

# Islam Under A Cloud of Ignorance

The Fiqh of Freedom – A Law of Liberation

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## **PREFACE**

The following is not a new book of fiqh or Islamic jurisprudence, i.e. a complete set of rules as to what is permitted and forbidden based on the eternal sources of knowledge of Islam, the Qur'an and the verified Sunnah of the prophet Muhammad, peace be upon him. The discussion of various aspects of Muslim life contained in this paper is much rather an attempt to set us free from the limitations previous books of fiqh have put on us to the detriment of the advance of Islam in modern times. We, therefore, only deal with probable misunderstandings or potential issues of conflict, hoping to give the ruling of Islam in line with its original spirit. By doing so, we claim that only the Qur'an and the prophet of Islam Muhammad, peace be upon him, are infallible. Notwithstanding all the respect we have for the scholars of old, there can be no doubt in our mind that, sincere as they were, they were limited by the understanding of their time. We are not claiming that we, today, are not likewise subject to such limitations, but it is important to realize, that each community at a particular time of the world history of Islam has to search for the answers relevant to their own circumstances afresh from the wealth of knowledge Islam provides.

Today's questions are not answered by the scholars of old, and yesterday's questions do not provide the answers of today. One of the biggest problems of Islam today is that we have permitted the development of a Rabbinical priesthood, scholars who are to preserve the status quo ante at any price, and have declared it a heresy for others to use their reason, do their research and think and conclude for themselves.

However, as in Islam no soul carries another's burden and we are all personally answerable for our deeds, to reduce Islam to a set of rules without personal choice and responsibility means rendering it lifeless and sterile, remote from the realities of everyday life. Consequently we saw the decline of Islam like that of other religions before. The beauty of Islam, however, is that its original spirit is captured eternally in the original scriptures, and for that reason it can be revived, can burst the chains of confinement to a morbid historically rigid interpretation and liberate us by becoming relevant once more to ourselves and the lives we lead. Whilst the following may challenge a great deal of what we have taken for granted, though many may intuitively have rebelled against its proclaimed wisdom, this is not done with a view to undermine the authority of Islam, but to revive it, as the real thing is always so much more powerful than its mere imitation.

As the following observations rely on the Qur'an and the Hadith as first and most important sources of information, their proper rendering in English is essential to a correct understanding. Unfortunately, the plain Arabic language of the Qur'an referred to in ayah 103 of Surah 16, An-Nahl, has often been made complicated and difficult to comprehend by translators whose thought to enhance the Qur'anic translation through the use of a classical or biblical English. As I believe that the superiority of the Arabic language of the Qur'an lies in the fact that it is accessible even to the non-educated listener without losing any of its depth or subtlety, I have in the following provided my own translation for any quotations.

## **CHAPTER ONE: SCHOLARLINESS**

One of the most attractive features of Islam to the unprejudiced student has always been its lay organisation with a distinct absence of a dominating priesthood. "The most honored of you in the sight of Allah is the most God-fearing" is given as a standard in the Qur'an (Surah 49, Al-Hujurat, ayah 13), and knowledge and good works are the means by which Muslims obtain recognition within the community.

Whilst hereditary priesthood still has not found much favour with most Muslims, although there are groups who give special stage to individuals on account of their lineage, for example, claiming descent from the prophet Muhammad, peace be upon him, a priesthood based on the claim of superior knowledge has since long manifested itself.

In Talmudic Judaism, the cast of the scholars, the Rabbis, almost policed their followers and ensured a closed-mind society, and today's Muslim communities, where they have not yet broken up altogether, show great resemblance to those practices. An ordinary Muslim is often denied his own opinion, however well-founded it may be, and for every act of significance the sanction of a scholar is being demanded. Consequently, fatwas are bought for money or favours, and scholarliness has come into disrepute. To avoid this, the original definition of the scholar and of knowledge in the Qur'an and the Sunnah was quite different from what we are accustomed to today. Allah informs us that we have been given but little knowledge (Surah 17, al-Isra', ayah 85) and that above everyone who has knowledge, there is one who knows more (Surah 12, Yusuf, ayah 76), and ultimately Allah, and only Allah, knows all.

The Prophet, peace be upon him, rejected the knowledge of those who were proud of it or wished to impose it, and linked knowledge with behaviour, attitude and action. He said: "Whoever fears Allah, he is a scholar", and "the scholar is he, who fears Allah" (Ad-Darami).

For that reason, knowledge was a personal quality which came out in a person's deeds, and therefore, "whenever a scholar leaves, his knowledge leaves with him" (Ahmad bin Hanbal), as "indeed the scholar is he who acts upon what he knows" (at-Tirmidhi), and "the most ignorant person is he who does not act upon what he knows" (Ad-Darami). Neither the Qur'an nor the Sunnah subscribe to sterile, theoretical knowledge, knowledge needs to be taught and practiced, and that is why "the scholar and the disciple both share in the reward" (Ibn Majah), otherwise the scholar is no better than "the donkey carrying books", a likeness by which the Qur'an (Surah 62, Al-Jumu'a, ayah 5) denounces the Rabbis.

A degree in Islamic Studies from Harvard, Oxford or Madinah will just not do to qualify somebody as a scholar. As for the ordinary Muslim seeking knowledge, something that has been recommended for him by the saying "seeking knowledge is incumbent upon every Muslim" (Ibn Majah) and "whosoever follows a way in the pursuit of knowledge, Allah will pave him a way to paradise" (Ibn Majah), he will best achieve this by learning to fear Allah first, as Allah says: "Fear Allah, and Allah will teach you, for Allah knows all things" (Surah 2, al-Baqarah, ayah 282).

As one cannot learn how to be a good parent until one has children, knowledge has to be applied knowledge to be effective. Muslims are asked to take an active part in the world around them and try to re-establish the balance by commanding good and forbidding evil. Such reforming action does not require the sanction of a scholar. The guidance of a scholar is only to be sought in matters, where the seeker does not know the answers, as Allah says: "then ask those who remember, if you do not know" (Surah 16, An-Nahl, ayah 43), but He does not command us to ask them anyway, even if we know better. Therefore, the concept that one particular Islamic scholar can pass verdict over all kinds of affairs is quite wrong. Everybody who has been given some knowledge will have his/her specialisation, and the appropriate person will have to be asked for any particular task. For matters of engineering, for example, one ought to consult an engineer, not an expert in Islamic law. And it is for the seeker of knowledge to select who might be most suitable to approach for information, not for the scholar to insist on his authority. Likewise it is for the seeker of knowledge to finally make up his own mind after consulting one or several experts or specialists. Nobody can take that responsibility of decision-making of him, as ultimately he is individually answerable for his own deeds, and no fatwa can absolve him from this responsibility before Allah.

The successful Muslims are those "who listen to a speech (critically/discerningly) and then follow the best of it" (Surah 39, Az-Zumar, ayah 18).

## CHAPTER TWO: LEADERSHIP

As with the position of the scholar, there are a great number of misconceptions about the role of leadership. Naturally, the best leader should also be a scholar in accordance with the definition given above, somebody who fears Allah, knows his obligations, and acts accordingly. Throughout history, unfortunately, those two qualities have become separated. Leadership is an essential part of Islam as it holds the community together. Similarly, bad leadership can destroy the spirit and cooperation of a community. It follows that the best-suited person should be chosen as a leader, which raises the questions what the qualifications for leadership are. Prophet Shu'aib's daughter (a female!) provides the definition in the Qur'an when she says about Musa, peace be upon all the messengers of Allah: "The best whom you can employ is one who is strong and reliable" (Surah 28, al-Qasas, ayah 26).

To be suitable for leadership, or any other task of responsibility for that matter, a person needs to be good at this particular task as well as of unblemished character. The notion that leadership should not be given to one who volunteers for it, is quite wrong, as is clear from the story of Yusuf, when he volunteered to be put in charge of the grain store rooms, saying: "Put me in charge of the treasures of the earth, for I am a knowledgeable keeper" (Surah 12, Yusuf, ayah 21).

Of course, nobody knowing what sound leadership entails would volunteer if he knew there was anybody else more capable of fulfilling this task, and if someone seeks leadership for the benefit of the influence it assigns to him, he is obviously ignorant of its true demands, and should not be entrusted with such a heavy obligation. There is the other misconception that leadership is unlimited, and once somebody has been elected a leader, he has to be obeyed in everything unquestioningly all the time. Abu Bakr, the first caliph of Islam, may Allah be pleased with him, made it clear in his inauguration speech, that he wished only to be obeyed in what is right, and wished to be corrected should he go wrong in his judgment. Whilst it is generally accepted that no leader may transgress the provisions of the Qur'an and Sunnah, it is not universally recognised that the authority of a leader finds its limitations also in the original brief given to him by those who have put him in charge. Not every leader of any group has the same authority as would be invested in the caliph as the supreme ruler of all Muslims in the world. For any leader of a given group to take the "bai'a" or pledge of unwavering obedience from his followers is quite preposterous. This attitude makes sound leadership quite impossible.

Muslims are commanded to put someone in charge whenever they are together. If a party goes on a journey they will agree on a leader for that journey who will have the ultimate say in matters to that pre-agreed journey. So if, for example, the group decided to go to Hajj, he can after due consultation decide on the best route or means of travel to go there, but he is not entitled to change the destination of the travel, just because he is now in charge and needs to be obeyed! Nor is it fit for a leader of a group who have agreed to work together for the cause of Islam to overstep his authority and interfere with the individual members private matters, dictating to them rules as regards their occupation or their family life. Sadly, this is however what most Islamic movements have become accustomed to doing, and there is hardly a leader around who still grasps that to be able to guide a person one needs to understand that person and not task him beyond his capacity, as even "Allah does not burden a soul beyond her capacity" (Surah 2, al-Baqarah, ayah 286), nor do most, often self-appointed, leaders any longer realise that when they have been put in charge over some affairs, they are not automatically in charge over everything else, too.

Sound leadership, which includes the good example of the leader in excelling others in compliance of the virtues he expects from them (Surah 61, A-Saff, ayah 2-3), leads to a spirit of mutual openness and sincere brotherhood, which alone can bring about unity in place of discord (Surah 8, Al-Anfal, ayah 63). An overall leader can eventually emerge naturally from the

cooperation of well-managed Islamic activities, whereas any "caliph" imposed upon unwilling Muslim constituents would never be more than a captain without a ship.

A few clarifications also seem necessary about leadership in the family. Many traditional Muslim families have been destroyed and fragmented, because they were managed and run on a false understanding of proper authority within the parameters of Islamic law. The family is the nucleus of society and, through primary socialisation, shapes the outlook of coming generations of Muslims. To ensure the sound shaping of the Islamic character and to minimise conflict, Islam is built on maintaining a proper chain of authority. The strongly matriarchal family structure that has taken hold of many Muslim societies, has created an almost schizophrenic dualism, where a different set of rules applies within the confines of the family and in society at large. An unwelcome modern expression of this situation is the emergence of female prime ministers in a number of Muslim countries, notwithstanding the warning of the Prophet Muhammad, peace be upon him, to that respect, saying: "Nay, a people who are ruled over by a woman will not prosper" (Ahmad bin Hanbal), which is in no way a diminution of the valuable contribution of women to public life, as elaborated on in the following chapter on women, but a recognition of the fact that a woman by her own limitations, and particularly for the fact that she herself is under the charge of some other male relative, can never combine all the tasks and qualifications needed for the office of the supreme leader of a Muslim nation.

Of course, modern prime ministers are not leaders in the real sense, but only figureheads for rulers behind the scenes, but the tendency is symptomatic of an inappropriate understanding of the hadith: "A man came to the messenger of Allah, Allah bless him and gave him peace, and said: 'O messenger of Allah, who amongst people deserves my best companionship the most?' He replied: 'Your mother.' He enquired: 'Then who?' He replied: 'Your mother.' He enquired: 'Then who?' He replied: 'Your mother.' He enquired: 'Then who?' He replied: 'Then your father.' (Agreed upon)"

This hadith makes the mother the centre of her children's affection, but does not put her in charge of them over and above those rightfully put in charge of their affairs. In Islam, authority is a trust and responsibility derived from Allah. It is vested first and foremost in His Prophet who is the precedent of righteous and correct behaviour ("Whosoever obeys the messenger, has already obeyed Allah", Surah 4, An-Nisa', ayah 80), and the law of Allah and the example of the Prophet, peace be upon him, are the standard against which all decisions are taken ("And whatever you differ in, let Allah be the judge of it", Surah 42, Ash-Shura, ayah 10; "And by your Lord, they do not believe until they make you the judge in what they dispute about with each other", Surah 4, An-Nisa', ayah 65).

For issues specifically related to women and their sphere of activity in the home, the wives of the Prophet are the prime example, and are therefore described as the mothers of all believers ("The Prophet is closer to the believers than they are themselves, and his wives are their mothers", Surah 33, Al-Ahzab, ayah 6).

Whilst the function of the Prophet, peace be upon him, as a first point of reference for the proper implementation of the rules ceased with his death, his function as supreme leader is continued by the caliph, or ruler of the Muslim nations, even though this office degenerated increasingly after the four rightly guided caliphs, and is today no longer in existence. Next comes the authority of the various leaders of the various affairs of Muslims at any place and time, as expounded above. Only then, as a last building brick in the fabric of society, comes the family, although its impact and influence is particularly strong on account of the weakness of the young members in its care. For this reason a proper structure of authority in the family is equally, if not more, important as for the society at large, and it forms part of the special protection Islam accords to the institution of the family. Allah has put men in charge of women ("Men are the protectors and maintainers of women on account of Allah having favoured one [in strength] over the other and on account of having to spend from their wealth", Surah 4, An-Nisa', ayah 34), and the leader of the family is the

father who is in charge of his wife and his children, even though in terms of affection as expressed in the above mentioned hadith he takes only a second place.

Yet, whilst the mother is most loved and serves as the primary school for her children, she may not demand their obedience in violation to the orders of their father by mistaken reference to that hadith, just as much as a son may not be induced to disobey the caliph on the excuse that his mother ordered him differently. When a child marries, he or she then takes responsibility for their own little family, ideally under the guidance of their parents whom they respect. Yet, that guidance should not dictate to them how to manage their own affairs. A son will take charge of his new wife and children, and as far as he provides for them he is in charge of them and in the later stages of his life even will provide for his ageing parents, except that humility will prevent him from imposing his will on them ("And lower to for them the wing of humility out of compassion and say: my Lord have mercy on them, as they looked after me when I was young." Surah 17, Al-Isra', ayah 24).

As to the daughter, her new husband will be in charge of her, and it is no longer appropriate for her parents to demand her compliance in matters that require her husband's approval. A mother who cannot let go of her daughter and excites her rebellion against her husband's authority would, in fact, destroy that newly formed family, and obedience to Allah and His prophet and the rules thus established would in fact require that daughter to disobey her mother. All this may, of course, sound somewhat rigid and formal, and under normal circumstances mature people would reach mature decisions in mutual consultation and agreement ("And their affairs are conducted in consultation", Surah 42, Ash-Shura, ayah 38). Rules, however, are there to initially prevent and, more importantly, to minimise the damaging effects of unresolved conflict when it arises, and a proper understanding of the rules is, therefore, a pre-requisite to building a harmonious and lasting Islamic society.

### **CHAPTER THREE: WOMEN**

This aspect of Islam is usually left last in any treatise on Islam, almost as an afterthought. We have, in the Muslim world, developed a rather unnatural attitude to the female species. The beginnings of this are very old, and here a great deal of pre-Islamic attitudes have survived and taken on an Islamic mantle. Islam, as taught by the Prophet Muhammad, peace be upon him, is not chauvinistic and did not deny women their rightful role in the life of the community. Were it not for the support of his first wife Khadijah or the teachings of his youngest wife Aisha, may Allah be pleased with them, our self-righteous men would be bereft of guidance. The Prophet taught that the best amongst Muslims is the one who treats his womenfolk the best (At-Tirmidhi), and he decreed that a husband may not forbid his wife from going to the mosque, saying "if the wife of any of you asks permission (to go to the mosque), do not deny her" (al-Bukhari).

Interestingly, Bukhari entitled this particular hadith with the heading "A woman should ask her husband's permission to go to the mosque", rather than "a woman has a right to go to the mosque" which is much closer to the apparent and intended meaning. This shows, how early more male-orientated attitudes began to dominate the life of Muslims again after the time of the Prophet, peace be upon him.

Today, many mosques do not cater for women and thereby deny them their right given to them by the Prophet. For a young, unmarried woman to sleep regularly in the mosque, in her own little tent, as was the case of a young converted, freed black slave girl Aisha, may Allah be pleased with her, talks about (al-Bukhari), would today be almost unthinkable. Many Muslims misinterpret the ayah "and stay in your homes and do not show off like it was done in the days of ignorance" (Surah 33, Al-Ahzab, ayah 33) in that they deny their women any participation in public life, forgetting that this particular advice was addressed by Allah to the wives of the Prophet Muhammad, peace be upon him, alone, as the ayah is preceded with the one saying: "O women of the Prophet, you are not like any other women; if you are God-fearing then give not in to too

much talk, so that the one in whose heart is a disease might entertain hope, but be modest in your speech. And stay in your homes..."

Of course, the public involvement of the women of the Prophet, peace be upon him, was in their homes where they listened to the revelation and observed its implementation and then taught their first hand experience to others who would come to learn. For a man, be he husband or a father, to oblige the pious female under his care to stay at home in a household where nothing is going on by way of teaching and spreading Islam, far from emulating for them the behaviour of the wives of the Prophet, which is anyhow impossible according to the Qur'an's declaration that they are not like any other women, is more like subjugating them to the punishment described for the unfaithful, corrupt woman: "And those of your women who commit an open indecency, let four of you witness against them, and if they bear witness, then keep them restricted to the home until death overtakes them or Allah finds them a way out." (Surah 4, An-Nisa', ayah 15).

The concept of "Hijab" which was introduced to protect women from being molested, is today often a tool for the oppression of women, because it has been thoroughly misunderstood. To clarify, hijab in the Qur'an relates to the separation between the private and public spheres of a home during a public invitation. Today, hijab is usually understood to mean the head-cover as part of a Muslim woman's dress. About both there are great misconceptions. To start with the etiquette of dress: A Muslim woman is required by the Qur'an to cover her head and bosom so as to be recognised as a respectable Muslim woman. "Let them throw their head-covers over their bosoms" (Surah 24, An-Nur, ayah 31). The term used for head-cover (khumr) describes according to the classical Arabic dictionary "Lisan al-Arab" "what rests on the head", and the term for head "ra's" "excludes the face".

The Christian-Byzantine practice of covering the face, which was taken on by Muslim women after the conquest of those regions as a status symbol for the free woman who did not have to do any work, clearly is not contained in the above definition, and the Prophet's instruction that a woman should cover her body with the exception of the face and the hands (advice given to Asma', daughter of Abu Bakr, as related in Abu Daud) is equally clear. The practice of "niqab" or the face cover which is being continued by those who wish to show that they are more religious than others is now sadly also being permitted at the Kaaba during Hajj or Umrah by some scholars, whereas hitherto this was not the case. I have personally witnessed the strange scene at the Kaaba of a husband approaching several women with niqab because he could not recognise his own wife amongst them when collecting her after prayers.

As to the separation between men and women, here again unnecessary extremism has brought about a great deal of hypocrisy. In some countries, women cover from head to toe until they reach the house they visit, when their outer garment including the head-cover comes off, even though there are non-related men present. Here in the West, many take their wives out shopping amongst the non-Muslims, but the moment a Muslim known to them approaches, they quickly try to hide their wives. Many Arabs are accustomed to letting their young children answer the telephone, because the voice of the woman of the house is forbidden to strangers.

This does hardly square with the report about a woman publicly correcting the caliph Umar, peace be upon him, about restricting the amount of dowry to be given to the bride as part of a marriage contract. The ayah of hijab (separation) reads as follows: "O you who believe, do not enter the home of the domestic quarters of the prophet unless you have been invited to partake in a meal without queuing up for it, but when you have been called, then enter, and when you have eaten, then disperse and do not long for socialising talk; this annoys the prophet, but he is shy to tell you, but Allah is not shy of the truth; so when you ask (his women) for any item, then ask from behind a curtain, this is purer for your hearts and their hearts, and you ought not annoy the messenger of Allah nor may you ever marry his wives after him, as this would be a grave thing in the sight of Allah." (Surah 33, Al-Ahzab, ayah 53).



I have quoted the ayah in full to show that it relates specifically to public invitations, where all and sundry attend, and the good character of everybody is not known for certain, indeed many might hang around at the opportunity for some gossip, and the private matters of the statesman who has invited members of the public should not be exposed to be talked about.

This is evident from the *usul al-nuzul* of the ayah quoted, where it is reported that Umar, may Allah be pleased with him, said to the Prophet, peace be upon him: "you should separate your wives by a curtain, because both the righteous and the mischievous enter their home", whereafter Allah revealed the above ayah as one of three occasions where the revelation corresponded to Umar's wishes. However, the same separation does not apply amongst those Muslims who know and trust each other. Whilst in Islam, a woman and a man who are not related should not be left alone in a room, more than anything else to protect them from the possible harmful allegations and gossip of others, there is nothing at all that prohibits them from sitting in each others view amongst a known congregation of people.

To support this view I would like to quote another hadith, related by Hashim from his father, "that Aisha, may Allah be pleased with her, said that the messenger of Allah, peace and blessings of Allah be with him, used to kiss some of his wives whilst he was fasting, and then she smiled." (Al-Bukhari). The term used for smiling describes a smile which is not audible but seen from the whiteness of the teeth, quite appropriate for the shy smile of this mother of the believers when she relates a rather intimate detail about the Prophet to the father of Hashim who was not related to her. How can he have seen it, if there was a curtain separating the two? In that case she would have had to laugh out loud and audible, something which is neither suggested by the choice of words in the hadith nor befitting the situation.

This view is further corroborated by the ayah of mutual curse: "And if anybody argues with you after the knowledge that you have obtained, say, come and let us call our sons and your sons, and our women and your women, and ourselves and yourselves, then lets pray and call Allah's curse upon the liars." (Surah 3, Al 'Imran, ayah 61). The ayah advises a last resort in the argument with those who stubbornly, against better knowledge, persist that Jesus is the son of God. The relevant point here, however, is that if Muslim women were forbidden to show up in public, the ayah would be altogether impracticable, because it requires them to congregate not just with Muslim men, but also non-Muslim men and women.

There are many more, mostly petty, issues constantly being debated about what Muslim women are allowed to do or not allowed to do which I do not want to concern myself with in this space, as my intention is to restate the general position of Muslim women as of equal worth to men and an integral part of Muslim society and public life, except that men have been given the final authority over them as heads of the families for which they provide, yet this does not make them any worthier in the sight of Allah nor give them the permission to misuse their authority by degrading the women under their charge to an unworthy position or preventing them from serving Islam and the community at full.

#### **CHAPTER FOUR: NON-MUSLIMS**

The life situation of Muslims in the West of living in a predominantly non-Muslim environment demands that we re-evaluate our perception of and attitude towards non-Muslims. Allah states clearly in ayah 7 and 8 of Surah 60, Al-Mumtahinah: "Allah does not forbid you from being kind and just towards those who did not fight you in your religion nor drove you out from your homes, indeed Allah loves those who do justice. Allah only forbids you from befriending those who have fought you in your religion, turned you out from your homes and helped in your expulsion, so whoever befriends them is amongst the transgressors." In numerous other ayahs has it been made clear that Allah only objects to the befriending of non-Muslims when it is being done in preference to or against a Muslim (e.g. Surah 3, Ali 'Imran, ayah 28). It has become a widespread habit amongst uneducated, self-righteous Muslims to denounce every non-Muslim as a Kafir,

irrespective of his knowledge of or attitude towards Islam, and to imply thereby that he is damned forever.

In the Arabic language, the term Kafir describes somebody who is ungrateful to Allah on account of his rejection or denial of the truth of Islam. Whilst the term Jahil, ignorant, may be appropriate for somebody who is ill-informed about Islam, the use of the word Kafir cannot be justified for somebody who has not been given a choice, because the Muslims around him were not bothered with him, taking his lack of belief as an excuse for not introducing Islam to him or dealing with him kind and justly. Allah denounces such attitudes in the Qur'an in Surah 4, An-Nisa', ayah 94: "O you who believe, when you go out fighting in the way of Allah, then explain matters, and do not say to someone who offers you peace, you don't believe, because you desire the benefits of the worldly life when with Allah is plenty of booty; you were just like that before until Allah showed favour on you, so do explain. Allah is aware of your doing." What applies even to the heat of a wartime situation, should the be more applicable to times of peace, where Muslims should have no excuse for wanting to keep Islam to themselves or justifying to take advantage of non-Muslims, as is often done with a misreading of Surah 7, Al-A'raf, ayah 32, where I have heard many Muslims state that it gives Muslims a claim over the property of non-Muslims, just as the Jews make similar claims against the goyim. A correct reading, supported by classical tafsir, renders however an understanding of exclusivity for the believers only in the hereafter: "Say who can forbid the ornaments that Allah has made available for His servants or the good items of food. Say they are on the day of judgment exclusively for those who used to believe in this worldly life; thus Allah makes the verses plain to people who know."

The correct response and attitude of the believers is described in ayah 164 of the same Surah: "And when a group from amongst them said why do you (bother to) admonish people whom Allah will destroy or subject to grievous punishment, they said: as an excuse before your Lord and so that they might become God-fearing." An important incident in the Sunnah further makes clear that the effort of those believers of the people of the book who, whilst not declaring their Islam by taking the Shahadah, have been sympathetic to Islam and the Muslims and have helped it rather than resisted it, is in no way going to be lost. Al-Bukhari and Ahmad bin Hanbal relate a hadith that "when the Negus died, the Prophet said, today a righteous person has died". The Negus of Abyssinia had protected the first Muslim emigrants against their persecutors from the Quraish by stating that he found a close affinity between his religion and that of the Muslims. Throughout his life he had kept on friendly terms with the Prophet and the Muslims, although there is no evidence whatsoever that he ever resigned as the Christian ruler of his state or declared his Islam. Yet, as reported in Muslim, at-Tirmidhi, Ibn Majah, and Ahmad bin Hanbal, the Prophet, peace be upon him, asked his companions, may Allah be pleased with them, to pray for the Negus, saying: "In fact, this brother of yours has died, so pray for him and ask forgiveness for him."

## **CHAPTER FIVE: MONEY MATTERS**

Allah has declared war on usury/riba: "O you who believe, fear Allah and give up any remainder of usury, if you are believers. And should you fail to do so, then expect war from Allah and His messenger, but if you repent, then you may keep your capital sums. Do not do wrong nor be wronged."

According to Ibn Abbas, may Allah be pleased with him, this was the very last verse revealed to the Prophet, peace be upon him, and therefore seals the Qur'anic revelation as final injunction (Bukhari). The Prophet Muhammad, peace be upon him, "cursed the taker and giver of interest, the scribe of it and the witnesses, and said they are alike" (Muslim). He also said: "Usury encompasses seventy types of sin, the lightest of them is a man marrying his mother" (Ibn Majah). Given those clear indications, it is hard to understand how Muslims can take such matters so lightly, that even mosques have been and are still being built on interest earnings. A good purpose does not make haram income halal. The Prophet, peace be upon him gave this example: "a man who having journeyed far, is dishevelled and dusty and spreads out his hands

to the sky, saying 'O Lord, O Lord', while his food is unlawful, his drink is unlawful, his clothing unlawful, and he is nourished unlawfully. So how can he be answered?!" (Muslim).

Of course, today the world economic system is built on usury, and it is sometimes difficult, or rather impossible, to escape its effects. This, too, we have been warned of by the Prophet Muhammad, peace be upon him, when he said that "there would come a time when people would no longer care whether their income was from halal or haram" (An-Nisa'i), and that "there would come a time for people when no-one would remain who did not devour interest, and he who would not devour it, its vapour (or in a narration: its dust) would still reach him (Abu Daud, Ibn Majah, An-Nisa'i).

However, reluctantly suffering the knock-on effects of what is the gravest injustice of all times, and actively and willingly participating in the perpetration of this injustice, are two entirely separate matters. There have been those who deny the legality of paper money altogether, demanding that we return to the exclusive use of gold and other metals in payment for goods and services. Such unrealistic reaction to having found the present money system corrupt and faulty, is not what Islam demands of us, and a return to the gold standard would mean a complete sell-out to those who currently hold all the gold reserves which they have amassed as a means of monetary control and political power; they are the very same people who run the world economy today and are known to be enemies of Islam. Islam does not prohibit the use of anything as means of exchange, as long as its function is clearly described and it is not simultaneously traded as a commodity. Considering that gold, silver, dates, barley, and other commodities were used as money, the prohibition of the prophet Muhammad, peace be upon him, to sell different qualities of gold for gold, silver for silver, dates for dates or barley for barley without intermediate (Muslim) contains the wisdom of keeping the various functions separate which are today harmfully combined in money which is said to be a means of exchange, a store of wealth and a commodity at the same time. Given that money only serves as a means of exchange, promissory notes underwritten by a representative government which can adjust the volume of currency in circulation in accordance with a nation's capacity to produce and consume is a sound and acceptable way of organising a complex economy. However, the control of such a currency may not be vested in private concerns, interested in profiting from its manipulation.

This brings us to a deeper understanding of the workings of usury in the modern economy, because most people, including Muslims, perceive riba to be no more than the charging of interest on monetary loans. The Islamic definition of riba goes much further and derives from the element of unjust advantage in any economic transaction: "Any loan which accrues a benefit is usurious" (Al-Baihaqi). What most people are not aware of is that banks, including the so-called Islamic banks, do not lend depositors' money, nor is their lending backed by any real, tangible wealth, but they 'create' out of nothing the loans they issue to their customers. In the system of fractional reserve banking there is, of course, a cash reserve, to avoid customers withdrawing deposits in cash realising that bank guarantees are in fact empty promises, but the principle remains that these financial institutions lend a multiple of those cash reserves, and thus lend what they have not got. Because such loans are secured against the debtor's real wealth (like property or productive output), the banks also reap where they haven't sown. Therefore, an Islamic bank in an Islamic country lending fictitious money to a farmer in an alleged shared equity deal without charging nominal interest, but demanding a share of the fruit of his hard labour, is still guilty of usury, as it obtains a real economic advantage without putting anything in. The situation is worse on governmental level.

Present day national governments have practically abrogated the right to issue their own currency in that they borrow money for government-funded projects from private banks whom they have permitted in the first place to create these monies out of nothing. Through taxation, servicing the thereby established national debt or public sector borrowing requirement, the people of each nation pay for the privilege of their 'representative' government having handed over their sovereign function of providing the nation's money supply to private bankers. It is for this reason

that there are no Islamic states worth this name anywhere in the world today, for an Islamic state needs to be independent from the dictates of non-Islamic institutions. It is not sufficient to introduce Islamic rules in the spheres of politics and culture, whilst the economy of the country is run by outside, non-Muslim, interests. According to the Qur'an, a state rests on three pillars, the economic, the political cum military, and the cultural cum educational cum propagandistic institutions: "and Korah and Pharaoh and Haman" (Surah 29, al-Ankabut, ayah 39). Amongst them, the economy (Qarun/Korah) is mentioned first, and if neglected, the state will fall whatever its good intentions are.

## CHAPTER SIX: MEAT

Whilst not a daily necessity ("Aisha reported that there came upon us a month when we did not even kindle the fire. We had only dates and water, but for a little bit of meat which was brought in"; Agreed), meat is part of the Muslim diet. In return for servicing man's needs, animals are entitled to be treated in a particular humane way before and during slaughter. The Prophet Muhammad, peace be upon him, said: "Allah, the Exalted, has decreed kindness for everything, so when you slaughter, slaughter well, and when you sacrifice, sacrifice well. May each of you sharpen his knife and make it easy for the animal he slaughters" (Muslim). He forbade to keep animals waiting for slaughter (Agreed). Part of the reason why this condition is hardly ever fulfilled any more, is the mass production of meat for a society which is no longer content with considering meat as the festive addition to a mainly vegetarian diet, but demands large amounts of meat on a daily basis.

The recent occurrence of 'mad cow disease', caused by feeding cattle on ground carcasses of sheep, has highlighted the fact that meat does not simply become halal by dispatching it correctly at the point of slaughter, when it has up to then be reared in a fashion incompatible with the rules of Islam. Allah says: "Eat of the good things that We have provided for you" (Surah 2, al-Baqarah, ayah 172), and a meat that is full of medication, for example, might not fulfil this condition even if it has been dispatched in the proper Islamic manner.

Whilst as with interest, it is sometimes almost impossible to escape all of the negative effects of modern lifestyles with regard to our food intake, Muslims dearly need to re-consider their dietary habits. Modern society is built on unsustainable systems, where financial derivatives are given preference over sound and healthy food production, and experiments with genetic engineering are merely yet another step in wanting to produce ready-to-order standardised food products detached from the restrictions that natural agricultural processes bring with them. Squabbles of late amongst Muslims over halal meat have sadly only been concerned with the mechanics of slaughter and have mostly been motivated by a desire to control the markets.

As far as slaughter itself is concerned, many Muslims have abandoned the belief that livestock necessarily needs to be slaughtered in a particular way, and the scare mongering presently being carried on that most meat sold as halal is dressed-up haram meat anyway has added to the trend. Why pay more for fake halal meat when a better quality of meat can be obtained cheaper from the local supermarket, where one might even buy organic meat, i.e. meat that has at least been reared in the halal way? In support of this argument Muslims would cite ayah "and the food of the people of the scripture is lawful for you, and your food is lawful for them" (Surah 5, Al-Ma'idah, ayah 5). However, the permissibility of the food of the people of the books is conditioned by the ayah that defines what is halal and what is haram: "Forbidden is for you carrion and blood and the flesh of swine and what has been dedicated to other than Allah, and the strangled, the dead through beating, the dead through falling from a height, that which has been killed by horns, and the devoured of wild beasts, except for that purified, and what has been slaughtered on sacrificial altars..." (Surah 5, Al-Ma'idah, ayah 3).

Those were conditions which were equally contained in the earlier scriptures of the people of the book, and only where they abide by them can their food be considered acceptable to Muslims. As

much as the pork of the people of the book is not palatable for Muslims, their carrion, or what they have slaughtered by inflicting it with a concussion, is equally unsuitable for the Muslim diet. There is no sound evidence anywhere in the Qur'an and the Sunnah that can be quoted in support of a position that gives pork a separate status from other categories of prohibited meat items, so that pork prepared by Jews or Christians cannot, but dead meat prepared by them can be eaten. As animal fats and meat by-products are a frequent ingredient of processed foods, the origin of food ingredients is of adamant importance to Muslims, too. Again, there is little benefit in ignorant scare mongering, as done by some Muslim organisations, in declaring all emulsifiers, for example, as haram food ingredients without having ascertained their origin. Issue nr. 5 of Common Sense deals with the issue of food ingredients in detail and contains a list of some popular foods for which their make-up has been checked with the manufacturers. Manufacturers are by law required to give accurate information, but Muslims should lobby harder to make them volunteer such information on their product labels. Sadly, Muslims here have still not learned the art of lobbying.

On a related issue of diet, many Muslims still enquire with us about the minute alcohol content of fruit juices or other beverages, which occurs naturally in them. Again, we are confronted with an ill-informed understanding of the prohibition of alcohol. The term 'khamr', originally taken from 'wine', does not stand for alcohol in its chemical sense. Chemically, even water is an alcohol. It stands for a substance that intoxicates the mind and therefore includes all kinds of drugs ("All intoxicating drinks are forbidden" (Bukhari)). Now the ruling that "what makes drunk in a large quantity is also forbidden in minute quantities" (Abu Daud), does not mean that we have to chemically analyze all our drinks to see if they contain somewhere in their structure minute traces of alcohol. The ruling refers to the wholesome article, therefore, if a few gallons of fruit juice were to make you drunk, then any of it would be forbidden. However, taken in excess, fruit juice is more likely to make you sick, as much as those hairsplitting Muslims do, who like to frighten their fellow-Muslims unnecessarily.

## **CHAPTER SEVEN: MUSIC**

Music is another of those activities which have been declared by some narrow-minded apostles of self-righteous Islam as haram in whatever form without qualification. Most Muslims have succumbed to such pressures, and modern Islam has thus been robbed of an important cultural expression. Singing and music has always been an integral part of people's life expression, and taken this away from them means either to impoverish them culturally or to breed hypocrisy by forcing them to deny their musical inclinations publicly whilst at the same time satisfying them secretly with the material borrowed from other cultures. In other words, to deny a people their musical expression is equivalent to denying them their own identity.

Just as Islam has its own architecture and its own brand of expressive arts, Islam has its own musical expression. The important element in this is, as with many other Islamic activities, its purpose. Music in Islam ought to be uplifting and encourage the reflection of the truth and the service of the Creator, and may not be corrupting and inciting base instincts. This applies to the contents of songs as much as to the musical accompaniment. As much as a chandelier from a dancing hall does not befit a mosque as decoration, the hammering of modern pop music does little to enhance a song with a religious theme.

There is sufficient evidence that whilst the Prophet Muhammad, peace be upon him, denounced corrupting music (Bukhari) or an excessive dedication to music or poetry (Bukhari), music as such was not prohibited. Whilst digging the ditch around Medinah in preparation for battle, the Prophet, peace be upon him, and his companions, may Allah be pleased with them, were singing songs (Agreed). Instrumental music was explicitly permitted for wedding functions (Agreed). The Sirah contains a report of an occasion when the young Muhammad, before having been called to prophet hood, thought of joining the other youths of Mekkah in their enjoyment, but was drawn to some musical tunes emanating from a wedding party which attracted his attention. Listening to

the tunes, he eventually fell asleep and was thus saved the corrupting influence of the youth of town. If instrumental music was, in the wisdom of Allah, good enough to protect the young prophet from going astray, it can hardly all be from the devil. It is important to remember the prophet's admonition: "What about people who make rules which are not found in the book of Allah? If one makes a rule which is not in the book of Allah, then it is void, even if he were to make a hundred rules." (Bukhari).

## **CHAPTER EIGHT: CONTRACEPTION**

Numerous Muslim women are being worn down by a succession of children every year whom they cannot bring up properly, because they, or their husbands, think Islam is as uncompromising on contraception as the catholic church. Others practice contraception with a permanent sense of guilt in the back of their heads. The truth is, that Islam applies the middle way here as everywhere else: "And thus We have made you a moderate belonging of people" (Surah 2, Al-Baqarah, ayah 143).

Islam clearly describes procreation as one of the important functions of a marriage and encourages married couples to bring children into the world: "And do not kill your children out of fear of poverty, we will provide for them and for you." (Surah 17, Al-Isra', ayah 31). However, it can hardly be desirable to give life to children and then destroy their souls by failing to educate them. This is even more important for Muslims living in a non-Muslim environment, where the society cannot be relied upon to help with the guidance of the children. Allah has placed the responsibility for the welfare of children in the hands of the parents ("O you who believe, guard yourselves and your families from a fire whose fuel is people and stones...", Surah 66, At-Tahrim, ayah 6), and contraception to space out the birth of children should even be recommended where parents have none but themselves to rely upon to fulfil this duty laid upon them.

The Prophet Muhammad, peace be upon him, explicitly permitted coitus interruptus if agreed upon by married partners (Ahmad bin Hanbal), and sheaths made of animal intestines were in use at his time. Other, more advanced methods of contraception are by deduction equally permitted, but consideration should be given to the potential side effects of medication. Amongst the available methods the coil is the most questionable, as it works by discarding an already formed fetus when it is prevented from settling in the womb. This borders on abortion, which is forbidden depending on the understanding when a new life begins. Some have considered abortion to be permissible until the moment when the soul is given to the embryo (4 months according to a hadith in Bukhari and Muslim), whereas the majority considered it objectionable from the point of conception, with the concession of cases where the life of the mother was at risk on account of a continued pregnancy.

## **CONCLUSION**

There are, naturally, many other areas of Muslim life today which require clarification. The issues examined above serve as sufficient a reminder that our fiqh for living Islam in the West of the late 20th century needs to be reconsidered and renewed. To declare the doors of ijtihad as closed is paramount to encapsulating Islam into a time warp, creating a ghetto of illusion and closing the doors to the outside world forever. Islamic law is not static. Based on eternal sources, it challenges Muslims of all ages to find applications suitable to their time and environment. A dynamic Islam demands that we use our god-given faculty of independent thought and come up with forward-looking answers.