [At the father's expense] [In all these respects], let him who has ample means spend per his amplitude, and let him whose means of subsistence

are scanty spend in accordance with what God has given him [and it may well be that] God will grant ease after hardship. (65:6-7)

The question of pregnancy does not arise if the marriage has not been consummated; a waiting period on the part of the divorced wife would be meaningless and of no benefit to either her or her former husband.

WHEN A DOWER IS NOT SETTLED

You will incur no sin if you divorce women while you have not yet touched them nor settled a dower upon them. However, [even in such a case] make provisions for them. The affluent, corresponding to his means, and the straitened according to his means—a provision equitable. This is a duty upon all who do good. (2:236)

WHEN A DOWER IS SETTLED

And if you divorce them before having touched them, but after setting a dower upon them, then [give them] half of what you have settled. Unless women forgo their claim. If he [the husband] in whose hand is the marriage-tie foregoes his claim to half of the dower (and pays the full amount) that is more in accord with God-consciousness. And be mindful [that you must act with] grace towards one another: God sees all that you do. (2:237)

The bridegroom and bride, before the conclusion of the marriage tie, must agree upon the dower. While the amount of this dower is left to the discretion of the two contracting parties (and may consist of no more than a token gift), its stipulation is an essential part of an Islamic marriage contract. For exceptions to this rule, see 33:50.

AFTER THE DIVORCE

PARTING IN FAIR MANNER

When you divorce women, do not retain them against their will to hurt [them]: for he who does so sins indeed against himself. And do not take [these] messages from God lightly. (2:231) And when they are about to reach the end of their waiting-term, retain them in a fair manner or part appropriately. And unto everyone conscious of God, He [always] grants a way out [of unhappiness] and provides for him beyond all expectation; and for everyone who places his trust in God, He [alone] is enough. (65:2-3) If husband and wife separate, God provides for each of them out of His abundance. Indeed, God is infinite and wise. Unto God belongs all that is in the heavens and all that is on earth. (4:130-131)

THE RIGHT OF ALIMONY

Divorced women, too, shall have [a right to] maintenance in a goodly manner: this is a duty for all who are conscious of God. (2:241)

This relates to women who are divorced without legal fault. Such innocent victims should be granted alimony for life, payable unless and until they remarry. The amount of alimony has been left unspecified since it depends on the husband's financial circumstances and social conditions at the time. When a woman demands a no-fault divorce from her husband, she must pay back her dowry; then, it is only fair that when a man files for divorce and his wife is at no fault, she should be entitled to alimony for the rest of her life. It will also discourage men from divorcing older wives in favor of younger women. The whole idea is to have stable family

units that lead to a stable society, raising mentally and physically competent children who can play a decisive role as adults.

DISCRIMINATORY DIVORCE LAWS

LEGAL DISPARITY

Men can divorce their wives unilaterally. However, it gives the wife only a limited right to seek a divorce, either with her husband's consent or through the judicial system. Legal disparities based on gender run counter to justice and equality. Easy divorces will only lead to more family breakups. When no-fault divorce laws were implemented in the United States, divorce rates dramatically increased.

A divorce declaration made both by men and women in the presence of a judge.

Family courts must decide that all avenues have been exhausted to save a marriage.

Only a judge should grant a final divorce and determine how assets acquired during the marriage should be split.

All marriages and divorces should be recorded for statistical purposes to monitor trends.

DIVORCE EFFECTS

Adults who divorce are more likely to develop depression symptoms and commit suicide than married people. Income remains consistently lower for divorced men and women.

Children from divorced families generally perform worse in academics, score lower on standardized tests, have lower educational aspirations, and are two to three times more likely to

drop out of school than their peers from intact families. Divorce is a driving factor in childhood poverty.

The disruption in a child's life caused by divorce is linked to a variety of health problems, including an increased risk of physical injuries, greater vulnerability to respiratory diseases, and chronic health conditions like asthma and high blood pressure, which can carry into adulthood. Children from divorced families are two times more likely to divorce. Boys are twice as likely to be incarcerated. They also experience earlier drug use and sexual activity.

The Prophet said, "in God's sight, the most hateful of all things allowed is divorce." Divorce is just barely permissible and must not be resorted to unless it is evident that the marriage is hopeless and nothing can save it.

REMARRIAGE AND CHILD CUSTODY

REMARRIAGE WITH AN EX-SPOUSE

If he [finally] divorces her, she shall thereafter not be lawful unto him unless she first takes another man for a husband. Only then, if the husband divorces her, there shall be no sin upon either if they return to one another. This is provided that both of them think they can keep within God's bounds. For these are the boundaries which He makes clear unto people of [innate] knowledge. (2:230)

The reason remarrying an ex-spouse is made difficult is so that couples do not marry and divorce again and again and mock the sacred institution of marriage.

DON'T HINDER YOUR EX-SPOUSE'S NEW MARRIAGE

And when you divorce women, and they have come to the end of their waiting-term, hinder them not from marrying other men if

they have agreed with each other in a fair manner. This is an admonition for everyone who believes in God and the Last Day. It is the most virtuous, and the cleanest [way] for you. (2:232)

REMARRIAGE FOR WIDOWS

And if any of you die and leave wives behind, they shall undergo, without remarrying, a waiting period of four months and ten days. After that, when they have reached the end of their waiting-term, there shall be no sin in whatever they may lawfully do with their persons. But you will incur no sin if you hint at [an intended] marriage offer to [any of] these women, or if you conceive such an intention without making it obvious. God knows you intend to ask them for marriage. Do not, however, plight your troth with them in secret, but speak only in a decent manner. Do not tie the marriage-knot before the ordained [term of waiting] has ended. And be aware that God knows what is in your minds, and therefore remain conscious of Him. (2:234-235)

“You will incur no sin if you hint at [an intended] marriage offer to a newly widowed or divorced woman before the expiration of the prescribed waiting term.

CHILD CUSTODY

Take counsel from one another in a fair manner [about the child's future]. (65:6)

In cases of divorce, the family court also determines child custody arrangements. The gold standard in child custody is what is in the best interest of the child. **Temporary custody** of the child is given to an individual during a divorce or separation proceeding. **Joint custody:** The parents can have shared guardianship over the child, and parental rights are equal. Joint custody grants parents equal rights in making decisions regarding child upbringing.

FOSTER MOTHER

No human being shall be burdened with more than he can bear. Neither shall a mother be made to suffer because of her child, nor because of his child, he who has begotten it. And the same duty rests on the [father's] heir. If both [parents] decide, by mutual consent and counsel, upon separation [of mother and child], [weaning before the end of the maximum period of two years], they will incur no sin [thereby]. If you decide to entrust your children to foster-mothers, you will incur no sin provided you ensure, in a fair manner, the safety of the child, which you are handing over. But remain conscious of God and know that God sees all that you do. (2:233)

If the child is given into the custody of a foster mother, the father is required to hand over the agreed-upon wages to the foster mother in a fair manner.

CHAPTER 23

MISCELLANEOUS TOPICS RELATED TO FAMILY LAWS

(Domestic violence, female genital mutilation, circumcision, and family planning)

DOMESTIC VIOLENCE

Domestic violence is actual or threatened physical or sexual violence or emotional or psychological abuse by a current or former spouse. It is a universal problem. From 10 to 69 percent of women participating in population-based surveys in forty-eight countries reported being physically assaulted by a partner during their lifetime. Domestic violence is the third leading cause of family homelessness. Children who live in homes with domestic violence also suffer abuse or neglect at high rates. In all the above examples, the offending party is usually a man. Women are also responsible for such abuse, but rarely.

Domestic violence is a deliberate pattern of abusive tactics used to obtain and maintain power and control over the victim. Controlling behavior subordinates a victim by isolating them from sources of support and regulating their everyday behavior. Coercive behavior includes assault, threats, humiliation, and intimidation or other abuse used to harm, punish, or frighten their victims.

Alcoholism and traumatic childhood experiences predispose people to domestic violence. Individuals who have experienced violence in their past are more likely to normalize and engage in domestic abuse. Not all victims of child abuse engage in domestic violence. Abuse is a choice made by the perpetrator. The profile of an

emotionally abusive man includes Low self-esteem and the belief that men are superior to women.

Abusive men have a pathological need to control women. They fail to recognize that women are free moral agents, and they have a right to choose their destiny. No matter what laws are enacted, the legal establishment can only do so much to protect women. What is needed is a fundamental change in men's attitudes toward women. Prevention of violence against women begins at home, teaching sons to respect the opposite sex and raising assertive daughters who can stand up to abusive men.

IS WIFE BEATING ALLOWED?

Men shall take full care of women with the bounty, which God has bestowed more abundantly on the former than on the latter. In addition, they shall spend what they may spend out of their possessions. And the righteous women are the truly devout ones, who guard the intimacy, which God has [ordained to be] guarded. And as for those women whose ill-will you fear, admonish them [first]. Leave them alone in bed; then part with them. When they pay you to heed, do not seek to harm them. God is indeed most high, great! (4:34)

In this context, a wife's ill will imply a deliberate, persistent breach of her marital obligations. This includes being guilty of lewd or indecent behavior. The operative word in this verse is daraba. There are many uses for this word, including "tap" to "walk in stride" to "strike at something" and many others. Daraba also means indignation and disregard or "parting and separation," which is consistent within the verse context. Some translators of this verse, all men, have used the word "beat" or "hit" or even "scourge" to represent the word daraba. The word daraba has not been translated to mean hit, beat, or strike in any Quran verse except this one.

Scholars of the Arabic language say daraba cannot mean “to strike them” (women). This is the opinion of Raghīb Isfahani and al-Zamakhshari and those who are knowledgeable about Islam.

The above verse instructs the husband to respond in three steps. First admonish his wife, and if she continues in this indecency, stop sharing the bed. If nothing works, then warn her of the possibility of separation and divorce. If she returns to proper behavior, the verse advises the husband to return to normal marital status and not harm her.

THE PROPHET’S SAYINGS

This view is strengthened by the Prophet’s authentic ahadith found in al-Bukhari and Muslim: “Could any of you beat your wife as he would a slave, and then lie with her in the evening?” The holy Prophet also stated: “I am amazed at the one who strikes his wife, while he is more deserving to be struck himself; do not strike your wives with canes, because there is a legislative retaliation (qisas) for that. Rather, chastise them with a curtailment in their maintenance; thus, you shall gain felicity in this world and the next.” There are other traditions in Abu Daud, Nasai, ibn Majah, Ahmad ibn Hanbal, and others to the effect that he forbade the beating of any woman, saying, “Never beat God’s handmaidens.” The Prophet detested the idea of beating one’s wife. Hitting a woman is cowardly and barbaric. Civilized men do not behave like that regardless of what their wives have done. It is better to divorce a woman you cannot trust than resort to violence.

MALE CIRCUMCISION

The Quran does not mention male or female circumcision. However, the Prophet stated that circumcision was a “law for men.” There is no fixed age for circumcision. Muslim boys are

circumcised during childhood. Male circumcision is a surgical procedure to remove excess foreskin (extra skin) from the penis. It is a safe surgical procedure if performed carefully by a trained and experienced physician. The major advantage of circumcision is the ease with which you can keep the penis clean. Cancer of the penis occurs almost exclusively in uncircumcised men. Circumcised men also have a lower incidence of sexually transmitted diseases.

Circumcision prevents bacterial growth in the foreskin and thus prevent bladder and kidney infections in small infants. In the Abrahamic tradition Isaac was circumcised on the eighth day. The newborn period is the ideal time to circumcise to avoid bladder and kidney infections. Moreover, older boys are usually traumatized by this experience.

FEMALE GENITAL MUTILATION

Female genital mutilation (FGM) is the practice of cutting or removing all or part of the external female genitals. It is traditionally practiced in Africa and some parts of the Middle East and Asia. In these areas, it is considered an honored rite of passage for females. FGM is practiced in many faith communities in Africa (indigenous religions, Muslim, Jewish, and Christian) and predates Islam's arrival. FGM usually takes place before puberty, between four and twelve. It is usually performed by a midwife or another woman, usually without medical training. A girl is held down, and the genital area is cut with a knife, scissors, or even a piece of broken glass. After FGM, females may experience problems with urination and menstruation. Sexual intercourse can be painful for many months or even permanently. The procedure can also complicate pregnancy and childbirth.

Many nations and international organizations condemn the practice as medically unnecessary and harmful and outlaw it. There is no

verse in the Quran that supports female or male circumcision. Although there are medical benefits to male circumcision, female genital mutilation has no proven benefit but many harmful results.

FAMILY PLANNING

There is no Quranic text that forbids the prevention of conception. Quranic verses prohibit infanticide, a grave sin of murder. The pre-Islamic Arab practice of killing or burying alive a newborn child (particularly a girl) due to poverty.

The Quran recommends breastfeeding for two years, which is the natural method of birth control (2:233). Breastfeeding will help spacing children, although nursing a baby is not a guarantee against pregnancy. Some forms of contraception should be used while breastfeeding. Two years of spacing between children allows for better health for the mother and the child.

The principle of preventing conception was accepted in the Prophet's sayings, which allowed some of his followers to practice coitus interruptus. When a man asked the Prophet about coitus interruptus, the Prophet said, "Even if you spill a seed from which a child was meant to be born on a rock, God will bring forth from that rock a child." On the same subject, the Prophet said, "You do not have to hesitate [practicing coitus interruptus], for God has predestined what is to be created until judgment day."

COMPASSIONATE CAPITALISM

CHAPTER 24

EARNING THROUGH HONEST MEANS

ECONOMIC BOON IN MECCA

MECCA WAS THE scene of a radical socioeconomic change involving the transition from a partly Bedouin society to an urban society in early seventh-century Arabia. Only two generations earlier, Meccans lived harsh nomadic lives in the Arabian steppes. Each day brought a grim struggle for survival.

During the sixth century, the Meccans became hugely successful in trade. The leading tribe, the Quraysh, became a mercantile power due to its control of caravans. The caravan trade extended from Arabia's west coast from Yemen in the south to Damascus and Gaza in the north. Southward, the trade route continued into Ethiopia with monsoon winds carrying ships to India. Northward, the Eastern Roman Empire or Byzantine Empire sought products from the Far East. By 610, trade through Mecca had become very lucrative, and the Meccans gained their livelihood almost exclusively through the mercantile economy. They were rich beyond their wildest dreams. The wealthy merchants of Mecca rejected the Prophet, who criticized questionable business practices.

All the surahs mentioned in this section are early Meccan period. The content of these surahs points to existence of a wealthy class obsessed with the accumulation of wealth. The Quran does not state that these were traders, but then what were the other opportunities available in the desert that produced a super-rich class?

GIVE A FULL MEASURE AND WEIGHT

And give full measure whenever you weigh with balance. This will be [for your own] good, and best in the end. (17:35) And unto Madyan, we sent their brother Shuayb. He said: "O my people! Give full measure and weight [in all your dealings]. Do not deprive people of what is rightfully theirs and do not spread corruption on earth after it has been so well ordered. [All] this is for your good if you believe." (7:85) "And do not give short measure and weight [in your dealings with men]. Behold, I see you [now] in a happy state, but, verily, I dread suffering befalls you on a Day that will encompass [you with doom]! Hence, O my people, [always] give full measure and weight, with equity, and do not deprive people of what is rightfully theirs. Do not act wickedly on earth by spreading corruption. That which rests with God is good for you if you believe [in Him]! However, I am not your keeper." (11:84-86) "[Always] give full measure and be not among those who [unjustly] cause loss [to others]. And [in your dealings] weigh with a true balance. Do not deprive people of what is rightfully theirs. Do not act wickedly on earth by spreading corruption. Be conscious of Him who created you just as [He did created] those countless generations of old!" (26:181-184)

One of the most significant principles of Islamic economics is earning an honest living. The Quran, as well as the Prophet's traditions, emphasize honesty and uprightness in business and monetary transactions. Wealth earned through legitimate means is honorable, a sign of dedicated work and God's pleasure. Every time a Muslim lifts a morsel of food into his mouth, he should be able to answer this question affirmatively. "Have I contributed to the human enterprise sufficiently to deserve what I am now receiving?" It is aimed at sleeping partners who live on an inheritance without

contributing to society. Islam lays down the principle that unearned money is not one's own.

Business and trade are considered honorable professions; the Prophet himself was a businessman. Muslim traders introduced Islam to Southeast Asia, now Malaysia and Indonesia. The Prophet saw trade as one of the most effective and egalitarian ways to spread the new faith.

And [in your dealings] give full measure and weight with equity. [However], We do not burden anyone with more than he can bear. (6:152)

God does not expect men to behave with “mathematical” equity—which, given the many intangible factors involved, is rarely attainable in human dealings. He expects him to strive to achieve this goal. The above verse refers to “in all your dealings” and not only to commercial transactions.

GIVING SHORT MEASURE

[At His behest], the sun and the moon run their appointed courses. Trees and stars prostrate themselves [before Him] and the skies He raised high. He devised a measure for everything so that you [too, O men] might never transgress the measure [of what is right]. Weigh, therefore, [your deeds] with equity, and do not cut the measure short! (55:5-9)

DEVOURING OTHERS' POSSESSIONS

Woe to those who give short measures. When they receive their due from [other] people, they demand it be given in full—but when they measure or weigh whatever they owe to others, they give less than what is due! Do they not know that they are bound to be raised from the dead [and called to account] on an awesome

Day—the Day when all men shall stand before the Sustainer of all the worlds? (83:1-6) Do not devour one another’s possessions wrongfully, and neither employ legal artifices to gorge sinfully, and knowingly, anything that belongs to others. (2:188)

The above verses admonish believers not to covet one another’s possessions through subtle legal strategies to obtain what is rightfully someone else’s. Do not devour what belongs to others through false or fraudulent pretenses, even if the other person agrees to such deprivation or exploitation under the stress of circumstances. This passage refers not only to commercial dealings but also touches upon every aspect of social relations, both practical and moral. It applies to everyone's rights and obligations, as well as his physical possessions.

SUFFERING THROUGH HELLFIRE

Oh, you who have attained faith! Do not devour one another’s possessions wrongfully—not even by trade based on mutual agreement. Do not destroy one another for God is indeed a dispenser of grace unto you! And as for him who does this with malicious intent and a will to do harm, We shall cause him to endure [suffering through] fire: for this is indeed easy for God. (4:29-30)

CHAPTER 25

WEALTH AS A TEST OF MAN'S CHARACTER

REMEMBERING GOD ONLY DURING AFFLICTION

Now [thus it is] when an affliction befalls a man, he cries out to Us for help. When We bestow upon him a boon by Our grace, he says [to himself], “I have been given [all] this by [my own] wisdom!” No, this [bestowal of grace] is a trial but most of them do not comprehend it! Many of those who lived before them said the same. But of no use to them was all they ever achieved. For all the evil deeds they had wrought fell [back] upon them. And [the same will happen to] people of the present time who are bent on wrongdoing and will never elude [God]! (39:49-51)

HOPELESS DURING MISFORTUNE, EXULTING IN PROSPERITY

When We give a man a taste of Our grace, he exults in it. If misfortune befalls them because of what their own hands sent forth, the man shows how bereft he is of gratitude! (42:48) But as for the man, whenever his Sustainer tries him by His generosity and by letting him enjoy a life of ease, he says, “My Sustainer has been [justly] generous towards me.” Whereas, whenever He tries him by narrowing his means of livelihood, he says, “My Sustainer has disgraced me!” (89:15-16)

When God bestows on a man a measure of material benefit, he often regards God’s bounty as something due to him. He attributes it to his ability and cleverness. He exults in this success. If a misfortune befalls him, instead of remembering his past happiness with gratitude, he calls God's existence into question. He does not

consider the absence or loss of wealth as a trial but rather sees it as evidence of divine injustice. He argues that if God existed, He would not have permitted so much misfortune and unhappiness in the world. This is a conclusion based on the concept of God in terms of human feelings and expectations. This fallacious argument does not take the hereafter into account. Too few people think seriously about the afterlife. They are concerned primarily with this world and the promises that benefit them.

THE PARABLE OF THE RICH AND THE POOR

And propound to them the parable of two men, upon one of whom We had bestowed two vineyards, and surrounded them with date palms, and placed a field of grain in-between. Each of the two gardens yielded its produce and never faltered. We caused a stream to gush forth in the midst of each of them. And so [the man] had fruit in abundance. And [one day] he said to his friend, "More wealth I have than you, and mightier am I as regards [the number and power of my] followers!" And having [thus] sinned against himself, he entered his garden, saying, "I do not think this will perish! And neither do I think the Last Hour will ever come. But even if [it should happen] that I am brought before my Sustainer, [for judgment] I will surely find something even better than this as [my last] resort!" (18:32-36) And his friend answered him during their argument. "Will you blaspheme against Him who created you out of dust, and then out of a drop of sperm? In the end, He transformed you into a [whole] person. But as for myself, [I know that] He is God, my Sustainer, and I cannot attribute divine powers to anyone but my Sustainer." (18:37-38)

And [he continued]: "Alas if you had but said, on entering your garden, 'Whatever God wills [shall come to pass, for] there is no power save with God!' Although, as you see, I have less wealth

and offspring than you, yet it may well be that my Sustainer will give me something better than your garden. Just as He may let loose a calamity out of heaven upon this [your garden] so that it becomes a heap of barren dust or its water sinks deep into the ground so that you will never find it again!” (18:39- 41)

And [thus it happened] his fruitful gardens were encompassed [by ruins]. There he was, wringing his hands over all he had spent on that which now lay waste, with its trellises caved in. He could only say, "Oh, would that I had not attributed divine powers to any but my Sustainer!" For now, he had no one to succor him in God's stead, nor could he succor himself. For thus, all protective power belongs to God alone, the True One. He is the best to grant recompense and determine what is to be. (18:42-44)

RIGHTEOUS ARE SUSCEPTIBLE TO WEALTH CORRUPTING INFLUENCE

If God granted [in this world] abundant sustenance to [all of] His servants, they would behave on earth with wanton insolence. As it is, He bestows [His grace] from on high in due measure, as He wills. He is fully aware of [the needs of] His creatures and sees them all. And it is He who sends down rain when [men] lose hope and unfolds His grace [thereby]. For He alone serves as their Protector, the One to whom all praise is due. (42:27-28) And were it not for [with the prospect of boundless riches before them] all people would become one [evil] community. (43:33)

Sometimes, when a man is exposed to abundant wealth, he loses sight of spiritual and moral considerations. Overnight riches may lead to arrogance and false pride, and even righteous men will become selfish, greedy, and ruthless. They entertain the blasphemous notion of being self-sufficient (because God alone is self-sufficient) and fail to express gratitude for favors received

through God's grace. Therefore, God does not bestow abundance upon all righteous men because excessive wealth may lead some to wanton insolence. The reference to the symbol of life-giving rain connects with the preceding statement that "He bestows His grace in due measure, as He wills." The Quran stresses again and again that God's response to the righteous—as well as to wrongdoers—will become fully evident in the life to come and not necessarily in this world, which is only the first, short stage of man's existence.

ACT IN MODERATION DURING MISFORTUNES AND PROSPERITY

No calamity can ever fall on the earth or on you, unless it be [laid down] in Our decree before We bring it into being. Verily, all this is easy for God. [Know this] so that you may not despair over whatever [good] has escaped you nor exult [unduly] over whatever [good] has come to you. For God does not love those who, out of self-conceit, act boastfully, are miserly [with God's bounty] and bid others to be stingy! And he who turns his back [on this truth should know], verily, God alone is self-sufficient, the One to whom all praise is due! (57:22-24) Thus, We have willed you to be a community of the middle way. This is so that [with your lives] you might bear witness to the truth before all mankind and that the Apostle might bear witness to it before you. (2:143)

It is God who decrees an event and brings it into being, whether it is a natural or manmade catastrophe, and to an individual suffering through illness, moral or material deprivation, or other misfortunes. The knowledge that whatever has happened because it was willed by God in accordance with His unfathomable plan should enable a true believer to react with conscious equanimity to whatever goodness or ill comes to him. One of the golden rules of righteous living is moderation as a way of life. God does not love those who

attribute their good fortune to their own merit or luck. They do not want to admit that whatever transpired must have been willed by God.

CHAPTER 26

CHARITY

ZAKAH

Islam's third pillar is charity. Quranic wealth distribution is compulsory and voluntary. Zakah is a mandatory tax to help the poor. Its purpose is twofold. First, it is meant to purify Muslim possessions from greed and selfishness. Second, the proceeds of this tax are used for what the Quran describes as “the cause of God” or the welfare of the community.

The “poor-due” is Islam’s primary device for institutionalizing regard for others. The Prophet Muhammad instituted wealth distribution in the seventh century by prescribing a graduated tax on the haves to relieve the have-nots. Whenever the term zakah bears the above legal implication, it is translated as “the purifying dues.” When this term is used in reference to the children of Israel, it implies only acts of charity toward the needy, and it is more appropriate to translate it as “almsgiving” or “charity.” Muslims can directly help poor families, orphans, widows, and others. In some Islamic countries, the government collects zakah and distributes it among the poor and deserving.

SADAQAH

Muslims are also encouraged to give charity voluntarily (sadaqah). The term sadaqat (plural) is rendered here as “offerings given for God's sake.” This comprises everything that a believer freely gives to another person out of love or compassion, any charitable gifts above and beyond the obligatory tax or zakah. The voluntary distribution of wealth is consistent with the general concept of

freedom of action in Islam. Both zakah and sadaqah are strictly used for poverty alleviation and cannot be used for anything else.

TWO CARDINAL DEMANDS: GOD'S ONENESS AND CHARITY

It has been revealed to me that your God is the one God. Turn to Him and ask for forgiveness! And woe unto those who ascribe divinity to anything other than Him, and those who do not put their effort into charity. They are the ones who deny the truth of life to come! [But] those who attain faith and do righteous works shall receive eternal reward! (41:6-8)

Belief in God's oneness and charitableness toward one's fellow men are two cardinal demands of Islam. A deliberate offense against either of these two demands amounts to a denial of man's responsibility before God. The Quran reminds believers that their faith in God cannot be complete unless it makes them conscious of their fellow beings' material needs.

TRUE PIETY AND CHARITY

[As for you, O believers], never shall you attain true piety unless you spend on others out of what you cherish for yourself. Whatever you give, God has full knowledge of it. (3:92) [Truly pious is he who] spends his substance—however much he himself may cherish it—upon his nearest of kin, the orphans, the needy, the wayfarers, the beggars, for the freeing of human beings from bondage, is constant in prayer and renders the purifying dues. (2:177)

GOD IS THE SOURCE OF RICHES; MAN IS A TRUSTEE ONLY

For it is He who has created gardens, both cultivated and wild, date palms, fields bearing multiform produce, the olive tree, and the pomegranate. [All] similar and yet so different! Eat their fruits when it comes to fruition. And do not waste [God's bounty]: God does not love the wasteful! (6:141)

Everything on earth and in heaven owes its existence to God alone. The mention of gardens in this verse illustrates the doctrine that everything living and growing belongs to God. It was a reminder to the newly rich entrepreneurs of Mecca and the Quran followers that the wealth they acquired belongs to God. They should be grateful for God's favors. Man is allowed only temporary use and enjoyment of good things in life. All that man earns and possesses in his brief lifespan is held in trust for God. Being a prudent trustee, a man should not waste God's bounty.

ABUNDANCE ON SOME AND SCANT ON OTHERS

His are the keys of the heavens and the earth: He grants abundant sustenance, or gives it in scant measure, unto whomever He wills. (42:12) Are they, then, not aware that God grants abundant sustenance, or gives scant measure, unto whomever He wills? In this, there are messages for believers! (39:52) We freely endow some of thy Sustainer's gifts, since His giving is never confined [to one kind of man]. How We bestow [on earth] more bounty on some of them than on others: but [remember that] the life to come will be far higher in degree and far greater in merit and bounty. (17:20-21) Thy Sustainer grants abundant sustenance, or gives it in scant measure, unto whomever He wills: fully aware is He of [the needs of] His creatures and sees them all. (17:30)

Envy is a feeling of grudging admiration and the desire to have something others possess. Covetousness is an unwarranted desire to possess something belonging to another. The above verses admonish believers not to envy or covet one another's possessions. Wealth, or lack of it, is also a trial for everyone. The above injunction condemns envy in general, rendering this expression as "so many others" and implying that whatever God grants a person is an outcome of divine wisdom and truly appropriate to that person. The phrase may also refer to life to come and the spiritual sustenance God bestows upon the righteous.

HAVES SHOULD GIVE TO HAVE-NOTS

Eat fruits when it comes to fruition and give [the poor] their due on harvest day. (6:141) Believe in God and His Apostle and spend on others from which God has made you trustees. For those of you who have attained faith and spend freely [in God's cause] shall have a great reward. (57:7)

One of the main points of Muslim economics is the concern that people's wealth should be widely shared. Society's health requires material goods to be widely distributed, and wealth is in easy circulation. The Quran calls upon Muslims to pursue social justice. This is rooted in the recognition that the earth belongs ultimately to God and that human beings are its caretakers. Material rewards are, therefore, subject to social responsibility toward community members.

THE ULTIMATE REWARD FOR GIVING

Why should you not spend freely in God's cause, seeing that God's [alone] is the heritage of the heavens and the earth? Who will offer God a good loan, which He will repay? For such [people] shall have a noble reward on the Day when you see all believing

men and believing women their light spreading rapidly before them and on their right. [And with this welcome awaiting them] “A glad tiding for you today gardens through which running-waters flow, therein to abide! This, this is the triumph supreme!” (57:10-12)

For, it is neither your riches nor your children that can bring you nearer to Us. Only he who attains faith and does what is right and just [comes near Us]. It is those who expect multiple compensation for all they have done. These are the one who shall dwell securely in mansions [of paradise]. While all who strive against Our messages, seeking to defeat their purpose, shall suffer. And whatever you spend on others, He [always] replaces it, for He is the best of providers.” (34:37-39)

Inequality in wealth distribution is a fact of life in society. The question is, what should be done about the situation? The Islamic answer is simple: Those who have much should help lift the burden of those who are less fortunate. Similarly, the welfare state concept of the twenty-first century is based on this principle. Nowhere did the Prophet Muhammad’s democratic thunder speak with greater force or clarity than in this area. Finding men grounded under the tyranny of vested interests, he advocated measures that broke economic caste barriers. He also greatly reduced unfair privileges.

BRIEF ENJOYMENT OR ETERNAL HAPPINESS

We might indeed have provided for those who [now] deny the Most Gracious roofs of silver for their houses, and [silver] stairways to ascend, and [silver] doors for their houses, and [silver] couches to recline, and gold [beyond counting]. Yet all this would have been nothing but a [fleeting] enjoyment of life in this world. Whereas [happiness in] the life to come awaits the God-conscious with your Sustainer. (43:33-35)

And God endows those who avail themselves of [His] guidance with an ever-deeper consciousness of the right way. Good deeds, whose fruit endures forever, are, in thy Sustainer's sight, of far superior merit [than any worldly goods] and yield far better returns. (19:76)

CHAPTER 27

DENYING HELP TO THE POOR

The chief entrepreneurs in Mecca had become wealthy merchants, and they thought of making the biggest profit for themselves. The capital upon which they operated was the clan's common property, but they conveniently forgot about it. The old tribal values, such as loyalty, bravery, and leadership, had been superseded by rampant and ruthless capitalism based on the concept of a free market economy. This was without competition or moral boundaries. Material prosperity in Mecca led to an excessive valuation of wealth and power and to a belief that human beings are self-sufficient—a blasphemy, as God alone is self-sufficient.

LET GOD FEED THE HUNGRY

Thus, when they are told, “Spend on others out of what God has provided for you as sustenance,” those bent on denying the truth say unto those who believe, “Shall we feed anyone whom, if [your] God had so willed, He could have fed [Himself]? Clearly, you are lost in error!” (36:47) Verily, God does not love those who, full of self-conceit, act boastfully; [nor] those who are miserly, and bid others to be stingy, and conceal whatever God has bestowed upon them out of His bounty. So, We have prepared shameful suffering for all those who deny the truth. (4:36-37)

HUNG AROUND THEIR NECK

Their miserly attachment to all that God has granted them out of His bounty—that this is good for them. No, it is bad for them, because the things they stingily cling to will, on the Day of Resurrection, be hung about their necks. For unto God [alone]

belongs the heritage of the heavens and the earth, and God is aware of all that you do. (3:180)

This is an allusion to some unbelievers' way of life, characterized by extreme attachment to material things. Materialism is based on a lack of belief in anything that transcends the practical problems of life.

RAGING FIRE FOR THE STINGY

As for him who is stingy, and thinks he is self-sufficient, and calls the ultimate good a lie—for him shall We make easy the path towards hardship: and what will his wealth avail him when he heads down [to his grave]? (92:8-11) So I warn you of the raging fire—[the fire] which none shall have to endure but that most hapless wretch who gives the lie to the truth and turns away [from it]. (92:14-16)

THE HUNDRED-SEVENTH SURAH AL-MAUN

The name of this *surah* is derived from the word *al-maun*, appearing in the last verse. The term *al-maun* comprises the many small items needed for daily use, as well as the occasional acts of kindness consisting of helping one's fellow man with such things. In its broader sense, it denotes aid or assistance in any difficulty.

In the name of God, the Most Gracious, the Dispenser of Grace: Hast thou ever considered [the kind of man] who gives the lie to all moral laws? Behold, it is this [kind of man] that thrusts the orphan away and feels no urge to feed the needy. Woe, then, to those praying ones whose hearts are remote from prayer. They only want to be seen and praised and deny all assistance [to their fellowmen]! (107:1-7)

Mecca's prosperous merchants refused to share their wealth with the poor. Instead of looking after the weaker members of the tribe, as the nomadic code prescribed, the Quraysh were now intent on making money at the expense of some of the tribe's more vulnerable members. The great merchants were not willing to use their wealth to help the needy or the unfortunate and were miserly and selfish. There was a widening gap between settled, wealthy people and poor nomads.

THE PARABLE OF GOOD AND BAD HARVEST

[As for such sinners], We [but] tried them as We tried the owners of a particular garden who vowed that they would surely harvest its fruit tomorrow and made no allowance [for God's will]. Whereupon a visitation from thy Sustainer came upon that [garden] while they were asleep so that by the morrow it became barren and bleak. Now when they rose in the early morning, they called one another, " Get out early to your tith if you want to harvest the fruit!" Thus, they launched forth, whispering unto one another, "Indeed, no needy person shall enter it today [and come] upon you [unaware]!" (68:17-24)

We try some sinners by bestowing on them affluence out of all proportion to their moral deserts. The garden owners resolved to harvest their fruit without invoking "if God so wills." It points to the first lesson from this parable, which is that nothing can come about unless the Almighty so wills. They made no provisions for the poor either. Ever since biblical times, it has been understood that the less fortunate have a right to a share in the harvest of the fields and gardens owned by the more fortunate men. The garden owners' determination to deprive the poor of this right is the second type of social sin to which the above parable points.

And they set out at a very early hour determined to accomplish their purpose. But as soon as they beheld [the garden and could not recognize] it, they exclaimed, "Surely we have lost our way!" [And then] "No, but we have been rendered destitute!" Said the most right-minded among them: "Did I not tell you, 'Will you not extol God's limitless glory?'" They answered: "Limitless in His glory is our Sustainer! We were doing wrong!"—And then they turned upon one another with mutual reproaches. [In the end] they said: "Oh, woe unto us! We behaved outrageously! [But] it may be that our Sustainer will grant us something better instead: [His forgiveness] for, unto our Sustainer do we turn with hope!" Such is the suffering [with which We try some people in this world], but greater by far will be the suffering [which sinners shall have to bear] in the life to come—if they but knew it! For it is the God-conscious who await gardens of bliss with their Sustainer. Or should We, perhaps, treat those who surrender themselves to Us as those who remain lost in sin? (68:25-35)

“Who surrender themselves unto Us” is the earliest occurrence of the term muslimun (singular, Muslim) in Quranic revelation. Throughout this work, the terms Muslim and Islam are used per their original connotations, namely, “one who surrenders or has surrendered himself to God or man’s self-surrender to God.” The same holds for all forms of the verb aslama occurring in the Quran. The institutionalized use of these terms—that is, their exclusive application to followers of the Prophet Muhammad—represents a post-Quranic development and must be avoided in a Quran translation.

CHAPTER 28

AMASSING WEALTH AT ANY COST

Mecca stood at the crossroads of routes from Yemen to Syria and Abyssinia to Iraq. Mecca's growth as a trading center was due to the Kabah, to which men could come without fear of molestation. Mecca's leaders conducted complex financial transactions in Prophet Muhammad's times. These financiers were skillful in manipulating credit, wise in their speculations, and interested in any lucrative investment from Aden to Gaza or Damascus.

Therefore, nomads came to Mecca for goods brought from the four points of the compass by caravan. The caravans to Yemen, Syria, and elsewhere required many nomads as guides, escorts, camel men, etc. They would pay a chief for safe conduct on his territory, water, and other supplies.

AT-TAKATHUR

The term takathur means “greedily striving for an increase” in benefits, tangible or intangible, real or imaginary. It denotes man's obsessive striving for more wealth and material goods. The pursuit of such endeavor's bars man from all spiritual insight as well as from accepting moral restrictions and inhibitions. The result is that not only individuals but also whole societies gradually lose inner stability and happiness.

The hundred-second surah, at-takathur (greed for more and more), is an early Meccan surah. *It has* one of the most powerful, prophetic passages of the Quran, illuminating man's unbounded greed—the tendencies that dominate all human societies in our technological age.

In the name of God, the most gracious, and the dispenser of grace. You are obsessed with greed for more and more until you go to your grave. In time you will understand! And again, in time, you will understand! If you could only comprehend [it] with confidence, you would indeed, most surely, behold the blazing fire [of hell]! In the end, you will indeed, most surely, behold it with certainty. On that Day you will most surely be called to account for [what you did with] the boon of life! (102:1-8)

Due to a wrong mode of life, you find yourselves in the frustration, unhappiness, and confusion that an overriding, unrestrained pursuit of materialism brings. Today, humanity is about to lose its spiritual and religious orientation. You will understand this in the hereafter through insight into the real nature of your past doings. A man brings suffering upon himself by the wrong, wasteful use of the boon of life.

AL-HUMAZAH (AMASSING WEALTH)

The hundred-fourth surah, al-Humazah (the slanderer), derives its conventional name from a noun appearing in the first verse. This surah seems to have been revealed during Muhammad's third prophetic year.

Woe to slanderers and faultfinders! [Woe unto him] who amasses wealth and counts it as a safeguard, thinking it will last forever! But [in the life to come], he shall indeed be abandoned to crushing torment! And what could you imagine crushing torment will be? A fire kindled by God, which will rise over [guilty] hearts: close in upon them in endless columns! (104:1-9)

“His wealth will make him live forever” is a metonym for the tendency to attribute religious value to the acquisition and possession of material goods and facilities—the bias that precludes

men from giving real importance to spiritual considerations (see 102:1 at the start of this chapter). Crushing torment is one of several metaphors for otherworldly suffering. A fire kindled by God in their hearts overwhelms them with despair. This is clearly alluding to the spiritual nature of the fire in the sinners' belated realization of their guilt.

AVARICIOUSNESS

Say: "If you owned all the treasure-houses of my Sustainer's bounty, lo! You would still try to hold on [to them] tightly for fear of spending [too much]. For man has always been avaricious [whereas God is limitless in His bounty]. (17:100) But nay, nay, [O men, consider all that you do and fail to do] you are not generous towards the orphan, and you do not urge one another to feed the needy, and you devour the inheritance [of others] with devouring greed, and you love wealth with boundless love! (89:17-20)

MATERIAL SUCCESS AT THE COST OF MORALITY

Whenever Our messages are conveyed to them, in all their clarity, those who are bent on denying the truth are wont to say unto those who have attained faith, "Which of the two kinds of man is in a stronger position and superior as a community?" And yet, how many a generation We destroyed before their time [people] who surpassed them in material power and outward show! Say: "As for him who lives in error, may the Most Gracious lengthen the span of his life!" (19:73-75)

This is an allusion to two types of human society, characterized by their different approaches to life and problems of faith and morality. The parabolic "saying" of the unbelievers in the garb of a rhetorical question favors a society that refuses to submit to absolute moral

imperatives and obeys expediency dictates alone. In such a social order, material success and power are usually seen as consequences of the conscious rejection of all metaphysical considerations in the concept of God-willed moral standards. The assumption is that they are merely obstacles to man's material success. The Quranic answer to this material success at any cost is threefold:

- 1 Every believer is enjoined to pray for sinners, that God may grant respite and lengthen their lives so they may realize the error of their ways and repent.
- 2 The rewards for righteous deeds will be greater in the afterlife than worldly goods.
- 3 Sinners who refuse to change their self-absorbed material outlook on life will face suffering in the afterlife.

CONSEQUENCES IN THE AFTERLIFE

[And let them say whatever they wish] until they behold that [doom] of which they were forewarned. Whether it be suffering [in this world] or [at the coming of] the Last Hour—for then, they will understand which [of the two kinds of man] was worse in station and weaker in resources! And have you ever considered [the kind of man] who denies the truth of Our messages and says, “I will surely be given wealth and children.” Has he, perhaps, attained a realm beyond a created being’s perception? [The unknowable future] Or has he concluded a covenant with the Most Gracious? We shall record what he says. We shall lengthen his suffering [in the hereafter] and divest him of all that he is [now] speaking of. For [on Judgment Day] he will appear before Us in a lonely state. For [such as] those who have worshipped deities other than God, hoping they would be [sources of] strength for them. But [on Judgment Day] these [very objects of adoration]

will disavow the worship paid to them and will turn against those [who worshipped them]! (19:77-82)

This is a further illustration of the insistence on material values over moral considerations. Furthermore, it reiterates the belief that worldly success is the only thing that matters in our lives. Success is equated with wealth and children in the materialistic world. These people worship wealth and power with almost religious devotion, attributing divine forces to these manifestations of worldly success. They will appear alone before God on the Day of Judgment. They will be stripped of everything and without extraneous support and depend on God's grace and mercy alone.

DO RICHES SIGNAL GOD'S FAVOR?

Whenever We sent a warner to a community, those of its people who had lost themselves entirely in the pursuit of pleasures would declare, "We deny that there is any truth in [what you claim to be] your message!" And they would add, "Richer [than you] are we in wealth and children, and [so] we are not going to be made to suffer!" Say: "My Sustainer grants abundant sustenance, or gives it in scant measure, unto whomever He wills but most men do not understand [God's ways]." (34:34-36)

Those who indulge in the pursuit of pleasures to the exclusion of all moral considerations would declare that the only thing that counts in life is the enjoyment of material benefits. Success in the material world is evidence of one being "on the right path." They foolishly regard riches and poverty as indications of God's favor or disfavor. This statement refutes the belief held by many people that material prosperity justifies all human endeavors, even at the expense of the environment or spirituality.

CHAPTER 29

USURY

IT WAS MAINLY through usurious gains that the pagan Meccans acquired the wealth to equip their powerful army. They almost defeated the poorly armed Muslims at Uhud. The latter might have been tempted to emulate their enemies in this respect. It was to remove the temptation from them and later generations of believers that the prohibition of usury was again stressed through revelation.

[Remember] whatever you may give out in usury so that it might increase through [other] people's possessions will bring [you] no increase in God's sight. (30:39)

This is the earliest mention of riba in the Quranic revelation chronology. In its linguistic sense, this term denotes an increase in something over and above its original amount. In Quranic terminology, riba signifies any unlawful interest in a sum of money or goods lent by one person to another.

Riba opprobrium attaches to profits obtained through interest-bearing loans involving the exploitation of the economically weak by the strong and resourceful. Such exploitation is characterized by the lender retaining full ownership of the capital, irrespective of any losses the borrower may suffer in consequence of this transaction.

CHARGING A HIGH-INTEREST RATE

O you who have attained faith! Do not gorge on usury, doubling it and doubling it again, but remain conscious of God, so that you might achieve to a happy state. (3:130)

BUYING AND SELLING ARE LAWFUL

Those who gorge themselves on usury behave as Satan would confound him; for they say, "Buying and selling is a form of usury." Yet, God has made buying and selling lawful and usury unlawful. (2:275)

PUNISHMENT IN THE AFTERLIFE

Hence, whoever becomes aware of his Sustainer's admonition, and desists [from usury], may keep his past gains. God will judge him. As for those who return to it, they are destined for fire, where they will abide! (2:275)

USURY IS THE OPPOSITE OF CHARITY

God deprives usurious gains of all blessings. While He blesses charitable deeds with manifold increase. God does not love anyone who is stubbornly ungrateful and persists in sinful ways. (2:276)

Usury is the opposite of charity because the former is morally the opposite of the latter. True charity is giving without an expectation of material gain. In contrast, usury is based on an expectation of gain without any corresponding effort on the part of the lender.

GIVE UP YOUR USURY GAINS

O you who have attained faith! Remain conscious of God, and give up all outstanding usury gains, if you are [truly] believers. If you don't then know that you are at war with God and His Apostle. But if you repent, you will be entitled to [your principal's return]: [without interest] you will do no wrong, and neither will you be wronged. (2:278-279)

FORGIVE DEBT AS AN ACT OF CHARITY

If, however, [the debtor] is in straitened circumstances, [grant him] a delay until a time of ease. It would be for your good if you knew it to remit [the debt entirely] by way of charity. And be conscious of the Day on which you shall be brought back to God. Every human being shall be repaid in full for what he has earned, and none shall be wronged. (2:278-281)

Verse 281 above was the last revelation granted to the Prophet, who died shortly afterwards. The companions had no opportunity to ask him about the legal implications of the relevant injunction. Umar ibn al-Khattab is reliably reported to have said, “The last of the Quran that was revealed was the passage on riba, and the Apostle of God passed away without having explained its meaning to us.” Nevertheless, the severity with which the Quran condemns riba and those who practice it furnishes a sufficiently clear indication of its nature and its social as well as moral implications.

IS INTEREST ON A BUSINESS LOAN USURY?

Hence, while the Quranic condemnation of the concept and practice of riba is unequivocal and final, every successive Muslim generation is faced with the challenge of giving new dimensions and fresh economic meaning to this term, which, for want of a better word, may be rendered as “usury.” Up to the last century, this verse was taken as binding for all loans, although there were often informal understandings about gifts, which the borrower would make to the lender as an expression of his appreciation.

Gradually, with the advance of private enterprise throughout Muslim countries in the nineteenth century, this verse was reinterpreted to mean that interest should not be charged on loans used for the relief of human needs. This restriction did not apply to

business loans. As the latter was designed to bring profit to the borrower, it was felt that the Quran could not have intended that the lender be excluded from this profit. Installments paid on mortgage and car loans should be considered rent rather than interest. The majority of Muslims believe that there is no incompatibility between Islam and compassionate capitalism.

WRITTEN TRANSACTION FOR CREDIT

O you who have attained to faith, whenever you give or take credit for a stated term, set it down in writing. And have a scribe write it down equitably between you, and no scribe shall refuse to write as God has taught him: thus, shall he do so. The person who contracts the debt must dictate everything; but at the same time, he should be conscious of God, his Sustainer. He must not weaken anything in his endeavor. And if he who contracts the debt is weak of mind or body or cannot dictate himself, let him who watches over his interests dictate equitably. (2:282)

The above verse embraces any credit transaction, be it an outright loan or a commercial deal. It relates to both the giver and taker of credit and has been rendered accordingly, “Write it down equitably,” following the Quranic laws. The formulation of the undertaking is left to the weaker party, the one who contracts the debt. If he is physically disabled or does not fully understand the business terminology used in such contracts, or is not acquainted with the language in which the contract is to be written, let his guardian dictate. The phrase “weak of mind or body” (literally, “lacking in understanding or weak”) applies to minors as well as to older persons who are no longer in full possession of their mental faculties.

TESTIMONY OF TWO MEN OR A MAN AND TWO WOMEN

And call upon two of your men to act as witnesses; and if two men are not available, then a man and two women from among such as are acceptable to you as witnesses, so that if one of them makes a mistake, the other could remind her. And witnesses must not refuse [to provide evidence] whenever called upon.

In the past, women were not accustomed to the business world and were more liable to commit mistakes in this respect. The stipulation that two women may be substituted for one male witness does not denigrate women's moral or intellectual capabilities.

And do not be reluctant to write down every contractual provision, small or large, and when it is due. This is more equitable in God's sight, more reliable as evidence, and likely to prevent doubts [later]. Write down all rights and obligations arising from the contract, whether small or large, and when they are due. If [the transaction] involves merchandise, which you transfer directly to one another, you will incur no sin if you do not record it.(2:282)

IMMUNITY FOR SCRIBES AND WITNESSES

And have witnesses whenever you trade with each other. Scribes or witnesses must not suffer harm. If you [harm them],it will be sinful conduct on your part. And remain conscious of God. Since it is God who teaches you, and God has full knowledge of everything. (2:282)

And if you are on a journey and cannot find a scribe, pledges [may be taken]. If you trust one another, let him who is trusted fulfill his trust, and let him be conscious of God, his Sustainer. And do not conceal what you have witnessed, for he who conceals it is sinful at heart; and God has full knowledge of all that you do. (2:283-284)

Neither a witness nor a scribe is held responsible for the eventual outcome of the contract or the non-fulfillment of any of its provisions by either of the contracting parties. “Do not conceal testimony” of a business transaction or if a debtor is given a loan on trust without a written agreement and witnesses. He subsequently denies all knowledge of his indebtedness.

CHAPTER 30

LAWS OF INHERITANCE

In pre-Islamic Arabia, the right to inherit parents' estate was restricted to males or sometimes to the firstborn male only. This was the first time Arabian women were granted inheritance rights. Giving females the right to inherit the estate (even partially) was a revolutionary step in time and history. Under such conditions, it would have been impossible to give equal inheritance rights to women fourteen hundred years earlier. The family replaced the tribe as the primary social unit by adopting heritage systems for all family members.

THE QURAN CONTAINS only three primary verses (4:11, 12, and 176) giving specific details of inheritance. Quranic ancillary verses further elaborate on inheritance laws.

DEBT, FUNERAL EXPENSES AND CHARITY

When a Muslim dies, the first order of business is to pay for funeral expenses, any debt he owes, and charity to the poor.

And when [other] nearest of kin and orphans and needy persons are present at the distribution [of inheritance], give them a portion of it for their sustenance, and speak to them kindly. And let them stand in awe [of God], those [legal heirs]—who, if they [themselves] had to leave behind weak offspring, would feel fear on their account. Remain conscious of God and let them speak kindly [to the poor]. (4:8-9)

The deceased's heirs are enjoined to be charitable to needy family members not entitled to a share. These members are present when the inheritance is divided.

DEDUCTION OF BEQUEST (given by will)

[Deduction of] any bequest or debt. Neither of which was intended to harm [the heirs]. (4:12)

Deductions of any bequests (given by will) to particularly deserving members of his family, in addition to—and preceding the distribution of—the legally fixed shares mentioned in 4:11-12. The remaining estate is then distributed among the heirs. The phrase “neither of which is intended to harm the heirs” refers to fictitious bequests and debts meant to deprive the heirs of their legal shares.

WHO ARE THE HEIRS?

Everyone has been appointed heirs: parents, close relatives, and those to whom you have pledged your trust: [wives and husbands] give them their share; God is indeed a witness. (4:33) Men shall have a share in what parents and kinsfolk leave behind, and women shall have a share in what parents and kinsfolk leave behind, whether it be little or much—a share ordained [by God]. (4:7)

In Islam, inheritance is distributed based on a formula of **primary sharer and contingent or residuary beneficiaries**. Beneficiaries like your spouse, children, and parents are always your primary sharers. **Contingent** or residuary beneficiaries are people who get an inheritance or not depending on the existence or non-existence of individual primary beneficiaries. A residuary heir gets whatever remains of the inheritance after the primary sharers are allocated their shares. Contingent or residuary beneficiaries are a range of people, upstream, downstream, and sideways. This may be grandparents, siblings, grandchildren, uncles, aunts etc.

Distant kindred: If there are no surviving blood relatives among the named takers or the descendant’s male agnatic relatives, all

other blood relatives (male and female), known as distant kindred, are allowed to share in the inheritance.

VERSE 4:11 (INHERITANCE OF CHILDREN AND PARENTS)

CONCERNING [the inheritance of] your children, God enjoins [this] upon you: The male shall have the equal of two females' share. If there are more than two females, they shall have two-thirds of what [their parents] leave behind; and if there is only one daughter, she shall have one-half thereof. And as for the parents [of the deceased], each shall have one-sixth of what he leaves behind, in the event of a child. If he has left no child and his parents are his [only] heirs, his mother shall have one-third. If he has brothers and sisters, his mother shall have one-sixth after [the deduction of] any bequest he may have made, or any debt [he may have incurred]. As for your parents and your children - you know not which of them is more deserving of benefit from you: [therefore this] ordinance from God. Verily, God is all-knowing, wise. (4:11)

PREFERENTIAL TREATMENT FOR MALES

Below is an explanation of verse 4:11, broken into its component parts.

Concerning [the inheritance of] your children, God enjoins [this] upon you: The male shall have the equal of two females' share. (4:11) Men shall take full care of women with the bounty which God has bestowed more abundantly on the former than on the latter. In addition, they shall spend what they may spend out of their possessions. (4:34)

Maintaining a family: Men are given preferential treatment over women in inheritance laws for two reasons. First, Islamic law lays the burden of maintaining a family on the male. The first guiding

principle is that the son inherits a share equivalent to two daughters. Husbands must support their wives and children. The expression “he undertook the maintenance of the woman” signifies physical maintenance and protection as well as moral responsibility. However, two-income families are becoming the norm, and men are no longer the sole breadwinners, and this rationale does not apply to many modern Muslim families.

Dowry: The second reason is that women are entitled to dowries from their husbands. A dowry is a gift given as sole possession of the woman upon marriage contract. It is also an advance on inheritance rights from her future husband’s estate. It reflects the high value placed on females in Arab societies, such that the bridegroom is willing to pay a considerable amount of his wealth to have a wife. However, sometimes the bride's father keeps the dowry, and the daughter is left empty-handed.

In Indo-Pakistan, where women are not highly valued, the bride parents pay the dowry. This is a tradition adopted from Hindu culture and contradictory to Quranic teachings. The bridegroom and his family try to extract as much dowry as possible sometimes causing severe financial hardship for the bride's family. Under such circumstances reduced inheritance for daughters seems reasonable.

SOLUTION TO INEQUALITY

A son receives twice as many shares as a daughter. However, this apparent inequality can be easily remedied without violating Quranic inheritance laws. If parents feel that their daughter is more deserving for any reason, they have the right to bequeath up to one-third of their property to any deserving member of their family.

WHEN ARE DAUGHTERS THE ONLY HEIRS?

If there are more than two females, they shall have two-thirds of what [their parents] leave behind; and if there is only one daughter, she shall have one-half thereof. (4:11)

If the deceased leaves no sons or parents but only daughters, whether they are two or more, they inherit two-thirds of the estate. If only one daughter survives the deceased parent, she receives one-half of the estate. There is no indication in the Quran of what happens to the rest of the estate. It is presumed that the rest of the estate will be distributed to brothers and sisters of the departed.

SOLUTION TO INEQUALITY

Gifts or donations during your lifetime: If a Muslim wants his daughters to inherit all his property, excluding all other relatives, he may consider giving it as an outright gift. During his lifetime, a Muslim has absolute power over his property and wealth. He may dispose of it in whatever way he likes. He can gift or donate to whomever he wishes. The only condition is that he must forego all control and proprietary rights to his property or gift. There is no mention in the Quran of gifting property, and these laws are based on the Prophet's ruling. The Prophet said: "He who conferred a life grant upon a person, it becomes his possession, for he surrendered his right by his declaration. [This property] now belongs to the one to whom this lifelong grant has been made and to his successors."

SHARES OF PARENTS

And as for the parents [of the deceased], each shall have one-sixth of what he leaves behind. If he leaves behind a child. But if he has left no child and his parents are his [only] heirs, his mother shall have one-third. And if he has brothers and sisters, his mother shall have one-sixth after [the deduction of] any bequest he may

have made, or any debt [he may have incurred]. As for your parents and your children, you do not know which of them is more deserving of benefit from you: [therefore this] ordinance from God. (4:11)

If the deceased has living parents and a child or children, each of the parents (sharers) is entitled to one-sixth of the inheritance, and the remaining is divided among the children. In this example, the mother of the departed gets equal shares with the deceased's father.

If the parents are the only heirs, the mother's shares are one-third. Since the parents are mentioned, the father automatically becomes a residuary heir and inherits two-thirds of the rest of the shares.

VERSE 4:12 (HUSBAND AND WIVES, BROTHERS AND SISTERS' SHARES)

And you shall inherit one-half of what your wives leave behind, provided they have had no child; but if they have a child, you shall inherit one-quarter of what they leave behind. If the deceased woman leaves children, either from her husband or from an ex-husband, then the husband gets one-fourth of the shares, while the children get the rest. And your widows shall have one-quarter of what you leave behind, provided you have left no child; [the other three-quarters to his brothers and sisters] but if you have left a child, they shall have one-eighth of what you left behind. And if a man or a woman has no heir in the direct line, but has a brother or a sister, then each of these two shall inherit one-sixth; but if there are more than two, then they shall share in one-third (of the inheritance), after [the deduction of] any bequest that may have been made, or any debt [that may have been incurred], neither of which having been intended to harm (the heirs) [This is] an injunction from God: and God is all-knowing, forbearing.

Below is an explanation of verse 4:12, broken down into its component parts.

HUSBAND'S SHARES FROM WIFE'S ESTATE

And you shall inherit one-half of what your wives leave behind, provided they have left no child [the other half belongs to her relatives]. If they have left a child, you shall have one-quarter of what they leave behind, after [the deduction of] any bequest they may have made, or any debt [they may have incurred]. (4:12)

If a deceased woman leaves behind a husband and no child, he, as a primary sharer, will acquire 50 percent of his wife's estate. Because she is childless, the remaining 50 percent will be given to her relatives.

If the deceased woman left children either from the same husband now living or from an ex-husband, the husband gets one-fourth of shares, and her children get the rest as residuary.

WIDOW'S SHARES FROM HUSBAND ESTATE

And your widows (sharers) shall have one-quarter of what you leave behind, provided you have left no child; [the other three-quarters to his relatives as residuary] If you have left a child, they shall have one-eighth of what you leave behind.

MAINTENANCE FOR WIDOW

And if any of you die and leave your wives behind, they bequeath thereby to their widows [the right to] one year's maintenance without being obliged to depart [the dead husband's home]. If, however, they leave [of their own accord], there shall be no sin in whatever they may lawfully do with themselves. And God is almighty wise. (2:240)

The widow with children inherits one-eighth, and the rest is divided among children. The widow has a right to her deferred dowry, one year of maintenance, and the Quranic share of her husband. The question of a widow's residence in her dead husband's house arises only if it has not been bequeathed to her outright, under the 4:12 provisions. If the widow remarries, she forgoes her claim for additional maintenance for the remainder of the year.

IGNORING THE WIDOW'S ROLE IN WEALTH CREATION

It is presumed that the wealth created during marriage belongs to the husband since he is usually the breadwinner. It ignores the widow's role in generating wealth. Marriage makes men more productive because their wives usually perform the bulk of the housework and childcare so men can concentrate on their jobs. Wives often support their husbands' careers. These days, many women also work outside the home in two-income families. Nowhere in the Quran does it say that all wealth produced during marriage belongs to the husband.

In most instances, widows face poverty when they receive only one-fourth of the estate, which is further reduced to one-eighth when the deceased husband leaves children behind. At the most vulnerable time, when she loses her husband and financial support, she may have to move back to her natal family. She may also have to rely on government assistance or become homeless. A young widow still has a chance to remarry and start afresh in life, but older widows have bleak prospects. If the widow has adult children, she will be forced to live under their guardianship. In the twilight years of her life, she will become destitute.

What is the monetary value of the widow's services in raising the family and all the assets acquired during the marriage? How much does it cost to replace the widow's contribution to her family? The

husband must hire a nanny for twenty-four hours a day, a cook, and a manager to supervise employees. One cannot price maternal love, compassion and caring. She risked her life to bear children.

The court must decide the monetary value of a mother's contribution to raising a family and compensate her for her sacrifice. One-fourth or one-eighth of her husband's estate will then be fair. It would not violate inheritance laws. It will recognize the central role women play in rearing future generations. She has earned the right to live the rest of her life with dignity and independence. If paradise is at her feet, let it not be empty talk while her golden years descend into misery.

THE DECEASED HAS NO PRIMARY HEIRS

SISTERS ARE THE ONLY HEIRS

They will ask thee to enlighten them. Say: "God enlightens you [thus] about the laws concerning [inheritance from] those who leave no heir in the direct line. If a man dies childless and has a sister, she shall inherit one-half of what he has left, just as he shall inherit from her if she dies childless. But if there are two sisters, they will both have two-thirds of what he has left.

A SISTER AND A BROTHER ARE THE ONLY HEIRS

If there are brothers and sisters, then the male shall have the equal of two females' share." God makes [all this] clear unto you, lest you go astray; and God knows everything. [This is] an injunction from God: and God is all-knowing, forbearing. (4:176)

SHARES OF HALF-BROTHERS AND HALF-SISTERS

And if a man or a woman has no heir in the direct line but has a (half) brother or a (half) sister, then each of these two shall inherit one-sixth. If there are more than two, they shall share one-third

[of the inheritance]. That is after [the deduction of] any bequest, or any debt [that may have been incurred]. Neither of which was intended to harm [the heirs]. (4:13)

The passage above refers to half-brothers and half-sisters. If there are other heirs, they get shares of the remaining inheritance. Otherwise, the deceased's will applies to the rest of the estate.

RESIDUARY TAKERS

Sunnis believe that Quranic inheritance laws should be superimposed on the pre-Islamic Arabian inheritance laws. Any part of the estate that is not distributed to the primary sharer or direct heir will pass to male agnatic relatives (any male relative on the father's side). Male agnates were subject to priority rules, which determined which surviving male agnates were entitled to inherit. The male agnates follow the rule that one nearer in degree to the deceased excludes one more remote in degree (the son has priority over the father, who, in turn, takes priority over the brothers, who, in turn, take precedence over the paternal uncles).

The Sunni view is based on one hadith: Abdullah ibn Abbas reported that the Prophet said, "Give the inheritance shares prescribed in the Quran to those who are entitled to receive them. Then whatever remains should be given to the closest male relative of the deceased" (Sahih al-Bukhari). However, the Quran does not endorse the old agnatic customary system, as it does not expressly state the shares of the agnate relatives. Also, this hadith discriminates against women and violates the spirit of the Quran, where females were granted inheritance for the first time and this hadith contradicts that principle. The Shia school believes it must be rejected and replaced by updated Quranic law.

PUNISHMENT BY FIRE

[This is] an injunction from God: and God is all-knowing, forbearing. These are the bounds set by God. And whoever rebels against God and His Apostle and transgresses His limits, him He will commit unto fire, therein to abide, and shameful suffering awaits him. (4:12-13)

Punishment is promised for inheritance law violators. The vast majority of women in Pakistan are denied their God-given right to inherit their share of the estate. It is either the brothers or fathers who are responsible for denying women their rights despite the promise of shameful suffering in the afterlife.

LAST WILL AND TESTAMENT RECORDING AND WRITING THE WILL

O you who have attained faith! Let there be witnesses to what you do when death approaches you, and you are about to make bequests. Two persons of probity (integrity) from among your people, or-if death comes upon you while traveling far from home—two other persons from [among people] other than your own. Take hold of the two after praying, and if you have any doubts in your mind, let each swear by God. "We shall not sell this [our word] for any price, even though it were [for] a near kinsman. Neither shall we conceal anything that we have witnessed before God—or else, may we indeed be counted among the sinful." But if afterward, it should come to light that the two [witnesses] have become guilty of [this very] sin, then the two others—from among those whom the two former have deprived of their right [from among the rightful heirs of the deceased] shall take their place and shall swear by God. "Our testimony is indeed truer than these two, and we have not transgressed the bounds of what is right—or else, may we indeed be counted among the

evildoers!” Thus, it will be more likely that people will offer testimony to the truth—or else they will [have cause to] fear that others' oaths will refute their oaths. (5:106-108)

In the event of the death of a family member, the heirs should act as witnesses during the time of making a will. If the person is traveling and becomes suddenly ill, two witnesses are required from the community.

SIN OF ALTERING A WILL

If anyone alters such a provision after knowing it, the sin of acting thus shall fall only upon those who altered it. If, however, one has reason to fear that the testator has committed a mistake or a [deliberate] wrong and brings about a settlement between the heirs, he will incur no sin [thereby]. God is much-forgiving, a dispenser of grace. (2:181-182)

If anyone alters the will after the testator's death, the sin is only on those who alter it. It is not applicable to anyone who may have unwittingly benefited from the change. If the testator made a mistake or committed a deliberate wrong, a settlement overriding the testamentary provisions, by the common consent of the parties concerned, is considered unjust.

BEQUESTS TO DESERVING FAMILY MEMBERS

It is ordained for you when death approaches any of you, and he leaves behind much wealth, to make bequests in favor of his parents and [other] nearest of kin following what is fair: this is binding on all who are conscious of God. (2:180)

If one expects to leave behind much wealth and not simply property, one should make bequests (given by will) to particularly deserving members of his family in addition to—and preceding the

distribution of—the statutory fixed shares mentioned in 4:11-12 above. This interpretation is supported by Aishah and Ali ibn Abi Talib, both referring to this verse. Some commentators claim that no one could bequeath anything to a legal heir. No decrease or increase could be made in inheritance shares. If that is the case, why are parents mentioned explicitly in the above verse, since parents, children, and spouses are the direct legal heirs of the deceased? As regards testamentary dispositions, the power is limited to one-third of the property based upon the Prophet's ruling.

WHY LIMIT A WILL TO ONE-THIRD?

According to several authentic traditions, the Prophet forbade, in cases where there are legal heirs, bequests of more than one-third of one's estate to others. If there are no close relatives entitled to a share of the inheritance, the testator is free to bequeath his fortune in any way he desires. The wisdom behind this limit is to prevent parents from playing favoritism by giving away all their property to their "favorite" child. This will deprive the rest of the children of their legal inheritance. The Western succession system allows parents to give any amount of their property to anyone.

GOVERNANCE

CHAPTER 31

ISLAMIC DEMOCRACY

FREEDOM OF SPEECH IN ISLAMIC DEMOCRACY

Freedom of speech and expression, especially about political and other public issues, is the lifeblood of a democratic system. It is more likely that a free and open discussion will lead to the best option being considered and prevent serious mistakes from being made. Civil society allows for spirited debate among those deeply disagreeing on the issues.

Democracy depends upon a knowledgeable citizenry whose access to information enables it to participate as fully as possible in public life. It also criticizes unwise or tyrannical government officials or policies. For free people to govern themselves, they must be empowered to express themselves -- openly, publicly, and repeatedly, in speech and in writing. The right to peaceful assembly and protest is an integral part of free speech.

The Prophet's profound saying that "the differences of opinion among the learned men of my community are an outcome of divine grace" forms the basis for constructive criticism of the government by the press and opposition parties. The Prophet also said, "There will be rulers over you who will do right and wrong things. Whoso protests the wrong things, he shall be absolved of responsibility, and whoso dislikes the wrong things, he shall escape punishment. But those who approve of and follow them will be punished."

GOVERNMENT BY CONSENT

Take counsel with them in all matters of public concern; then, when you have decided upon a course of action, place your trust in God: for God loves those who place their trust in Him. (3:159)

The injunction, implying government by consent and council, must be regarded as one of the fundamental clauses of all Quranic legislation relating to statecraft. The pronoun "them" refers to the whole community and "all matters of public concern, including state administration." Although it is addressed to the Prophet, it is binding on all Muslims and for all time. The Prophet always considered himself bound by his council's decision, even if it was against his opinion. Moreover, when he was asked—according to Ali ibn Abi Talib—to explain the implications of the word *azm* ("deciding upon a course of action"), which occurs in the above verse, the Prophet replied, "It means taking counsel with knowledgeable people and following them therein."

DECISIONS THROUGH MUTUAL CONSULTATION

And whose rule [in all matters of common concern] is consultation among themselves? (42:38)

The keyword (*ash-shura* or consultation) is derived from the phrase "consultation among themselves" in verse 38, outlining one of the basic social principles that should characterize the community of true believers. Consultation is an essential pillar of Islamic life. The Prophet's companions regarded it as so vital that they always referred to this surah by the keyword "consultation" (*shura*). First, it is meant to remind all Quran followers that they must remain united within one single community (*ummah*), and second, it lays down the principle that all their communal business must be transacted in mutual consultation.

According to a principle expressed in a famous hadith, “my community shall never agree in error.” Conducting collective life affairs without consultation is a violation of God's law. Justice demands that all those involved in a matter be consulted. If it concerns many people, their representatives should be included in consultation. Affairs must be conducted according to consensus or majority opinion in consultation. If it is a domestic affair, the husband and wife should act mutually, and adult children should also be consulted.

CAN A WOMAN BE THE HEAD OF THE STATE?

Behold, I found there a woman [Queen Sheba] ruling over them; and she has been given [abundance] of all [good]things, and hers is a mighty throne. (27:23)

KINGS AND DICTATORS CAUSE CORRUPTION

She [Queen Sheba] added: “O you nobles! Give me your opinion on the problem with which I am now faced. I would never make a [weighty] decision unless you are present with me.” They answered: “We are endowed with power and with mighty prowess in war - but the command is thine; consider, then, what thou wouldst command.” She [Queen Sheba] said, “Whenever kings enter a country, they corrupt it, and turn the noblest of its people into the most abject. And this is the way they [always] behave?” (27:32-34)

Read the story of King Solomon and the Queen of Sheba, where the Quran condemns kings and dictators. When kings wrongfully seize and forcibly hold absolute power over their subjects, they spread corruption in the land. Implied in her statement is the Quranic condemnation of all political power obtained and maintained

through violence, as it is bound to cause oppression, suffering, and moral corruption.

LOYAL OPPOSITION AND THE RIGHT TO DISSENT

[True] believers are only those who have attained faith in God and His Apostle. Whenever they are [engaged] with him (the Prophet) upon a matter of concern to the whole community, they do not depart [from whatever has been decided upon] unless they have sought [and obtained] his leave. Those who [do not abstain from the agreed-upon action unless they] request leave from you—it is [only] they who [truly] believe in God and His Apostle! Hence, when they ask to leave you for some [valid] reason of their own, you grant this leave to whomsoever of them you choose [to grant it] and ask God to forgive them: for God is much-forgiving, a dispenser of grace! Do not regard the Apostles' summons to you [in the same light] as summons from one of you to another. (24:62-63)

The personal pronoun “with him” refers to the apostle and, by analogy, to every legitimate Muslim ruler. Ask the apostle's permission to abstain, for valid reasons, from participating in a course of action agreed upon by most of the community. It enunciates the principle of “loyal opposition,” combined with absolute loyalty to the common cause. “You grant this leave” after weighing the individual's reasons. The above-mentioned summon relates to a particular course of communal action.

ENJOIN DOING GOOD AND FORBID PUBLIC EVIL

God as most powerful, almighty, is [well aware of] those who, if We firmly establish them on earth, remain constant in prayer, and give in charity. They enjoin the doing of what is right and forbid the doing of what is wrong but with God rests the outcome of all

events. (22:41) You are indeed the most ideal community that has ever been brought forth for [the good of] humanity. You enjoin the doing of what is right and forbid the doing of what is wrong, and you believe in God. (3:110)

Government's duty to forbid evil generally applies to evil manifested in public. However, this must not be construed as the government condoning evil if it is hidden. Law enforcement authorities cannot violate the sanctity of one's home under the pretense of forbidding evil, without probable cause.

The enjoining of good and forbidding of evil must be balanced by Quranic freedoms. For example, morality police and spying on citizens are un-Islamic practices. The command of promoting good and preventing evil has influenced Muslim practice throughout the centuries, providing a rationale for political and moral activism.

SETTLING DISPUTES AND JUSTICE FOR ALL

Whenever judging between people, always judge with justice. Most excellent is what God exhorts you to do, O you who have attained faith! Pay heed to God, and to the Apostle and to among you [the other believers] who have been entrusted with authority. If you are at variance over any matter, refer it unto God and the Apostle, if you [truly] believe in God and the Last Day. In the end, this is the best [for you]. (4:58-59)

"Judge with justice" refers to the judicial sense, and other people's motives, attitudes, and behaviors. "If you are at variance over any matter" refers to the Quran and the Prophet's sunnah. The above passage lays down a rule of conduct for the individual believer and a conceptual basis for the Islamic state's conduct. Political power is held in trust by God. His will, as manifested in the ordinances comprising Islam's Law, is the real source of sovereignty.

The Quran emphasizes the social dimension of God's service. God's will be to govern and prevail on earth and in society. Muslims regard themselves as committed to implementing a just society in accord with God's will. Beliefs and actions are joined. Muslims should not only know and believe but also act and implement. Muslim communities hold sacramental significance since they are a sign of God's blessings in their endeavor to redeem humanity from oppression and injustice. Its political health is sacred in Muslim spirituality. Muhammad and the first Muslim community exemplify this ideal, establishing the socially just society envisioned in the Quran.

UNITY OF MOSQUE AND STATE

Islam's absolute monotheism is preserved in the doctrine of God's unity and sovereignty. As God is one, His rule, will, and laws are comprehensive, extending to all Muslims and all aspects of life. Religion is integral to the state, law, and society. Politics are not extrinsic to Muslim religious life, as in Christianity.

Islamic laws are not to be imposed on non-Muslims, as that would violate one of the basic principles of the Quran: "There is no coercion in faith." Non-Muslims are allowed to have their own sets of laws according to their traditions and requirements. Religion and government are not mutually exclusive, and all faiths should be included in public life in an equal manner. Their adherents given equal rights. The religious minorities deserve full religious equality and a higher degree of respect than what tolerance implies.

THE AMERICAN EXPERIENCE

Many Islamic societies lack essential human freedoms. In this regard, America and some European countries are, in principle, more Islamic than the so-called Islamic countries. America is a

beacon of freedom of religion. The First Amendment to the US Constitution guarantees freedom of religion:

“Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for redress of grievances.” The Bill of Rights prohibits the government from establishing a religion, and the US government is forbidden from favoring one religion over another. This approach excludes all religions from public life and relegates anything religious to the personal domain. However, in practice, the secular approach has been the most successful form of religious liberty in our time.

DEMOCRACY AND ISLAM

Human society has made progress from a state of anarchy through periods of despotism during which freedom was restricted to one privileged group. Finally, it has progressed to a state of liberty for everyone under a democratic system. The Islamic government is based on the approval or consent of the people who are governed from the very beginning. A rudimentary form of democracy was practiced by early Muslims. After the death of the Prophet Muhammad, the elders and tribal chiefs elected the first caliphs, a process similar to modern-day parliamentary democracy. Following the Quranic injunction, “*And whose rule [in all matters of common concern] is consultation among themselves*” (42:38), the Prophet did not name his successor.

PEACEFUL TRANSFER OF POWER

Historically, Islamic governments lacked a mechanism for peaceful power transfer. One of the most tragic events was the assassination of the three great caliphs—Umar, Uthman, and Ali—and countless

civil wars since there was no process to replace rulers peacefully. Modern democracy provides a peaceful mechanism for power transfer, resulting in more stable and stable societies in the long run.

PREREQUISITE OF DEMOCRACY

Intellectual freedom is the basis of a healthy democratic system. It encompasses the freedom to hold, receive, and disseminate ideas. For people to be self-governed, they must be well informed. Democracy, like any other human institution, is not perfect. Winston Churchill once said, “Democracy is the worst form of government, except for all those other forms tried from time to time.” A flaw of democracy is that majority rule may result in the tyranny of the majority over the minority. A constitution that protects minority rights, civil liberties, separation of powers, an independent judiciary, a free press, and strong opposition are all necessary elements to curb government power.

MERITOCRACY OVER ARISTOCRACY

Democracy is made up of two pillars: liberty and popular sovereignty or self-government. Liberty involves what governments do, such as implementing the rule of law, providing infrastructure, and performing basic services. Popular sovereignty means how people determine who governs them. The concepts of modern democracy are embodied in the two Quranic injunctions of “consultation among themselves” and “government by consent.” Kingships and dictatorships are anti-Islamic because these forms of government are not based on consent and mutual consultation.

CHAPTER 32

JUDGMENT DAY FOR TYRANTS AND OPPRESSORS

IMMORAL LEADERSHIP GREAT ONES AS GREATEST EVILDOERS

[Is he] like the one [who is lost] in darkness deep, out of which he cannot emerge? [But] thus it is: goodly seem all their doings to those who deny the truth. And it is in this way that We cause the great ones in every land to become its [greatest] evildoers, there to weave their schemes. Yet it is only against themselves that they scheme—and they realize it not. (6:122-123)

Because their importance makes them impervious to criticism, the “great ones” are less inclined than others to question the moral aspects of their behavior. The resulting self-righteousness often causes them to commit grave misdeeds.

The Prophet said, “Any man whom God has given the authority of ruling some people, and he does not genuinely look after them, will never even feel the smell of paradise.” The evils of Pharaoh in the Quran are a good example of immoral leadership.

DIALOGUE BETWEEN LEADERS AND ACCURSED FOLLOWERS

All [mankind] will appear before God [on the Day of Judgment]. Then the weak [the followers] will say unto those who gloried in their arrogance [intellectual, political, and religious leaders]. “We were your followers. Can you, then, relieve us of God’s chastisement?” [The others] will answer: “If God showed us the way [to salvation], we would indeed guide you [towards it]. It is

[now] all one, as far as we are concerned. Whether we grieve impatiently or endure [our lot] with patience, there is no escape for us!” (14:21)

It is too late for repentance. The allegorical dialogue above takes place among those who sinned out of moral weakness and self-indulgence, relying on the supposedly superior wisdom of the so-called “leaders of thought.” They are described in the sequence as having “gloried in their arrogance,” as they refused to pay heed to God’s messages.

HURLING REPROACHES BACK AND FORTH

DEVISING FALSE ARGUMENTS

If you could only see [how it will be on Judgment Day,] when these evildoers shall be made to stand before their Sustainer, hurling reproaches back and forth at one another! Those [of them] who were weak [on earth] will say unto those who gloried in their arrogance: “Had it not been for you, we would certainly have been believers!” [And] those who gloried in their arrogance will say unto those who were weak: "Why did we keep you [forcibly] from following the right path after it became obvious to you? It was you who were guilty!” (34:31-32)

But those who were weak will say unto those who gloried in their arrogance. “No, [what kept us away was your] devising of false arguments, night and day, [against God’s messages] when you persuaded us to blaspheme against God and to claim that there are powers that could rival Him!” (34:33)

ACCOUNTING OF ARROGANT LEADERS

On that Day, He will call unto them, and ask: “Where now, are those [beings or powers] you imagine having a share in My

divinity?" [Whereupon] they against whom the word [of truth] shall thus stand revealed will exclaim: "O our Sustainer! Those whom we caused to err so grievously, but we ourselves erred. We [now] disavow them before Thee: it was not us they worshipped!" (28:62-63)

We led them astray not out of malice but because we had been led astray by our predecessors. It shows that man's attachment to false—but almost deified—values and concepts is often a matter of social continuity. This is because they are time-honored, with every generation blindly subscribing to their forebears' views. This passage points to the moral inadmissibility of accepting an ethical or intellectual proposition as true on no other grounds than that it was held valid by earlier generations.

And [they] will be told: "Call [now] to those [beings or powers] to whom you ascribe a share in God's divinity!" And they will call unto them [for help], but those [fake objects of worship] will not respond to them: whereupon they will see the suffering [that awaits them—the suffering which could have been avoided] if only they had allowed themselves to be guided! (28:64)

As the sequence shows, the persons addressed are thought leaders, such as intellectual, political, and religious leaders who were supposed to set the community's faulty standards of social behavior and moral valuation. And since they are primarily responsible for the wrong direction their followers have taken, they will be the first to suffer in life to come.

GRIEVOUS SUFFERING FOR TYRANTS AND OPPRESSORS
SHACKLES AROUND THE NECKS

And when they see the suffering [that awaits them], they will [all] be unable to express [the full depth of] their remorse: for We shall

have put shackles around the necks of those who were bent on denying the truth: [and] will this be aught but a [just] requital for what they were doing? (34:33)

The “shackles” that these sinners carry “around their necks” in life and will carry on Judgment Day are a metaphor for the enslavement of their souls to the false values to which they surrendered and for the suffering caused by that surrender.

LOOKING FOR A SECOND CHANCE

Blame belongs only to those who oppress [other] people and behave outrageously on earth, offending against all rights. For them, grievous suffering awaits! (42:42) You will see such evildoers [on Judgment Day, and you will hear how] they exclaim as soon as they behold the suffering [that awaits them], “Is there any way of return?” [Or a second chance on earth]. And you will see them exposed to that [doom], humbling themselves in humiliation and looking [around] with a furtive glance—all the while those who have attained faith will say, “Lost on [this] Day of Resurrection are they who have squandered their own and their followers’ selves!” (42:44-45)

LONG-LASTING SUFFERING

Oh, the evildoers will fall into long-lasting suffering, and will have no protector to succor them against God. [Hence, O men], respond to your Sustainer before there comes at God’s behest, a Day on which there will be no turning back. [For] on that Day, you will have no place of refuge, and you will not be able to deny aught [of the wrong you have done]. (42:45-47)

This passage refers primarily to the tyrants and oppressors and “their followers.” Although this is a reference to “those who oppress other people and behave outrageously on earth, offending against

all rights," the meaning of the term is more general and applies to all kinds of deliberate evildoers. The above sentence implies that every kind of evildoing, particularly the oppression of others, results in spiritual injury and the self-destruction of its perpetrators and their followers.

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