

FAROOQ MIRZA M.D., M.P.H.

THE QURAN SHARIAH FREEDOMS AND RESTRAINTS IN ISLAM

VOLUME SIX

The Mosque–Cathedral of Córdoba,
a stunning monument to tolerance.

The first-ever rendition of the Quran according to specific topics and
the subject matter. A new paradigm in understanding the Quran from
The Quran Foundation.
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Shariah

Freedoms and Restraints in Islam

Volume Six

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Dedication

This book is dedicated to the memory of Muhammad Asad, whose work titled *The Message of the Quran* was the first-ever attempt at an idiomatic, explanatory rendition of the Quranic message into English. In my opinion, it is the best translation and commentary on the Quran.

Muhammad Asad was born Leopold Weiss in July 1900 in the city of Lvov (Lemberg in German), now in Poland, then part of the Austrian Empire. He was a descendant of a long line of rabbis, a line broken by his father, who became a barrister. Asad received a thorough religious education that would qualify him to keep alive the family's rabbinical tradition. He left Europe for the Middle East in 1922 for what was supposed to be a short visit with an uncle in Jerusalem. There he came to know some Arabs and was struck by how Islam infused their everyday lives with existential meaning, spiritual strength, and inner peace.

At the remarkably young age of twenty-two, Weiss became a correspondent for *Frankfurter Zeitung*, one of the most prestigious newspapers in Germany and Europe. As a journalist, he traveled extensively, mingled with ordinary people, held discussions with Muslim intellectuals, and met heads of state in Palestine, Egypt, Transjordan, Syria, Iraq, Iran, and Afghanistan.

Back in Berlin a few years later, Weiss underwent an electrifying spiritual epiphany—reminiscent of the experience 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 the city's small Muslim community and took the names, Muhammad, to honor the Prophet, and Asad—meaning “lion”—as a reminder of his given name, Leopold, which is derived from the Latin word for lion. Asad spent six years in the holy cities of Mecca and Medina, where he studied Arabic, the Quran, 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 the tribe who spoke the Arabic dialect of the Quran. At the age of eighty, after seventeen years of effort, he completed the work that had been his life's dream and for which he felt that all his life up to then had been an apprenticeship, a translation and exegesis, or tafsir, of the Quran in English: *The Message of the Quran*.

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Note to Readers

The seven-volume Quran series is based on the brilliant work by Muhammad Asad, *The Message of the Quran*. I have faithfully kept the translation in all seven volumes in the original form as it appears in *The Message of the Quran*. For the sake of brevity, I have condensed some of the explanations of the Quranic verses. I have added my comments at the end of some chapters.

Demagogues and Islamophobes routinely demonize the word Shariah as incompatible with the United States Constitution. The purpose of volume six is to present all the verses of the Quran regarding Islamic laws or Shariah in the proper context and let the readers decide if Shariah is compatible with the US Constitution.

Another ludicrous charge by Islamophobes is that the small minority of Muslims (less than one percent) of the US population wants to impose Shariah law upon 99 percent of Americans. There is not a single Islamic country where Shariah laws are based on the spirit of the Quran. The practice of so-called Shariah in Islamic countries is, in fact, a mockery of Islam. Why would any Muslim in his right mind like to impose upon anyone the oppressive man-made laws in the garb of Shariah? America and some European countries are, in principle, more Islamic than the so-called Islamic countries. America is a beacon for the freedom of religion. The fundamental right of freedom of religion is embodied in the First Amendment to the US Constitution: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." It will come as a shock to many readers that the true Shariah also guarantees complete freedom of religion. Any Muslim living in the United States can practice Shariah in his personal life; however, many non-Muslims are afraid to practice their religion in some Islamic countries.

Anyone, whether Muslim or not, who is willing to have his preconceived notions regarding Islam shattered should read this book. This book is not for those with weak faith or closed minds.

Farooq Mirza MD, Master of Public Health (MPH)

Preface

How to Make Islamic Civilization Great Again

The Golden Age of Islam

CONTEMPORARY MUSLIM SOCIETIES are not known for their engagement in modern scientific projects. Still, they are heir to a legendary “Golden Age” of Arabic science, which roughly spans the eighth through the thirteenth centuries. The magnetic compass and tools of navigation, mastery of pens and printing, and much more were the innovations of Muslim scientists. Common English words such as algebra, algorithm, alchemy, alcohol, alkali, nadir, zenith, coffee, and lemon derive from Arabic, reflecting Islam’s contribution to the West.

Advances in Medicine

The Golden Age also saw advances in medicine. One of the most famous thinkers in the history of Arabic science, and considered among the greatest of all medieval physicians, was Rhazes (Muhammad ibn Zakariyya al-Razi). Born in present-day Tehran, Rhazes, who died in 925 CE, was trained in Baghdad and became the director of two hospitals. He identified smallpox and measles, writing a treatise that became influential beyond the Middle East and into nineteenth-century Europe. Rhazes was the first to discover that a fever is a defense mechanism, as well as to understand how disease spreads and how it can be healed. He was the author of an encyclopedia of medicine that spanned twenty-three volumes.

Intellectual Freedom

Until its collapse in the Mongol invasion of 1258, the Abbasid Caliphate was the greatest power in the Islamic world and oversaw the most intellectually productive movement in Arab history. It was because of the

movement's intellectual freedom that Greek and Persian works were translated and commented on by Arabic scholars. The scholarly revival in Baghdad resulted in the translation of almost all the scientific works of the classical Greek writings into Arabic. Muslim thinkers made original contributions, through both writing and methodical experimentation, in such fields as philosophy, astronomy, medicine, chemistry, geography, physics, optics, and mathematics.

Many complex factors gave rise to the Golden Age of enlightenment. Some of the crucial elements were the intellectual freedoms and cultural openness encouraged among many Arabic societies. Although the medieval Islamic world granted only limited freedom in comparison to twenty-first-century standards, it offered vastly more liberties than any of its predecessors, its contemporaries, and most of its successors. The Muslim world must restore those parts of its past that valued rational and open inquiry. The Quran repeatedly stresses the use of reason in matters of faith and worldly affairs.

Islam is not an obstacle to freedom, science, or economic development, as the Muslim societies in the past were a pioneer in all three. The concept of freedom is not unique to Western culture. Many principles underlying freedom are stated in the Quran, such as freedom of religion, individual rights, and government by consent or democracy.

Trend toward Secularism

Western civilization attained modernity after the reformation of Judeo-Christian traditions. Waking up with a vengeance from suffocating strangulation by the Christian church, the distinction between the secular and the spiritual began to emerge. Many centuries of sectarian infighting among the Christians of Europe further strengthened the secularization of the West. However, the weakening ties with God during the entire modern history opened a Pandora's box of relativistic ideologies with nothing permanent to hold on to.

Western societies, despite their spectacular success in science and economic development, are facing many social ills for which there are no easy answers. The critical lessons Muslims can learn from the Western religious experience are that the evil of sectarianism portends spiritual decay and may eventually convince the majority of people to consign religion to the private domain and adopt secularism instead.

There are strong indications that now, when so much focus is on the Near and Middle East, Islamic societies are rising from prolonged slumber and partial stagnation in the wake of exploitation during the colonial era, followed by repressive and un-Islamic regimes.

Like all great religions, Islam has also passed through many stages of development. Throughout its history, the community has had to respond to internal and external threats to its continued life and vitality. As a result, Islam has a long tradition of religious renewal and reform.

The belief that the just and righteous community established by the Prophet at Medina already possesses the norm and a fundamental matrix to build future Islamic societies upon does not mean that today's Muslims have to revert to seventh-century living. On the contrary, the first Islamic government established by the Prophet is a good starting point upon which modern Islamic societies can continue to build and evolve in determining just and moral order.

Renewal also requires the removal of un-Islamic historical accretions or unwarranted innovations that have corrupted community life, such as laws condoning sectarianism, suppressing women's rights, and un-Islamic punishment for blasphemy and apostasy, among others.

Islam's role in public life is a moral anchor to avert some of the social ills plaguing secular societies. An ideal Islamic community of the future will combine the best of both worlds: relatively free societies with much lower levels of social ills.

1

Introduction to Shariah

ISLAM, IT IS often said, is a religion of laws. Among all the expressions of Islamic piety, the law is the most characteristic. Muslims use two words to describe Islamic laws: Shariah and *fiqh* (jurisprudence). The literal meaning of the term Shariah is “the way to a watering-place,” since water is indispensable for all organic life.

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

The above passage sets a seal on the message of the Quran. It was revealed at Arafat (Mecca) on the afternoon of Friday, the 9th of Dhul-Hijjah, AH 10, about eighty-two days before the death of the Prophet. No legal injunction whatsoever was revealed after this verse, and this explains the reference to God having perfected the faith and bestowed the full measure of His blessings upon the believers. Man’s self-surrender to God is postulated as the basis, or the basic law, of all true religion. This self-surrender expresses itself not only in belief in Him but also in obedience to His commands, and this is the reason the announcement of the completion of the Quranic message is placed within the context of a verse containing the last legal ordinances ever revealed to the Prophet Muhammad.

The Perfection of Religious Laws in Four Stages

The study of the Quran gives the distinct impression that God's revelation to man has proceeded through four great stages. First, through Abraham, God revealed the truth of monotheism, God's oneness. Second, through Moses, He revealed the Ten Commandments. Third, through Jesus, He revealed the Golden Rule that we are to love our neighbors as ourselves. All these men were authentic prophets; each nailed down indispensable planks in the platform of the God-directed life.

Only one question remained unanswered, the fourth one: How should we love our neighbor? If Jesus had a longer career, or if humanity had been sufficiently advanced to absorb more in the way of refinements, he would have placed his ideas on a more systematic basis. As it was, the work of Jesus was left unfinished. It was reserved for another teacher to systematize the laws of morality.

What does the love of neighbor require in this complicated world in which human interests can 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. The distinctive aspect of Islam is not its ideal but the detailed proposals it sets forth 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 Muslim Prophet 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 to be charged by God. Through Muhammad, God sent his final word to humanity. After that, no one could improve on it.

Differences between Shariah and Western Laws

There are two significant differences between Shariah and Western laws, neither of which contradicts the US Constitution.

Wider Scope of Islamic Law

The scope of Shariah is much broader since it regulates man's relationship not only with his neighbors and the state, which is the limit of most legal systems, but also with his God and his conscience. The Shariah includes a great deal that, for the modern world, has nothing to do with the law. About six hundred of the six thousand verses in the Quran are concerned with

matters of prayer and ritual that cannot be termed as “law” in the strict definition of this word. For instance, it regulates everything respecting religion, both beliefs or faith and rituals. ***“O you who have attained to 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.

Covenant between man and God entails **fundamental beliefs (faith) in Islam. The five articles of faith are a belief in one God, all the prophets, all revealed scripture, angels, and the Day of Judgment.** Shariah has been 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 the **creed of Islam, prayer, zakah or poor tax, fasting, and hajj (pilgrimage to Mecca).**

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

Islamic Laws Mold the 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 were to defy the will of God—for 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.

On the one hand, the secular legal systems are based upon requirements that grow out of society, with changing circumstances. On the other hand, the basic moral code of Islamic Law is based on the divine will and is not subject to change with changing moral values. In Islamic jurisprudence, it is not the society that molds and fashions the laws but the laws that mold and fashion the society. Shariah regulates the actions of its members and may enforce the law by the imposition of penalties.

Pre- and post-Islamic Arabia show how the Islamic laws change the moral compass of society. 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 short time.

“Before Muhammad, there was virtually no restraint of 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 his relations with women were so casual that beyond the first wife or two, they scarcely approximated 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.”

2

The Sources of Islamic Law

The Quran

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

The two primary sources of Shariah are the Quran and the sunnah of the Prophet. First is the Quran, the word of God, whose clear commandments take precedence over all else. The Quran is an immense body of the moral and legal ordinance, in addition to being 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, and child-rearing, contractual relations, commerce, governance, crime, and punishment.

In the realm of more mundane affairs, the Shariah prescribes the food permissible for a Muslim to eat, the prohibition of 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.

Quran Not a Comprehensive Book of Laws

The Quran is the constitution of the Muslims and their 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 ought to do or avoid. Despite its wider scope, the Quran does not constitute a complete code of laws. The following is a saying of the Prophet: “God, the Most Honored, has ordained some obligations, so do not ignore them;

has set some limits, so do not trespass them; 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.” Some matters were left without a ruling in the Quran. By leaving certain unspoken issues, God has left them to man’s free will, thus enabling him to act following his conscience and the best interests of the community.

The Sunnah and Hadith

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 may never set them aside.

When Quranic laws are supplemented with the only 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. Those Westerners who define religion in terms of personal experience would never be understood by Muslims, whose religion calls 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] a judge of all on which they disagree among themselves, and then find in their hearts no bar to an acceptance of your decision and give themselves up [to it] in utter self-surrender. Whoever pays heed to the Apostle pays heed unto God thereby, and as for those who turn away—We have not sent you to be their keeper. (4:65, 79–80)

Now, whenever God and His Apostle have decided a matter, it is not for a believing man or a believing woman to claim the freedom of choice, insofar as they are concerned. For him who [thus] rebels against 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, exemplifying the message of the Quran and enabling believers to apply it to actual situations. These ordinances constitute what is described as the sunnah (literally, “the way”) of the Prophet Muhammad and have full legal force whenever they are authenticated beyond any possibility of 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. To reject all ahadith means splitting the heart of Islam.

Limitations of Ahadith Literature

The truth of the ahadith, from a religious point of view, is usually considered beyond question. When they deal with earthly affairs, there is no difference between the Prophet and other humans. One hadith gives an account of 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 in Collecting Ahadith

While the Quran is considered to be 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 of hadith material is a veritable record of the Prophet’s activities and how much is of extraneous origin, 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 process of collecting ahadith continued until more than two hundred years after the death of the Prophet. Those who transcribed the ahadith did so by collecting the first-hand testimony of those who had lived with and observed the Prophet (his “companions”).

The second-hand testimony of the 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 approximately 7275 as authentic. He found 292,727 ahadith that could not be verified as true.

No matter how meticulous and thorough scholars were, it was humanly impossible to come up with 100 percent authentic ahadith.

Forged Ahadith

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

An-Nasaai was one of the key figures in Muslim scholarship. He was renowned for his extensive awareness of the defects of hadith and the conditions of the narrators. An-Nasaai identified four men as liars who were known for fabricating ahadith—al-Waqidi in Baghdad, Ibrahim ibn Abi Yahya in Medina, Muqatil in Khorasan, and Muhammad ibn Said in Syria.

Al-Waqidi

Al-Waqidi has been condemned as an untrustworthy narrator and had been severely criticized by scholars. Thus, his narrations had been abandoned by the majority of hadith scholars. Yahya ibn Maeen said: "Al-Waqidi narrated 20,000 false hadith about the Prophet." Al-Shafi, Ahmad ibn Hanbal, and al-Albani called him a liar, while al-Bukhari said he didn't include a single letter by al-Waqidi in his hadith works. Nevertheless, one of the principal critics of Islam, William Muir, frequently cites al-Waqidi to malign the Prophet, in his work *The Life of Mahomet*.

Abu Huraira

Abu Huraira was one of the most prolific narrators of ahadith. Second Caliph Umar appointed him as the governor of Bahrain. Abu Huraira amassed considerable ill-gotten wealth, and Umar deposed him in AH 23,

calling him “enemy of Allah and enemy of His Book.” Later, Abu Huraira continued to write ahadith while he lived in the palace of Muawiyah, who was a cunning, opportunistic politician and not considered by many Muslims a rightly guided caliph.

Some Islamic scholars consider the traditions narrated by Abu Huraira to be therefore suspect, and they could only be accepted if another Prophet’s companion had presented the same version. Scholars have noted that the hadith he transmitted tended to restrict the rights of women and refer to their capacity to cause ritual uncleanness, leaving them outside the political sphere and often confining them to the home. His hadith figure prominently in prestigious religious texts such as that of Sahih al-Bukhari, even though they sometimes disagree with hadith transmitted by Muhammad’s wife Aishah, particularly on purification rituals.

The surprising fact is that the closest companions of the Prophet, such as Abu Bakr, Umar ibn al-Khattab, Usman ibn Affan, Ali ibn Abi Talib, and others, have reported the lowest number of ahadith.

Negative Effects of Forged Ahadith Literature

The process of ahadith overshadowing the Quran is a perversion widespread in Muslim societies today because many Muslims think that ahadith literature is infallible and thus carries a legal authority, as the Quran does. The accuracy of some of the ahadith can be compared to the gospels, which were written down many years after the death of Jesus. The collections of all ahadith literature cannot be considered infallible because of the human element involved that may have compromised the accuracy of some of the ahadith. For example:

- Some of the ahadith are contradictory to the Quranic teachings, and some contradict each other. Throughout the study of these seven volumes, the author has pointed out many ahadith that are contrary to the Quran. For example, many biographies of the Prophet attribute numerous miracles to him; however, the Quran categorically states that the only miracle the Prophet was endowed with was the Quran itself.
- Others cast a terrible slur on the Prophet’s chivalrous and good-natured character.
- Hadith supports superstition, such as the evil eye.

- Ahadith literature is the cause of sectarianism in Islam, one of the major causes of the decline in Islamic civilization. The differences between Shia and Sunni sects are rooted in the ahadith and not in the Quran.
- Critics of Islam frequently use ahadith to attack Islam.

Traditions Validated by the Quran

The Quran is considered the gold standard, and any hadith contrary to the teaching of the Quran 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.

Secondary Sources of Islamic Law

Consensus

Failing to find what is needed in these two primary 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 has been of immense importance to the life of the community. Consensus (*ijma*) played 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 in particular. Ideas of consultation (*shura*) and parliamentarianism are used in attempts to formulate a theory of consensus useful in the modern world.

Analogical Reasoning

In Islamic law, analogical reasoning is applied to the deduction of juridical principles from the Quran and the sunnah. When faced with new situations or problems, scholars sought a similar situation in the Quran and sunnah. The key is the discovery of the effective cause or reason behind Shariah rule. If a similar reason could be identified in a new situation or case, then the 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. Analogically speaking, the use of

narcotic drugs is also prohibited, except for medical reasons, because they have similar effects to those of alcohol.

Role of Judges

During his lifetime, the Prophet acted as the supreme judge of the community and resolved legal problems as they arose by interpreting and expanding the general provisions of the Quran, thereby establishing a legal tradition that was to continue after his death. With the rapid expansion of the Islamic realm under the Prophet's political successors, the Muslim polity became administratively more complex and came into contact with the laws and institutions of the lands that the 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, and they pragmatically adopted elements and institutions of 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 rules of the Quran where these were relevant, but the sharp focus in which the Quranic laws were 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 a 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 a large number of commentaries, and the voluminous literature thus produced constitutes the traditional textual authority of Shariah law.

3

Islamic Jurisprudence

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

Schools of Law

There are differences in opinions of *fiqh* rules in the interpretation of the Quranic law. In the first and second Islamic centuries, a number of schools arose, each with a differing point of view and each locked in a dispute with the others. By the third Islamic century, five schools of thought emerged and survived to the present day. Each of the schools is associated with the name of a prominent jurist whose teachings it has adopted, as follows:

- The largest number of adherents belong to the school of Abu Hanifah, an Iraqi jurist.
- Al-Shafi is credited with creating the essentials of the science of *fiqh*. He designated the four principles/sources/components of *fiqh*, which in order of importance are the Quran, hadith, *ijma*, and *qiyas* (the method of analogy).
- Malik ibn Anas, the traditionalist of Medina, was the founder of the third school.
- The smallest and the strictest of all is that of Ahmad ibn Hanbal, which at present is confined to Arabia, where its uncompromising traditionalism has appealed to the puritanical Wahhabi sect.
- Muslims of the Shia sect follow the Jafar ibn Muhammad al-Sadiq school of thought. He was a descendant of Ali and was himself a

prominent Muslim jurist. He was a renowned Islamic scholar and is respected by both Shia and Sunni Muslims.

Limitations of *Fiqh*

Shariah and *fiqh* are two different concepts; the former refers to something that is divine and unquestionable, and the latter is liable to err and subject to debate and change. Muslim legal scholars were very aware of their fallibility, and though the object of their work is God's law, they do not speak for God.

Tradition of Independent Thinking

According to the 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 sunnah* of the Prophet," Muadh said.

"And if you find nothing therein?"

Muadh replied, "Then I will exert myself to form my judgment."

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 death of the Prophet, when the expanding Islamic state came in contact with societies and situations beyond the scope of the Quran and the sunnah. Early Muslim scholars had considerable latitude in the exercise of individual judgment, called *ray*. Independent judgment was considered valid as long as it took in the basic Shariah principles, including analogy, to solve new 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 an important role, as caliphs, judges, jurists, and legal scholars interpreted the law where no clear, explicit revealed text or consensus existed. Abu Hanifah, an Iraqi jurist, was one of the pioneers in the use of creative thinking and analogical reasoning.

Integration of Revelations with Reason

One of the great Islamic scholars, philosophers, and theologians, al-Ghazzali, took a middle-of-the-road view between reason and revelation: “The noblest sciences are those in which reason and evidence are married and in which conclusions based on reason accompany those based on revelation. The science of *fiqh* is one of these sciences. It draws equally from the purity of revelation and the best of reason. Yet, it does not rely purely on reason in a way that would be unacceptable to the revealed law, nor is it based simply on the kind of blind acceptance that would not be supported by reason.”

Ossification of Islamic Law

Closing of the Gates of Reason

Al-Shafi, Malik ibn Anas, and Ahmad ibn Hanbal almost entirely excluded the exercise of private judgment in the exposition of legal principles. The force of precedents, adhering to the Scripture and traditions, wholly governs them. *Ijtihad* was seen as no longer necessary since all-important legal questions were regarded as already answered. New readings of Islamic revelation became a crime. By the end of the eleventh century, discordant ideas were increasingly seen as a problem, and 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, the Shiite law is a little more flexible than that of the Sunnis.

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 answer, “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 serve as a catalyst for Muslims to continuously exercise their intellect, conformity became the norm, followed by passivity and blind obedience. The doctrine of taqlid, or blindly following one’s forefather’s religion or religious scholars, is a practice strongly condemned by the Quran, as evidenced by the verse above.

All subsequent generations of Sunni jurists were considered bound to taqlid, the unquestioned acceptance of their great predecessors as

authoritative, and could issue legal opinions drawn from established precedents. All that was left to do was to submit to the instructions of religious authorities; to understand morality, one needed only to read legal decrees. Thinkers who resisted this anti-intellectual, anti-reason movement came to be seen as nefarious dissidents. Averroes (ibn Rushd), for example, was banished for heresy, and his books were burned.

The Downfall of Islamic Civilization

The disconnect between the creator and the mind of His creation is the source of Islam's most profound woes to this day. As a result of the abandonment of reason and critical thinking, the decline of Islamic civilization ensued, and the ominous winds of the Dark Ages of Europe shifted their direction to the Islamic world. While the darkness was enveloping the Islamic world, Europe emerged into an era of unprecedented enlightenment based on rational thinking, which was never seen in the history of man. Due to abandonment of reason, Muslim thinkers mourn the loss of Islamic civilization from which we have not yet fully recovered.

Politics and Islamic Laws

Muslims living anywhere on God's earth can practice Shariah in their private lives. No one can prevent any Muslim from praying, giving to charity, fasting, and so forth. Those Muslims who live in free, secular societies should familiarize themselves with Islamic laws and put them into practice to the best of their abilities.

During the Mecca period, the Prophet and his followers practiced Islam under the duress of severe persecution. A popular political ploy used by the politicians in Islamic countries is the promise to enforce Islamic laws through the state apparatus. Since politicians do not want to upset any partisan, sectarian group, they end up implementing different sets of laws, many outdated, written hundreds of years ago.

Why Present-Day Shariah is False

The purpose of implementing Islamic Law is to establish a moral anchor and certain boundaries for an Islamic society. In formulating these laws, the key principle that should be followed is that any law contrary to the spirit of the Quran is unacceptable. This would likely prevent adultery, gambling, pornography, the use of alcohol, and other vices from becoming the norm of

the society. The present-day Shariah laws as practiced in so-called Islamic states violate some of the basic principles of the Quran and sunnah. The following are some examples.

Sectarianism

The attempt to enforce so-called Islamic laws by politicians usually results in violating the principles of the Quran in fundamental ways. Having different sets of laws for Sunnis and Shia breaks the unity and brotherhood of Islam. It legitimizes, as well as institutionalizes, sectarianism, which is a mortal sin resulting in the damnation of souls.

There is only one US Constitution and one set of laws that is applied to all citizens regardless of religion, caste, or creed. Similarly, for Muslims, there is only one law of God, based mostly on the Quran and authentic sunnah. Islamic states must create single, comprehensive Islamic laws applicable to all Muslims, to discourage the cancer of sectarianism and the anti-Islamic concept of taqlid. There is a need to identify and purge all harmful heresies and return to the original ideology taught in the Quran.

Lack of Freedom

The Quran establishes the government chosen by “consent and consultation.” Dictatorships and kingships are inherently un-Islamic practices. Un-Islamic practices do not respect democracy, freedom of religion, and freedom of speech, and minorities are not treated as equal to the majority.

Women as Second-Class Citizens

The women of the first *ummah* in Medina took full part in its public life, and some even participated in various battles. They did not seem to have experienced Islam as an oppressive religion. Later, men would hijack the faith and deny God-given liberty to women. In identifying a woman’s rights as a citizen—education, suffrage, and vocation—the Quran opened the way for women’s full equality with men. The Prophet said, “O women! You have been allowed by God to go out for your needs.” When a woman complained to the Prophet that only men were benefiting from his teachings, he set up a special day for their education. Women under Islamic Law are free moral agents as men are, and they have the right and the

responsibility to choose their religion. Women are not only allowed to go outside their homes, but they also have a right to freedom of movement.

The Death Penalty

The death penalty in the Quran is allowed only for the crime of murder or treason. In the case of murder, if the victim's family accepts monetary compensation, the death penalty is waived. There is no justification to apply the death penalty to drug dealers, homosexuals, adulterers, those who criticize the rulers, and so forth. There is not a single verse in the Quran that calls for stoning to death. With a few exceptions, the death penalty has been abolished under Islamic laws.

Apostasy and Blasphemy

For the apostates and the sins of blasphemy, the Quran recommends benign neglect, but many countries have instituted the death penalty for these spiritual sins.

Moral Police

The Quran condemns spying on citizens. In so-called Islamic countries, the "morality police" actively spy on citizens to harass them for minor violations.

Secular Laws

The modern twenty-first century Shariah must be supplemented with secular 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 an eyewitness account: the basis of Islamic criminal law.

4

General Principles of Islamic Law

Halal and Haram

Say: “Have you ever considered all the means of sustenance which God has bestowed upon you from on high—and which you thereupon divide into ‘things forbidden’ and ‘things lawful?’” (10:89)

Anything not expressly forbidden by the Quran or the teachings of the Prophet 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).

Flexible and Dynamic Message of the Quran

O you who have attained to faith! Do not ask about matters which, if they were to be made manifest to you [in terms of law], might cause you hardship; for, 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 in a result thereof have come to deny the truth. (5:101–102)

The lesson from the above verses is to not deduce specificity from the more general Quranic injunctions. Doing so might impose additional burdens on believers beyond anything that has been stipulated concerning 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.” Thereupon somebody 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: and, indeed, it would have been beyond your ability to do so. Do not ask me about matters which I leave unspoken: for there were people before you who went to their doom because they had put too many questions to their prophets and thereupon disagreed about their teachings. Therefore, if I command you anything, do it as much as you can do; and if I forbid you 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 the 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 thereupon they sacrificed her, although they had 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 would conceal. (2:67–72)

The imputation of mockery was because Moses promulgated the above ordinance in very general terms, without specifying any details. The Israelites' obstinate desire to obtain precise definitions of the simple commandment revealed to them through Moses made it almost impossible for Israelites 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 the 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 as a result of an erroneous judicial process based on no more than vague suspicion and possibly misleading circumstantial evidence.

The Benefit of the Doubt

Innocent until proven guilty is one of the important principle of Islamic Law. The Prophet said, “Avoid punishments wherever you find scope for it. Try to avoid punishing the Muslims wherever possible, and if there is a way for an accused to escape punishment, let him off. An error of judgment in letting off an accused is better than in punishing him.” Another principle of evidence is that a plaintiff or accuser bears the burden of proof. The benefit

of the doubt goes to the accused under Islamic Law. See [Chapter 11](#), “Slander against Aishah.”

Strict Observance of Peoples’ Rights

For, at no time would thy Sustainer 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 do harm [to one another]. (28:59)

Wrong beliefs include denial of the truths revealed by God through His prophets, refusal to acknowledge His existence, or ascribe divine powers or qualities to anyone or anything besides Him. God’s chastisement does not afflict people merely because they hold beliefs amounting to *shirk* and *kufir* but afflicts them only if they persistently commit evil in their mutual dealings and deliberately hurt other human beings and act tyrannically toward them.

The Islamic laws hold that men’s obligations toward God rest on the principle of His forgiveness and liberality, the apparent reason being that God is almighty and needs no defender. Since man is weak and needs protection, his rights are always to be strictly observed. Also, sins committed against man may not be forgiven. The Prophet said, “In my community the poor is he who appeared before God on the Day of Resurrection with his acts of the prayer, fasting and charity, the while he had abused someone, usurped the property of another and shed blood or hit still another. Then his virtuous deeds were taken away and given over to each of his victims and when nothing was left of his good deeds to make compensation, some of the sins of each wronged one were transferred to him, and he shall be cast into Hell.”

Forgiveness Preferred over Retribution

We ordained for them in that [Torah]: A life for a life, and an eye for an eye, and a nose for a nose, and an ear for an ear, and a tooth for a tooth, and a [similar] retribution for wounds. But he who shall forgo it out of

charity will atone thereby for some of his past sins. And they who do not judge by what God has revealed—they, they are the evildoers! (5:45)

See Exodus 21:23 ff, where details of the extremely harsh penalties provided under Mosaic Law are given. The Pentateuch does not contain the call to forgiveness, which is brought out with excellent clarity not only in the Quran but also in the teachings of Jesus, especially in the Sermon on the Mount.

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

In principle, all crimes must be punished, but the punishment must not exceed the severity of the crime, which is the principle of equivalence. This is the principle of justice designed to deter criminals from committing crimes. The law of mercy gives courts the power to lighten punishments of crimes to encourage reformation on the part of an individual criminal.

Atonement after Punishment of Transgressor

It is a fundamental principle of Islamic Law derived from the Prophet's traditions that 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 11](#), "Slander against Aishah").

Humans Cannot Replicate Divine Punishment

While traveling with his companions, the Prophet came across a pile of ants that was burned. He asked who had burned them. His companions replied that they did. The Prophet said, "He should not punish with the 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 subjected to death by fire, as it was 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 and are not meant to be implemented routinely. 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.

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 flexible based upon the intent behind the crime. The judge has wide latitude and can render the punishment that fits the crime. A sentence for murder can range from monetary compensation for the victim's family to the death penalty. For the crime of stealing, punishment ranges from forgiveness to the amputation of a hand. During the reign of the second caliph, the punishment of hand amputation was abandoned because of a famine that afflicted Arabia. Starving people would be tempted to steal out of necessity.

Law of Equivalence

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

The successful struggle against tyranny often tends to degenerate into a similarly tyrannical attitude toward the former oppressors—hence, the absolute prohibition of “going beyond what is right” when defending oneself.

Shariah Does Not Apply to Non-Muslims

There shall be no coercion in matters of faith. (2:256)

Islamic laws cannot be applied to non-Muslims because that would be perceived as forcing religion upon non-Muslims (see [Chapter 17](#), “Sexual

Transgression, Fornication, Adultery, and Homosexuality” in the section on stoning to death, in which a Jewish couple is punished according to the laws of Torah; see also [Chapter 8](#), “Freedom of Religion”).

Freedoms and Restraints under Shariah Law

5

Predestination or Free Will

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 which you could proffer to us? You follow, but other people’s conjectures and you guess and do nothing else.” (6:148–149)

They give the lie to the truth that God has endowed man with the ability to choose between right and wrong. Do they have any specific knowledge regarding predestination, or do they follow other people’s conjectures? That alludes to the erroneous idea that man’s good or evil actions are not an outcome of a free choice and that God predetermines his propensities and resulting attitudes. The above verses constitute a rejection of the doctrine of predestination in the commonly accepted sense of this term.

If it were true that all human actions are predetermined, then why would God hold human beings responsible for their deeds? The divine predestination of human acts is incompatible with God’s justice and human responsibility. If God has not given man freedom of choice, then 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 used this God-given gift. The Quranic verses can lend themselves to different interpretations of the extent to which man is the author of his acts, but never is the underlying theme of human accountability compromised.

Pre-Islamic Arabs believed that Allah was the creator and sustainer of life but was remote from the concerns of humanity. Allah created the world and retreated and left humanity to its fate or impersonal “time” that would dictate the destinies of all people. The Quran counters this fatalistic, predestined view of life with the message of everlasting hope and states over and over again that the events in individual and community life are firmly in control of a compassionate and all-powerful God. Even death is the beginning of a new, eternal life.

Man Endowed with Free Will

- *Now had it been Our will [that men should not be able to discern 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 endowed human beings with the guidance of reason and a moral sense that is as much a part of human nature as the senses of 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 either positive development or retreat from a wrong course.

All Things Subject to God’s Will Except Man

Before God prostrate willingly or unwillingly, all [things and beings] that are in the heavens and on earth, as do their shadows in the morning and the evenings. (13:15)

Have, then, they [who deny the truth] never considered any of the things that 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 before God prostrate themselves all [things and beings] which are in the heavens and on the earth, the sun, and the moon, and the stars, and the mountains, and the trees, and the beasts? And many human beings [submit to God consciously.] Whereas many [others, having defied Him,] will inevitably have to 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)

All things and beings that are in heaven and on earth are subject to God's will. The "prostration" referred to is a symbol expressing the intrinsic subjection of all created beings and things to God's will. The "things" referred to denote inanimate objects and perhaps living organisms like plants, as they are submissive. The animals and angels, the lowest as well as the 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 the deniers of the truth, who are not willing to submit to Him, are subject to His will also, without being conscious of it. Those who defy God will suffer in the afterlife, as a necessary consequence and corollary of their attitude in this world and not as an arbitrary punishment in the conventional sense of this term. Evildoers will submit unwillingly to God's will in the afterlife.

We did offer 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 prone to be most wicked, most foolish. (33:72)

The faculty of volition is the ability to choose between two or more possible courses of action or modes of behavior, and thus between good and evil. Yet man took it up and then failed to measure up to the moral responsibility that

arises from the reason and the free will with which he has been endowed. This applies to the human race and not necessarily to all of its individuals.

Man's Free Will and God's Omnipotence

In the worldview of the Quran, God is the ultimate source of all happenings. This universe is controlled by a transcendent, omnipotent God who has complete power over 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 in no wise near to grasp the truth of what they are told? (4:78)*

When something good happened to the Jews of Medina, they would say, "This is from God," for He knew that they were good. If an evil befell them, they would say, "This is from thee [O fellowman]," referring to the ill omen of the presence of Muhammad. God is telling the Prophet to say: "All is from God," that is both good and evil. "They are in no wise near to grasp 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 courses open to man. For some sufferings, man has only himself to blame, since "God does not wrong anyone by as much as atom's weight" (4:40). However, not everything that 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 a wrong deed on the part of the afflicted person.

God's Subtle Scheme

- *Hence, leave Me alone with such as give the lie to this tiding. We shall bring them low, step by step, without their perceiving 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 to the tiding of resurrection and judgment, in particular. The implication is that God alone has the right to decide whether or not to chastise them. The term “*subtle scheme*” circumscribes here 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. Giving “*rein for a while*” alludes to the grant of free will that allows evil persons to enjoy their lives to the full, while so many of the righteous are allowed to suffer. Man is not privy to understand the role that good and evil deeds play in God’s “subtle scheme” of events in this life and afterlife.

Free but Not Independent

The Quranic picture illustrates the structure of God’s plan. Behind the flow of all events is a grand, divine, macrocosmic scheme. Man’s life from birth to death is a microcosm of a larger overall divine plan. Human freedom is confined within the compass of God’s omnipotent will, and past a certain point, man cannot act outside God’s ordination. Man is virtually free, but he is not entirely independent.

Human beings live in a paradoxical coexistence, where God has control over all affairs, but each human being is responsible for every choice he makes because God gives him a free “rein for a while” and cannot seek refuge in predestination. 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 human responsibility.

6

Divine Guidance

God Sets the Rules

And [because He is your Creator,] it rests with God alone to show you the right path: yet there is [many a one] who swerves from it. However, had He so willed, He would have guided you all aright. (16:9)

O you who have attained to 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 by God's guidance and within the compass of what He has decreed to be man's nature, comprising 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 can be said to depend on God's grace. No mortal has it in his power to 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]. On what 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 that you may wish to find? Or have you received a solemn promise, binding on Us until the

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, perchance, any sages to support their views? Well, then, if they are sincere in this their claim, let them produce those supporters of theirs. (68:36–41)

Ascribing Self-Serving Preferences to God

Hence, do not utter falsehoods by letting your tongues 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 lying inventions to God will never attain to a happy state! (16:116–117)

Prophets Convey God’s Guidance

Indeed, We vouchsafed unto Moses and Aaron [Our revelation as] the standard by which to discern the true from the false, and as a [guiding] light and a reminder for the God-conscious who stand in awe of their Sustainer. He is beyond the reach of human perception, and 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 the revelation given to the earlier prophets as “the standard by which to discern the true from the false” alludes to the Quranic doctrine of the 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 We have sent forth any apostle otherwise than [with 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)

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 the sight of God is man’s self-surrender unto 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 the truth is always superior to falsehood.

God Warns, Then Punishes

And withal, never have We destroyed any community unless it had been warned and reminded: for, 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 messages 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 even path, and who has found guidance!” (20:134–135)

Doing Good Is for Your Own Good

Whoever, therefore, chooses to follow the right path, follows it but for his good; and if any wills to go astray, say [unto 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 all 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 to 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, as 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 change their inner selves: and [know] that God is all-hearing, all-seeing. (8:50)

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: for they have none who could 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 the 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] parent and offspring: We have created man into [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 that 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, seems to warrant a wider, more general interpretation. "This land" denotes the earth, and "you" relates to man in general. That which is metaphorically "called to witness" is his natural environment. The phrase "every parent and all their offspring" signifies the human race from its beginning to its end.

He boasts that his resources and his possibilities are inexhaustible, a widespread belief characteristic of all periods of religious decadence, that there are no limits to the power to which man may aspire. His worldly "interests" are the only criteria for right and wrong. Does he think that he is responsible to none but 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 not be 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 an inherent ability to live a life of justice with no outside referents or standards. Human beings are indeed capable of discerning what is right and what is wrong through the dictates of 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 would not always be evil or the saving of life good. God's revelations to His prophets set an objective and universal standard of morality.

The Quran also condemns the practice of 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 wording of 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."

7

Freedom to Accept or Reject God's Guidance

Free Will and God's Guidance

And, verily, thou canst not make the dead hear: and [so, too,] thou canst not make the deaf [of heart] hear 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: none canst thou make hear [thy call] save such as [are willing to] believe in Our messages, and thus surrender themselves unto Us. (30:52–53)

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 you are 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)

He (God) lets go him astray that wills [to go astray] and guides him that wills [to be guided] and you surely be called to account for all that you ever did! (16:93)

Such is God's guidance: He guides therewith him that wills [to be guided], whereas he whom God lets go astray can never find any guide. (39:23)

And whomsoever God wills to guide, his bosom He opens wide with willingness towards self-surrender [unto Him]. (6:126)

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.

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 from certain causes.

He Whom God Lets Go Astray

None does He cause, thereby to go astray save the iniquitous. (2:26)

All Quranic references to God letting the 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 made the wrong use of the free will that God has endowed to man. Man’s drifting from the right path is because of his attitudes and inclinations and not a result of arbitrary predestination.

For those whom God lets go astray, there is no guide: and He shall leave them in their overweening arrogance, blindly stumbling to and fro. (7:186)

Whomsoever He wills to let go astray, his bosom He caused to be tight and constricted as if he were climbing unto the skies. It is thus that God inflicts horror upon those who will not believe. And undeviating is this thy Sustainer’s way. (6:125–126)

The “horror” signifies anything that is intrinsically loathsome, horrible, or abominable; in this case, it would seem to denote that fearsome feeling of futility that overcomes everyone who does not believe that 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.

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)

They whose hearts and whose hearing and whose sight God has sealed—it is they, they who are heedless! Truly it is they, they who in the life to come shall be the loser! (16:108–109)

For, behold, thy Sustainer knows best as to who strays from His path, and best knows He as to who are the rightly guided. (16:125)

They are unable to determine what is good and what is bad for them. *God seals unrepentant sinners’ hearts in consequence of their persistent, conscious refusal to submit to His guidance.*

[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; such shall have none to aid them [on resurrection day]. (16:36–37)

God does not forsake anyone except those who deserve to be left alone. “Do not be like those” who, by remaining oblivious of 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).

Noah addressed his sinful community:

For my advice will not benefit you much as I desire to give you good advice—if it is God’s will that you shall remain lost in grievous error. He is your Sustainer, and unto 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.

Pay heed then, unto God, and pay heed to the Apostle; and 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 the 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 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 the consideration of their attitude—will not work out for their benefit. On the contrary, it will cause them to grow in false self-confidence and sinfulness. God attributes their “growing in sinfulness” to His own will because it is He who has imposed on His creation the natural law of cause and effect.

Accountability

Being Good Is for Your Good

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; and 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 a burden.

(6:164)

Now those people who have passed away, unto them shall be accounted what they have earned, and unto you, what you have earned, and you will not be judged on the strength of what they did. (2:134)

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.” 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!” (34:25–26)

No bearer of burdens shall be made to bear another’s a burden, and that naught shall be accounted 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. (53:38–40)

“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, as well as in the above instance, which is the oldest in the chronology of revelation. It expresses a rejection of 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 their being the “chosen people” by their descent from Abraham.

The Consequence of Rejecting Divine Guidance

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

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 is judged, a standard of ethical valuation binding on the individual and the society. However, the followers of Satan who reject the guidance offered to them by God will have to suffer in the afterlife.

8

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 the freedom to choose from various religions. The doctrine of religious liberty asserts that each man has the right to profess and practice the faith that to him seems fit, according to the dictates of 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: hence, he who rejects the powers of evil and believes in God has indeed taken hold of a support most unfailing, which shall never give way: for God is all-hearing, all-knowing. (2:256)

The "powers of evil" denote anything that is worshiped 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 that pertains to faith or religion, all Islamic jurists hold that forcible conversion is under all circumstances null and void, and any attempt at coercing a non-believer to

accept the faith of Islam is a grievous sin. This unanimous verdict disposes of the widespread fallacy that Islam places before the 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.

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 ever attain to faith otherwise than by God’s leave, and [that] it is He who lays the loathsome evil [of disbelief] upon those who will not use their 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 the status of a moral being. Disbelief is a result of a person’s a priori unwillingness to use his reason to understand God’s messages, be they directly expressed in the revelations granted to His prophets or open to man’s perception of the observable phenomena of His creation.

We are fully aware of what they [who deny resurrection] say, and thou cannot by any means force them [to believe in it]. Nonetheless, remind, through this Quran, all such as may 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, being bent on denying the truth, God will cause him to suffer the tremendous suffering [in the life to come]: for, unto Us will be their return, and it is for Us to call them to account. (88:21–26)

Leave Them Alone in Their Ignorance

Make 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 a prompting from Satan should stir you up [to blind anger], seek refuge with 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 due 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 of them efforts that may be too difficult for them. This admonition is all the 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 with God if what angers you is the rejection of the truth by those who choose to remain ignorant. The words “to 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 goading to anger or trying to engage 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 the disparity in their respective conditions—and this, of course, includes their failings and errors (see 7:199).

Genuine Faith an 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 unto 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 come to understand what it was that 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 [unto 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 above verses illustrate the statement that a rejection of God’s messages is a recurrent phenomenon in the history of humanity, 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, then, if you can go down deep into the earth or to ascend a ladder to heaven to bring them a [yet more convincing] message. [Do so;] but [remember that] had God so willed, He would indeed have gathered them all unto [His] guidance. Do not, therefore, allow yourself to ignore [God’s ways]. Only they who listen [with their hearts] can respond to a call, and 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] beheld 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 they had beheld Our punishment could not possibly benefit them. Such being the way of God that has always obtained for His creatures and lost were they who had 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 people of

Mecca rejected Muhammad's message. It is said that the Prophet was deeply distressed by the hostility that his word aroused among the pagan Meccans and suffered agonies of apprehension regarding their spiritual fate. Sometimes, he wished that God might send a clear sign that would give the Meccans no alternative but to accept his message. If this mission had to be performed by miracles, God would have done so, but faith acquired under compulsion is no faith at all.

When the communities persistently do wrong for a long time, God may punish them. God does not allow them to sin with impunity in this world. When the catastrophic breakdown of their society was evident, they claimed that they had renounced all beliefs in a share in 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 had been 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 at morn and evening invoke their Sustainer, seeking His countenance. Let not your eyes pass beyond them in the quest of the beauties of this world's life and pay no heed to any whose heart We have rendered heedless of remembrance of Us. Because he had always followed [only] his own desires, abandoning all that is good and true. (18:28)

Hence, repulse not [any of] those who at morn and evening invoke their Sustainer, seeking His countenance. You are in no wise accountable for them—just as they are in no wise 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 as to who is grateful [to Him]? (6:51–53)

According to traditions, some of the pagan chieftains at Mecca expressed their willingness to consider accepting Islam on the condition that the Prophet would dissociate himself from former slaves and other "lowly"

persons 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 life of the world represented by chieftains of Mecca. Do not favor people of nobility and wealth over your downtrodden and weak followers.

Although primarily addressed to the Prophet, the exhortation voiced in this passage is directed to all followers of the Quran. They are enjoined not to repel anyone, whether Muslim or not, if they believe in God and are always in morning and evening seeking His grace and acceptance. Even if their beliefs do not adequately answer the demands of the Quran, try to help them by giving them a patient explanation of the Quranic teachings. They all are accountable to God alone for their beliefs or actions that do or do not coincide with the teachings of the Quran.

“We try men through one another.” The trial referred to consists of the unwillingness of people of other faiths to accept the claim of the 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.

9

Religious Pluralism and the Rights of the Minority

RELIGIOUS PLURALISM EMBODIES 1) energetic engagement with diversity, 2) understanding across religious traditions, 3) encounter of commitments, and 4) interfaith dialogue. Tolerance means the absence of persecution.

Many Paths to God

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

The teachings of the Quran support religious pluralism, as it states that there are many ways to reach God. The plural used here (“ways”) is meant to stress that there are many paths that lead to the cognizance of God. He of the “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 all adherents of earlier faiths from attaining God’s grace. The concept of exercising free will as opposed to God having rules about everything is an essential key to the whole concept of final judgment. A decent human being can earn salvation even if he isn’t a Muslim and hasn’t obeyed any of the laws, such as 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 have no fear, and neither shall they grieve.” Belief in the Day of Judgment represents individual moral responsibility.

Diversity of Religious Laws and 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)

But He willed it otherwise.

Unto every one of you 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, every human being would have been forced to live righteously, but this would have amounted to depriving man of his free will and morality of all its meaning. The expression “every one of you” denotes the various communities of which mankind is composed.

The basic, unchanging spiritual truths, according to the Quran, have been preached by every one of God’s apostles. The particular body of laws promulgated through God’s prophets, and the way of life recommended by them, varied with the exigencies of the time and each community’s cultural development. This “unity in diversity” is frequently stressed in the Quran. The different religious laws imposed on you are designed to test your willingness to surrender yourselves to God and obey Him and to enable you to grow spiritually and socially. The Quran impresses upon all who believe

in God, Muslims and non-Muslims alike, that the differences in their religious practices should make them “vie with one another in doing good works” rather than lose themselves in mutual hostility. In the end, God will make you understand that which you used to differ.

Covenants with Christians and Jews Protecting Other 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 of] which 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 the mention of God’s name from [any of] His houses of worship and strive for their ruin, [although] 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)

The early history of Islam reveals some outstanding examples of religious equality in the Islamic world. One of the fundamental principles of Islam is that every religion that has a belief in God as its focal point must be accorded full respect, however much one may disagree with its particular tenets. Muslims are under an obligation to honor and protect any house of worship dedicated to God, whether it be a mosque or a church or a synagogue. The Quran condemns any attempt to prevent the followers of another faith from worshiping God as a heresy.

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

St. Catherine’s Monastery

At the foot of Mount Sinai is St. Catherine’s Monastery, described as the oldest Christian monastery still in use for its initial function. Moses is said to have received the tablets of the Law on that mountain. The monastery was dedicated to St. Catherine of Alexandria, who was martyred in AD 307. The Roman emperor ordered St. Catherine to be severely beaten and tied to

a rolling spiked wheel for her refusal to renounce Christianity. When she survived the ordeal, the emperor ordered her beheading.

When a delegation from the St. Catherine Monastery visited Medina in AD 626, the Prophet personally granted a charter to the monks to protect the rights of Christians and other non-Muslims. In the letter, the Prophet made it known to his followers that Christians had the right to freedom of religion. The copy of this letter with the Prophet's hand imprint is still preserved in the library at the monastery. The following is a summary of this vital document, translated by Anton F. Haddad.

Freedom of Religion Guaranteed for Christians

This is a letter which was issued by Muhammad, ibn Abdullah, the Messenger, the Prophet, the Faithful, who is sent to all the people as a trust on the part of God to all His creatures that they may have no plea against God hereafter. Verily God is Omnipotent, the Wise. This letter is directed to the embracers of Islam, as a covenant given to the followers of Jesus the Nazarene in the East and West, the far and near, the Arabs and foreigners, the known and the unknown.

Muslims Who Violate This Covenant Are Disbelievers

This letter contains the oath given unto them, and he who disobeys that which is therein will be considered a disbeliever and a transgressor to that whereunto he is commanded. He will be regarded as one who has corrupted the oath of God, disbelieved His Testament, rejected His Authority, despised His Religion, and made himself deserving of His Curse, whether he is a Sultan or any other believer of Islam.

Muslims Shall Protect Christians

Whenever Christian monks, devotees, and pilgrims gather together, whether in a mountain or valley, or den, or frequented place, or plain, or church, or in houses of worship, verily we are [at the] back of them and shall protect them, and their properties and their morals, by Myself, by My Friends and by My Assistants, for they are of My citizens and under my Protection. No one is allowed to plunder these Christians, or destroy or spoil any of their churches, or houses of worship, or take any of the things contained within these houses and bring it to the houses of Islam. And he who takes away anything therefrom will be one who has corrupted the oath of God, and, in

truth, disobeyed His Messenger. They shall not be imposed upon by anyone to undertake a journey, or to be forced to go to wars or to carry arms; for the Muslims have to fight for them. They must not be forced to carry weapons or stones, but the Muslims must protect them and defend them against others.

Independent Judiciary for Christians

Their judges should not be changed or prevented from accomplishing their offices. No one has the right to interfere with their affairs or bring any action against them.

Peace and Tranquility for Monks

The monks should not be disturbed in exercising their religious order, or the people of seclusion be stopped from dwelling in their cells. I shall exempt them from that which may disturb them; of the burdens which are paid by others as an oath of allegiance.

Exempt from Taxation

They must not give anything of their income but that which pleases them—they must not be offended, or disturbed, or coerced or compelled. *Jizya* should not be put upon their judges, monks, and those whose occupation is the worship of God, nor is any other thing to be taken from them, whether it be a fine, a tax or any unjust right. No fees or tithes should be received from those who devote themselves to the worship of God in the mountains, or from those who cultivate the Holy Lands. Verily this is for aught else and not for them; rather, in the seasons of crops, they should be given a *Kadah* for each *Ardab* of wheat (about five bushels and a half) as provision for them, and no one has the right to say to them ‘this is too much,’ or ask them to pay any tax. As to those who possess properties, the wealthy and merchants, the poll-tax to be taken from them must not exceed twelve drachmas a head per year (about USD 200 today).

Respect and Favored Status for Christians

Do no dispute or argue with them but deal according to the verse recorded in the Quran, to wit: “Do not dispute or argue with the People of the Book but in that which is best” (29:46). Thus, they will live favored and protected from everything which may offend them by the Callers to religion [Islam], wherever they may be and in any place they may dwell.

Freedom of Religion for Christian Women

Should any Christian woman be married to a Muslim, such marriage must not take place except after her consent, and she must not be prevented from going to her church for prayer. Their churches must be honored, and they must not be withheld from building churches or repairing convents.

Compact Till the End of Time

Verily I shall keep their compact, wherever they may be, in the sea or on the land, in the East or West, in the North or South, for they are under my Protection and the testament of my safety, against all things which they abhor. It is positively incumbent upon every one of the followers of Islam not to contradict or disobey this oath until the Day of Resurrection and the end of the world.

The attacks by so-called Egyptian Muslims on their fellow Egyptian Christian citizens are deplorable.

Christians of Najran

A striking illustration of the principle of religious equality is found in the Prophet's treatment of the deputation from the Christians of Najran. In AD 630, a Najran Christian delegation presented itself freely to pay homage to the Prophet. They were given free access to the Prophet's mosque, and with his full consent, they celebrated their religious rites there. Although their adoration of Jesus as "the Son of God" and of Mary as "the mother of God" was at variance with Islamic beliefs, the Prophet invited them to conduct their service in his mosque, adding, "It is a place consecrated to God."

In return for a specified amount of taxes and a variety of services, the people of Najran were granted a treaty, a copy of which has been preserved by an early historian:

They are entitled to the protection of God and the security of Muhammad the Prophet, the Messenger of God, which security shall involve their persons, religion, lands, and possessions—including those of them who are absent as well as those who are present—their camels, messengers, and images [church pictures and crosses]. The status they held shall not be changed, nor shall any of their religious services or images be altered. No attempt shall be made to turn a bishop from his office as a bishop, a monk from his office as a monk, nor a sexton of a church from his office, whether

what is under the control of each is great or small. These Christians shall not be held responsible for any wrong deed or bloodshed in pre-Islamic time. They shall neither be called to military service nor compelled to pay the levy.

Equal Rights for Jews

Prophet Muhammad offered equal status and complete religious freedom to the Jews as part of the Constitution of Medina. The term “religious tolerance” is implicit disapproval that religious minorities are merely “tolerated” by the majority. Early Islam offered complete equality and not mere “tolerance” of religious minorities. The following is an excerpt from the Constitution of Medina, 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 to our assistance and good offices. The Jews of various branches and all others domiciled in Yathrib shall form with the Muslims one composite nation, and they shall practice their religion as freely as the Muslims. The clients and 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 death of the Prophet. After conquering the Persian and Byzantine Empires during the later caliphate, the Muslim rule was more tolerant than that of Byzantium and Persia. Religious communities were free to practice their faith and worship and continue to be governed by their leaders and their 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. It was there, too, that governments and societies achieved a degree of freedom of thought and expression that led persecuted Jews and even dissident Christians to flee for refuge from 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 the lost philosophy of Aristotle was safeguarded in the vast library of Cordoba and debated by cadres of Andalusian scholars. While the Muslim Moors arrived in Spain through military conquest, they were able to govern their Jewish and Christian subjects through a policy of inclusiveness. For Islam's stand on religious equality, we have the direct words of Muhammad: "Will you then force men to believe when belief can only come from God?"

Protection of Infidels and Pagans

If any of those who ascribe divinity to aught beside God seeks your protection, grant him protection, so that he might [be able to] hear the word of God [from you]. Thereupon convey 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 best of one's ability, a tradition that is 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 message of the Quran, a further re-affirmation of the Quranic injunction that "*there shall be no coercion in matters of faith*" (2:256).

Disburse Charity Irrespective of Faith

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 that you spend only out of a longing for God's countenance: for, whatever good you may 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 it is clear from 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 the followers of Islam. The revelation of the above verse immediately

corrected this view. The Prophet then encouraged his followers to disburse charities upon 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. The charity, or the threat to withhold it, must never become a means of attracting unbelievers to Islam. The valid faith must be an outcome of inner conviction and free choice. It agrees with verse 2:256: “There shall be no coercion in matters of faith.”

Prohibition of Defiling What Others Hold Sacred

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 that other people hold sacred—even in contravention of the principle of God’s oneness—is expressed in the plural and addressed to all believers. While Muslims are expected to argue against the false beliefs of others, 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 that have been implanted in him from childhood and that he now shares with his peers as the only true and possible ones—with the result that a polemic against those beliefs often provokes a hostile psychological reaction.

Destruction of Statue of Buddha

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 of central Afghanistan. The Taliban demolished the sacred statue in March 2001, contrary to the Quranic teachings. Those men involved in the destruction of the statue of Buddha probably had never heard of verse 6:108 above.

Breaking of Idols in Kabah

Some unthinking Muslims will proudly cite the example of the Prophet when he victoriously entered Kabah and destroyed some 360 idols.

Muslims, over the centuries, have used this isolated incident to justify attacking Hindu and Buddhist temples and destroying their idols. The Kabah was the first-ever temple built by Abraham and his first son Ismael and was devoted to the worship of one God alone. Over the millennia, it slowly became a bastion of Arabian paganism. After the destruction of all the idols by the Prophet, the true monotheism of Abraham was restored. Hindu and Buddhist temples were not built for the worship of one God. Some Muslims are not capable of understanding such subtle differences. Sometimes the real reason was to loot all the treasures in these temples and then to justify these criminal acts on religious grounds. Destruction of any place of worship is a gross violation of the Quranic teachings.

Conclusion

Islam is the only major religion that states that the followers of other faiths will also attain salvation in the afterlife. (See Volume Seven of this series for more details.) It is the ultimate example of not only the tolerance of other faiths but also the equality of all God's religions. Religious pluralism refers to the belief in multiple religious worldviews and lending credence to competing truths and diverse beliefs regarding God and salvation. More than mere tolerance, religious pluralism accepts various paths to God as a possibility and 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.

Absence of Religious Freedom Today

The contemporary Muslim societies have forgotten that the concept of religious equality was first practiced under early Islam. Today there are hardly any Muslim nations that have implemented the high ideals of their religion.

10

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 the will of God that their way to the truth should be marked by trial and error. Divergent views include everything, even about the truths revealed to them by God. The God-conscious avail themselves of His grace, consisting of the God-given ability to recognize His existence (see 7:172) and the guidance He offers to mankind through His prophets. The expression “to this end” refers to God’s bestowal of freedom of moral choice, which characterizes man and is spoken of in the preceding passages. This freedom constitutes God’s special gift to man and raises Him above all other created beings.

Argue Graciously with Non-Muslims

Tell My servants that they should speak in the most kindly manner [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)

Call thou [all humanity] unto thy Sustainer's path with wisdom and goodly exhortation and argue with them in the most kindly manner: for thy Sustainer knows best as to who strays from His way, and best know as to who is the right-guided. (16:125)

Endure False Arguments with Patience

Hence, if you have to respond to attack [in argument], respond only to the extent of the attack leveled against you; but to bear yourselves with patience is indeed far better for [you since God is with] those who are patient in adversity. Endure, then, with patience [all that they who deny the truth may say]. Always remembering that it is none but God who gives you the strength to endure adversity—and does not grieve over them, and neither be distressed by the false arguments which 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)

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. Believers are admonished to observe self-restraint while arguing with people of another persuasion and never to offend their decency and intellectual equity. 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.

Multiform Human Existence

We are well able to replace them with [people] better than they are, for there is nothing to prevent Us [from doing that]. (70:40–41)

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.

Apostasy

Punishment for Apostasy Only in the Afterlife

- *As for anyone who denies God after having once attained to faith, [only to] him who willingly opens up 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 the loser! (16:106–109)*
- *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 you to such hypocrites that grievous suffering awaits them. (4:137–138)*

Good Works Gone to Waste

If any of you should turn away from his faith and die as a denier of the truth. These it is whose works will become nothing in this world and in the life to come. These it is who are destined for the fire, therein to abide. (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 having attained to faith? Taste then, this suffering for having denied the truth!” (3:106)

God Will Bring Forth People Who Love Him

You who have attained to 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)

If you ever abandon your faith as a result of relying on non-Muslims who are hostile to Islam and taking them for your allies and spiritual mentors, God will bring forth in your stead people who love Him.

As for anyone who denies God after having once attained to faith and this, to be sure, does not apply to one who does it under duress, the 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 in order to save themselves. Renouncing of 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.

The Case of Salman Rushdie

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

In the Western press, those who seek to defame the good name of the Prophet 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 helps to sell books and other publications and resulting in the overnight celebrity status of obscure authors, journalists, and politicians. Salman Rushdie, previously an unknown author, acquired the status of a celebrity in the Western media 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.

Punishment for Apostasy

There is not a single Quranic verse in which punishment is prescribed for simple apostasy. Some Islamic countries exact severe punishment for apostasy, even the death penalty. It is based on a false hadith, which contradicts the Quran and is misattributed to the Prophet: "If anyone leaves his religion, then kill him." The Quran makes no provision for the killing of apostates. Such laws are against the concept of freedom of religion and the teachings of the Quran. In the Prophet's traditions, the death penalty is applied only to those apostates who were guilty of committing murder or

treason by joining with enemies to wage war against Muslims. The punishment for apostasy will be found only in the afterlife.

Ignore Blasphemers and Admonish the Sinners

Now, whenever you meet such as indulge in [blasphemous] talk about Our messages, turn your back upon them until they begin to 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 in no wise accountable. Theirs, however, is the duty to admonish [the sinners], so that they might become conscious of God. And leave to themselves all those who, beguiled by the life of this world, have made play and passing delights 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 a 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 immerse themselves in a talk other than making a mockery of God’s message.

Avoid the Company of Mockers

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 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 as to who has strayed from His path, and fully aware is He as to who follows His guidance. (53:29)

All 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, and so forth. The contemporaries of Prophet Muhammad repeatedly perpetrated the same hateful speech, which is now called blasphemy or use of abusive language against the Prophet. He was called an imposter, mad man, mad poet, a man bewitched, sorcerer, liar, and so on, by his pagan contemporaries. (See [Chapter 11](#) in Volume Three: “Attacking the Veracity of the Prophet and the Freedom of Speech.”) Even his wives used to criticize him so strongly that he would remain upset the whole day.

Nowhere does the Quran prescribe any form of punishment for so-called blasphemy. The best response, according to the Quran, is the benign neglect of these hate-mongers, which will deny them notoriety. It is disheartening that the majority of Muslims and their so-called religious leaders are ignorant of the teachings of the Quran. Muslim politicians are quick to exploit volatile situations to their advantage. They use young, vulnerable men by inciting them to violence—and they end up losing their lives.

11

Slander against Aishah

Flagrant Sin

As for those who accuse believing men and believing women without their having done any wrong—they surely burden themselves with the guilt of calumny, and [thus] with a flagrant sin! (33:53–58)

Woe unto every slanderer, faultfinder! (104:1)

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

This incident brings out an ethical proposition valid for all times and all social circumstances—that the benefit of the doubt belongs to the accused and the person is innocent until proven guilty.

Innocent until Proven Guilty

Why do not the 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, it is those [accusers] who, in the sight of God, are liars indeed! (24:12–13)

“Think the best of one another,” as everyone should be treated as innocent unless he or she is proven to be guilty. This general principle requires that relations in a community should be based on good faith and not on suspicion.

Slander an Awesome Calumny

And [once again]: Why do you not say, whenever you hear such [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! (24:16–17)

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 to repeat, a calumny, since every such rumor is a calumny, defamation, unless its truth is legally established.

The Atonement of Sins of the Victim

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! [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! (24:11, 26)

There is a silver lining for the person wrongfully accused of slander because, in the sight of God, the unhappiness caused by unjust persecution confers spiritual merit on the afflicted person, as does every undeserved and patiently borne suffering. Forgiveness of sins will be extended to victims of the 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 there by 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 are unable to produce four witnesses [in support of their accusation], flog them with eighty stripes and ever after refuse to accept from them any testimony—since it is they, they that are truly depraved! Excepting [from this interdict] only those who afterward 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 every woman must be considered chaste unless a conclusive proof to the contrary is produced. This injunction also applies to cases where a woman accuses a man of illicit sexual intercourse and is unable to prove her accusation legally. The severity of the punishment to be meted out in such cases. 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 merely circumstantial. They must have witnessed the sexual act and must be able to prove this to the satisfaction of the entire judicial authority. Since 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 having suffered 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 be upon everyone who maliciously tries to uncover real or imaginary faults in others.

Severe Suffering Here and in the Hereafter

[As for the slanderers,] unto every one of them [will be accounted] that he has earned by [thus] sinning, and awesome suffering awaits any of them who takes it upon himself to enhance this [sin]! (24:11)

Awesome suffering awaits those who increase the sin by stressing certain circumstantial details or aspects of the case, 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 in 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 to 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 know [it] 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, and without repentance,] accuse chaste women, who may have been unthinkingly careless but have remained true to their faith, shall be rejected [from God's grace] in this world as well as 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, and they will come to 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 and 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 near 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 that God should forgive you your sins, seeing that God is much-forgiving, a dispenser of grace? (24:22)

This verse refers to Abu Bakr, who swore that he would never again help his poor cousin, the *muhajir* Mistah (whom he had supported until then), after the latter had taken part in slandering Abu Bakr's daughter, Aishah. Mistah was flogged with eighty stripes for the part he played in spreading the false rumor. The ethical purport of the above verse is timeless and independent of the historical link. 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 responds 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 regarded as atoned for and done with.

Limits to Freedom of Speech

Intellectual freedom has its limits, however. According to the US Supreme Court, specific narrow categories of speech are not protected by the First Amendment—for example, obscenity, child pornography, defamation, and "fighting words," or speech that incites imminent lawless action, among others. In the context of Islamic societies, any form of pornography is included in the censorship.

12

Individual Rights

IN HIS FAMOUS address on the Farewell Pilgrimage, the Prophet said, “Your lives and property are sacred and inviolable amongst one another until you appear before the Lord. Nothing should be legitimate to a Muslim, which belongs to a fellow Muslim unless it was given freely and willingly.”

Inviolability of a Person’s Home

You who have attained to 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 bear [your mutual rights] in mind. Hence, [even] if you find no one within [the house], do not enter it until you are given leave; [by the rightful owner] and if you are told, “Turn back,” then 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 that you do openly, and all you would conceal. (24:27–29)

The “houses not intended for living” are the 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 each person’s home and private life. Due to the prohibition to enter any house without the permission of its rightful owner, it serves as additional protection of individuals against possible slander.

Right to Privacy

You who have attained to faith! At three times [of a day], let [even] those whom you rightfully possess, as well as those from among you who have not yet attained to 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 move [freely] about you, attending to [the needs of] one another. In this way, God makes clear unto you His messages: for God is all-knowing, wise! (24:58)

Privacy for Adolescents

Yet when the children among you attain to puberty, let them ask leave of you [at all times], even as those [who have reached maturity] before them have been enjoined to ask 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 of the rules of healthy social behavior. “Whom you rightfully possess” is a phrase denoting male and female slaves. Since, however, the institution of slavery is envisaged in the Quran as a merely historical phenomenon that must in time 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 bared” is to be understood both literally and figuratively. It signifies those parts of a mature person’s body that cannot in decency be exposed to any but a wife or husband or, in case of illness, a physician. It is applied to any situation and circumstances in which a person is entitled to absolute privacy.

Do Not Pry into the Affairs of Others

God does not like any mentioning of evil openly unless it is by him who has been wronged [thereby]. 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 mention of anybody’s evil deeds or sayings unless it is by the person who has been wronged. It also implies that sinful behavior that affects the society may be made public in the interests of the wronged party—in this case, the community. In some Islamic countries, so-called “moral police” pry into the affairs of ordinary Muslims. The verses above and the sayings of the Prophet make a clear case against such an un-Islamic practice.

Guesswork, Spying, and Backbiting

You who have attained to faith! Avoid most guesswork [about one another] for some of the [such] guesswork is [in itself] a sin, and do not spy upon one another, and neither allow yourselves to speak ill of one another behind your backs. Would any of you like to eat the flesh of his dead brother? No, you would loathe it! And be conscious of God. God is an acceptor of repentance, a 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 upon one another to search for 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 will pry into the secrets of others, God will pry into his affairs, and he whom God follows inquisitively is disgraced by Him in his own house.” The prohibition of spying applies to individuals as well as the state, with the following exceptions.

Secrecy for Beneficial End

No good comes, as a rule, out of secret confabulations—saving such as are devoted to enjoining charity, or equitable dealings, or setting things to rights between people: and 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, and he climbed a wall and entered the house to find wine as well as 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 have committed one sin, you have committed three sins. God has forbidden spying, and you have spied. God has commanded that one should enter the houses by the doors, and you have entered it by climbing over the wall. God has commanded that one should avoid entering the other people’s home without permission, and you have entered my house without my permission.” Hearing this reply, Caliph Umar confessed his error and did not take any further action against the man (Ref: Abi Bakr Muhammad bin Jafar, Makarim al-Akhlaq).

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

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

13

Slavery and Race Relations

SLAVERY WAS PRACTICED universally during the lifetime of the Prophet Muhammad and was part of the socioeconomic fabric of society. Slavery undermines the God-given right to freedom. The institution of slavery is seen in the Quran as a mere historical phenomenon that must, in time, be abolished. A sudden abolition of slavery would not have been politically and economically feasible. Instead of requiring going to war to free the slaves, as Americans did in the Civil War, the Quran uses moral and social persuasions. The Quran stresses the great merit inherent in the freeing of slaves and stipulates it as a means of atonement for various transgressions.

- *And upon him who has slain a believer by mistake, there is the duty of freeing a believing soul from bondage and paying an indemnity to the victim's relations. (4:92)*
- *Thus, the breaking of an oath must be atoned for by feeding ten needy persons with the same food as you are wont to give to your own families, or by clothing them, or by freeing a human being from bondage. (5:89)*
- *Hence, as for those who would separate themselves from their wives by saying, "Thou art as unlawful to me as my mother," and thereafter would 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)*

To set the pace, the Prophet freed sixty-three slaves. He stated on many occasions that in the sight of God, 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 the emancipation of slaves and employed inducements, persuasions, religious injunctions, and legal enactments to educate and motivate the people to free slaves voluntarily or as atonement of their sins or by accepting monetary compensation.

Gradual Abolition of Slavery

Prohibition to Acquire Slaves

It is not befitting for a prophet to keep captives unless he has battled 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)

To bring about an eventual abolition of slavery, the Quran ordains above that only captives taken in a jihad—defined as a defensive war—may be kept as slaves. As almost always in the Quran, an injunction addressed to the Prophet is binding on his followers as well. 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 the faith or freedom.

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

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)

Helping Others and Freeing Slaves

Do good unto your parents, and near of kin, and unto orphans, and the needy, and the neighbor from among your people, and the neighbor who

is a stranger, and the friend by your side, and the 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, and the best that can be done for a slave is to free him. The above passage indirectly calls for the freeing of slaves.

True Piety and Abolishing Slavery

True piety does not consist in turning your faces towards the east or the west—but truly pious is he who believes in God, and the Last Day, and the angels, and revelation, and the prophets. And he spends his substance—however, much he may cherish it—upon his near of kin, and the orphans, and the needy, and the wayfarer, and the beggars, and for the freeing of human beings from bondage. (2:177)

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

Freedom for Slaves

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

Freeing human beings from bondage is specifically mentioned as one of the objectives to which *zakah* funds are to be dedicated.

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 are aware of any good in them: and give them [their share] of the wealth of God which 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 deed of manumission, the only condition being the slave’s good character. It indicates that Islamic Law has, from its beginning, targeted the abolition of slavery as a social institution, and its prohibition in modern times constitutes a final implementation of that aim.

Equal Treatment of Slaves

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

The expression “those whom their right hands possess” may relate either to slaves taken captive in a war in God’s cause (see 2:190–191 and 8:67) or to all who are dependent on others for their livelihood, becoming the owner’s responsibility.

Placing dependents on an equal footing with oneself with regard to the necessities of life is a demand of Islam. The Prophet said, “They are your brethren, these dependents of yours whom God has placed under your authority. Hence, whoso has his brother under his authority shall give him to eat of what he eats himself and shall clothe him with what he clothes himself. And do not burden them with anything that may be 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, not in a position 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 happen to be*

desirous of marriage. And if anyone should coerce them, then after they have been compelled [to submit in their helplessness], God will be much-forgiving, a dispenser of grace! (24:33)

The term maidens here denotes slave girls. Do not force slave girls into whoredom if they desire protection against unchastity 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 unto whom you have paid their dowers, as well as 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 any form of 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 the faith or of liberty (jihad). In such a case, the freedom conferred upon the bride by the act of marriage is considered to be equivalent to a dower.

Slaves in Pre-Islamic Arabia

Three kinds of slaves existed during pre-Islamic Arabia as well as during the Islamic era. Slavery was accepted as a necessary evil as it was part of a society’s economic fabric. Islam did not outlaw slavery but encouraged its followers to free slaves in order to pay the price for various sins. Slavery slowly disappeared from Arabia, but it took a long time. When slavery was

banned in America, it led to the Civil War, with great loss of life, but the evil of slavery was eliminated in a relatively short time.

The three kinds of slaves were:

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

Freemen who were captured and traded as slaves. Islam entirely prohibited this kind of slavery.

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

Race Relations

Ban on Racism, Tribalism, and Nationalism

O, men! We have created you all out of a male and a female and have made you into nations and tribes so that you might come to know one another. The noblest of you in the sight of God 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 Bedouin 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 out of 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 any 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 human oneness underlying their outward differences. The Quran condemns

implicitly, and the Prophet condemned explicitly all racial, national, or tribal prejudices.

Racism and the Prophet's Sayings

The following are the sayings of the Prophet, in which he condemned racism: "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 but a God-conscious believer or an unfortunate sinner."

"All people are children of Adam, and Adam was created out of dust."

On 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 any 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 the sight of God is he who is most virtuous," the Prophet said.

One of the major curses of Western civilization and Hinduism has been the practice of racism. Some Jews regard themselves as the "chosen people" because of their lineage from Abraham. Even some misguided Arabs think they are superior because of their lineage from Prophet Muhammad. Class distinction is also practiced by Hindus, where Brahmins are held superior, and Shudras are regarded as inferior and unclean.

Islam stresses racial equality, and racial discrimination is considered a sin. The ultimate test of this is the willingness to intermarry, and prophets have deliberately intermarried to demonstrate to humanity the unequivocal character of this ideal. According to the Muslim view, Abraham's second wife, Hagar, was a black African. Muhammad himself was probably of the same skin coloring as Jesus—a sun-tanned white—but he married a black woman and gave his daughter in marriage to a black man. Today his followers are drawn from all colors—black men from Africa, brown men from Malaysia, yellow men from China, white men from Turkey. The

significant advances Islam has made in color-conscious Asia and Africa today is related to the explicit way in which the principle of racial equality is embedded in its teachings.

Criminal Laws

14

Oath and Bearing Witness

Pledge to God

Be true to your bond with God whenever you bind yourselves by a pledge, and do not break [your] oaths after having [freely] confirmed them and had called upon God to be witness to your good faith: God knows all that you do. Hence, be not like her who breaks and completely untwists the yarn which 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” given by the man to man represents a pledge to God. Do not break an oath that you have made consciously and freely. Breaking the oath is like unraveling the yarn made strong by the bond of your pledge. The exception to this rule is an oath uttered without thought or promises made out of fear because people are more powerful than you.

When Breaking an Oath Is Allowed?

Do not allow your oaths in the name of God to become an obstacle to virtue and God-consciousness and in 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 thereupon 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 then atone for it.”

Atonement for Oaths Uttered without Thought

God will not take you to task for oaths which you may have uttered without thought, but He will take you to task for the oaths which you have sworn in earnest. 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 has not the wherewithal shall fast for three days [instead]. This shall be the atonement for your oaths whenever you have sworn [and broken them]. But be mindful of your oaths! [Do not make them lightly] Thus God makes clear unto you His messages so that you might have cause to be grateful. (5:89)

This refers to oaths aiming at denying to oneself something that the Law of Islam does not prohibit, such as the good things of life and to all oaths uttered without premeditation, such as uttered under the influence of 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 as a means of deceiving one another—or else [your] foot will slip after having been firm. Then you will have to taste the evil [consequences] of your 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 by far the best for you if you but knew it. All that is with you is bound to come to an end, whereas that which 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 having been firm. You will taste the evil in the hereafter and in this world, as breaking pledges leads to a 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 what is false. (25:72)*
- *And who are faithful to their trusts and to their pledges; and who stand firm whenever they bear witness. (70:32–33)*

False Testimony Based on Hatred

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

Bear Witness to Truth

- *You who have attained to faith! Be ever steadfast in upholding equity, bearing witness to the truth for the sake of God, even though it be against yourselves or your parents and kinsfolk. Whether the person concerned be rich or poor, God's claim takes precedence over [the claims of] either of them. Do not, then, follow your desires, lest you swerve from justice: for if you distort [the truth], God is indeed aware of 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 has He enjoined upon 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 has He 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, and do not, out of misplaced compassion, favor the poor man at the expense of the truth. The phrase “when you voice an opinion” (when you speak) applies to express an opinion on any subject, whether it concerns oneself or not. 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.

15

Murder and Manslaughter

Children and the Fear of Poverty

Do not kill your children for fear of poverty—[for] it is We who shall provide sustenance for you as well as for them. Do not commit any shameful deeds, be they open or secret and 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 has He 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 of a Fellow Muslim

Whoever deliberately slays another believer, his requital shall be hell, therein to abide; and God will condemn him, and will reject him, and will prepare for him awesome suffering. (4:93)

Principle of Equivalence

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)

The defender of one's rights is usually taken to mean the heir or the government as the "defender of the rights" of all its citizens. 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 the victim's rights, the court of justice, is not entitled to impose a capital sentence on any but the actual murderer, but may also, 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 that God bestows on all who have been slain without any legal or moral justification.

Punishment Must Fit the Crime

You who have attained to faith! Just retribution is ordained for you in cases of killing: the free for the free and the slave for the slave, and the 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, and restitution to his fellowman shall be made in a goodly manner. This is alleviation from your Sustainer and an act of His grace. And for him who, nonetheless, willfully transgress the bounds of what is right, there is grievous suffering in store. For, in [the law of] just retribution, O you, who are endowed with insight, there is life for you, so that you might remain conscious of God! (2:178–179)

The Quran speaks here of cases of killing in general, including premeditated murder, murder under extreme provocation, culpable homicide, accidental manslaughter, and so forth. According to most of the classical commentators, the term *qisas*, occurring at the beginning of the above passage, is almost synonymous with *musawah*, making a thing equal to another thing, in this instance, making the punishment equal or appropriate to the crime, a meaning that is best rendered as "just retribution" and not as retaliation. It is obvious that the taking of a life for a life, implied in the term retaliation, would not, in every case, correspond to the demands of equity.

This has been made clear in 4:92 (see below), where legal restitution for unintentional homicide is dealt with. Read in conjunction with the term "just retribution," which introduces this passage, 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. For this would preclude its application to many cases of homicide, such as 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 committed the crime . . .” and so forth. Whatever the status of the guilty person, he or she alone is to be punished in a manner appropriate to the crime.

Mitigating Circumstances

The phrase “if something [of his guilt] is remitted to a guilty person by his brother” refers to establishing mitigating circumstances in a case of murder. The case under trial may fall within the categories of culpable homicide or manslaughter, thus nullifying the death penalty. In consonance with a recurring Quranic exhortation to extend forgiveness and practice forbearance, the remission mentioned above may also relate to a partial or even total waiving of any claim to indemnification, especially in cases of accidental manslaughter. “By his brother” does not imply a biological brother; it denotes “his brother in faith” or his fellow man; in either term, the whole community, or its legal organs, is included.

Monetary Compensation

If capital punishment cannot be applied to the guilty person, then the victim’s heirs are compensated, or restitution is made by the payment of an indemnity. The word “restitution” denotes an act of acquitting oneself of duty or debt and stands here for the act of legal reparation imposed on the guilty person. This compensation or restitution is to be made in a goodly manner—by taking into account the situation of the accused and, on the latter’s part, by acquitting himself of his obligation willingly and sincerely.

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. The objective of just retribution is not revenge but protection and a safeguard for you as a community so that you might be able to live in security, as God wants you to live.

Restitution for Manslaughter

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 and paying an indemnity to the victim's relations, unless they forgo it by way of charity. Now if the slain, while himself a believer, belonged to people who are at war with you, [the penance shall be confined to] the freeing of a believing soul from bondage. Whereas, 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 by way of charity. Freeing a believing soul from bondage refers to persons who have been taken captive in a war. If a slain person belongs to an enemy who is waging war with the Muslims, it would not be feasible to pay compensation to the dependents, but the freeing of a slave is still required. If the victim is a non-Muslim belonging to people with whom the 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, then he will fast for two consecutive months in the way prescribed for fasting during the month of Ramadan. Those who commit murder and get away with it will face awesome suffering in the life to come.

Manslaughter or culpable homicide is the unlawful killing of another person without premeditation or so-called "malice aforethought" (an evil intent before the killing). It is distinguished from **murder** by the lack of any prior intention to kill anyone or create a deadly situation. There are two levels of manslaughter, voluntary and involuntary.

Voluntary manslaughter includes killing in the heat of passion or while committing a crime. **Involuntary manslaughter** occurs when death is caused by a violation of a non-felony, such as reckless driving. A **felony**,

in many legal systems, is the term for very serious crimes, whereas **misdemeanors** are considered to be less serious offenses. Crimes that are commonly considered to be felonies include aggravated assault, arson, burglary, murder, and rape, among other crimes.

Consequences in the Afterlife

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 that his innocent victim might have committed in the past and of which the victim is now absolved.

16

Stealing

Cutting Off Hands

Now as for the man who steals and the woman who steals, cut off the hands of either of them in requital for what they have wrought, as a deterrent ordained by God: for God is almighty, wise. (5:38)

But as for him who repents after having thus done wrong, and makes amends, God will accept his repentance: God is much-forgiving, a dispenser of grace. (5:39)

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 made a reference to 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 shall be quenched.”

Traditional Explanation

The traditional explanation of the above verses is that the authorities should amputate the hand of the convicted thief. One of the fundamental principles of Islamic Law is that no duty is ever imposed on a man without granting him a corresponding right. The extreme severity of the Quranic punishment for stealing can be understood only with this principle in mind. It is evident from innumerable Quranic ordinances and the Prophet’s injunctions that a society or state must be so constituted that every individual may enjoy a minimum of material well-being and security.

If the majority of the people are forced to use up all their energies in search of 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 [*kufir*].”

- *It is a teaching that commands believers throughout the Quran to “be a community that calls for what is good, urges what is right, and forbids what is wrong” (3:104).*
- *It is an urging to follow a higher ethical plane that: it is to free the slave, to feed at a time of hunger 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 is prescribing 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). This is just a brief glimpse into the social justice message of the Quran.*

It is against the background of this social security envisaged by Islam that the Quran imposes the severe sentence of cutting off a hand as a deterrent and punishment for robbery. It was the correct appreciation of this principle that the great Caliph Umar waived the penalty of cutting off hands in a period of famine, which afflicted Arabia during his reign. Since poverty is rampant in the Islamic world, the law of amputating a hand should be waived following the example of Caliph Umar. Most authorities will exempt cutting off hands for stealing from the public treasury, food items, and other minor things.

Alternative Approach

Figurative Meaning

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

In a classical Arabic idiom, the “cutting off one’s hands” is often synonymous with destroying one’s power. The alternative humane

explanation is based upon the figurative meaning of cutting hands that is depriving the thief of his resources in order to compensate the victim—a similar concept for sparing the murderer’s life for just compensation. (For a detailed explanation, see 50 common misconceptions about Islam by W. Muhammad.)

Falsely Accused

The story of Joseph is a good example of why amputating the hand of a thief should be seldom 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 slave. What if the alleged thief is framed or falsely accused, as in the case of Benjamin? Cutting off the hand of an accused thief who is innocent would be a grave injustice.

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

The above verses were revealed to the Prophet in the case of a man named Taamah, who stole the armor of another person and hid it in the house of a Jew. The owner of the armor placed the matter before the Prophet and accused Taamah and not the Jew of the theft. The accused, his relatives, and the whole clan vehemently defended Taamah and laid the guilt on the Jew. The Prophet was about to decide when the above verses were revealed. The innocent Jew was acquitted and Taamah was found guilty. Taamah left Medina and openly joined the Meccan pagan against the Prophet. If that innocent Jew’s hand were cut off, it would have been a gross injustice, by inflicting an irreversible penalty on an innocent person.

The Principle of Equivalence

The literal cutting off the hands of a thief goes against the general tenor of the merciful God of the Quran. Punishment must be in accordance with the severity of the crime, the principle of equivalence. Imposing the irreversible punishment of amputating human hands as compensation for lowly material things violates the principle of equivalence.

Thief to Beggar

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

Wide Range of Punishment

Who repents after having thus done wrong and makes amends; God will accept his repentance. (5:39)

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. The victim of the crime can forgive the thief out of mercy. If the thief has already paid the ultimate price of hand amputation for stealing, then the concept of repentance and forgiveness becomes meaningless. The punishment of amputating hands should seldom be applied, and these criminals should be made to pay compensation to their victims and serve time in jail.

Consider the case of murder in the Quran (as discussed before), which is a much worse crime than stealing. Verse 4:92 deals with a believer's accidental killing. Neither capital punishment nor jail time is instituted. However, he has to pay monetary compensation to the family of the deceased unless they remit it freely. Verse 2:178 deals with the second case of murder when someone 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 family of the victims have to fix the quantum of punishment for all the crimes committed against them. If compensation can be accepted for the crime of murder, it is illogical that a similar punishment cannot be allowed for a much lesser crime of stealing. Saudi Arabia is the only Islamic country where cutting off the hands of thieves is still practiced. The rest of the Islamic world has suspended this punishment.

Symbolic Punishment

Many punishments prescribed under Islamic Law are largely symbolic and are meant to emphasize the seriousness of the crime. Under the conditions of poverty, cutting off hands for the crime of stealing is no longer applicable, as described above.

17

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 from among you 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 for them a way [through repentance]. And punish [thus] both of the guilty parties; but if they both repent and mend their ways, leave them alone: for God is an acceptor of repentance, a dispenser of grace. (4:15–16)

Meaning of *Fahishah*

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

The expression *fahishah* does not connote illicit sexual intercourse. It signifies anything that is grossly immodest, unseemly, lewd, indecent, or abominable in word or deed and is by no means restricted to sexual transgressions. This expression denotes here immoral conduct not necessarily amounting to what is termed *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 sexual intercourse of a married man with a woman other than his wife or of a married woman with a man other than her husband. Fornication is 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, irrespective of whether one or both of them are married to other persons. For the sake of 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 human beings life—[the life] which God has willed to be sacred—otherwise than in [the pursuit of] justice, and do not commit adultery. And [know that] he who commits aught thereof shall [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 cardinal sins referred to in this verse will have his suffering doubled on Resurrection Day.

Punishment for Fornication and Adultery

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 with 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 the 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 the believers. (24:1–3)

Do not commit adultery—for it is an abomination and an evil way. (17:32)

The special stress on God laying down this *surah* in plain terms is connected with the gravity of the injunctions spelled out in the sequence. It implies a solemn warning against any attempt at widening or redefining 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 or who 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 denoting one who accords his lust or desires a supremacy or place side by side with God and thus blasphemes the principles of ethics and morality enjoined by Him.

Some of the commentators understand the above passage in the sense of an injunction: “The adulterer shall not marry any 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 countenances the marriage of a believer, however great a sin he or she may have committed, with an unbeliever, in the most pejorative sense of this term. It is a fundamental principle of Islamic Law that once a crime has been expiated by the transgressor undergoing the ordained legal punishment, it must be regarded as 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. Since adultery is an illicit sexual union, the verb *yankihu*, which appears twice in this passage, cannot have the customary, specific meaning of “he marries” but must be understood in its general sense—applicable to both lawful and unlawful sexual intercourse—namely, “he couples with.” It is in this sense that the great commentator Abu Muslim (as quoted by al-Razi, mentioned in the Preface) explains the above verse. It stresses the fact that both partners are equally guilty since

they commit their sin consciously—implying that neither of them can be excused on the grounds of having been seduced.

Penalty of Flogging

The penalty of a hundred stripes should be carried out in such a way that its effects should be confined to the skin only and should not reach the flesh under it. The flogging that causes deep wounds or even bruises is against Islamic Law. The Prophet instructed that a whip or cane should be neither too thick and too hard nor too thin and too soft but should be of average density. The nature of flogging with stripes is implied in the word *fajlida* in the Quran. The word *jald* is derived from *jild*, which means skin. Lexicographers and commentators have taken this to mean that flogging effects should be confined to skin only.

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 to meet the requirement of the Law. When a sick man who committed fornication was brought to the Prophet, he commanded, “Take a branch of the palm tree with 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. The punishment should be rendered in public. The number of people present to witness the punishment has been deliberately left unspecified, indicating that while the punishment must be given publicity, it need not be made a public spectacle. The above verse abrogates the biblical punishment of stoning to death for the crime of 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 from among them 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 and started reading what preceded and what followed it. At that, ibn Salam said to him, “Lift up your hand!” The biblical verse was under his hand. So the Prophet ordered that the two be stoned to death. The lesson deduced from this tradition is that the non-Muslims under Islamic rules should be governed by their respective laws and not by the laws of Islam.

The most important case of adultery reported in hadith is that of 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 was unsuccessful. Afterward, when the attempted escape was reported to the holy Prophet, he said, “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 in which the penalty of stoning to death is prescribed for any sin or crime. On the other hand, there are several incidences recorded in hadith literature where the Prophet ordered stoning to death for the crime of adultery and one hundred lashes for fornication. This apparent discrepancy between the Quranic verse and traditions can be explained by the timing of the *surah Nur*. The Prophet implemented the penalty of stoning to death for adultery before the revelation of the twenty-fourth *surah (Nur)*.

An interesting narration from the book of hadith from al-Bukhari, narrated by Ash-Shaibani, relates this: “I asked Abdullah bin Abi Afa, ‘Did God’s apostle carry out the penalty of stoning to death?’ He said, ‘Yes.’ I said, ‘Before the revelation of *surah Nur* or after it?’ He replied, ‘I don’t know’” (8–824).

In reviewing all the traditions regarding adultery, it is clear that in almost all the cases, the guilty parties confessed, and the punishment of stoning to death was voluntary. In the absence of a confession, the requirement of four eyewitnesses applies. During the Farewell Pilgrimage and in his last public address, the Prophet advocated mercy rather than punishment for the crime of adultery: “O Men, to you a right belongs concerning your women and to your women a right with respect to you. It is

your right that they not fraternize with anyone of whom you do not approve, as well as never to commit adultery. But if they do, then God has permitted you to isolate them within their homes and to chastise them without cruelty.” The clear injunction of the Quran and the Prophet’s statement above repeals the law of stoning to death. The Quranic punishment of flogging for the crime of fornication and adultery applies to consensual sex outside the marriage, while a harsher penalty is reserved for the sins of rape or incest.

Accusing One’s Wife of Adultery

As for 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 telling 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 telling a lie, and 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 regarded as 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 the question of guilt legally undecided; both parties are absolved of all the legal consequences otherwise attending upon adultery, the only consequence being 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

The Quran does not address the issue of rape. The requirement of four witnesses to prove fornication or adultery applies only in cases of consensual sex outside the marriage and not for the cases of rape. Only a fool would equate consensual sex with rape. It would be impossible to bring the rapist to justice if four witnesses are required, as for consensual sex. In

the case of rape, all modern physical and medical evidence should be used to prosecute these cases. If rape is proven beyond a reasonable doubt, then the rapist should receive a severe sentence, because rapists and child molesters seldom change their ways and present a constant danger to society.

Homosexuality

There is not a single verse in the Quran that prescribes any punishment for 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 for whom heterosexual arousal is weak or missing. Homosexual men should be differentiated from pedophiles, who are sexually aroused by children.

Numerous theories attempt to define the origins of a person's sexual orientation; it is perhaps a result of complex interactions of environmental, cognitive, and biological factors. Genetic or inborn hormonal factors play a significant role in a person's sexuality. The controversy over homosexuality 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, then why should it be considered a sin? Homosexual or heterosexual feelings are not sinning. According to the Quranic doctrine of morality, sex is not a right but a privilege that individuals attain within the confines of 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 will be extinct. There is no explicit or implied ruling on homosexual marriage in the Quran.

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 are not allowed to 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 made a public spectacle. (See [Chapter 12](#) before and when Umar ibn al-Khattab violated the sanctity of the home.)

18

Sex Outside Marriage

The Western and Islamic Concepts of Freedom

THE SIGNIFICANT DIFFERENCE between the Western and Islamic concepts of freedom relates to sex and drugs. Sexual freedom, as understood in the West, is a part of an individual's freedom based on the notion that the government has no right to regulate what happens between two consenting adults in the privacy of their home. Liberty, by definition, is the right of an individual to act without restraint as long as the act does not interfere with the rights of others. Consensual sex between two adults may have unintended consequences in the form of pregnancy or sexually transmitted diseases. Unfortunately, the children born to single mothers sometimes face a dismal future. When the future progeny is adversely affected, sexual freedom becomes a false freedom. Western societies are facing many social ills, such as abortions, children born out of wedlock, abandonment by their fathers, the breaking up of their families, and sexually transmitted diseases, among other problems.

Adult pleasures and the pursuit of happiness tend to supersede the rights of children in some households. Any society that does not cherish women and children is bound to decay eventually. In light of the Western experience of the practice of liberty, the most critical question the developing Islamic societies have to answer is how to embrace science, technology, and economic development while avoiding the social ills plaguing secular societies.

Historical Review

In pre-Islamic Arabia, sex outside marriage was a norm, just as it is in many societies today. Islam is perhaps the only major religion that has declared

sex outside the marriage as a punishable offense. The purpose of such a ban on sexual activity is to protect the rights of children and to avoid abuse and maltreatment of women.

Sexual freedom, as understood in the West, is a part of individual liberty based on the notion that the government has no right to regulate what happens between two consenting adults. The proponents of unrestricted sexual freedom consider it the right of all individuals to develop and express their unique sexuality. Fornication is a norm, and adultery is tolerated as an aberration and no longer regarded as a stigma. Some hide behind the slogan of “pro-life” and use scare tactics like declaring abortion as “murder.” Still, at the same time, they oppose any punishment for women guilty of undergoing abortions—logically and morally, a contradictory position. Media and the pro-life crowd seldom confront the root cause of the problem, which is sex outside marriage.

Unprotected sex can lead to unwanted pregnancies, which in turn leads to out-of-wedlock births, abortions, or sexually transmitted infections (STIs).

Out-of-Wedlock Births in the United States

- 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.
- 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.
- 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.
- In spite of the 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 slowly becoming a norm rather than an exception.
- Among African Americans, 70 percent of babies are born to single women; in 1965 this figure was 26 percent.
- About 40 percent of Latino babies are born to unmarried women.

- One in four children is born to single white women. In 1960, it was 2 percent.
- An estimated ten thousand to fifteen thousand abortions are performed each year as a result of rape and incest.
- 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.

The phenomenon of children born out of wedlock is not just a moral issue, but it also has adverse socioeconomic effects on many single mothers and their children. These often-disadvantaged children are unable to compete with children who are born to two-parent, stable households, resulting in a society of haves and have-nots.

Violations of the Rights of Children

Many people believe it is the right of every child to have two parents and a stable and loving family. When children are born out of wedlock, many biological fathers walk away from their responsibility to the family. These feckless sperm donors refuse to take responsibility for their actions, and they act more like some male animals who move from one female to another. The link to biology is severed, and children become de facto orphans. Single mothers, grandparents, and other relatives of the mother end up taking care of the baby. At least the 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 the rising proportion of illegitimacy 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 as compared to children from intact families.

Circle of Misery

Adolescent girls who grow up without a father figure become sexually active earlier and tend to 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 the death of infants. Risk factors include besides poverty 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 an emergency department of any hospital, children who are victims of physical and sexual abuse are a common sight.

Self-Inflicted Poverty

It is clear from the above statistics that when Western societies were less affluent, the rate of illegitimacy was much lower, which shows that poverty has nothing to do with the rising trend of births to single mothers. The erosion of marriage and the increase in single-mother families is the primary cause of poverty among children and women in the United States. Children raised by never-married mothers are seven times more likely to be poor, compared to children raised in intact families.

The Role of Government

The government assumes the role of the father as a provider and takes care of many of the expenses for rearing children who live 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 a lot more than food, shelter, and clothing to grow up to be 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, the poor children will suffer. There is no easy answer to this dilemma. The dominant secular and religious establishments have failed to provide any solutions. Usually, liberals blame poverty for all the ills, which cannot be supported by the facts, and the conservatives rail against the

woman's right to have an abortion. If abortion is outlawed, it will result in even more illegitimate children and more misery. The resultant negative consequences of free sexual activity will be borne by the children of such unions.

False Freedom and Contempt for Women

The greatest society man has ever built—the United States—has a permanent second class of mostly unmarried women with children living in ghettos. The demeaning attitude of men toward women is the underlying reason for abandonment and abuse. Women are used as sexual objects for pleasure but not granted the dignity of being equal partners in life. It is a moral crime on the part of two people who cannot make a lasting, legal commitment to each other to have a child and thus deprive it of its rights. The greater crime, however, is society's failure to treasure and protect its children.

Liberty is the right of individuals to act without restraint as long as their actions do not interfere with the rights of others. Adult sexual pleasures should not be experienced at the expense of the rights of children, because such freedom is a false freedom.

Is abortion of a nonviable fetus considered murder in Islam? The answer is no, but it is a sin that needs redemption. It is reported in the traditions that two women were fighting, and one of them threw a stone at the other, causing her to have a miscarriage. The Prophet gave the verdict that the killer of the fetus should free a slave.

The Long-Term Consequences

The average fertility rate of a European woman has fallen to 1.4 children, with 2.1 needed just to replace the existing population. Today, in many European countries, there are more burials than births. In Russia, two of every 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. By the end of this century, the English people 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. The Spanish birthrate is the lowest in all 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?"

It is not ISIS or al-Qaida that will end Western dominance but its own attitude of "me first," sometimes at the expense of children's interest.

We Muslims must learn from the West and prevent such moral and social disasters from entering society. It is the responsibility of Muslim men to provide for, protect, and cherish the women and children in their lives and treat them with dignity and respect.

Abstention or Monogamy

All the problems mentioned above can be prevented through abstention, monogamy, or the use of effective birth control methods. Those who believe in sensible restrictions on sexual behavior are called sexually repressive and barbaric, among other epithets. Monogamous behavior is for your good, and if you follow a promiscuous lifestyle, that is for your hurt.

Whoever does what is just and right, does so for his good; and whoever does evil, does so to his hurt: and never does God do the least wrong to His creatures. (41:46)

Sexually Transmitted Diseases

The early onset of sexual activity and the pattern of multiple sex partners set the stage for the high rate of sexually transmitted diseases. Half of all young Americans will acquire sexually transmitted diseases by the age of twenty-five. Sexually transmitted diseases (STDs), with the exception of 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.

Some of the STDs are incurable, and some are fatal. A case in point is AIDS (Acquired Immunodeficiency Syndrome), which is caused by a human immunodeficiency virus (HIV). AIDS has devastated the continent

of Africa, where many adults have died of AIDS, their children left to fend for themselves.

Drug Use by Mothers

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

Segregation of Sexes

The Prophet said, "The woman who brings a child into a family which does not belong to it, has no relation to God and God will not admit her in paradise." Similarly, "the man who denies the fatherhood of his child will never see God on the Judgment Day, and God will put him to disgrace in front of all mankind."

Most Muslims view the disturbing trends of the breaking up of families in the West as a warning not to follow the "decadent" ways of the West. Unfortunately, that also means rejecting all the positive values that have made the West an exemplary, though imperfect, civilization. The argument for the segregation of the sexes goes as follows in the mind of a Muslim, though it is seldom expressed openly since sex is still a major taboo: Since premarital and extramarital sex is the cause of abortions and out-of-wedlock births, the best means of prevention is to avoid the mixing of sexes. Some misguided Islamic societies go to such extremes as to virtually imprison women in their homes; when they go out, they must be covered from head to toe. But the vast majority of Muslims support sensible and purposeful intermixing of the sexes, as practiced during the Prophet's times.

19

Intoxicants, Gambling, and Foretelling the Future

- *They will ask you about intoxicants and games of chance, say: “in both, there is great evil as well as some benefit for man; but the evil which they cause is greater than the benefit which they bring.” (2:219)*
- *[We grant you nourishment] from the fruit of date-palms and vines: from it, you derive intoxicants as well as wholesome sustenance—in this, there is a message indeed for people who use their reason! (16:67)*
- *You who have attained to faith! Intoxicants, and games of chance, and idolatrous practices, and the divining of the future are, but a loathsome evil of Satan’s doing: shun it, then, so that you might attain to 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 the remembrance of God and prayer. Will you not, then, desist? Hence, pay heed to God, and pay heed to the Apostle, and be ever on your guard [against evil]; and if you turn away, then know that Our Apostle’s only duty is a clear delivery of the message [entrusted to him]. (5:90–92)*

The Evils and Benefits of Alcohol

An intoxicant is a substance that obscures the intellect. The prohibition of intoxicants laid down in these verses includes not only alcoholic drinks but also drugs, which have a similar effect. Wine or, generically, intoxicants are contrasted here with wholesome sustenance, circumscribing both the

positive and the negative properties and effects of alcohol. 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 first verse above.

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.

See [Appendix 1](#) for more details.

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 feats 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.

“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.

20

Dietary Laws

Lawful Foods

- *You who have attained to faith! Partake of the good 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 render 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 qualified as *rizq*, and that automatically makes all its manifestations lawful.

Food over Which God's Name Has Been Pronounced

Eat, then, of that over which God's name has been pronounced if you truly believe in His messages. 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 eat] 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 that God has imparted to yourselves—eat of what they seize for you, but mention God's name over it, and remain conscious of God who is swift in reckoning. (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 Followers of the Bible

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

This permission to partake of the food of the followers of other revealed religions excludes the forbidden categories of meat enumerated in verse 5:3. The Law of Moses forbids them explicitly, and there is no indication in the gospels that Jesus canceled these prohibitions. He is reported to have 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 because Mosaic laws are far more elaborate as far as meat preparation is concerned.

Fresh Water Game and Seafood

Lawful to you are all water-game, and what the sea brings forth, as a provision for you. (5:96)

The above ordinance comprises all water game, whether derived from seas, rivers, lakes, or ponds, such as fish and other marine animals that may have been cast forth by the waves onto the shore. All kinds of water game are lawful to a believer.

Breastfeeding

The mothers may nurse their children for two whole years. (2:233)

It is interesting to note that the World Health Organization and the Quran recommend breastfeeding for two years. There are numerous benefits of breastfeeding, both for the child and the mother. Breast milk is ideal for children. It confers protection against many childhood diseases and assists in the spacing of children. There is a reduced risk of breast and ovarian cancer in women who have breast-fed 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.” (6:145)

He has forbidden to you only carrion, and blood, and 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 are detrimental to 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 that is 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, and the flesh of swine and that over which any name other than God's has been invoked. Also, the 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, save that which you [yourselves] may have slaughtered while it was still alive. And [forbidden to you is] all that has been slaughtered on idolatrous altars. (5:3) 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)

Forbidden are the foods that have been dedicated or offered as a sacrifice to an idol or a saint or a person considered to be 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 that were destined for common consumption were often slaughtered there for the sake of a supposed blessing. (See [Appendix 2](#) for medical reasons to avoid pork.)

Family Laws

21

Equal Rights for Women

The Attitude of Pre-Islamic Men 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 which 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, evil indeed is whatever they decide! (16:57–59)

This passage is a condemnation of 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 whom they conceived as females, were "God's daughters." The Quran states that they ascribed daughters to God, while they only want sons for themselves because they regarded daughters as no more than 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 regarded as a happy one since the sex of the child ought to make no difference to parental love, but the father would be full of contempt, deciding within himself whether to keep the child as an object of perpetual contempt or to bury her alive; either of these alternatives is evil.

Female Infanticide for Fear of Poverty

Hence, do not kill your children for fear of poverty: it is We who shall provide sustenance for them as well as for you. Killing them is a great sin. (17:31)

[On the Day of Resurrection]: When the girl-child that was buried alive is made to ask for what crime 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 a timeless validity, as it also relates to abortions undertaken “for fear of poverty” on purely economic grounds. Even today, selective female fetus abortions are practiced around the world, especially in India and China.

On the Resurrection Day, when all human beings will be 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 fairly widespread in pre-Islamic Arabia, although perhaps not to the extent as has been commonly assumed. The motives were twofold: the fear that an increase of female offspring would result in economic burdens and the fear of the humiliation frequently caused by girls being captured by a hostile tribe and preferring their captors to their parents and brothers.

Freedom of Religion for Women

Guardianship of Husband

You who have attained to faith! Whenever believing women come unto you, forsaking the domain of evil, examine them, [although 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 go

outside their homes and have freedom of movement, as the following incident proves.

The Treaty of Hudaibiyyah concluded in the year AH 6 (for details, see “The Conquest of Mecca and Later Conflicts” in Volume Three) between the Prophet and the pagan Quraysh of Mecca. Anyone under the guardianship of Meccans, who went 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 to be under the guardianship of their husbands.

Accordingly, when several Meccan women embraced Islam against the will of their husbands 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 come to you to pledge their allegiance to you. [Pledging] that [henceforth] they would not ascribe divinity, in any way, to aught but God, and would not steal, and would not commit adultery, and would not kill their children would not indulge in slander, falsely devising it out of nothingness, 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 gone over to the Muslims not for reasons of faith but out of purely worldly considerations. The 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 of your husband, or out of a desire to go to another country, or in the hope of attaining to 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.

God alone is aware of what is in a human being’s heart is incorporated in a principle of Islam. 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 having ascertained their belief as far as is 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 dower]; 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 to be subject to the same conditions as a khul, a no-fault divorce initiated by the wife from the Muslim husband. (See in the chapter on divorce.) Since the non-Muslim former husband is presumed to have been innocent of any breach of his marital obligations, the wife is to be considered the contract-breaking party. She has to refund the dower that she received from him at the time of dissolving the marriage. 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 have a benefit from what they earn, and women shall have a 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! You have been allowed by God to go out for your needs.” Those who believe that if Muslim women work outside the home it will inevitably result in promiscuity underestimate the moral fiber and tenacity of Muslim women. Such men suffer from self-doubt, male inadequacies, and insecurities.

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 should make 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 that 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 imply any reflection on a woman's moral or intellectual capabilities. The verse should be viewed as instructional and not binding, the purpose of which is the protection of women who may not be savvy in business affairs. The Egyptian reformer Muhammad Abduh was of the view 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 in all times and places. (See Muhammed Abduh in *Manar* 111, 124 f.)

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

Right to Be Educated

When a woman complained to the Prophet that only men were benefiting from his teachings, he set up a special day for their education. It is only through education that women can achieve any equality. It is not surprising that retrogressive fanatic Muslim men oppose girls getting an education.

Final Admonition

During the Farewell Pilgrimage, the following were the parting words of the Prophet about women's rights: "To them belongs the right to be fed and clothed in kindness. Do 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.”

Granting Equal Rights to Women

God enjoins justice, and the doing of good, and generosity towards [one's] fellowman. And He forbids all that is shameful and all that runs 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 time-wise, comparing the status of Arabian women before and after Muhammad, the charge is patently false. In the pre-Islamic days of 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, a very birth of a daughter was regarded as a calamity.”

From the perspective of the intervening fourteen centuries, the positive changes in women's status were revolutionary. The Quran did not give equal rights to women from a twenty-first-century standard. One cannot realistically expect that fourteen hundred years ago, women would be given equal rights overnight; however, due to the advent of Islam, a giant leap was taken toward the goal of equality. Since then, time has stood at a standstill, and Muslim women have not made much progress. Muslim men of a religious bent have been the biggest obstacles in the advancement of the rights of Muslim women. They fear the loss of the privileged position they enjoy. For the sake of personal gains, they are willing to sacrifice a universal principle that all men and women are created equal and, therefore, should have equal rights.

Islamic reforms improved the status of women enormously, as follows:

- **Right to life:** The Quran forbade female infanticide.
- **Inheritance rights:** Daughters were included in an inheritance—not equally but up to half the proportion of sons, which seemed to be just in view of the fact that unlike the sons, they would not carry economic responsibility for their households. (See preceding chapter.)
- **Right to be educated and earn an income**

- **Equal testimony under the law:** (There is no mention of gender 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 made its greatest contribution to women in the institution of marriage. It sanctified marriage by making it the sole locus of the sexual act. There is no alternative to well-adjusted marriages, which provide a haven for mothers and a place to raise children in an ideal environment. 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. Muslim women have a long way to go to achieve any parity with men. Future Muslim societies should aspire to grant equal rights to women. The Quran repeatedly stresses using reason, and if we use our God-given logic, then any form of discrimination is counter to reason. How can God, the compassionate and merciful, disapprove of elevating the living conditions and dignity of 50 percent of the Muslim population? The emancipation of women was dear to the Prophet's heart. What would Prophet Muhammad do if he were alive today? He probably would grant equal rights to women.

22

Marriage

God-Willed Function of Sex

[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 be] mates—to multiply you thereby: [but] there is nothing like unto Him, and He alone is all-hearing, all-seeing. And He it is who has created all opposites. (42:11–12)

The 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, to a happy state shall attain the believers: who are mindful of their chastity, [not giving way to their desires] with any but their spouses—that is, those whom they rightfully possess [through wedlock]. For then, they are free of all blame, whereas such as seek to go beyond that [limit] are truly transgressors. (23:1, 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 the positive, God-ordained nature of sexuality. A couple is pardoned if they have transgressed against 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.

One can get or transmit an STI (sexually transmitted infection), like HIV or AIDS, during this time, according to the Center 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.

Family as a Blessing of God

- ***God has given you mates of your kind and has given you, through your mates, children and children’s children, and 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 tilth; go, then, unto your tilth as you may 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 “has made for your mates out of yourself.”

Children as God’s Gift

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

The purpose of this passage is a re-affirmation that whatever happens to a man is an outcome of God's unfathomable will, a fact that 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 may regard as his "due."

Responsibilities of Men toward Women

Men shall take full care of women with the bounties, which God has bestowed more abundantly on the former than on the latter, and with 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. (4:34)

The expression "he undertook the maintenance of the woman" combines the concepts of physical maintenance and protection as well as of moral responsibility, and 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 to faith! Some of your spouses and your children are enemies unto 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 a trial and a temptation. Whereas with God, there is a tremendous reward. (64:14–15)

O you who have attained to faith! Let not your worldly goods or your children make you oblivious of the remembrance of God: for if any

behave thus—it is they, they who are the losers! (63:9)

The love of the family can be a two-edged sword. Family is a blessing of God. Sometimes, the love of his family may tempt a believer to act contrary to the demands of 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 the others, a spiritual enemy. Love of worldly goods and a desire to protect one's family, described as a "trial and temptation," may lead a person to transgression and a betrayal of the moral values in God's message.

Prerequisite for Marriage

Marry the single from among you, as well as, such of your male and female slaves as are fit [for marriage]. If they [whom 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 are unable to 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, mental maturity, and mutual affection between the man and the woman concerned. Marriage is a serious commitment, according to the Quran, and deserves full intellectual maturity—not just puberty. This verse rules out child marriages. Marriage is allowed from among the free members of the community and with slaves.

Marriage or Celibacy

The term *ayyim* signifies a person of either sex who has no spouse, irrespective 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 the ethical and the social points of view, the married state is preferable to celibacy.

The above verse rules out all forms of concubinage and postulates marriage as the only basis of 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 are allowed to marry women from among the followers of another revealed religion. The above verse does not clearly state that a Muslim woman should not marry a Jew or a Christian man. Many authorities believe that Muslim women should also not marry Jews or Christians, although this is not explicitly stated in the Quran. The reason is that Islam enjoins the reverence of all the prophets. The Christians reject Prophet Muhammad, as is the case with the Jews, both Muhammad and Jesus. Thus, while 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 would marry a non-Muslim would always be exposed to an abuse of him whom a Muslim regard as God’s apostle.

Dowry as a Gift

And give the women their marriage portions in the spirit of a gift; but if they, of their own accord, give up to you aught thereof, then enjoy it with pleasure and good cheer. (4:4)

And to those with whom you desire to enjoy marriage, you shall give the dowers 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 dowry signifies the giving of something willingly, of one’s own accord, without expecting anything in return for it. The law has not fixed the amount of the dower that the bridegroom has to 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 of the Quran.”

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

23

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. Marry from among other women such as are lawful to you or from among those whom you rightfully possess (female slaves)—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 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 equal 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 to take another

in her stead. Do not take away anything of what you have given the first one, however much it may have been. Would you, perchance, take it away by slandering her and thus committing a manifest sin? And how could you take it away after you have given yourselves to one another, and she has received a most solemn pledge from you? (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 the direct evidence of four witnesses has proved a wife’s immoral conduct, the husband has the right to divorce her. He can demand the return of the dower that 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 with equal fairness, however much you may desire it. So, do not allow yourselves to incline towards one to the exclusion of the other, leaving her in a state of not having 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 allow yourselves to 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 that he is sinning if he loves one of his wives more than the other (or others). The above verse provides judicial enlightenment on this point by making it clear that if you put things to rights, God is forgiving.

Monogamy as a Rule

One man, one wife is the most natural way of life. The Quran repeatedly stresses the use of reason in all decision-making. The ideal environment to rear children is with one mother and father, with the support of an extended family. Monogamy is much more likely to be conducive to a family’s harmony than polygamy is. God did not create one Adam and four Eves. Monogamy is superior in the interest of healthy and happy family life and should be the rule; polygamy should be an exception. The majority of Muslim families are monogamous, and very few men, usually wealthy men, practice polygamy.

The permission that is conditional upon the man's determination and ability to treat his wives with equal fairness 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

The ideal toward which Quranic law pressures man is 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 as early as 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, recourse to divorce is always open to either of the partners.

Polygamy as an Exception

When Is Polygamy Allowed?

Polygamy is another instance of Islam's flexible capacity to speak with wise relevance to diverse situations. Islam does not allow unrestricted polygyny, where a man can have up to four wives just because he desires to. He is allowed to 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 would exclude her from sexual union. A war in which the number of men is reduced considerably would be another example. Idealists may call for the exercise of 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 the approach to 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.”

Approval of Restricted Polygamy

The verse allowing more than one wife was revealed after the Battle of Uhud in which some seventy-five Muslim men were killed (4:3 above). The Muslim men were allowed to take up to four wives to provide for the 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 the provision of justice to all the wives; otherwise, only one is allowed.

Negative Effects of Polygamy

The practice of polygamy has many negative effects on the family. Intense rivalry and jealousy among the wives and children poison the family atmosphere. Growing up in perpetually contentious circumstances is not healthy for children’s psyches. The happiness of children in the eyes of a good father should supersede his selfish sexual desires.

The Example of the Prophet

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 example of the Prophet 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 liabilities to support them.

The marital laws that apply exclusively to the Prophet were not meant for the rest of the believers (see [Chapter 27](#) of this volume). The fact is that under the pretense of following the Prophet’s example, men fantasize about

having sex with multiple young females. Such men will divorce and discard their older wives and marry young girls, thus perverting the sacred laws of marriage.

When it comes to polygamy, the Prophet did not approve another wife for Ali bin Abi Talib, who was married to Fatima (Muhammad's daughter). The Prophet said, "Banu Hisham bin al-Mughira has requested me to allow to marry their daughter to Ali, but I will not permit 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

When a wife is unable to discharge her marital duties due to an irreversible medical condition, 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 is allowed to marry a second wife.

Those men desirous of a second wife should be required to have permission from the judge 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 and 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 were free to have as many mistresses among the majority 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 as conferred normally to wives.

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

Although monogamy is the law of the land in the United States, it only exists on paper, because individuals can have as many partners/mistresses as they wish outside the marriage as long as they do not enter into another legal marital contract. The men usually avoid any responsibility for taking care of their mistresses and children born through such a union. Fathers

often have to be forced through the legal system to pay child support. Under Texas law, bigamy is classified 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 end up in jail, while extramarital sex has no punitive legal consequence.

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Preventing Sexual Temptation

Lower Your Gaze and Avoid Staring

Tell the believing men to lower their gaze and to be mindful of their chastity: this will be most conducive to their purity—[and,] God is aware of all that they do. And tell the believing women to lower their gaze and to be mindful of their chastity, and 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)

Staring at a member of the opposite sex for a long time is forbidden. The lowering of one's gaze and being mindful of their chastity relates both to physical modesty and emotional modesty. The latter expression may be understood both in the literal sense of covering one's private parts or modesty in dress and to 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 wider, and the deliberate vagueness of this phrase is meant to allow for all the timebound changes that are necessary for man's moral and social growth.

The head covering customarily used by women in pre-Islamic times was intended to look more attractive, but it usually had no practical purpose. The covering was let down loosely over the wearer's back, and the injunction to cover the bosom was meant to make it clear 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 any 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 the Prophet’s Wives Only

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

The term “hijab” denotes anything that intervenes between two things or conceals, shelters, or protects the one from the other. It may be rendered, according to the context, as a barrier, obstacle, partition, screen, curtain, veil, and so forth. Prohibition to approach the mothers of the faithful otherwise “from behind a curtain” was meant as a mark of respect. It was taken literally by most of the companions. The verse above was prompted by a need to separate public space 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 a Muslim woman to cover her face in public. Those who claim to follow the example of the Prophet’s wives

and cover their faces in public are making a conscious or subconscious statement of their so-called superior piety over other women.

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 their being recognized [as decent women] and not annoyed. But [withal,] 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 social environment. This finding is reinforced by the concluding reference to God’s forgiveness and grace.

Segregation of Women

Modesty in public was intended as a check on the widespread promiscuity of pre-Islamic days. The Quran establishes a minimum requirement for dress in public. The purpose is to prevent the exploitation of women and to see them as sex objects. That the Prophet Muhammad ever intended his admonitions concerning modesty or privacy to assume the rigid extremes into which they have hardened is to the modernist Muslim inconceivable.

The institution of *pardah*, or the seclusion of women by confining them within the four walls of a house, was unknown to the original Islam and its teachings. *Pardah*, as popularly understood, is only possible for the upper and middle classes of women. The women from laboring classes toil hard for their daily food throughout the Islamic world, and *pardah* 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 the veiling of all women or their 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 when they are in the holiest of all places. Women perform *hajj* side by side with men without any segregation.

Segregation and Veiling Is a Christian Tradition

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 have experienced 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.

Veiling is a piece of material worn to cover the head and shoulders on each side of the face, forming a part of the headdress of a nun. Later, as happened in Christianity, Muslim men would hijack the faith and bring it into line with the prevailing Christian patriarchy. Muslims adopted the Christian customs of segregation and veiling several generations after the Prophet's death. Muslims at that time were copying the Greek and Persians, who had, for a long time, veiled and segregated their women in this manner. Today, male-dominated Islamic countries have obscured many of the original purposes of the Quranic legislation. Covering the face with a veil is not an Islamic tradition.

The segregation of women has unforeseen and harmful effects. Since the mosque serves as the center of community life, women have ceased to worship publicly in the mosque and are cut off from social and educational activities in many Islamic countries.

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Divorce

Divorce in Pre-Islamic Times

God has indeed heard the words of her who pleads with you concerning her husband and complains unto God. And God does hear 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 bear in mind that] they can never be [as] their mothers: none are their mothers save those who gave them birth: and so, they but 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, whose husband divorced her by pronouncing the 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 for her to remarry. The Prophet, who thought that divorce through *zihar* was valid, therefore 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 merely 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 pronounce divorce as often as they pleased. Whenever his relations were strained with his wife, he would pronounce divorce and then reunite whenever it suited him. The pronouncements of temporary divorce were repeated over and over 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, but 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” refers to assigning two mutually incompatible roles (from wife to mother), by a man who intended to divorce in the pre-Islamic society of Arabia. It is against the God-willed laws of nature 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*

But God is indeed an absolver of sins, much-forgiving. Those who would separate themselves from their wives by saying, “You are as unlawful to me as my mother.” They after that would 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. However, he who does not have the wherewithal shall fast [instead] for two consecutive months before the couple may touch one another again. And he who is unable to do it shall feed sixty needy ones [alternatively, one needy person for sixty days]. This is so that you might prove your faith in God and His Apostle. Now, these are the bounds set by God. And grievous suffering [in the life to come] awaits all who deny the truth. (58:2–6)

Those who still invoke the oath of *zihar* are obligated to free or purchase the freedom of a slave. The phrase “he who does not find the wherewithal” may indicate either a lack of financial means or the impossibility of finding anyone else who could be redeemed from factual or figurative bondage. The pronouncement of *zihar* is not to be considered a divorce, as was the case in pre-Islamic times, but it is to be considered solely as a reprehensible act that must be atoned for by sacrifice.

Divorce under Islam

Although Islam tightened the wedding 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 the disruption of marital vows. The well-authenticated saying of the Prophet is “in the sight of God, 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.

Automatic Annulment of Marriage

Hold not to the marriage-tie with women who [continue to] deny the truth, and ask but for [the return of] whatever you have spent [by way of dower]—just as they [whose wives have gone 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. (60:10–11)

If the pagan wives of Muslims refuse to abandon their beliefs and religious practices, the Muslim husband is to regard the marriage as null and void. There were only six such cases of apostasy in the lifetime of the Prophet (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 bounds set by God; do not, then, transgress them. (2:229)

This verse relates to the unconditional right of the wife to obtain a divorce from her husband. Such dissolution of a marriage at the wife’s initiative is called *khul*. Some highly authenticated traditions indicate that Jamilah, the wife of Thabit ibn Qays, came to the Prophet and demanded a divorce from her husband because, in spite of 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 the time of their wedding and decreed that the

marriage should be dissolved. 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. For 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 goodly manner. (2:229)

The provisional divorce can be declared twice, *and* the third pronouncement of divorce 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. A man can invoke a verbal divorce. The wife is not allowed to initiate an oral or written declaration of divorce, 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. She can keep the dowry if the husband is a contract breaking party. She can also receive a divorce when her husband is at no fault and give up the dowry she received. The above Quranic injunctions about

divorce do not support this inequity, which is probably a vestige of pre-Islamic custom that is followed to this day as it benefits men.

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 go through a mandatory grace period of four months or the equivalent of three menstrual cycles. The third pronouncement of divorce can only be after the grace period is over. The average cycle is twenty-eight days long; however, a cycle can range in length from twenty-one days to about thirty-five days. The primary purpose of the waiting period is the ascertainment of 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 to resume the marriage. During the grace period, the couple continues to live 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 a resumption of marital relations 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 is responsible for maintaining the family, the first option to rescind a provisional divorce rest 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.

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 in a frivolous spirit.

Rights of the Wife during a Waiting Period

Do Not Expel Her

Do not expel them from their homes and neither shall they [be made 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 Responsible for Maintenance

[Hence,] let the women [who are undergoing a waiting-period] live in the same manner as you live yourselves, within your means; and do not harass them to make their lives a misery. (65:6)

During the waiting period, the husband is fully responsible for maintaining the wife whom he is divorcing, 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 expel her or make her leave 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 turned out of her marital home. “Something new to come about” is an allusion to the possibility of reconciliation and a 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-term shall come when they deliver their burden. (65:4–5)

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)

No Waiting Period

O you who have attained to faith! If you marry believing women and then divorce them before you have touched 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)

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, but [even in such a case] make provision for them. The affluent, according to his means, and the straitened according to his means—a provision in an equitable manner. This is a duty upon all who would do good (i.e., all who are determined to act according to God's will).

When a Dower Is Settled

And if you divorce them before having touched them, but after having settled a dower upon them, then [give them] half of what you have settled. Unless it is the women forgo their claim [voluntarily]. 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 forget not [that you are to act with] grace towards one another: God sees all that you do. (2:236–237)

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 of God in a frivolous spirit. (2:231)*
- *And when they are about to reach the end of their waiting-term, retain them in a fair manner or part in an appropriate manner. And unto everyone conscious of God, He [always] grants a way out [of unhappiness] and provides for him in a manner beyond all expectation; and for everyone who places his trust in God, He [alone] is enough. (65:2–3)*
- *If husband and wife do separate, God shall provide for each of them out of His abundance. Indeed God is infinite, wise. Unto God belongs all that is in the heavens and all that is on earth. (4:130–131)*

The Right of Alimony

The 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 any legal fault on their part. 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 on the social conditions of the time. When a woman demands a no-fault divorce from her husband, she has to 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.

The Need to Reform Divorce Laws

Legal Disparity

The prevailing law in many Islamic countries allows a man to divorce his wife unilaterally but gives the wife only a limited right to seek a divorce, either upon her husband's consent or through the judicial system. When men are given absolute powers, it will corrupt them. Easy divorces will only lead to more family breakups. When the laws concerning no-fault divorce were implemented in the United States, there was a dramatic increase in the divorce rate. No-fault divorce is when the spouse who is filing for divorce does not have to prove any fault on the part of the other spouse.

The Role of Family Courts

- All pronouncements for divorce proceedings should be made both by men and women in the presence of a judge. Legal disparities based upon gender run counter to the sense of justice and equality.
- Family courts must decide that all avenues have been exhausted to save a marriage before making the divorce final.
- A judge, regardless of whether a husband or wife initiated the divorce proceeding, should only grant a final divorce.
- The family court must decide how to split all the assets acquired during the marriage.
- In developed societies, all marriages and divorces are recorded for statistical purposes to monitor the trends.

(See [Appendix 3](#), Effects of Divorce)

26

Remarriage and Child Custody

Remarriage with Ex-Spouse

If he divorces her [finally], she shall thereafter not be lawful unto him unless she first takes another man for a husband. Only then, if the latter divorces her, there shall be no sin upon either of the two if they return to one another—provided that both of them think that they will be able to keep within the bounds set by God. For these are the bounds of God 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 make a mockery of the sacred institution of marriage.

Don't Hinder 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 unto every one of you who believes in God and the Last Day; it is the most virtuous [way] for you, and the cleanest. (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 give a hint of [an intended] marriage-offer to [any of] these women, or if you conceive such an intention without making it obvious: [for] God knows that you intend to ask them in marriage. Do not, however, plight your troth with them in secret, but speak only in a decent manner, and do not proceed with tying the marriage-knot before the ordained [term of waiting] has come to its end. And know that God knows what is in your minds, and therefore remain conscious of Him. (2:234–235)

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

Child Custody

Take counsel with 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 the custody of the child is what is in the best interest of the child.

Temporary custody grants custody of the child to an individual during the divorce or separation proceeding.

Joint custody: The parents can have joint guardianship over the child, and parental rights are equal. Joint custody grants the parents equal rights in making decisions regarding the child’s upbringing.

Exclusive Custody

If one parent sues for sole custody, the suing parent must prove that joint custody is not in the child’s best interest. The custodial parent controls the decisions about the child’s education, religious upbringing, and health care. When a court awards exclusive child custody to one parent, the noncustodial parent maintains the right to see and visit the child, absent extraordinary circumstances. Courts can deny visitation rights if the noncustodial parents physically or emotionally abused the child in the past or if they have a mental illness that would emotionally devastate the child.

Third-Party

A court can award the custody of a child to a third party if the third party has sought custody. The third party is often a grandparent or other close relative.

Custody to a Foster Mother

No human being shall be burdened with more than he is well able to 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 upon the [father's] heir. And 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.

Wives of the Prophet

MUHAMMAD'S NUMEROUS WIVES have occasioned a good deal of prurient interest in the West. Still, it would be a mistake to imagine the Prophet basking decadently in sensual delights, as some of the later Islamic rulers did. He spent most of his day tending to the matters of government and security. He participated in most of the battles. Most of the nights, he spent in deep meditation and prayers. He often fasted for days. There was little time for conjugal luxury. From all his later wives, he only had a son with Mariyah.

The two wives of the Prophet, who played a significant role in his life, were Khadijah and Aishah. There is a special mention of Zaynab, another wife of the Prophet, in [Chapter 33](#) of the Quran.

Love Marriage with Khadijah

Khadijah, the first wife of the Prophet, played a significant role in supporting the cause of Islam. In Thomas Carlyle's words: "How he was placed with Khadijah, a rich widow, as her steward, and traveled in her business, again to the fairs of Syria; how he managed all, as one can well understand, with fidelity, adroitness; how her gratitude, her regard for him grew: the story of their marriage is altogether a graceful intelligible one, as told us by the Arab authors. He was twenty-five; she forty, though still beautiful."

Khadijah fell in love with Muhammad, and she sought the advice of Nufaysa, a friend. Nufaysa came to Muhammad and asked him why he had not married yet.

"I have no means to marry," he answered.

“But if you were given the means,” she said, “and if you were bidden to an alliance where there is beauty, wealth, nobility, and abundance, would you not then consent?”

“Who is she?” he excitedly inquired.

“Khadijah,” said Nufaysa.

“And how could such a marriage be mine?” he asked.

“Leave that to me!” said Nufaysa.

“For my part, I am willing,” said Muhammad.

This was a love marriage for Muhammad also, and he would not have another wife as long as Khadijah was alive.

Carlyle wrote: “He seems to have lived in a most affectionate, peaceable, wholesome way with this wedded benefactress; loving her truly, and her alone. He lived in this entirely unexceptionable, entirely quiet and commonplace way, till the heat of his years was done. All his supposed irregularities date from after his fiftieth year, when the good Khadijah died. All his ‘ambition,’ seemingly, had been, hitherto, to live an honest life; his ‘fame,’ the mere good opinion of neighbors that knew him, had been sufficient hitherto. Not till he was already getting old, the prurient heat of his life all burnt out, and peace growing to be the chief thing this world could give him, did he start on the ‘career of ambition;’ and belying all his past character and existence, set-up as a wretched empty charlatan to acquire what he could now no longer enjoy! For my share, I have no faith whatever in that.” He remained true and loyal to Khadijah for twenty-five years until he was more than fifty years old and Khadijah more than sixty-five, when she died in the year 619 CE.

Long afterward, Aishah, his favorite young wife—a woman who distinguished herself by all manner of excellent qualities through her long life—questioned him, “Now am not I better than Khadijah? She was a widow; old, and had lost her looks: you love me better than you did her?” “No, by Allah!” answered Muhammad: “No, by Allah! She believed in me when none else would believe. In the whole world, I had but one friend, and she was that!”

Aishah once said of Khadijah, “I never felt so jealous of any women as I did of Khadijah, though she had died three years before the Prophet married me, and that was because his Lord had ordered him to give her the glad tidings that she would have a place in paradise.”

Aishah

In the year 622 CE, the Prophet left Mecca for Medina to form a new ideological-based society. He was eager to forge marriage ties with some of his closest companions. Muhammad married Aishah sometime after his exodus to Medina. Aishah was the daughter of Abu Bakr, who succeeded the Prophet after his death. There is controversy as to how old Aishah was at the time of her marriage. She was supposedly anywhere from six to nine years old. This information is based on only one hadith. The circumstantial evidence does not support the commonly held view of her young age at the time of her marriage. It is reported that Aishah participated in the Battle of Badr (624) and the Battle of Uhud (625). If Aishah was nine years of age in 622, she was eleven years old when the Battle of Badr was fought.

The women of Arabia routinely participated in battles, and their duties were lifting the dead and injured, treating their wounds, carrying water in heavy goatskins, supplying ammunition, and even taking up the sword. An eleven-year-old child would not have been expected to perform such arduous tasks in the face of mortal danger on the battlefield where hand-to-hand combat was in progress. Many other reports place Aishah's age at anywhere from fifteen to nineteen years at the time of her marriage to the Prophet. The following article by Myriam François-Cerrah was published in the British newspaper *The Guardian* on September 17, 2012:

The Quran says that marriage is valid only between consenting adults and that a woman has the right to choose her spouse. Writing about Muhammad, the prophet of Islam, the Orientalist scholar W. Montgomery Watt wrote: "Of all the world's great men, none has been so much maligned as Muhammad." His quote seems all the more poignant in light of the Islamophobic film *Innocence of Muslims*, which has sparked riots from Yemen to Libya and which, among other slanders, depicts Muhammad as a pedophile. This claim is a recurring one among critics of Islam, so its foundation deserves close scrutiny. Critics allege that Aishah was just six years old when she was betrothed to Muhammad, himself in his 50s, and only nine when the marriage was consummated. They base this on a saying attributed to Aishah herself (Sahih al-Bukhari volume 5, book 58, number 234), and the debate on this issue is further complicated by the fact that some Muslims believe this to be a historically accurate account. Although most Muslims would not consider marrying off their nine-year-old

daughters, those who accept this saying argue that since the Quran states that marriage is void unless entered into by consenting adults, Aishah must have entered puberty early. They point out that in seventh-century Arabia, adulthood was defined as the onset of puberty. (This much is true and was also the case in Europe: five centuries after Muhammad's marriage to Aishah, 33-year-old King John of England married 12-year-old Isabella of Angoulême, France.) Interestingly, of the many criticisms of Muhammad, made at the time by his opponents, none focused on Aishah's age at marriage. According to this perspective, Aishah may have been young, but she was not younger than was the norm at the time.

Other Muslims doubt the idea that Aishah was six at the time of their marriage, referring to historians who have questioned the reliability of Aishah's age as given in the saying. In a society without a birth registry and where people did not celebrate birthdays, most people estimated their own age and that of others. Aishah would have been no different. What's more, Aishah had been engaged to someone else before she married Muhammad, suggesting she had been mature enough by the standards of her society to consider marriage. It seems difficult to reconcile this with her being six.

Also, some modern Muslim scholars have more recently cast doubt on the veracity of the saying, or hadith, used to assert Aishah's young age. In Islam, the hadith literature (sayings of the prophet) is considered secondary to the Quran. While the Quran is considered to be the verbatim word of God, the hadiths were transmitted over time through a rigorous but not infallible methodology. Taking all known accounts and records of Aishah's age at marriage, estimates of her age range from nine to nineteen. Because of this, it is impossible to know with any certainty how old Aishah was. What we do know is what the Quran says about marriage: that it is valid only between consenting adults and that a woman has the right to choose her own spouse. As the living embodiment of Islam, Muhammad's actions reflect the Quran's teachings on marriage, even if the actions of some Muslim regimes and individuals do not.

In many countries, the imperatives motivating the marriage of young girls are typically economic. In others, they are political. The fact that Iran and Saudi Arabia have both sought to use the saying concerning Aishah's age as a justification for lowering the legal age of marriage tells us a great deal about the patriarchal and oppressive nature of those regimes and nothing about Muhammad or the essential nature of Islam. The stridency of

those who lend credence to these literalist interpretations by concurring with their warped view of Islam does not help those Muslims who seek to challenge these aberrations.

The Islamophobic depiction of Muhammad's marriage to Aishah as motivated by misplaced desire fits within a broader Orientalist depiction of Muhammad as a philanderer. This idea dates back to the crusades. According to the academic Kecia Ali: "Accusations of lust and sensuality were a regular feature of medieval attacks on the prophet's character and, by extension, on the authenticity of Islam."

Since the early Christians heralded Christ as a model of celibate virtue, Muhammad—who had married several times—was deemed to be driven by sinful lust. This portrayal ignored the fact that before his marriage to Aishah, Muhammad had been married to Khadija, a powerful businesswoman fifteen years his senior, for twenty-five years. When she died, he was devastated, and friends encouraged him to remarry. A female acquaintance suggested that he marry Aishah, a bright and vivacious character.

A union with Aishah would also have cemented Muhammad's longstanding friendship with her father, Abu Bakr. As was the tradition in Arabia (and still is in some parts of the world today), marriage typically served a social and political function—a way of uniting tribes, resolving feuds, caring for widows and orphans, and generally strengthening bonds in a highly unstable and changing political environment. Of the women Muhammad married, the majority were widows. To consider the marriages of the prophet outside these calculations is profoundly ahistorical.

What the records are clear on is that Muhammad and Aishah had a loving and egalitarian relationship, which set the standard for reciprocity, tenderness, and respect enjoined by the Quran. Insights into their relationship, such as the fact they liked to drink out of the same cup or race one another, are indicative of a deep connection that belies any misrepresentation of their relationship.

To paint Aishah as a victim is at odds with her persona. She was certainly no wallflower. During the Battle of Camel, a controversial battle in Muslim history, she emerged riding a camel to lead the troops. She was known for her assertive temperament and mischievous sense of humor—with Muhammad sometimes bearing the brunt of the jokes. During his lifetime, he established her authority by telling Muslims to consult her in

his absence; after his death, she became one of the most prolific and distinguished scholars of her time.

A stateswoman, scholar, mufti, and judge, Aishah combined spirituality, activism, and knowledge, and remains a role model for many Muslim women today. The gulf between her true legacy and her depiction in Islamophobic materials is not merely historically inaccurate; it is an insult to the memory of a pioneering woman.

Those who manipulate her story to justify the abuse of young girls, and those who manipulate it to depict Islam as a religion that legitimizes such abuse, have more in common than they think. Both demonstrate a disregard for what we know about the times in which Muhammad lived, and for the affirmation of female autonomy, which her story illustrates.

Contribution to Islam

Aishah was highly respected by her husband and the Muslim community because of her superior intellect and a great contribution to Islam. A large body of the Prophet's sayings and traditions were recorded from her first-hand account and interpretations. She lived forty-eight years after the Prophet's death and played a major role in educating later generations.

Marriage between Zayd and Zaynab

Several years before Muhammad's call to prophethood, his wife Khadijah made him a present of a young slave, Zayd ibn Harithah, a descendant of the Arabian tribe of Banu Kalb. He was taken captive as a child during one of the many tribal wars and then sold into slavery at Mecca. As soon as he became the boy's owner, the Prophet freed him and shortly afterward adopted him as his son. Zayd was among the first to embrace Islam. Years later, impelled by the desire to break down the ancient Arabian prejudice against slaves or a freed man marrying a free-born woman, the Prophet persuaded Zayd to marry Muhammad's own cousin, Zaynab bint Jahsh. Without him being aware of it, she had been in love with Muhammad ever since her childhood. Zaynab and her relatives rejected this marriage proposal based on her superior lineage from the noble Quraysh family.

Upon the insistence of the Prophet, she consented to the proposed marriage with great reluctance, in deference to the authority of the Prophet. Zayd, too, was not at all keen on this alliance—he was already happily married to another freed slave, Umm Ayman, the mother of his son

Usamah. It was not surprising that the marriage did not bring happiness to either Zaynab or Zayd.

Marriage between Muhammad and Zaynab

Shortly after the divorce, the Prophet married Zaynab for three reasons. (1) To redeem what he considered to be his moral responsibility for her past unhappiness. (2) To demonstrate that the divorcee of an ex-slave was worthy of being a wife of the Prophet and thus the Mother of Believers. (3) To show that an adoptive relationship does not carry with it any marriage restrictions, the divine purpose of causing him to marry the former wife of his adopted son. Contrary to what the pagan Arabs believed, the marriage restriction applies only to biological parent and child relationships. He married Zaynab to exemplify a point of canon law as well as to satisfy what the Prophet regarded as his moral duty.

Elective vs. Blood Relationships

He (God) never made your adopted sons [truly] your sons: these are but [figures of] speech uttered by your mouths—whereas God speaks the [absolute] truth. [As for your adopted children,] call them by their [real] fathers' names: this is more equitable in the sight of God, and if you know not who their fathers were, [call them] your brethren in faith and your friends. However, you will incur no sin if you err in this respect: [what really matters is] but what your hearts intend—for God is indeed much-forgiving, a dispenser of grace! (33:4–5)

The “figures of speech, which you utter with your mouths” do not coincide with the reality of human relations. The marriage restrictions applying to biological sons—and, by implication, to daughters as well—do not apply to adoptive children. The biological relationship of parent and child is distinct from all manmade social relationships, like husband and wife, or foster parent and adoptive child. By calling adoptive children by their father’s name, you make it clear that your relationship is an adoptive one and do not create the impression that they are your biological children, thus safeguarding their true identity. However, by making a mistake in the attribution of the child’s parentage, or by calling him or her “my son” or “my daughter,” you incur no sin.

Divine Reprimand

And lo, [O Muhammad,] you did say to the one to whom God had shown favor and to whom you had shown favor, [referring to Zayd] “Hold on to your wife and remain conscious of God!” And [thus] would you hide within yourself something that God was about to bring to light—for you did stand in awe of [what] people [might think], whereas it was God alone of whom you should have stood in awe! [But] then, when Zayd had come to the end of his union with her, [thus divorcing Zaynab] We gave her to you in marriage. So that [in future] no blame should attach to the believers for [marrying] the spouses of their adopted children when the latter have come to the end of their union with them. [And [thus] God’s will was done. (33:37)

The above passage refers to Zayd ibn Harithah, to whom God had shown favor for being one of the earliest believers and to whom the Prophet had shown favor by adopting him as a son. The Prophet was concerned that the breakup of this marriage would allow his critics to question his judgment, since the Prophet sponsored the marriage between Zayd and Zaynab, and he had so strongly insisted. On several occasions, Zayd was about to divorce his new wife, who did not make any secret of her dislike of Zayd. Each time they were persuaded by the Prophet to persevere in patience and not to separate. In the end, the marriage proved untenable, and Zayd divorced Zaynab in the year AH 5. The above verse refers to “for you did stand in awe of [what] people [might think]. Whereas it was God alone of whom you should have stood in awe!” “And [thus] would you hide within yourself something that God was about to bring to light” that Zaynab should marry the Prophet.

Referring to this divine reprimand (which disproves the allegation that the Quran was composed by Muhammad), Aishah is reliably quoted as having said, “Had the Apostle of God been inclined to suppress anything of what was revealed to him, he would surely have suppressed this verse.”

[Hence,] no blame whatever attaches to the Prophet for [having done] what God has ordained for him. [Indeed, such was] God’s way with those that have passed away aforesaid. And [remember that] God’s will is always destiny absolute; [and such will always be His way with] those

who convey God’s messages [to the world], and stand in awe of Him, and hold none but God in awe. For none can take count [of man’s deeds] as God does! (33:38–39)

All the prophets willingly surrender themselves to God will, as their “destiny absolute.”

The Other Wives of the Prophet

Most of the wives of the Prophet were widows or divorced and needing help. Some of the women he married were related to the chiefs of other tribes who became his allies. He also broke the barrier of inter-tribal, interracial, and interreligious marriages. Muhammad had two Jewish wives, a Christian, and a black woman as his wife. Regardless of motives, the Prophet’s marriages should not obscure the fact that he enjoyed the company of his wives. To deny this would contradict the Islamic view of marriage and sexuality, which emphasizes the importance of family and views sex as a gift from God to be enjoyed within the bond of marriage.

Standard of Living

O prophet! Say unto your wives: “If you desire [but] the life of this world and its charms—well, then, I shall provide for you and release you in a becoming manner. But if you desire God and His Apostle, and [thus the good of] the life in the hereafter, then [know that] for the doers of good among you God has readied a mighty reward!” (33:28–29)

Immediately after this revelation, the Prophet recited the above two verses to his wives. Each one emphatically rejected all thought of separation, declaring they had chosen “God and His Apostle and the good of the hereafter.”

By the time the above verses were revealed, the Muslims had conquered the rich agricultural region of Khaybar, and the community had grown more prosperous. But while life was becoming easier for most of its members, this ease was not reflected in the household of the Prophet, who continued to allow himself and his family only the minimum necessary for simple living. Given the changed circumstances, it was no more than natural that his wives were longing for a share in the luxuries that other Muslim women could now enjoy. Acquiescence by Muhammad to their demand would have

conflicted with his lifelong principle that the standard of living of God's apostle and his family should not be higher than that of the poorest of believers. This was voluntary poverty because there are no Quranic injunctions to this effect. When his wives were arguing over money, the Prophet threatened to divorce them all unless they lived more frugally.

Ethical Standard for the Prophet's Wives

Double Punishment for Sins

O wives of the Prophet! If any of you were to become guilty of manifestly immoral conduct, [gross sin] double [that of other sinners] would be her suffering [in the hereafter].

Twice the Reward for Good Deeds

But if any of you devoutly obeys God and His Apostle and does good deeds, on her shall We bestow her reward twice-over: for We shall have ready for her most excellent sustenance [in the life to come]. O wives of the Prophet! You are not like any of the [other] women, provided that you remain [truly] conscious of God.

Do Not Be Overly Soft in Speech

Hence, be not over-soft in your speech, lest any whose heart is diseased should be moved to desire [you]: but, withal, speak in a kindly way.

Do Not Flaunt Your Charms

And abide quietly in your homes, and do not flaunt your charms as they used to flaunt them in the old days of pagan ignorance. And be constant in prayer, and render the purifying dues, and pay heed unto God and His Apostle: for God only wants to remove from you all that might be loathsome, O you members of the [Prophet's] household, and to purify you to utmost purity. And bear in mind all that is recited in your homes of God's messages and [His] wisdom. For God is unfathomable [in His wisdom], all aware. (33:30–34)

The term Jahiliyyah denotes the period of moral ignorance of pre-Islamic Arabia before the advent of Muhammad. This term describes the state of moral ignorance or unconsciousness in its general sense, irrespective of time or social environment. (See also 5:50.)

Hijab for Prophet's Wives Only

And [as for the Prophet's wives,] whenever you ask them for anything that you need, ask them from behind a screen (hijab); this will deepen the purity of your hearts and theirs. Moreover, it does not behoove you to give offense to God's Apostle—just as it would not behoove you ever to marry his widows after he has passed away: that would be an enormity in the sight of God. Whether you do anything openly or in secret, [remember that,] God has full knowledge of everything. [However,] it is no sin for them (wives of the Prophet) [to appear freely] before their fathers, or their sons, or their brothers, or their brothers' sons, or their sisters' sons, or their womenfolk, or such [male slaves] as their right hands may possess. But [always, O wives of the Prophet] remain conscious of God—for God is the witness unto everything. (33:53–55)

Marital Laws Exclusive for the Prophet

The discourse below defines the marital laws that applied exclusively to the Prophet and not to other believers.

Marriage to Cousins Who Migrated with You

[We have made lawful to you] the daughters of your paternal uncles and aunts, and the daughters of your maternal uncles and aunts, who have migrated with you [to Yathrib]. (33:50)

All Muslims are free to marry any of their paternal or maternal cousins; the Prophet was allowed to marry only those who had proven their strong, early attachment to Islam by accompanying him on his exodus (the Hijra) from Mecca to Medina.

According to ancient Arabian usage, the term “daughters of your paternal uncles and aunts” comprises not only paternal cousins but all women of the tribe of Quraysh, to which Muhammad's father belonged.

The term “daughters of your maternal uncles and aunts” comprises all women of his mother’s tribe, the Banu Zuhrah.

Exemption from Dowry

Any believing woman who offers herself freely to the Prophet and whom the Prophet might be willing to wed: [this latter being but] a privilege for you, and not for other believers—[seeing that] We have already made known what We have enjoined upon them with regard to their wives and those whom their right hands may possess. [And] in order that you be not burdened with [undue] anxiety for God is indeed much-forgiving, a dispenser of grace. (33:50)

The relevant clause reads “if she offered herself as a gift” to the Prophet without demanding or expecting a dowry, which for ordinary Muslims is an essential item in a marriage agreement.

No Need for Conjugal Attention

[Know that] you may put off for a time whichever of them you please, and may take unto you whichever pleases you. And [that,] if you seek out any from whom you have kept away [for a time], you will incur no sin [thereby]: this will make it more likely that their eyes are gladdened [whenever they see you], and that they do not grieve [whenever they are overlooked]. And that all of them may find contentment in whatever you have to give them: for God [alone] knows what is in your hearts—and God is indeed all-knowing, forbearing. (33:51)

The Prophet was told that he does not need to observe a strict “rotation” in the conjugal attentions due to his wives, although he was impelled by an inborn sense of fairness and always endeavored to give them a sense of equality. Whenever he turned to any of them, he did so out of genuine affection and not out of a sense of marital obligation. According to a hadith on the authority of Aishah, the Prophet used to divide his attentions equitably among his wives and then would pray, “O God! I am doing whatever is in my power: do not, then, blame me for failing in something which is in Thy power alone, and not in mine!”

Prohibition to Divorce

No [other] women shall henceforth be lawful to you—nor you are [allowed] to supplant [any of] them by other wives, even though their beauty should please you greatly—[none shall be lawful to you] beyond those whom you [already] have come to possess. And God keeps watch over everything. (33:52)

The Prophet was not allowed to divorce any of his wives with a view to taking another wife in her stead. The above verse is to be understood as limiting the Prophet's marriages to those already contracted ("those whom you have come to possess through wedlock"). The prohibition of divorce was meant to convey the assurance to the wives of the Prophet as God's reward in this world of their faith and fidelity. It was in the year AH 7 when the conquest of Khaybar and the Prophet's marriage with Safiyyah—his last marriage—took place.

The Prophet's Marital Problems

The sixty-sixth surah, at-tahrim (prohibition), has been occasionally designated as "The Surah of the Prophet," as the first half of it deals with certain aspects of his personal and family life.

The Admonition to the Prophet

O Prophet! Why do you, out of a desire to please [one or another of] your wives, impose [on yourself] a prohibition of something that God has made lawful to you? God has already enjoined upon you [O believers] the breaking and expiation of [such of] your oaths [as may run counter to what is right and just]: for, God is your Lord Supreme, and He alone is all-knowing, truly wise. (66:1–2)

Renunciation of Marital Life

See under "oath," where in certain circumstances an oath should be broken and then atoned for—hence the above phrase, "God has enjoined upon you the breaking and expiation." There are several conflicting reports as to the reason. The contemporaries of the Prophet had related many different versions of the stories. The central theme of all these stories is a display of mutual jealousy among some of the Prophet's wives, resulting in an

emotional and temporary renunciation of marital life by the Prophet. Sometime during the second half of the Medina period, the Prophet declared on oath that for one month, he would have no intercourse with any of his wives. As repeatedly stressed in the Quran, the Prophet was but a human being, subject to human emotions and liable to commit an occasional mistake that was pointed out to him and rectified through divine revelation.

The purport of the Quranic allusion to this incident is not biographical but was intended to bring out a moral lesson applicable to all human situations—namely, the inadmissibility of regarding as forbidden (haram) anything that God has made lawful (halal).

Divulging Confidential Information

And lo! [It so happened that] the Prophet told something in confidence to one of his wives; and when she thereupon divulged it, and God made this known to him, he acquainted [others] with some of it and passed over some of it.

There is no reliable tradition as to the subject of that confidential information. Some authorities connect it with the Prophet's veiled prediction that Abu Bakr and Umar ibn al-Khattab would succeed him as leaders of the Muslim community. The recipient of the information is said to have been Hafsa, the daughter of Umar, and the one to whom she disclosed it, Aishah, the daughter of Abu Bakr. If this interpretation is correct, it would explain why the Prophet "acquainted others with some of it and passed over some of it," because once his confidential prediction had been divulged, he saw no point in withholding it any longer from the community. Nevertheless, he alluded to it in deliberately vague terms in order not to give to the succession of Abu Bakr and Umar the appearance of an apostolic sanction but to leave it to a free decision of the community in pursuance of the Quranic principle of consultation to choose a leader (see 42:38).

Seek Repentance

And as soon as he (the Prophet) let her know it, she asked, "Who has told you this?"—[to which] he replied, "The All-Knowing, the All-Aware has

told me.” [Say, O Prophet:] “Would that you two turn unto God in repentance, for the hearts of both of you have swerved [from what is right]! And if you uphold each other against him [who is God’s message-bearer, know that] God Himself is his Protector, and [that,] therefore, Gabriel, and all the righteous among the believers, and all the [other] angels will come to his aid.”

The Prophet is commanded through revelation to speak to his wives regarding the divulgence of confidential information. She asked, “Who has told you this,” that she had broken the Prophet’s confidence? “You two” in the above verse refers to Hafsa, who betrayed the Prophet’s confidence, and to Aishah, who by listening contributed to this betrayal.

The Warning to the Prophet’s Wives

[O wives of the Prophet!] Were he to divorce [any of] you, God might well give him in your stead spouses better than you. Women who surrender themselves unto God, who truly believe, devoutly obey His will, turn [unto Him] in repentance [whenever they have sinned]. Worship [Him alone], and go on and on [seeking His goodly acceptance]—be they women previously married or virgins. (66:3–5)

Of the wives of the Prophet, one (Aishah) was a virgin when she married him, one (Zaynab bint Jahsh) was divorced, while the others were widows. The Prophet did not divorce any of his wives, and the hypothetical formulation of this passage shows that it is meant to be an indirect admonition to the Prophet’s wives, who possessed the virtues referred to above, despite their occasional shortcomings. On a wider plane, it seems to be a warning to all believers, men, and women alike.

A Modern Husband and a Feminist

The Prophet scrupulously helped with the chores at home and mended his own clothes. When the Prophet’s wife, Aishah, was asked, “What did the Prophet used to do at home?” she answered, “He used to work for his family.” He was a remarkable modern husband who truly enjoyed the company of his wives and related to them with respect and understanding, often relying on their advice. He often liked to take one of them on an expedition and would consult them and take their advice seriously.

Muhammad granted to his wives a position unknown in Arabia. Some of his male companions were astonished by his leniency toward his wives, the way they stood up to him and answered him back.

Umar ibn al-Khattab said, “My wife came once seeking to dissuade me from doing what I had planned to do. When I answered her that this was none of her business, she said, ‘How strange of you, Umar! You refuse to be told anything, whereas your daughter Hafsa may criticize her husband, the Prophet of God, and do so strongly that he remains upset the whole day long.’” Umar later confronted his daughter, and Hafsa answered, “Indeed, other wives and I do criticize him.” Umar warned his daughter that this would bring both the punishment of God and the wrath of his Prophet. He left his daughter and went to visit Umm Salamah, Umar’s close relative, and another wife of the Prophet. Upon asking her the same question, Umm Salamah replied, “How strange, O ibn al-Khattab! Are you going to interfere with everything, even in the Prophet’s domestic affairs?” The Prophet Muhammad never used any form of violence against any of his wives, who, on many occasions, displayed mutual jealousy and were critical of him.

Is Wife Beating Allowed?

Men shall take full care of women with the bounties, which God has bestowed more abundantly on the former than on the latter, and with 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 have reason to fear, admonish them [first]; then leave them alone in bed; then part with them; and if thereupon 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 implies a deliberate, persistent breach of her marital obligations, such as being guilty of lewd or indecent behavior. The operative word in this verse in Arabic is *daraba*. There are hundreds of uses for this word, varying from “tap” to “walk in stride” to “strike at something” to “set a clear example,” to “have intercourse,” and many others. *Daraba* also means indignation and disregard or “parting and separation,” which is consistent within the context of the verse. 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 beat or hit or strike in any verse of the Quran except this one.

Scholars of the Arabic language say that *daraba* cannot be taken to mean “to strike them” (women). This is the opinion of Raghīb Isfahani and al-Zamakhshari and those who are well-grounded in understanding Islam.

The above verse is advice to the husband to first admonish his wife, and if she continues in this indecency, then to stop sharing her bed and later to clearly 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 seek to harm her.

This view is strengthened by the Prophet’s authentic hadith found in some authorities, including al-Bukhari and Muslim: “Could any of you beat your wife as he would a slave, and then lie with her in the evening?” 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 a cowardly and barbaric act. Civilized men do not behave like that regardless of what the wife has done. It is better to divorce a woman whom you cannot trust than to resort to violence.

Compassionate Capitalism

Earning through Honest Means

Background Information

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, the people of Mecca had lived a harsh nomadic life in the Arabian steppes. Each day brought a grim struggle for survival.

During the last years of the sixth century, Meccans became hugely successful in the trade. The leading tribe, the Quraysh, became a mercantile power as a result of the control exercised on the caravans. The caravan trade extended from the west coast of Arabia from Yemen in the south to Damascus and Gaza in the north. Southward, the trade route continued into Ethiopia and by the flow of monsoon winds carrying ships to India. Northward, the Eastern Roman Empire or Byzantine Empire was eager for products from the Far East. By 610, the trade through Mecca had become very lucrative, and the people of Mecca gained their livelihood almost exclusively through the mercantile economy. They were rich beyond their wildest dreams. The great merchants of Mecca rejected the Prophet, who criticized the questionable business practices that they deemed essential for successful commercial operation.

Give Full Measure and Weight

And give full measure whenever you measure and weigh with a true balance: this will be [for your own] good, and best in the end. (17:35)

And unto [the people of] Madyan [We sent] their brother Shuayb. He said: “O my people! Clear evidence of the truth has now come unto you from your Sustainer. Give, therefore, 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 would but believe. (7:85)

And do not give short measure and weight [in any of your dealings with men]. Behold, I see you [now] in a happy state, but, verily, I dread lest 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, and do not act wickedly on earth by spreading corruption. That which rests with God is best for you if you but 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 all your dealings] weigh with a true balance, and do not deprive people of what is rightfully theirs. Do not act wickedly on earth by spreading corruption, but be conscious of Him who has created you just as [He created] those countless generations of old!” (26:181–184)

One of the most important principles of Islamic economics is that one should earn an honest living. The Quran, as well as the traditions of the Prophet, emphasize that one should be honest and upright in one's business and monetary transactions. Wealth earned through legitimate means is seen as good, a sign of hard work and God's pleasure. Every time a Muslim lifts a morsel of food to 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. The Muslim traders introduced Islam into Southeast Asia, now modern-day Malaysia and Indonesia, the largest

Muslim country in the world. The Prophet saw trade as one of the most effective and egalitarian ways to spread the new faith.

And [in all your dealings] give full measure and weight with equity [however], We do not burden any human being with more than he is well able to 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. But He expects him to do his best toward achieving this ideal. 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; [before Him] prostrate themselves the stars and the trees. And the skies He raised high and has devised [for all things] a measure so that you [too, O men,] might never transgress the measure [of what is right]: weigh, therefore, [your deeds] with equity, and cut not the measure short! (55:5–9)

Devouring Others’ Possessions

Devour not one another’s possessions wrongfully, and neither employ legal artifices to gorge sinfully, and knowingly, anything that by right belongs to others. (2:188)

The above verses admonish believers not to covet one another’s possessions by 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, applying to every individual’s rights and obligations, no less than to his physical possessions.

Woe unto those who give short measure: those who, when they are to receive their due from [other] people, demand that it be given in full—but when they have to measure or weigh whatever they owe to others, 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)

Suffering through Hellfire

Oh, you who have attained to faith! Do not devour one another's possessions wrongfully—not even by way of 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 wrong—him shall We, in time, cause to endure [suffering through] fire: for this is indeed easy for God. (4:29–30)

29

Wealth as a Trial for Man's Character

Remembering God Only during Affliction

Now [thus it is:] when an affliction befalls a man, he cries out unto Us for help; but 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 understand it not! The same did say [to themselves many of] those who lived before their time. But of no avail to them were all that they had ever achieved: for all the evil deeds that they had wrought fell [back] upon them. And [the same will happen to] people of the present time who are bent on wrongdoing and never will they can elude [God]! (39:49–51)

Hopeless during Misfortune, Exulting in Prosperity

When We give a man a taste of Our grace, he is prone to exult in it; but if misfortune befalls [any of] them in the result of what their own hands have sent forth, then the man shows how bereft he is of all gratitude! (42:48)

But as for 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 straitening his means of livelihood, he says, "My Sustainer has disgraced me!" (89:15–16)

When God bestows on a man a measure of material benefits, he all too often regards God's bounty as something due to him, attributing it to his

ability and cleverness. He tends to exult in this success. If a misfortune befalls him, instead of remembering his past happiness with gratitude, he calls the very existence of God into question. He fails to consider the absence or loss of affluence as a trial but regards it as evidence of divine injustice. He argues that if God did exist, He would not have permitted so much misfortune and unhappiness to prevail in the world, a conclusion based on a concept of God in terms of human feelings and expectations. This fallacious argument does not take the reality of the hereafter into account. Too few people think seriously about the ramifications of the afterlife being concerned primarily with this world and the promises that are of immediate advantage to them.

Parable of the Rich and Poor Man

And propound unto 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 failed therein in any way. We had 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, bandying words with him, “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 that this will ever perish! And neither do I think that the Last Hour will ever come. But even if [it should come, and] 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 in the course of their argument. “Will you blaspheme against Him who has created you out of the dust, and then out of a drop of sperm. In the end, has fashioned you into a [complete] man? But as for myself, [I know that] He is God, my Sustainer, and I cannot attribute divine powers to any 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 be able to find it again!” (18:39–41)

And [thus it happened:] his fruitful gardens were encompassed [by ruin]. There he was, wringing his hands over all that he had spent on that which now lay waste, with its trellises caved in. He could but 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, it is: all the protective power belongs to God alone, the True One. He is the best to grant recompense and the best to determine what is to be. (18:42–44)

Righteous Also Susceptible to Corrupting Influence of Wealth

If God were to grant [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: for, He is fully aware of [the needs of] His creatures and sees them all. And it is He who sends down rain after [men] have lost all hope and unfolds His grace [thereby]: for He alone is [their] Protector, the One to whom all praise is due. (42:27–28)

And were it not that [with the prospect of boundless riches before them] all people would become one [evil] community. (43:33)

Sometimes, when a man is exposed to the prospect of great wealth, he is liable to lose sight of spiritual and moral considerations. Overnight riches may lead to arrogance and false pride, and even righteous men will become utterly selfish, greedy, and ruthless. They entertain the blasphemous notion of being self-sufficient (which is blasphemous 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 lifegiving 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 befall the earth, and neither your own selves, 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 any of those who, out of self-conceit, act in a boastful manner—those who are miserly [with God's bounty] and bid others to be stingy! And he who turns his back [on this truth ought to know that], 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, 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 had to happen because it had been willed by God in accordance with His unfathomable plan ought to enable a true believer to react with conscious equanimity to whatever good 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 and do not want to admit that whatever has happened must have been willed by God.

30

Charity

Two Cardinal Demands: God's Oneness and Charity

It has been revealed to me that your God is the One God: go, then, straight towards Him and seek His forgiveness! And woe unto those who ascribe divinity to aught beside Him, [and] those who do not spend in charity: for it is they, they who [thus] deny the truth of the life to come! [But,] they who have attained to faith and do good works shall have a reward unending! (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 the material needs of their fellow beings.

True Piety and Charity

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

God Is the Source of Riches; Man Is a Trustee Only

All praise is due to God to whom all that is in the heavens and all that is on earth belongs. To Him will be due all praise in the life to come. For it is He who has brought into being gardens—[both] the cultivated ones and those growing wild—and the date-palm, and fields bearing multiform produce, and the olive tree, and the pomegranate. [All] resembling one another and yet so different! Eat of their fruits when it comes to fruition. And do not waste [God’s bounties]: God does not love the wasteful! (6:141)

Everything on earth and in heaven owes its existence to God alone. The frequent 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 followers of the Quran that the wealth they have acquired belongs to God, for which they ought to be grateful because of the favors they have received from God. Man is allowed only its temporary use and enjoyment of the 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 it is God who grants abundant sustenance, or gives it in scant measure, unto whomever He wills? In this, there are messages indeed for people who will believe! (39:52)

We freely endow with some of thy Sustainer’s gifts, since thy Sustainer’s 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. (17:19–21)

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 that another possesses. Covetousness is an envious eagerness to possess something that belongs 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 human beings. 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 be understood as referring to the life to come and the spiritual sustenance, which God bestows upon the righteous.

Haves Should Give to Have-Nots

Give [unto the poor] their due on harvest day. (6:141)

Believe in God and His Apostle and spend on others out of that of which He has made you trustees. For, those of you who have attained to faith and who 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 the wealth of people should be widely shared. Society's health requires that material goods are widely distributed, and wealth is in easy circulation. The Quran demands that Muslims pursue a path of social justice, 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 other members of the community.

Ultimate Reward for Giving

Why should you not spend freely in the cause of God, seeing that God's [alone] is the heritage of the heavens and the earth? Who is it that will offer up unto God a goodly loan, which He will amply repay? For, such [as do so] shall have a noble reward on the Day when thou shalt see all believing men and believing women, with 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 to faith and does what is right and just [comes near unto Us]. It is [such as] these whom multiple recompenses await for all that they have done. It is they who shall dwell securely in the mansions [of paradise]. Whereas all who strive against Our messages, seeking to defeat their purpose, shall be given over to suffering. And whatever it be that you spend on others, He [always] replaces it: for He is the best of providers.” (34:37–39)

Inequality of wealth distribution is a fact of life in every 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. It is a principle that twenty-first-century democracy has reached in its concept of the welfare state. Nowhere did the Prophet Muhammad’s democratic thunder speak with greater force or clarity than in this area. Finding men ground under the tyranny of vested interests, he advocated measures that broke the barriers of economic caste and enormously reduced the injustices of special privilege.

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 whereon to ascend, and [silver] doors for their houses, and [silver] couches whereon to recline, and gold [beyond count]. Yet all this would have been nothing but an [brief] 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, the fruit whereof endures forever, are, in thy Sustainer’s sight, of far greater merit [than any worldly goods], and yield far better returns. (19:76)

Zakah

The third pillar of Islam is charity. The Quranic method of distribution of wealth is both compulsory and voluntary. Zakah is a mandatory poor tax. Its purpose is twofold. First, it is meant to purify a Muslim’s possessions from

the blemish of greed and selfishness. Second, the proceeds of this tax are utilized in 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 the distribution of wealth in the seventh century by prescribing a graduated tax on the haves to relieve the circumstance of 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 poor, and it is more appropriate to translate it as “almsgiving” or “charity.” Muslims can directly help a poor family, 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 the sake of God,” since there is no English equivalent for this term. 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 any other purpose.

31

Denying Help to the Poor

Let God Feed the Hungry

Thus, when they are told, “Spend on others out of what God has provided for you as sustenance,” those who are 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 but lost in error!” (36:47–48)

Verily, God does not love any of those who, full of self-conceit, act in a boastful manner; [nor] those who are miserly, and bid others to be stingy, and conceal whatever God has bestowed upon them out of His bounty; and so, We have readied shameful suffering for all who thus deny the truth. (4:36–37)

Hung around Their Neck

They should not think—they who miserly cling to all that God has granted them out of His bounty—that this is good for them: no, it is bad for them. That to which they [so] stingily cling 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 the way of life of some of the unbelievers, characterized by extreme attachment to the material things. Materialism 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 that 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 goes down [to his grave]? 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]. (92:8–11, 14–16)

The chief entrepreneurs had become wealthy merchants, and they thought of making the most substantial profit for themselves. The capital upon which they operated had been the common property of the clan, but they conveniently forgot this. The old tribal values such as loyalty, bravery, and leadership had been superseded by rampant and ruthless capitalism based on the concept of the free market economy without much 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.

The Hundred-Seventh *Surah* al-Maun

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 law? Behold, it is this [kind of man] that thrusts the orphan away and feels no urge to feed the needy. Woe, then, unto those praying ones whose hearts from their prayer are remote—those who want only to be seen and praised and, withal, deny all assistance [to their fellowmen]! (107:1–7)

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 out one's fellow man with such things. In its broader sense, it denotes aid or assistance in any difficulty. The prosperous merchants of Mecca refused to share their wealth with the poor. Instead of looking after the weaker members of the tribe, as 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 poor or the unfortunate and were miserly and selfish.

There was a widening gap between the settled, wealthier people and the poor nomads.

The Parable of Good and Bad Harvest

[As for such sinners,] We [but] try them as We tried the owners of a particular garden who vowed that they would surely harvest its fruit on the morrow and made no allowance [for the will of God]. 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 morn, they called unto one another, “Go early to your tilth 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 owners of the garden resolved upon their objective to harvest their fruit without invoking “if God so wills.” It points to the first lesson to be derived from this parable 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 poor have a right to a share in the harvest of the fields and gardens owned by the more fortunate men (see 6:141—“give unto the poor their due on harvest day”). The determination by the owners of the garden to deprive the poor of this right is the second type of social sin to which the above parable points.

And early they went, strongly bent upon 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 did behave, 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 [alone] whom gardens of bliss await with their Sustainer: or should We, perchance, treat those who surrender themselves unto Us as [We would treat] 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 the history of 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 the followers of the Prophet Muhammad—represents a post-Quranic development and must be avoided in a translation of the Quran.

32

Amassing Wealth at Any Cost

At-Takathur

In the name of God, the most gracious, and the dispenser of grace: You are obsessed by greed for more and more until you go down to your graves. In time you will come to understand! And once again: in time, you will come to understand! If you could but understand [it] with an understanding [born] of certainty, you would indeed, most surely, behold the blazing fire [of hell]! In the end, you will indeed, most surely, behold it with the eye of certainty: and on that Day you will most surely be called to account for [what you did with] the boon of life! (102:1–8)

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 have come to dominate all human societies in our technological age.

The term takathur bears the connotation of “greedily striving for an increase” in benefits, tangible or intangible, real or imaginary. It denotes man’s obsessive striving for more and more wealth and material goods. A passionate pursuit of such endeavors bars man from all spiritual insight and from accepting any restrictions and inhibitions based on moral values. The result is that not only individuals but also whole societies gradually lose inner stability and any chance of happiness.

You find yourselves now in the “hell on earth” brought about by a wrong mode of life, as well as the frustration, unhappiness, and confusion that an overriding, unrestrained pursuit of materialism is bound to bring. In our time, mankind is about to lose the remnants of all spiritual and religious

orientation. You will come to understand this in the hereafter, through insight into the real nature of your past doings. A man brings suffering upon himself by wrong, wasteful use of the boon of life.

Al-Humazah

Amassing Wealth

Woe unto every slanderer, fault-finder! [Woe unto him] who amasses wealth and counts it a safeguard, thinking that his wealth will make him live forever! But [in the life to come such as] he shall indeed be abandoned to crushing torment! And what could make you conceive what that crushing torment will be? A fire kindled by God, which will rise over the [guilty] hearts: will close in upon them in endless columns! (104:1–9)

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 toward the end of the third year of Muhammad's prophethood.

"His wealth will make him live forever" is a metonym for the tendency to attribute an almost religious value to the acquisition and possession of material goods and facilities—the bias that precludes men from giving any real importance to spiritual considerations (see 102:1 at the start of this chapter). Crushing torment is one of several metaphors for the otherworldly suffering comprised within the concept of hell. A fire kindled by God in their hearts overwhelms them with despair, clearly alluding to the spiritual nature of the fire in the sinners' belated realization of their guilt.

Avariciousness

Say: "If you were to own 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 to 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 had destroyed before their time—[people] which 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 any absolute moral imperatives and is determined to obey the dictates of expediency 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 standards of morality. The assumption is that they are but an obstacle in the path of 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 life span so they may have a chance to realize the error of their ways and repent.
2. The rewards for the good deeds of those who are righteous will be of much greater merit in the afterlife than any worldly goods will be.
3. Sinners who refuse to change their self-absorbed material outlook on life will face suffering in the afterlife, as the next section illustrates.

Consequences in the Afterlife

[And let them say whatever they say] until the time when 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 the station and weaker in resources! And have you ever considered [the kind of man] who is bent on denying the truth of Our messages and says, “I will surely be given wealth and children”? Has he, perchance, attained to a realm,

which is beyond the reach of a created being's perception? [The unknowable future]—Or has he concluded a covenant with the Most Gracious? We shall record what he says, and We shall lengthen the length of 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] these, who have taken to worshipping deities other than God. Hoping that they would be [source of] strength for them. But [on Judgment Day] these [very objects of adoration] will disavow the worship that was paid to them and will turn against those [who had worshipped them]! (19:77–82)

This is a further illustration of the insistence on material values to the exclusion of all moral considerations and the conviction that worldly success is the only thing that counts in life. The materialistic concept of success is equated with the increase of wealth and children. These people worship wealth and power with almost religious devotion, attributing the status of divine forces to these manifestations of worldly success. They will appear in a lonely state before God on the Day of Judgment, divested of everything and bereft of any extraneous support and depending 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. Materially successful life is evidence of one being "on the right way." 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 is a justification of all human endeavors, even at the expense of the environment or spirituality.

33

Usury

IT WAS MAINLY through usurious gains that the pagan Meccans had acquired the wealth that enabled them 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 the sight of God. (30:39)

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

The opprobrium of *riba* attaches to profits obtained through interest-bearing loans involving 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 that the borrower may suffer in consequence of this transaction.

Charging a High-Interest Rate

O you who have attained to faith! Do not gorge yourselves on usury, doubling and re-doubling it—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 but as he might behave whom Satan has confounded with his touch; for they say, “Buying and selling is but a kind of usury”—the while 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 thereupon desists [from usury], may keep his past gains. It will be for God to judge him. As for those who return to it—they are destined for the fire, therein to abide! (2:275)

Usury the Opposite of Charity

God deprives usurious gains of all blessings, whereas He blesses charitable deeds with the manifold increase. And God does not love anyone who is stubbornly ingrate 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 consists of giving without any expectation of material gain, whereas usury is based on an expectation of gain without any corresponding effort on the part of the lender.

Give Up Your Gains from Usury

O you who have attained to faith! Remain conscious of God, and give up all outstanding gains from usury, if you are [truly] believers. If you do it, not then know that you are at war with God and His Apostle. But if you repent, then you shall be entitled to [the return of] your principal: [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; and it would be for your good—if you but knew

it—to remit [the debt entirely] by way of charity. And be conscious of the Day on which you shall be brought back unto God, whereupon every human being shall be repaid in full for what he has earned, and none shall be wronged. (2:278–281)

According to the uncontested evidence of Abdullah ibn Abbas, verse 281 above was the last revelation granted to the Prophet, who died shortly afterward. 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 came to be reinterpreted to mean that interest should not be charged on loans used for the relief of human needs. Still, this restriction did not apply to loans for business purposes. 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 the mortgage and car loans should be termed as a rent rather than interest. With this interpretation, it is the prevailing Muslim view 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 let a scribe write it down equitably

between you, and no scribe shall refuse to write as God has taught him: thus, shall he write. And let him who contracts the debt dictate; and let him be conscious of God, his Sustainer, and not weaken anything of his undertaking. And if he who contracts the debt is weak of mind or body or is not able to dictate himself, then let him who watches over his interests dictate equitably. (2:282)

The above verse embraces any transaction based on credit, 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 laws in the Quran. 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, then 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 should make a mistake, the other could remind her. And the witnesses must not refuse [to give evidence] whenever they are 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 a woman’s moral or intellectual capabilities.

And be not reluctant to write down every contractual provision, be it small or great, together with the time at which it falls due. This is more equitable in the sight of God, more reliable as evidence, and more likely to prevent you from having doubts [later]. Write down all rights and obligations arising from the contract, whether small or great and when it is due. ***If, however, [the transaction] concerns ready merchandise, which***

you transfer directly to one another, you will incur no sin if you do not write it down. (2:282)

Immunity for Scribes and Witnesses

And have witnesses whenever you trade with each other, but neither scribe nor witness must suffer harm, for if you do [them harm], 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] in hand: but if you trust one another, then 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 witness nor scribe is held responsible for the eventual outcome of the contract or the nonfulfillment 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 and subsequently denies all knowledge of his indebtedness.

34

Laws of Inheritance

THE QURAN CONTAINS only three verses (4:11, 12, and 176) in which specific details of inheritance and shares are given. A few ancillary verses in the Quran further elaborate on other aspects of the laws of inheritance.

When Is Inheritance Distributed?

Charity

And when [other] near of kin and orphans and needy person are present at the distribution [of inheritance], give them something thereof for their sustenance, and speak unto them in a kindly way. 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—and let them remain conscious of God, and let them speak [to the poor] in a just manner. (4:8–9)

The heirs of the deceased are enjoined to be charitable to needy members of the family not entitled to a share, who happen to be present when the inheritance is divided.

Deduction of Bequest or Debt

[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]. (4:12)

The phrase “neither of which having been intended to harm the heirs” refers to bequests and fictitious debts meant to deprive the heirs of their legal

shares. When a Muslim dies, the first order of business is to pay for funeral expenses, any debt he owed, charity to the poor, and deductions of any bequests (to give 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.

Who Are the Heirs?

Women Granted Right of Inheritance

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)

And to everyone have We appointed heirs: parents, and near kinsfolk, and those to whom you have pledged your troth: [wives and husbands] give them, therefore, their share, God is indeed a witness to everything. (4:33)

In pre-Islamic Arabia, the right to inherit the estate left behind by parents was restricted to males or sometimes to the firstborn male only. According to verse 4:7 above, this was the first time women of Arabia were granted a share of the inheritance. Giving females the right to inherit (though partially) the estate was a revolutionary step in the context of time and history. Under such conditions, it would have been inconceivable to give equal rights in inheritance to women fourteen hundred years earlier. The family replaced the tribe as the primary social unit by adopting the system of heritage for all family members.

Shia System of Legal Heirs

Shia law divides legal heirs into three basic classes: class 1: parents and children, class 2: grandparents, brothers, and sisters, and class 3: uncles and aunts. As long as an heir is present from class 1, no one is entitled to inheritance in class 2 and so on.

Preferential Treatment for Males

- *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 bounties, which God has bestowed more abundantly on the former than on the latter, and with what they may spend out of their possessions. (4:34)***

Men are given preferential treatment over women in the laws of inheritance for two reasons. First, Islamic Law lays the burden of maintaining the family on the male. The first guiding principle is that the son inherits a share equivalent to that of two daughters. It is the husband's obligation to support his wife and children. The expression "he undertook the maintenance of the woman" signifies the concepts of physical maintenance and protection as well as a moral responsibility. However, in today's world, two-income families are becoming the norm, and men are no longer the sole breadwinners.

The second reason is when they marry, women are entitled to a dowry from the husband, in addition to any provision by her parents. A dowry is a gift given as sole possession of the woman upon making the marriage contract and is an advance of inheritance rights from her husband's estate.

In Islamic countries today, the reality of women's lives often does not reflect their rights to inherit and own property under religious law. In some Arab societies, the father of the bride keeps the dowry given by the bridegroom and his family. Since most women are economically dependent on men, they are easily coerced by their male relatives into turning over to them any inherited wealth in return for a guarantee of their continued support.

The chivalrous gesture of an advance gift to the bride has been perverted in the Hindu-dominated culture of Indo-Pakistani society. The husband's family demands and benefits from a dowry given by the bride's family, a tradition adopted from the Hindu religion and contradictory to the* Quranic teachings.

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 as to what happens to the rest of the estate. If a Muslim would like his daughters to inherit all his property, excluding all other relatives, he may consider giving it as an outright gift during his lifetime.

Example: If a Muslim dies and leaves behind a daughter and a brother, Sunni or Shia law will decide who inherits the residuary estate. According to the Sunni interpretation, the daughter is entitled half as a sharer; the brother of the deceased will inherit the rest. Under the Shia interpretation (also known as the principle of return), the daughter will have the first half as a sharer, while another half will also return to her. Because the daughter belongs to class 1 and brother to class 2, as long as the heir is present from class 1, no one is entitled to inheritance in class 2. The brother of the deceased will get nothing under the Shia laws. The Shia view of the laws of inheritance satisfies the demand for justice by bestowing inheritance to an aggrieved party who has lost their benefactor, and it also does not discriminate against women.

Shares of Parents

- *And as for the parents [of the deceased], each of them shall have one-sixth of what he leaves behind. In the event of his having [left] behind a child.*
- *But if he has left no child and his parents are his [only] heirs, then his mother shall have one-third.*
- *And if he has brothers and sisters, then 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. (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 deceased gets equal shares with the father of the deceased.

If the parents are the only heir, the mother's shares are determined to be one-third. Since parents are mentioned, the father automatically becomes a residuary heir and inherits two-third of the rest of the shares.

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 [presumably, the other half goes to her relatives]. If they have left a child, then 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 left behind a husband and no child, he as a primary sharer will acquire 50 percent of his wife's estate. Since she is childless, the other 50 percent will be allotted to her relatives as residuary.

If the deceased woman left children either from the same husband now living or from an ex-husband, then the husband gets one-fourth of shares and her children get the rest as residuary.

Shares from Spousal Estate

- ***And your widows (sharers) shall have one-quarter of what you leave behind, provided you have left no child; [the other three-quarters presumably to his relatives as residuary] If you have left a child, then they shall have one-eighth of what you leave behind.***
- ***And you shall inherit one-half of what your wives leave behind, provided they have left no child; but if they have left a child, then you shall have one-quarter of what they leave behind. (4:12)***
- ***And if any of you die and leave wives behind, they bequeath thereby to their widows [the right to] one year's maintenance without their being obliged to leave [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 shall inherit one-eighth, and the rest will be 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 provisions stipulated in 4:12. In the event the widow remarries, she forgoes her claim to additional maintenance during the remainder of the year.

If Only Brothers and Sisters Are 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, both [together] shall have two-thirds of what he has left; and 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)

If No Child Is an Heir

If the deceased has brothers and sisters, the share of the mother is reduced to one-sixth.

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, then they shall share in one-third [of the inheritance]. That is after [the deduction of] any bequest, or any debt [that may have been incurred]. Neither of which having been intended to harm [the heirs.]

The passage above refers to half-brothers and half-sisters. If there are any other heirs, they get shares out of the remaining inheritance. Otherwise, the will of the deceased applies to the rest of the property.

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)

A severe punishment has been promised for those who violate the laws of inheritance.

Last Will and Testament

Recording and Writing the Will

O you who have attained to 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 the pangs of death come upon you while you are traveling far from home—two other persons from [among people] other than your own. Take hold of the two after having prayed, and if you have any doubt in your mind, let each of them swear by God. “We shall not sell this [our word] for any price, even though it were [for the sake of] 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 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 the testimony of 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 per the truth—or else they will [have cause to] fear that the oaths of others will refute their oaths. (5:106–108)

When death approaches for a family member, the heirs should act as witnesses at the time of making the will. If the person is traveling and becomes suddenly ill, then two witnesses are required from among the Muslim community.

Sin of Altering a Will

If anyone alters such a provision after having come to know it, the sin of acting thus shall fall only upon those who have altered it. If, however, one has reason to fear that the testator has committed a mistake or a [deliberate] wrong and thereupon 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 upon those who alter it, not on anyone who may have unwittingly benefited by this alteration. If the testator had made a mistake or committed a deliberate wrong, a settlement overriding the testamentary provisions, by 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 is leaving behind much wealth, to make bequests in favor of his parents and [other] near 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 (to give 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 above. This interpretation is supported by the sayings of Aishah and Ali ibn Abi Talib, both of them referring to this particular verse. Some commentators claim that no one could bequeath anything to a legal heir, and no decrease or increase could be made in the shares fixed by the laws of inheritance. If that is the case, then 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, making bequests of more than one-third of one's estate to other persons. If there are no near of kin legally 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 of their property to their “favorite” child, depriving the rest of the children of their legal inheritance. Under the Western system of succession, parents can will their property to anyone in any amount.

See [Appendix 8](#), “Solutions for Inequality in the Laws of Inheritance.”

Governance

Democracy and Islam

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” relates 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 the decisions of his council, even if it went 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 thereupon 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 ought to characterize the community of true believers. Consultation is an essential pillar of the Islamic way of 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 followers of the Quran 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 the principle expressed in a famous hadith, “my community shall never agree in an error” to conduct the affairs of collective life without consultation is a violation of the law of God. Justice demands that all those whose interests are involved in a matter be consulted. If it concerns a large number of people, their representative should be included as a party to consultation. The affairs must be conducted according to what is settled by consensus or by the majority opinion in consultation. If it is a domestic affair, the husband and the wife should act by mutual consultation, and adult children also should 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] 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 powers obtained and maintained through violence, as it is bound to give rise to oppression, suffering, and moral corruption.

Loyal Opposition and the Right to Dissent

[True] believers are only they who have attained to faith in God and His Apostle. Whenever they are [engaged] with him (the Prophet) upon a

matter of concern to the whole community, 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] ask leave of 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 a summons of one of you to another. (24:62–63)

The personal pronoun “with him” relates to the apostle and, by analogy, to every legitimate Muslim ruler. On the possibility of dissent, ask the apostle permission to abstain, for valid reasons, from participating in the course of action agreed upon by the majority of the community. In a logical development of this principle, we arrive at something like the concept of a “loyal opposition,” which implies the possibility of dissent on a particular point of communal or state policy, combined with absolute loyalty to the common cause.

“You grant this leave” after weighing the reasons advanced by the individual or the individuals concerned against the interests of the society. The statement that “God is much-forgiving” obviously implies that avoidance of “asking leave” to abstain from participation in an agreed-upon course of action is, under all circumstances, morally preferable. The above mention of summons relates to a particular course of communal action.

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 as well as wrong things. Whoso protests against the wrong things; he shall be absolved of the responsibility, and whoso dislikes the wrong things, he also shall escape punishment. But those who approve of and follows them shall incur punishment.”

Enjoin Doing Good and Forbid Public Evil

God is most powerful, almighty, [well aware of] those who, [even] if We firmly establish them on earth, remain constant in prayer, and give in

charity, and enjoin the doing of what is right and forbid the doing of what is wrong but with God rests the final outcome of all events. (22:41)

You are indeed the best community that has ever been brought forth for [the good of] mankind: you enjoin the doing of what is right and forbid the doing of what is wrong, and you believe in God. (3:110)

The duty of government in forbidding evil generally applies to evil manifested in public. However, this must not be construed as government condoning evil if it is hidden. Law enforcement authority cannot violate the sanctity of one's home under the pretense of forbidding evil, without probable cause.

The enjoining of good and forbidding wrong must be balanced by the freedom guaranteed in Quranic teachings. For example, the activities of 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 you judge between people, judge with justice. Most excellent is what God exhorts you to do: O you who have attained to faith! Pay heed to God, and to the Apostle and from 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. This is the best [for you], and best in the end. (4:58–59)

“Judge with justice between people” refers to the judicial sense, as well as in judging other people's motives, attitudes, and behaviors. “If you are at variance over any matter” refers to the Quran and the sunnah of the Prophet. The above passage lays down a rule of conduct for the individual believer and conceptual basis for the conduct of the Islamic state. Political power is held in trust from God, and His will, as manifested in the ordinances comprising the Law of Islam, is the real source of all sovereignty.

The Quran emphasizes the social dimension of service to God, for it is on earth and in a society that God's will is to govern and prevail. 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. The Muslim community has sacramental importance, as a sign that God has blessed this endeavor to redeem humanity from oppression and injustice; its political health holds a sacred place in a Muslim's spirituality. Muhammad and the first Muslim community are seen as exemplifying this ideal, implementing the socially just society envisioned by the Quran.

Unity of Mosque and State

The absolute monotheism of Islam is preserved in the doctrine of the unity and sovereignty of God. As God is one, His rule, will, and laws are comprehensive, extending to all Muslims and all aspects of life. Religion is integral to state, law, and society. Politics are not extrinsic to a Muslim's personal 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 the matter of faith." Non-Muslims are allowed to have their own sets of laws according to their traditions and requirements. Religion and government are not separated, and all faiths are ideally included in public life and thus treated equally. All religions should be considered equal, and their adherents are 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 of today 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 the freedom of religion. The right of freedom of religion is embodied in the First Amendment to the US Constitution:

"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 a 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 made progress from a state of anarchy, through periods of despotism during which freedom was restricted to one privileged group, and finally to a state of liberty for every individual 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 somewhat similar to the 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 the peaceful transfer of power. One of the great tragedies was the assassination of the three great caliphs—Umar, Uthman, and Ali—and countless civil wars, since there was no process to replace rulers by peaceful means. Modern democracy provides a peaceful mechanism of transfer of power, resulting in more stable and peaceful societies in the long run.

Prerequisite of Democracy

Intellectual freedom is the basis for a healthy democratic system. It encompasses the freedom to hold, receive, and disseminate ideas. For the people to be self-governed, they must be well informed. Democracy, like any other human institution, is not a perfect system. Winston Churchill once said, “Democracy is the worst form of government, except for all those other forms that have been tried from time to time.” A flaw of democracy is that the 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, free press, and strong opposition are all necessary elements to curb the power of government.

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.

36

The Parable of the Two-Horned One

When the End Justifies the Means

They will ask you about the Two-Horned One. Say: "I will convey unto you something by which he ought to be remembered." We established him securely on earth and endowed him with [the knowledge of] the right means to achieve anything [that he might set out to achieve], and so he chose the virtuous means [in whatever he did]. (18:83–85)

If the goals are good and noble, and the means we use to achieve them are also good and noble, then the ends justify the means. However, most people use this concept as an excuse for morally wrong actions to achieve anything. The Two-Horned One never employed immoral methods to achieve even a righteous goal.

Who Was the Two-Horned One?

This allegory is meant to illustrate the qualities of a powerful and just ruler. The epithet *Dhu'l-Qarnayn* or the Two-Horned One appears to have been influenced by the ancient Middle Eastern imagery of horns as symbols of power and greatness. The above-mentioned prehistoric symbolism was familiar to the Arabs from very early times—and had acquired idiomatic currency in their language long before the advent of Islam.

The Quranic stress on his faith in God makes it impossible to identify the Two-Horned One with Alexander the Great, who is represented on some of his coins with two horns on his head. Nor with one or another of the pre-Islamic, Himyarite kings of Yemen. All those historical personages were pagans and worshiped a plurality of deities, whereas the Two-Horned One

is depicted as a firm believer in the one God. We must conclude that the Two-Horned One has nothing to do with history or even legend and that its sole purport is a parabolic discourse on faith and ethics, with specific reference to the problem of worldly power. It tells us that world renunciation is not a necessary complement of one's faith in God. Worldly life and power need not conflict with spiritual righteousness, as long as we remain conscious of the transient nature of all works of man and of our intimate responsibility to God, who is above all limitation of time and space.

Punishment or Compassion for a Sinful Community

[And he marched westwards] till, when he came to the setting of the sun, it appeared to him that it was setting in a dark, turbid sea; and nearby he found people [given to every kind of wrongdoing]. We said: "O you two-Horned one! You may either cause [them] to suffer or treat them with kindness!" He answered: "As for him who does wrong [unto others]—him shall we, in time, cause to suffer; and thereupon he shall be referred to his Sustainer, and He will cause him to suffer from unnamable suffering (in the hereafter)." (18:86–87)

When the Two-Horned One reached the westernmost point of his expedition, it appeared to him that the sun was setting in the sea. The divine permission to choose between two possible courses of action—punishment or kindness toward the sinful community—is not only a metonymic statement of the freedom of will accorded by God to man. It also establishes the important legal principle of social or moral preference open to a ruler or government in deciding what might be conducive to the greatest good of the community as a whole. This is the second lesson of the parable of the Two-Horned One. "Unnamable suffering" in the hereafter implies that nothing that pertains to the life to come could ever be imagined or defined regarding human experience.

Righteousness Easy to Fulfill

[Two-Horned continued:] But as for him who believes and does righteous deeds—he will have the ultimate good [of the life to come] as his reward. And [as for us,] we shall make binding on him [only] that which is easy to

fulfill. And once again, he chose the right means [to achieve a right end]. (18:88–89)

Since righteous behavior is the norm expected of a man, the laws relating to it must not be too demanding, which is another lesson to be drawn from this parable.

Prohibition to Corrupt God’s Creations

[And then he marched eastwards] till, when he came to the rising of the sun, he found that it was rising on people for whom We had provided no coverings against it. Thus [We had made them, and therefore he left them]; and We did encompass with Our knowledge all that he had in mind. And once again, he chose the right means [to achieve a right end]. (18:90–92)

The Two-Horned One marched to the easternmost point of his expedition and found the primitive natural state of those people who needed no clothes to protect them from the sun. The implied fact is that the Two-Horned One left them as he had found them, being mindful not to upset their mode of life and cause them misery. His resolve was not to “corrupt or change God’s creation,” which is a further ethical lesson to be derived from this parable.

Gog and Magog

He (The Two-Horned One) marched on] till, when he reached [a place] between the two mountain-barriers, he found beneath them people who could scarcely understand a word [of his language]. They said: “O you Two-Horned One! Gog and Magog are spoiling this land. May we, then, pay unto you a tribute on the understanding that you will erect a barrier between them and us?” (18:93–94)

Who were Gog and Magog? Gog and Magog is the form in which these names (in Arabic, Yajuj, and Majuj) have achieved currency in all European languages based on certain vague references to them in the Bible (Genesis 10:2, 1 Chronicles 1:5, Ezekiel 38:2 and 39:6, and Revelation 20:8). Most of the post-classical commentators identify these tribes with the Mongols and Tartars. The terms Yajuj and Majuj are also used in the Quran in purely

allegorical terms referring to a series of catastrophes that would cause complete destruction of man's civilization before the coming of the Last Hour.

Prediction of Historic Event

Some regard this as a prediction of a certain historical event, namely, the future breakthrough of the savage tribes of Gog and Magog, who are conceived as identical to the Mongols and Tatars. This identification is based on a well-authenticated tradition that tells us that the apostle of God had a prophetic dream on which he commented with an exclamation of distress: "There is no deity save God! Woe unto the Arabs from a misfortune that is approaching: a little gap has been opened today in the rampart of Gog and Magog!" Muslims have been inclined to discern in this dream a prediction of the great Mongol invasion in the thirteenth century, which destroyed the Abbasid Empire and the political power of the Arabs.

Erecting a Rampart

He answered: "That wherein my Sustainer has so securely established me is better [than anything that you could give me] hence, do help me with [your labor's] strength, [and] I shall erect a rampart between you and them! Bring me ingots of iron!" Then, after he had [piled up the iron and] filled the gap between the two mountainsides, he said: "[Light a fire and] ply your bellows!" At length, when he had made it [glow like] fire, he commanded: "Bring me molten copper which I may pour upon it." And thus [the rampart was built, and] their enemies were unable to scale it, and neither were they able to pierce it. (18:95–97)

The phrase "that wherein my Sustainer has so securely established me" refers to power and wealth as well as God's guidance bestowed on the Two-Horned One. (See Volume Seven, "Gog Magog breakthrough as a sign of coming of the Last Hour.")

Immoral Leadership

Great Ones as Greatest Evildoers

[Is then he] like 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 perceive it not. (6:122–123)

Because the consciousness of their importance makes them more or less impervious to criticism, the “great ones” are rather less inclined than other people to question the moral aspects of their behavior, and the resulting self-righteousness only too 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.

Righteous to Inherit the Earth

God has promised those of you who have attained to faith and do noble deeds that, of a certainty, He will cause them to accede to power on earth, even as He caused [some of] those who lived before them to accede to it. And of a certainty, He will firmly establish for them the religion, which He has been pleased to bestow on them. And of a certainty, He will cause their erstwhile state of fear to be replaced by a sense of security [seeing that] they worship Me [alone], not ascribing divine powers to aught beside Me. Hence, [O believers,] be constant in prayer, and render the purifying dues, and pay heed to the Apostle, so that you might be graced with God’s mercy. [And] think not that those who are bent on denying the truth can elude [their final reckoning even if they remain unscathed] on earth: the fire is their goal [in the life to come]—and vile indeed is such a journey’s end! (24:55–57)

God will enable the righteous to achieve power and security and the capability to satisfy their worldly needs. This Quranic reference to God’s “promise” contains an oblique allusion to the God-willed natural law, which makes the rise and fall of nations dependent on their moral qualities. The firm establishment of religion relates to the strengthening of the believers’ faith and the growth of moral influence in the world. The term *amn* (sense of security) signifies not merely physical security but also freedom from fear. The above clause implies not just a promise of collective security after

an initial period of weakness and danger, which, as history tells us, overshadows the beginnings of every genuine religious movement. It also promises an individual sense of inner security—the absence of all fear of the unknown that characterizes a true believer. The believer’s freedom from fear is a direct outcome of his intellectual and emotional refusal to attribute to anyone or anything but God the power to shape his destiny. The specific mention of the “purifying dues” (*az-zakah*) in this context is meant to stress the element of unselfishness as an integral aspect of true faith.

Judgment Day for Tyrants and Oppressors

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 but your followers, can you, then, relieve us of something of God’s chastisement?” [And the others] will answer: “If God would but show 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 had 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

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 had been weak: “Why—did we keep you [forcibly] from following the right path after it

had become obvious to you? It was but you [yourselves] who were guilty!” (34:31–32)

Devising False Arguments

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—as you did] 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 will ask: “Where, now, are those [beings or powers] you imagined 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, we but caused to err as we ourselves had been erring. We [now] disavow them before Thee: it was not us that they worshiped!” (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 are often a matter of social continuity, because they are time-honored, with every generation blindly subscribing to the views held by their forebears. 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 to be valid by earlier generations.

And [they] will be told: “Call [now] to those [beings or powers] to whom you ascribed 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 the thought leaders, such as the 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 that their followers have taken, they will be the first to suffer in the life to come.

Grievous Suffering for Tyrants and Oppressors Looking for a Second Chance

Blame attaches but to those who oppress [other] people and behave outrageously on earth, offending against all right: for them, there is grievous suffering in store! (42:42)

You will see such evildoers [on Judgment Day, and 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 looking [around] with a furtive glance—the while those who had attained to faith will say, "Lost on [this] Day of Resurrection are they who have squandered their own and their followers' selves!" (42:44–45) 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 had surrendered and for the suffering that will be caused by that surrender.

Long-Lasting Suffering

Oh, the evildoers will fall into long-lasting suffering, and will have no protector whatever 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 neither will you be able to deny aught [of the wrong that 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 right,” 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.

Appendices

Appendix 1

The Evils and Benefits of Alcohol

The discussion below is only informational, as it is clear the Quran demands total abstention from drinking alcohol.

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 provide some health benefits. It may:

- Reduce the risk of developing heart disease. Reduce the risk of dying of a heart attack.
- Possibly reduce the risk of stroke.
- Lower the risk of gallstones.
- Possibly reduce the risk of diabetes.
- Reduce mental stress.

It is estimated that 60 percent of Americans drink alcohol once in a while, and for the majority of people, drinking a moderate amount of alcohol poses only a slight risk.

Heavy Drinking

For men, heavy drinking is defined as consuming fifteen drinks or more per week. For women, heavy alcohol drinking is defined as consuming eight drinks or more per week. The incidence of heavy drinking during an adult's lifespan remains fairly constant at about 10 percent.

Binge Drinking

Getting drunk or intoxicated is a result of consuming excessive amounts of alcohol described as binge drinking that brings the blood alcohol

concentration level to 0.08 percent or more. This pattern of drinking usually corresponds to five or more drinks on a single occasion for men or four or more drinks on a single occasion for women, generally within about two hours. Binge drinking typically results in acute intoxication.

Alcoholism is a form of addiction in which alcoholics demonstrate physical dependence 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. It is only the author's opinion that drinking a moderate amount of alcohol is perhaps a minor sin. Getting drunk with the potential of harming oneself and others is a grave sin.

Alcohol, Crime, and Violence

Alcohol abuse is a factor in 40 percent of violent crimes committed in the United States. Two-thirds of victims who suffer from domestic violence 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

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

- About 10–20 percent of long-term heavy drinkers develop alcoholic cirrhosis or scarring of the liver, leading to liver failure and death.
- Long-term heavy drinking can lead to pancreatitis or inflammation of the pancreas. This condition causes severe abdominal pain and can be fatal.

- Long-term heavy drinking increases the risk of high blood pressure, heart disease, and some kinds of stroke.
- Long-term alcoholism can cause Wernicke-Korsakoff syndrome, a brain disease whose symptoms include severe memory loss, confusion, and visual problems.
- 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 from brain damage permanently.
- Risky behaviors, especially among teenagers and young adults, include sex with multiple partners, the use of illicit drugs, and other acts, all under the influence of alcohol. There is an increased risk of spreading AIDS and other sexually transmitted diseases in people who abuse alcohol. The cost to societies totals hundreds of billions of dollars annually.

In addition to the health-related costs of alcohol abuse are costs involving the criminal justice system, property losses from alcohol-related motor vehicle crashes, loss of productivity of victims, and individuals imprisoned as a consequence of alcohol-related crimes. It is impossible to measure the cost of lives lost, broken families, and heartaches brought about by alcohol abuse.

Negative Effects of Alcohol

Alcohol is a central nervous system depressant, and pharmacologically it can be classified under Schedule II drugs. (Schedule II drugs have “high abuse potential with severe dependence liability.”) An estimated 22 million Americans abuse drugs, alcohol, or both. The benefits of drinking moderate amounts of alcohol are few as compared to the enormous impact of alcohol abuse on society at large. The common good of society takes precedence over an individual’s rights to seek pleasure, and that is why alcohol and other narcotics are not allowed under Islamic law.

Appendix 2

Medical Reasons to Avoid Pork

The accidental ingestion of eggs of a pork tapeworm 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 due to infected pork. The adult tapeworm excretes eggs that are passed in the stool and can contaminate food, water, or soil. Digestion of parasitic eggs in human intestines releases a stage of the parasite that invades the intestine and spreads via blood to many tissues, primarily to the brain and muscles. The parasitic invasion of the brain 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.

Appendix 3

Effects of Divorce

The Prophet said, “The most hateful thing to God among the lawful matters is divorce.” The following describes the deleterious effects of divorce and why divorce is the most hateful but still legal thing in the sight of God.

Divorces have adverse effects on children and adults, both psychologically and financially. Before contemplating divorce, a married person should understand the ramifications on their own life as well as the effect on the children of separating parents.

Research shows that 74 percent of divorces occurred among adults who had been happily married as recently as five years before filing for divorce. In the same study, among those who rated their marriage as “very unhappy,” nearly 80 percent who avoided divorce were happily married five years later. On the other hand, those who divorced were not any happier than unhappily married adults who stayed married. Those who divorced and remarried also were no happier than those who stayed married.

Depression and Suicide

Adults who divorce are nearly twice as likely to develop symptoms of depression as those who avoid divorce and remain married. Divorced adults are also two times more likely to commit suicide than those who are married. One extensive study found that men are 9.7 times more likely to commit suicide than women following a divorce. Premature deaths from a variety of causes are significantly higher among divorced men and women, compared with married individuals of the same age and gender. Physical side effects of divorce are weight loss, upset stomach, body aches, fatigue, appetite loss, headaches, and sleep problems.

Following a divorce, women average a 30 percent drop in income, and income remains consistently lower for divorced men than that of married

men.

Effect of Divorce on Children

Children thrive on the stability that is destroyed by divorce. Mental and physical resources that should be focused on development are diverted to coping with the child's shifting environment. Also, children from divorced families are two to three times more likely to suffer from severe social or psychological pathologies.

Divorce is particularly harmful to young children, as family instability in early childhood causes harm to healthy social development when the children move into middle childhood and early adolescence. Other effects of divorce on children include:

- **Poor academic performance:** Children from divorced families generally perform more poorly 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.
- **Poverty:** Divorce is a driving factor in childhood poverty.
- **Physical ailments:** The disruption in a child's life caused by divorce is linked to a variety of health problems, including 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.
- **Future marriages:** Children from divorced families are two times more likely to have their marriages end in divorce as children from intact homes.
- **Incarceration:** Boys who come from divorced families are more than twice as likely to be incarcerated at some point in their life. They also experience an earlier onset of drug usage and sexual activity.

Appendix 4

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 homelessness among families.
- Children who live in homes where there is domestic violence also suffer abuse or neglect at high rates (30–60 percent).

In all the above examples, an offending party is usually a man. Women are also responsible for such abuse, but rarely.

At the heart of the problem of violence against women in any society is some men's pathological need to control women. Men fail to recognize that women are free moral agents, and they have a right to choose their destiny. No matter what laws are instituted, the legal establishment can only do so much to protect women. What is needed is a fundamental change in men's attitude 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.

Circumcision and family planning are not mentioned in the Quran. Below is a brief explanation for information only.

Appendix 5

Male Circumcision

There is no mention of male or female circumcision in the Quran. However, the Prophet stated that circumcision was a “law for men.” There is no fixed age for circumcision. Male Muslim children are circumcised sometime during childhood.

Male circumcision is a surgical procedure to remove the excess foreskin from the penis. It is a safe surgical procedure if performed carefully by a trained and experienced physician.

- The major advantage of circumcision is relative ease in keeping 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 urinary tract infections in small infants.

Under the Jewish religious tradition, the male circumcision ceremony is performed on the eighth day of a male infant’s life, which protects the newborn from developing bladder and kidney infections. The newborn period is the ideal time to perform circumcision because older boys are usually traumatized from this experience.

Appendix 6

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 much of 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 the arrival of Islam. FGM usually takes place before puberty, between the ages of four and twelve. However, it may take place in infancy or shortly before a woman is married. It is usually performed by a midwife or by another woman, most commonly someone with no 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 undergoing 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 have outlawed it. There is not a single 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.

Appendix 7

Family Planning

There is no Quranic text that forbids the prevention of conception. There are Quranic verses that prohibit infanticide, and these are misused by some Muslims to discourage birth control. These verses were revealed to forbid the pre-Islamic Arab practice of killing or burying alive a newborn child (particularly a girl) due to the parents' poverty. The Quran recommends breastfeeding for two years, which is nature's method of birth control (2:233). Breastfeeding will assist in the spacing of children, although nursing a baby is not a guarantee against pregnancy. Some forms of contraception should be used with breastfeeding. Two years of spacing between children allows better health for the mother and the child.

The principle of preventing conception was accepted in the sayings of the Prophet, 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 the judgment day."

Appendix 8

Solutions for Inequality in the Laws of Inheritance

Sharer and Residuary Heir

A residuary heir gets whatever remains of the inheritance after the sharers have been allocated their shares. The rest of the chapter will describe how the laws of inheritance are interpreted by Sunni and Shia jurists, the two main sects in Islam. Sunni and Shia jurists used these few Quranic verses as a starting point to expound on the laws of inheritance and further used ahadith as well as methods of juristic reasoning, like qiyas.

Sunni Views

Male Relatives as Residuary Takers

The majority Sunni view is that the Quranic laws of inheritance are to be superimposed on the framework that already existed in pre-Islamic Arabia. Any part of the estate that is not distributed to the sharer or direct heir will pass to male agnatic relatives (any male relation on the father side). Male agnates were subject to rules of priority, which determined which of the surviving male agnates were entitled to inherit. The male agnates follow the rule that one nearer in the degree to the deceased excludes one more remote in degree (the son takes priority over the father, who, in turn, takes priority over the brothers, who, in turn, takes precedence over the paternal uncles).

The Sunni view is based upon one hadith and ignores the fact that the Quran does not mention the rights of male agnates to receive any inheritance. Abdullah ibn Abbas reported that the Prophet said, “Give the shares of the inheritance that are prescribed in the Quran to those who are entitled to receive it. Then whatever remains, should be given to the closest male relative of the deceased” (Sahih al-Bukhari). However, this hadith discriminates against women and violates the spirit of the Quran, where

females were granted inheritance for the first time. At every step of the way, the Sunni interpretation of laws of inheritance discriminates against women.

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 shares in the inheritance.

Shia Interpretation

The Quran does not endorse the old agnatic customary system, as it does not expressly state the shares of the agnate relatives. The Shia school declares that it must be rejected and replaced by the new Quranic law. The Shia laws of inheritance are much more in agreement with the Quran and are less discriminatory to the female heirs as compared to Sunni laws. For example, say the deceased is survived by an agnatic grandfather, his wife, and his daughter. In the Sunni system, the estate will be divided as follows: three-eighths to the grandfather, one-eighth to the wife, and one-half to the daughter. Under the Shia system, the wife and daughter, as the closest relatives, would share the estate equally to the exclusion of the grandfather. It is the wife and daughter who are an aggrieved party and not the grandfather, and therefore it is logical to grant inheritance to the wife and the daughter.

Son receives shares twice that of a daughter. However, this apparent inequality can be easily remedied without violating the Quranic laws of inheritance. 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.

Ignoring the Widow's Role in Wealth Creation

The inheritance for widows is based on a presumption that the entire wealth belongs to the husband. It ignores the role of the widow in generating wealth. Marriage makes men more productive because their wives usually perform the bulk of the housework and childcare so the men can concentrate on their jobs. Often wives provide direct support for their husband's career by supporting them in many ways. 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 the marriage belongs to the husband. Most widows will face a life of poverty if they receive only one-fourth share of the estate, which is further reduced to one-eighth if her deceased husband leaves any children. At the most vulnerable time, when she has lost her husband and the source of financial support, she may have to move back to her natal family, go on government welfare, or even become homeless. A young widow still has a chance to remarry and start a new life, but the prospects of older widows are bleak. If the widow has adult children, she will be forced to live under the guardianship of her children, a life of humiliation.

The court should determine the monetary value of the services rendered by the widow in raising the family and all the assets acquired during the marriage. Then she should receive one-fourth or one-eighth of her husband's estate. That would be a fair distribution, and it would not violate the laws of inheritance in any way. It will recognize the central role most women play in rearing future generations and will lay the foundation for a just society based on the equal treatment of all its members.

Gifts or Donations during Lifetime

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 of his property or gift. There is no mention in the Quran for 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 in that by his declaration. [This property] now belongs to one to whom this lifelong grant has been made, and to his successors."

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