

SOCIAL, ECONOMIC AND POLITICAL STUDIES OF THE MIDDLE EAST AND ASIA

The Qur'an, Morality and Critical Reason

The Essential Muhammad Shahrur



Translated, Edited and with an Introduction by
Andreas Christmann

BRILL

The Qur'an, Morality and Critical Reason

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FOREWORD

(Dale F. Eickelman)

Both mass education and mass communications, particularly the proliferation of media and the means by which people communicate, have profoundly influenced how people think about religious and political authority throughout the Muslim world. Multiple means of communication have eroded the frontier between ‘authorized’ and ‘illicit’ communications, making the control of information and opinion much more difficult than it was in prior eras and fostering, albeit inadvertently, a fragmentation of authority and a civil society of dissent. We are only now beginning to understand how different media—print, television, radio, cassettes, music, and the Internet— influence groups and individuals, encouraging unity in some contexts and fragmentation in others, but the written word remains the privileged cultural vehicle for shaping religious beliefs and practices throughout the Muslim world. Books and pamphlets, including banned ones, are talked about and invoked as authority in sermons, cassettes, lectures, reviews, and conversations. In seeking to ban and confiscate them, censors only draw attention to their existence and increase their circulation.

At the high end of this transformation is the rise to significance of books such as Muhammad Shahrur’s. His first major book in Arabic, *al-Kitāb wa’l-Qur’ān: Qirā’a mu’āsira* [The Book and the Qur’ān] (1990), became an unexpected best-seller throughout the Arab world in spite of its length of over 800 pages and being banned in several countries. Four successive books (through 2008) followed, further elaborating and articulating his ideas on the state, civil society, and democracy in Qur’anic thought, values and ethics in modern society, and the sources of tyranny and terrorism.

The Book and the Qur’ān became an instant success, with tens of thousands of copies sold throughout the Arab world in both authorized (Damascus and Beirut) and pirated (Cairo) editions, and was widely circulated by photocopy elsewhere (including Saudi Arabia), in spite of the fact that its circulation was banned or discouraged. The impact of Shahrur’s writings, like those of comparable writers,

is not limited to those who read it. A much larger number of people learned about his book in reviews or rebuttals or in admonitions not to read it. We may live in what sociologist Manuel Castells has famously called the era of the ‘network society,’ but the main vehicle for the spread of Shahrur’s ideas from the outset has been the printed word. The covers of Shahrur’s books are austere, distinctive from the eye-catching techniques of modern graphic design. Ironically, only the pirated Egyptian editions show a flair for graphic design.

The impact of ideas such as Shahrur’s could not have been imagined before large numbers of people were able to read his books and understand his sustained advocacy. Shahrur argues that there is a need to reinterpret ideas of religious authority and tradition, and to apply Islamic precepts to contemporary society. Yet popular resistance to such challenges to established authority has also been intense. Dozens of books and many more critical reviews have been written and Friday sermons delivered in response to Shahrur. The popularity and appeal of his argument has so infuriated some of his traditionalist detractors that they imitate the cover design of his book and even insert in their bibliography the number of ‘factual errors’ in his essay—‘over 2,500’ by one 1996 account. Such error-counters fail to realize that Shahrur’s goal is to redefine how Muslims and non-Muslims alike think about religion and sacred authority.

From the outset in his writings, Shahrur has made a striking analogy between the Copernican revolution and Qur’anic interpretation. Copernicus (1473–1543) replaced the older Ptolemaic view of a universe in which all celestial bodies revolved around a stationary earth with one in which the earth revolved daily on its own axis and once yearly (at least with a solar calendar) around the sun. Shahrur writes that Qur’anic interpretation has been shackled for centuries by the conventions of medieval jurists, who had mastered the craft of chaining authoritative commentaries to prior authoritative ones and of creating genealogies, or chains (*silsilas*), of traditions of authoritative learning.

Shahrur’s intent is to replace this long tradition with human reason. On issues ranging from the role of women in society to rekindling a ‘creative interaction’ with non-Muslim philosophies, Shahrur argues that Muslims should reinterpret sacred texts anew and apply them to contemporary social and moral issues: “If Islam is sound [*ṣāliḥ*] for all times and places,” then we must not neglect historical

developments and the interaction of different generations. We must act as if “the Prophet just . . . informed us of this Book.”

Shahrur’s ideas directly challenge the authority of traditional Qur’anic exegesis (*tafsīr*), collections of sayings of the prophet (*hadīth*), and Islamic jurisprudence (*fiqh*). The subtitle of his first book—‘a contemporary interpretation’—uses the term *qirā’a*, which can mean either reading or interpretation, rather than the term *tafsīr*, which directly evokes the established conventions of traditional Islamic learning from which Shahrur advocates a decisive break. For many Muslims and established men of religious learning, Shahrur argues that traditional disciplines of learning such as *tafsīr* have implicitly acquired an authority equal to that of the Qur’an itself. As Shahrur explains, the four conventional schools of Islamic jurisprudence say little about tyranny and absolutism, although they deal extensively with rules for inheritance and ritual cleanliness.

Because Shahrur’s ideas pose such basic challenges to existing authority, he has been periodically attacked in some Friday sermons in Damascus since the publication of his first book. As a Muslim Brother said to me in Kuwait in June 1993, Shahrur is “worse than Salman Rushdie” because he proclaims his faith in Islam but advocates a critical stance toward established conventions of authoritative learning. The Kuwaiti continued: “Not all Muslims have a high level of education or an ability to know Islam. That’s why we have committees of properly qualified scholars, to keep such books out of the hands of Muslims who cannot distinguish between Shahrur’s correct understandings and deviations, especially his errors on ideas of women and the family.”

These attacks on Shahrur are all the more important because his notion of disseminating his ideas is almost as formally rigorous as Kant’s notion of ‘public’ contained in his essay on the Enlightenment, in which the idea of ‘public’ is the words of a writer appearing before readers independent of authoritative intermediaries such as preachers, judges, and rulers. For a long time, Shahrur’s public speaking invitations were rare. Beginning in the early 1990s, however, he began to grant newspaper interviews in Arabic and English, has appeared on various Arabic satellite channels, and has made public presentations in English in North America and Europe. The Arabic appearances are meticulously recorded on his website (www.shahrour.org). Unsurprisingly, the website is austere. It is easy to

navigate, but its focus is on the text. This unadorned means of persuasion, however, appeals to a growing educated middle class.

Shahrur's use of the term 'Copernican revolution' to emphasize contemporary innovations in interpreting God's word contains an element of hyperbole. The cliché of the Renaissance, itself a nineteenth century term, is that people like Copernicus discarded the dusty parchments of earlier eras to learn 'directly from nature.' In practice, the revolution wrought by Copernicus and others combined first-hand observations and the careful analysis of received opinions of the past, made possible through the dissemination of multiple texts through printing. The present 'revolution' in thinking about Islam is not a complete break with the past. However, the rise in educational levels and the multiple channels of communication have created an unprecedented opportunity for people to talk back to authorities, both religious and political, and to invest conventional forms with new meanings and contexts. The field of discourse has shifted, so that even those who advocate a more exclusively Islamic intellectual development do so in a language and style that assumes background knowledge of ideas and institutions which are not distinctively Muslim. The current situation is far different from earlier eras, when men of religious learning all read essentially the same 'core' texts.

The Qur'an, Morality, and Critical Reason presents for the first time in English a comprehensive account of Shahrur's original approach to how to think about Islam. In preparing the Arabic original of this book, Shahrur has naturally drawn on his nearly two decades of writing about Islam. In so doing, however, he has gone beyond and created a text that is often both new and consistently accessible.

In an interview that I conducted with Muhammad Shahrur in Damascus in 1996, published for the first time in this volume, we explored his original sense of audience. Over the years, Shahrur has learned to communicate to new and wider audiences. His earlier writings dealt only obliquely with the rough topics of the world in which we live—tyranny and terrorism. His more recent writings in Arabic, and this book in English, confront these hard issues head on.

The Qur'an, Morality, and Critical Reason is in part a long-term dialogue with Shahrur's audience in the Arab world, Europe, North America, and even Indonesia—where his work in translation has received a wide and appreciative audience. Andreas Christmann,

like myself, saw early on the originality of Shahrur's work and his approach to linking faith to reason. This translation is so clear and effective that it is at times easy to think that it was written originally in English rather than translated from Arabic. Christmann's introduction, like his annotated explanations of Shahrur's narrative, adds value by giving readers an intimate sense of the intricacies of Shahrur's approach to critical inquiry, the context for the interpretive issues that Shahrur addresses, and a window into the critical debates now underway in the Arabic-speaking world.

Shahrur's approach goes to the heart of current debates about how to interpret Islam in the modern world. In many respects I find his approach to thinking about religion and reason the Arabic counterpart to Wilfred Cantwell Smith's highly influential *The Meaning and End of Religion* (1962). Shahrur vigorously offers an innovative approach to interpreting Islam and its relation to other faiths, prophetic tradition, the controversial 'limits' (*hudūd*) of Islamic law, women, and political Islam—including a head-on confrontation with advocates of tyranny and terrorism.

In *The Qur'an, Morality, and Critical Reason* Shahrur boldly confronts controversial issues and at the same time links the fundamentals of faith—and not just Islamic faith—to critical reason. He offers a strong argument for a civil society that encompasses both Muslims and non-Muslims alike. This book is a portal to his thought for the English-speaking world, and Andreas Christmann's superb introduction and annotated translation makes it an exciting and accessible point of departure for Shahrur to engage a wide audience in the English-speaking world.

ACKNOWLEDGEMENTS

Since this book is a compilation of texts which have been specifically rearranged and modified for this translation, it could not have been done without a considerable amount of collaboration with Muhammad Shahrur and those people around him who support his work. I wish to thank Muhammad Shahrur for the time he spent with me explaining his thoughts in the most patient and scholarly manner. I also thank Sultan al-‘Awa for his superb managerial skills in arranging the meetings between Muhammad Shahrur and me in Damascus and Abu Dhabi; Mayada al-Kayali and Randa al-Sahli for their tremendous efforts in selecting and arranging with me the Arabic texts from Shahrur’s monographs, journal articles, interviews, and conference papers; Muḥammad Jamīl al-Qaṣṣās for his IT-support; Muhammad Khaled and Mustafa Baig for their help and assistance in the Department of Middle Eastern Studies at Manchester University; my colleague Ronald Buckley who read drafts of this book and made numerous invaluable corrections and improvements; Dale F. Eickelman who was of tremendous support and encouragement throughout the entire project; Dawn Hall for her excellent copyediting; my daughter Sophia for helping me to draw up the charts; my daughter Dorothea for always being ‘eine fest Burg’; and my wife Kerstin for her meticulous proofreading of the manuscript and her unwavering support.

A substantial part of the work on this book was done during my research leave, supported by the British Arts & Humanities Research Council in 2007–08. I sincerely appreciate the help and support I received through this research-leave scheme.

USED TRANSLATIONS AND THEIR ABBREVIATIONS

- YA Yusuf Ali, *The Holy Qur'an: English Translation of the Meanings and Commentary* (Medina: King Fahd Holy Qur'ān Printing Complex, 1410 AH/1990).
- AH M.A.S. Abdel Haleem, *The Qur'an* (Oxford: Oxford University Press, 2005).
- MF Majid Fakhry, *An Interpretation of the Qur'an: English Translation of the Meanings* (New York: New York University Press, 2000).
- MP Muhammad Marmaduke Pickthall, *The Meaning of The Glorious Qur'an: An Explanatory Translation* (New Modern English Edition, Birmingham: Islamic Da'wa Centre International, 2004).
- AB Abdalhaqq and Aisha Bewley, *The Noble Qur'an: A New Rendering of Its Meaning in English* (Norwich: Bookwork, 1999).
- AhA Ahmad Ali, *Al-Qur'ān: A Contemporary Translation* (Princeton: Princeton University Press, 2001).
- AA Arthur J. Arberry, *The Koran Interpreted*, 2 vols. (London: George Allen & Unwin, 1963).

Muhammad Shahrur's frequent use of quotations from the Qur'an was a particular problem in the English translation, as his understanding of the Arabic text differed considerably from most available English translations. After consultation with Muhammad Shahrur, it was decided to use Yusuf Ali's version as the default translation in the main text, but it was felt unnecessary to replicate Ali's antiquated use of English personal pronouns (thy, ye, thou, etc.) and his frequent use of capital initial letters for terms he felt had a particular spiritual resonance. However, in instances when Ali's translation was either incomprehensible or completely inadequate to render Shahrur's understanding of a verse, I have sought help from other translations, in particular from Abdel Haleem's rendering. I have consulted six of the most commonly used English translations from a variety of different linguistic, religious, and educational backgrounds. I indicate in footnotes where discrepancies between their translations and Shahrur's interpretations occur. In some instances, however, where no translation seemed to offer any resemblance to Shahrur's reading I have decided to use my own version based on what I thought was the author's purpose in quoting a specific verse. In situations where I thought it was vital to stress the disagreement between Shahrur's reading of a verse and its common rendering (including those by

English translators), I have kept Ali's version but inserted the Latin abbreviation [*sic*] in order to highlight Shahrur's explicit disagreement with such renderings which he regards as erroneous. When the author has not produced an explicit alternative meaning of a word whose common understanding he heavily criticises, the word in question has not been translated but rather replaced by suspension points in square brackets [...], followed by Shahrur's commentary after the quotation of the verse.

‘READ THE QUR’AN AS IF IT WAS REVEALED LAST
NIGHT’: AN INTRODUCTION TO MUHAMMAD
SHAHRUR’S LIFE AND WORK

This edition assembles the essential writings of Muhammad Shahrur, one of the most interesting and innovative thinkers in the contemporary Arab-Muslim world. The success of his first book on Islam, *The Book and the Qur’ān: A contemporary reading* (1990),¹ made him a household name among intellectuals, students, and scholars of the entire Middle East during the 1990s. Many readers were stunned by the bold, creative, and unfamiliar way of thinking that characterised Shahrur’s writings. People who were neither experts nor full-time students of Islam and the Qur’an were fascinated by the logic of his arguments and gained easy access to rather complex philosophical and theological debates. My own first encounter with his work came during my fieldwork for my PhD thesis in the mid-1990s in Damascus, when I witnessed what Peter Clark, back in 1996, had called ‘the Shahrur phenomenon’: the publication of an extraordinary book that “challenges a millennium of Islamic tradition”.² The unusual composition of the book, its peculiar Arabic style, and its original way of presenting logical arguments were so unique that in 1997 Wael Hallaq emphatically stated that the book “is impressive in that it offers both depth and range, virtually unparalleled in modern writings on the subject”.³ The enormous number of copies sold, the speed by which reprints were issued and pirate versions reproduced, and the extent to which the book’s ideas were circulated in the pre-Internet 1990s throughout the Middle East inspired Dale F. Eickelman in 1999 to argue that the Shahrur phenomenon reflected the fact that in most Muslim countries a reconfiguration of the ‘public sphere’ can be witnessed, not only in terms of different communication

¹ Muḥammad Shaḥrūr, *Al-Kūtāb wa’l-qur’ān—Qiyā’a mu’āṣira* (The Book and the Qur’an: A Contemporary Reading), (Damascus: Dār al-Aḥālī li’l-Nashr wa’l-Tawzī’, 1990).

² Peter Clarke, “The Shaḥrūr Phenomenon: A Liberal Islamic Voice from Syria,” *Islam and Christian-Muslim Relations* 7, no. 3 (1996): 337–41 (337).

³ Wael Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunnī uṣūl al-fiqh* (Cambridge: Cambridge University Press, 1999), 246.

channels used and different kinds of topics publicly discussed but also in terms of the type of actors who now enter the public debate about Islam and the type of listeners/readers who participate in it. The book's success, Eickelman says, "could not have been imagined before there were large numbers of people able to read it and understand its advocacy of the need to reinterpret ideas of religious authority and tradition and apply Islamic precepts to contemporary society".⁴

By the time I seriously began to consider Shahrur's oeuvre in 2001, three more books had appeared,⁵ and Shahrur was already working on his fifth book, which he eventually finished in 2007 and published in 2008.⁶ Thus, it has become clear that 'the Shahrur phenomenon' cannot be reduced to the appearance of only his first book but needs to be explained in a more comprehensive way by covering his other writings as well. This volume is an attempt to present Shahrur's entire oeuvre in a single book, covering almost two decades of his publications and (almost) the entire spectrum of his thought. It is hoped that this selection, translated and specifically arranged for an English-speaking readership, with the approval of the author, will help the English reader to understand what has captured the public imagination of Arab readers in the 1990s and, beyond that, why Shahrur's work has been perceived by some as so emphatically revolutionary that Eickelman concluded that "compared to most other Islamic thinkers, Shahrur is a radical",⁷ while others, like Rainer Nabielek, even compared his ideas to the Ninety-Five Theses that

⁴ Dale F. Eickelman, *The Coming Transformation of the Muslim World*. The 1999 Templeton Lecture on Religion and World Affairs (June 9, 1999).

⁵ Shahrur wrote his second book in 1994, entitled *Dirāsāt islāmīyya mu'āshira fi'l-dawla wa'l-mujtama'* (Contemporary Islamic Studies on State and Society), in which he applies his methodology and the evolutionary philosophy of human knowledge, as developed in *Al-Kitāb wa'l-qur'ān*, to the sphere of Islamic politics, arguing for the need drastically to revise its traditional understanding. In 1996, he wrote *al-Islām wa'l-Imān* (Islam and Faith), and finally, in 2000, he published *Naḥw uṣūl jadīda li'l-fiqh al-islāmī* (Towards New Foundations of Islamic Jurisprudence), in which he presents a more systematized and considered version of his *hudūd* theory from *Al-Kitāb*, applied to Islamic family law and law of inheritance. He also gives a clearer account of his views about the historicity of the Prophetic *Sunna*, which he takes as the starting point to revolutionize Islamic *fiqh*.

⁶ Muḥammad Shaḥrūr, *Tajfīf manābi' al-irhāb* (*Draining the Sources of Terrorism*), (Damascus: Dār al-Aḥālī li'l-Naṣr wa'l-Tawzī', 2008).

⁷ Dale F. Eickelman, "Muhammad Shahrur and the Printed Word," *ISIM News-letter* 7 (2001): 7.

Martin Luther nailed to the door of the Wittenberg church in 1517, thereby starting the Protestant Reformation.⁸ The following essay which contains a brief summary of Shahrur's intellectual life and a short explication of his major streams of thought provides readers with a first orientation before they embark on the main text of Shahrur's writings.

LIFE AND WORK

Muhammad Shahrur was born in 1938 in the Ṣālihiyya quarter of Damascus, the capital of Syria. He was the fifth child of a Sunni dyer who decided not to send his son to the local *kuttāb* and *madrasa*, but to the secular primary and secondary state school in al-Mīdān, the southern suburb of Damascus outside the walls of the old city. Shahrur's childhood was thus spent in a liberal atmosphere in which, even though his father observed the rituals of prayer and fasting and went with his son on the Ḥajj in 1946, pious ritual observance was seen as less important than the ethical teachings of Islam. His father taught him that the goodness of a religion can only be measured by its practical and moral implications, not its spiritual efficacy. In a reminiscence, given in an interview in 1996, Shahrur fondly recalled how his father had pointed to the stove of the house and said: "if you want to warm yourself, don't recite the Qur'an, but light a fire in the stove."⁹

Shahrur's most formative years coincided with the politically most unstable periods of the Syrian Arab Republic after it gained its independence in 1947. The young Shahrur was, first as a pupil of the natural sciences then as a student of civil engineering, directly and indirectly influenced by the political turmoil (between 1946 and 1956, Syria had twenty different cabinets and four different constitutions), administrative instability (there were ten successful coups d'état between 1949 and 1970), and the ideological chaos that resulted. In 1959, after the Soviet Union became a key ally of Syria in 1955, Shahrur was sent to Saratow, near Moscow, to study civil

⁸ Rainer Nabielek, "Muhammad Shahrur, ein 'Martin Luther' des Islam," *inamo* 23/24, no. 6 (Autumn and Winter 2000): 73–74, and Dale F. Eickelman, "Inside the Islamic Reformation," *Wilson Quarterly* (Winter 1998): 86.

⁹ The full transcript of the interview can be found in this volume on pages 501–523.

engineering. There he experienced another phase of political and ideological confusion. While witnessing the dismantling of Stalinism during Nikita Khrushchev's reign as Soviet Prime Minister (1958–64), his religious beliefs were challenged by a confrontation with Marxist philosophy and institutionalised Soviet-style atheism. Sharing with many contemporary foreign intellectuals the disillusionment with the one-party rule and totalitarian tendencies of the Communist Party of the Soviet Union, he still battled with atheism and was—according to his memories—so involved in defending his theistic beliefs that all other questions of religion seemed irrelevant to him.¹⁰ When he graduated in 1964 with a diploma from the Moscow Institute of Engineering, fluent in Russian and married to a Russian wife who bore him a son, he returned to Syria. A couple of years before his return, the political union between Syria and Egypt (1958–61) had been buried along with any hope for a pan-Arab union. Trying to explain the underlying reasons for such political failure, Shahrur believed that pan-Arab thought had failed to produce the necessary ideology for a political union as it was too immersed in romanticist nostalgia entrenched in sentimental poetry. His encounter with Marxist philosophy had taught him that any viable ideology needed a fundamental concept of knowledge, that is, a theory about the human perception of things that exist in objective reality. He was determined to put this right with his own philosophical ideas.

Yet at this point in Shahrur's development, the prospect of a good career as a civil engineer and all that this required, in particular the mastering of mathematics and analytical geometry, proved more attractive to him than his philosophical interests. Thus, in 1968, he left Syria again to study abroad, this time at the University College in Dublin where he earned his master's degree in 1969 and his doctoral degree in soil mechanics and foundation engineering in 1972. Eventually, he went back to Damascus University, where he lectured as a *mudarris*, then as an assistant professor before being made a full professor at the Faculty of Engineering. He taught at Damascus University for twenty-six years, from 1972 to 1998, and became renowned as the author of several Syrian standard reference works on soil mechanics and foundation engineering. Beside his teaching obligations he worked as a consultant engineer supplying inspection services for over two thousand building projects in Syria (most

¹⁰ Ibid, 504–505, and 508.

famously for the al-Yalbūgha Commercial Complex in Damascus and the capital's four big football stadiums), as well as the Gulf countries (e.g., the Commercial Centre in Medina, Saudi Arabia).

Despite his full-time career as a university professor and consultant engineer, Shahrur never lost interest in developing his views on logic, epistemology, and theistic theology as a response to the crisis of pan-Arabism and the military debacle of the lost Six Day War in 1967. In this, he was similar to many other Syrian Arab intellectuals during the 1970s and 1980s, who also taught at Damascus University (such as Ṣādiq Jalāl al-ʿAẓm, Ṭayyib Ṭīzīnī, Adonis, Yāssīn al-Ḥāfiẓ, Eliās Murqus, Salīm Barakāt, Burhān Ghalyūn, et al.), and who had also been influenced by Marxist theories. This is not to say that Shahrur was particularly visible or audible in matters of philosophy or Islam. In fact, his intellectual positions appear to have been developed more or less in private, as evidenced by the fact that before his sudden breakthrough with *The Book and the Qurʾān* in 1990, Shahrur had not published anything on the subject and was then, at the age of fifty-two, an unknown author—often tentatively referred to as *al-kātib al-muhandis*, the ‘writer-engineer’. And yet, what distinguished him from his more famous and better trained philosopher-colleagues was the ‘unorthodox angle’ from which he looked at the place of religion and Islam in contemporary Arab intellectual thought.

Although he shared with other Syrian thinkers (in particular Ṭayyib Ṭīzīnī) the belief that Islam possesses a universal epistemology that encourages rationalism, human liberty, and the appropriation of knowledge, Shahrur did not find his inspiration in the classical philosophical heritage nor in the exegetical tradition of medieval Islam, but rather in his work as a natural scientist and engineer. What mattered to him most was not a consistent argument derived from the scholarly discourses of the past, but absolute consistency between the Qurʾanic worldview and his own modern and rational experiences of reality. Much of this outlook had already been developed during his Dublin years, where he is said to have devoured the writings of Alfred North Whitehead and his pupil, Bertrand Russell, both mathematician-philosophers themselves, in particular Whitehead's 1925 Lowell Lectures on “Science in the Modern World”.¹¹ Through Whitehead's work, Shahrur also absorbed much

¹¹ Alfred N. Whitehead, *Science in the Modern World* (Cambridge: Cambridge University Press, 1926). Whitehead's dictum that “the progress of science must result in

of his influences from German positivist philosophy (Kant, Fichte, and Hegel).¹² This synthesis between Whitehead's speculative philosophy, German rationalist idealism, and the structuralism of his mathematical-engineering mind has given his work its distinctive character among the work of other philosophical thinkers.

Shahrur's unorthodoxy is best illustrated by his account of how he came to elaborate his theory of limits, the central and most significant part of his work on Islamic law: "One day an idea occurred to me when I was lecturing at the university on civil engineering on how to make compaction roads. We have what we call a proctor test, in which we sample and test the soil used in fills and embankments. In this test, we follow a mathematical pattern of exclusion and interpolation. We have two vectors, x and y , a hyperbole. We have a basic risk. We plot a curve and put a line on the top of it. This line is the upper limit, and there is a lower limit. Then I thought of the concept of 'God's limits'. I returned here to the office and opened the Qur'an. Just as in mathematics where we have five ways of representing limits, I found five cases in which the notion of God's limits occurred. What they have in common is the idea that God has not set down exact rules of conduct in such matters as inheritance, criminal punishments, marriage, interest, and banking practices, but only the limits within which societies can create their own rules and laws. [Therefore, on reflection I came to the conclusion that] thieves do not have to have their hands amputated."¹³

THE SHAHRUR CASE

The controversy around *The Book and the Qur'an* started immediately after its first release in Syria in 1990 with a handful of short reviews and culminated in the year 2000 with a 1014-page *magnum opus* by Muḥammad Ṣayyāḥ al-Ma'rrāwiyya, a "comprehensive refutation" of Shahrur's work, which intended to deal the deathblow to all

the unceasing modification of religious thought, to the great advantage of religion" (p. 264) could indeed serve as Shahrur's own philosophical credo.

¹² Despite the fact that Whitehead only confessed a modest indebtedness to the nineteenth-century school of German philosophy, its influences, in particular of G. F. Hegel, have been unambiguously established by Whiteheadian scholars: see George R. Jr. Lucas, ed., *Hegel and Whitehead: Contemporary Perspectives on Systematic Philosophy* (Albany: State University of New York Press, 1986).

¹³ Interview, 514–515.

“contemporary readings of the Qur’an”.¹⁴ The debate that took place between 1990 and 2000 generated eighteen books and as many journal articles which specifically targeted the book. It also produced a large number of publications in which various issues, which the book had raised, were discussed without explicit reference to Shahrur’s work.¹⁵ The biggest bulk of the polemic against Shahrur was written within the first five years after its publication, and the focus lay entirely on *The Book and the Qur’an*, while all subsequent writings by Shahrur were more or less ignored. It was the wide and rapid circulation of the book among Arab readers in Syria, the Lebanon, Morocco, and the Gulf states that caused his opponents to respond so quickly. Evidently, the literary and religious elite, who had never heard of an author called Shahrur, were puzzled by the large numbers of copies sold in the first few months after the book’s publication. In 1994, when the sixth edition was on the market, Sheikh Khālid al-‘Akk acknowledged that such a development had caused “profound anxiety among the educated public, in particular among scholars and scientists”.¹⁶ Undoubtedly, the initial polarization of opinions about the book’s ‘real origins’ unintentionally stimulated wider public interest; in January 1991, the literary critic Na‘īm al-Yāfi wrote gushingly that Shahrur’s book “is the most significant work that has been

¹⁴ Muḥammad Ṣayyāḥ al-Ma‘arrāwiyya, *al-Mārkslāmiyya wa’l-qur’ān*, aw: *al-bāḥithūn ‘an ‘imāma li-Dārwīn wa-Mārks wa-zawjāt al-nu‘mān*: “qirā’a fī dā’wā al-mu‘āshira” (Marx-Islamism and the Qur’an, or; The Seekers of a Turban for Darwin, Marx, and Nu‘mān’s wife—“A Study of the Call for Modernity”), (n.p., 2000).

¹⁵ See, for example, Sheikh al-Būṭī’s publications in the 1990s after the release of *Al-Kitāb*, in which al-Būṭī extensively argues against secularism, historicism, and feminism etc., which he condemns as alien to the Islamic tradition, referring indirectly to the debate which *Al-Kitāb* has initiated. This is to be seen in particular in: *Yughālītūnak idh yaqūlūn...ustūb ḥiwārī yakshif ‘an mughālatāt khaṭīra fī mawḍū‘āt ḥāma* (They Deceive you when they are talking...A Dialogical Method that makes Evident the Dangerous Swindles with regards to Important Topics), 2nd ed., (Damascus, 2000); *al-Mar’ah bayna tughyān al-nizām al-gharbī wa-laṭā’if al-tashrī‘ al-rabbānī* (Women between the Tyranny of the Western System and the Mercy of the Divine Law), (Damascus, 1996); *al-Taghyr: Maḥūmuḥu wa-tarā’iqūhu* (Change: Its Concept and its Methods), (Damascus, 1996); *Hādhihi mushkilātuhum* (Such are their Problems), (Damascus, 1990—new ed. 1992); *al-Islām wa’l-‘aṣr: Tahadīyāt wa-āfāq* (Islam and the Modern Age: Challenges and Horizons), (Damascus, 1998).

¹⁶ Khālid ‘Abd al-Raḥmān al-‘Akk, *al-Furqān wa’l-qur’ān: qirā’at islāmiyya mu‘āshira ḍimn al-thawābit al-‘ilmiyya wa’l-ḍawābiṭ al-manḥajīyya; wa-ḥiyya muqaddimāt li’l-tafsīr al-‘ilmī li’l-qur’ān al-karīm* (The Furqan and the Qur’an: A Contemporary Islamic Reading within the well-established Scholarly Principles and Methodological Rules which are the Premises of a Scholarly Exegesis of the Noble Qur’an), (Damascus: Hikma, 1994), 64.

published within the last 1,000 years [!], a work that examines the Qur'an in a sharp-minded manner, reveals a scientific spirit, a holistic vision and a progressive, modern point of view".¹⁷ In stark contrast to such effusive praise, a damning article about the book was published in the journal *Nahj al-Islām*, the official press organ of the *Awqāf* Ministry in Syria in as early as December 1990. Without naming the title or author of the book, Sheikh Ramaḍān al-Būṭī, one of Syria's most influential 'ulamā', informed the reader of a "tip-off from one of the Deans of Libya's Tripoli University that a Zionist organization had produced a new commentary of the Qur'an and now [has found] an Arabic publishing house, as well as an Arab writer whose name can serve as the author of the book".¹⁸ After al-Būṭī provided a number of allusions to the content of *The Book and the Qur'an*, the association was certainly well established. A few months later, in March 1991, al-Būṭī's spiritual novice, Shawqī Abū Khalīl, wrote another article in *Nahj al-Islām* in which he declared that he had come across three books which, although published at exactly the same time and under three different titles, were absolutely identical: "the same ideas, the same preface, method, aims, even the same conclusion!"¹⁹—for Abū Khalīl a clear sign that all three were written as part of a well-orchestrated intellectual war against Islam.

However, the official disapproval of the book failed to achieve its purpose—to discourage and prevent people from buying it—and within a short period of time it was sold out. Thus, tactics had to be changed. In a series of five articles by Sheikh Muḥammad Shafiq Yāsīn against Shahrur, published in late 1991 and 1992 again in the journal *Nahj al-Islām*, the accusation of an intellectual and religious crusade was dropped and a less aggressive approach adopted.²⁰

¹⁷ Na'im al-Yāfi, "al-Qur'ān wa'l-Kitāb [sic]: Qirā'a Mu'āṣira," *Al-Uṣbū' Al-Adabī* 247 (January 1991): 3.

¹⁸ Muḥammad Sa'īd Ramaḍān al-Būṭī, "al-Khalfiyya al-Yahūdiyya li-shi'ār qirā'a mu'āṣira," (The Jewish Origins of the Call for a Contemporary Reading) *Nahj al-Islām* 42 (December 1990): 17–21 (17).

¹⁹ Shawqī Abū Khalīl, "Taḳāṭu'āt khaṭīra fī darb al-qirā'āt al-mu'āṣira" (Dangerous Crossings on the Path of Contemporary Readings) *Nahj al-Islām* 43 (March 1991): 17–21. One year earlier, in 1990, he had already published a little booklet titled *Qirā'a 'ilmiyya li'l-qirā'āt al-mu'āṣira* (A Critical Reading of the 'Contemporary Readings'), (Damascus/Beirut: Dār al-Fikr 1990), in which he attacked 'contemporary readings' of the Qur'an as a form of warfare against the religion of Islam, without specifically mentioning *Al-Kitāb*.

²⁰ Muḥammad Shafiq Yāsīn, 1. "Qirā'a naqdiyya fī mu'allaf 'al-Kitāb wa'l-Qur'ān" (A Critical Reading of the Book 'The Book and the Qur'an'); 2. "Qirā'a

Critics of Shahrur had two options: to ignore his book, thus expressing contempt through ostentatious silence, or to criticise it publicly, although this implied a tacit acknowledgement of its significance. More and more critics opted for the latter. Two further publications in 1991—now available in book format—one by Salīm al-Jābī²¹, the other by Muḥammad Haytham Islāmbūlī,²² tried to discredit the book by ‘discovering’ its Marxist, secular, and materialistic underpinnings. This, in turn, caused a critical reaction by leftist intellectuals, such as Naṣr Ḥāmid Abū Zayd,²³ Ṭayyib Ṭizīnī,²⁴ Ṭāriq Ziyāda,²⁵ and ‘Alī Nūh,²⁶ who all tried to distance themselves from Shahrur’s book by demonstrating its lack of real Marxist and secular-materialist analysis. Salīm al-Jābī’s polemical assault was also criticised by other

naqdiyya fī mu’allaf ‘al-Kitāb wa’l-Qur’ān’—al-Mawḍū‘ al-thānī: al-ḥudūd fī’l-islām” (A Critical Reading of the Book ‘The Book and the Qur’an’—the Second Topic: The Ḥudūd Limits in Islam); 3. “Qirā’a naqdiyya fī mu’allaf ‘al-Kitāb wa’l-Qur’ān’—al-Mawḍū‘ al-thālith: al-sunna” (A Critical Reading of the Book ‘The Book and the Qur’an’—the Third Topic: The Sunna) *Nahj al-Islām* 46 (December 1991): 35–43; 47 (March 1992): 136–44; 48 (June 1992): 84–95; 4. “Qirā’a naqdiyya fī mu’allaf ‘al-Kitāb wa’l-Qur’ān’—al-Mawḍū‘ al-rābi‘: qaḍāyā fī’l-‘aqīda (A Critical Reading of the Book ‘The Book and the Qur’an’—the Fourth Topic: Problems of Doctrine) *Nahj al-Islām* 49 (September 1992); 5. “Qirā’a naqdiyya fī mu’allaf ‘al-Kitāb wa’l-Qur’ān’—al-Mawḍū‘ al-khāmis: qaḍāyā fī’l-fikr (A Critical Reading of the Book ‘The Book and the Qur’an’—the Fifth Topic: Problems of Thinking) *Nahj al-Islām* 50 (December 1992).

²¹ Salīm al-Jābī, *al-Qirā’a al-mu’āṣira li-Duktūr Muḥammad Shahrūr: Muḥarrar tanjīm—kadhaba al-munaḥḥimūn wa-law ṣadaqū* (The Contemporary Reading of Dr. Muhammad Shahrur: Pure Astrology—Astrologers Lied Even If They [Spoke] Sincerely), (Damascus: Akād, 1991).

²² Islāmbūlī, Muḥammad Haytham. *al-Radd ‘alā al-Duktūr Shahrūr fī mas’alat libās al-mar’a* (Refutation of Dr. Shahrur with regards to the Issue of Women’s Dress), (Damascus: Dār al-‘Ilm, 1992—2nd ed., 1994).

²³ Naṣr Ḥāmid Abū Zayd, “Limādha ṭaghat al-talfīqiyya ‘alā kathīr min mashrū‘āt tajdīd al-islām,” (Why have Patch-ups come to dominate so many Projects on the Renewal of Islam?) *Al-Hilāl* (October 1991): 17–27; “al-Manhaj al-naf’ī fī fahm al-nuṣūṣ al-dīniyya,” (The Utilitarian Method in the Understanding of Religious Texts) *Al-Hilāl* (March 1992).

²⁴ Tayyib Ṭizīnī, “Fī munāqashatihi li’l-islām wa-mushkilat al-taqaddum al-ijtimā‘ī” (About his Discussion of Islam and the Problem of Social Progress) *Al-Uṣbū‘ al-adabī* (The Magazine of the Arab Writers’ Organization—al-Itihād al-Kuttāb al-‘Arab), no. 204 (1990): 12.

²⁵ Ṭāriq Ziyāda, “Ṭarāfa fī’l-taqṣīm wa-gharāba fī’l-ta’wīl” (Strange Division and Grotesque Interpretation) *Al-Nāqid* 45 (March 1992): 57–60.

²⁶ ‘Alī Nūh, “Al-Kitāb wa’l-Qur’ān, Mu’allifuhu: Muḥammad Shahrūr—Qirā’a ‘ilmīyya: ‘aṣriyya am māḍawiyya,” (“The Book and the Qur’an”, its Author: Muhammad Shahrur—A Critical Reading: [Is is] Modern or Pre-Modern?) *Al-Fikr al-‘Arabī* 4 (Summer 1994): 192–209.

like-minded Muslims similarly opposed to Shahrur's book, who initiated a series of publications that wanted to "set the record straight".²⁷ By 1993/94, it had become a matter of principle and urgency to join the debate. The circle of critics expanded from the group of Islamic scholars who had started the debate to other intellectual and social groups, now including linguists,²⁸ economists,²⁹ engineers,³⁰ lawyers,³¹ journalists,³² and school and university teachers.³³ However, the popularity of the book did not subside. On the contrary, its widespread circulation among young Muslims and the fact that in 1992 the announcement of a (later cancelled) lecture by Shahrur at Damascus University attracted over 5,000 people rang alarm bells among the intellectual establishment. Thus, in 1994, Māhir Munajjid wrote a book against *The Book and the Qur'an* out of fear that it might become the authoritative source for "a large group of people" who would use it ideologically to justify their own non-Islamic lifestyle.³⁴

²⁷ Māhir al-Munajjid, *al-Ishkālīyya al-manhajīyya fī 'Al-Kitāb wa'l-qur'ān'—Dirāsa naqđīyya* (Methodological Problems in 'The Book and the Qur'an'—A Critical Investigation), (Damascus/Beirut: Dār al-Fikr, 1994). See also his review "Munāqashat al-ishkālīyya al-manhajīyya fī'l-Kitāb wa'l-Qur'ān," *Ālam al-Fikr* (1993): 162.

²⁸ Yūsuf al-Şaydāwī, *Baiḍat al-dīk: Naqđ lughawī li-kitāb 'al-Kitāb wa'l-qur'ān'* (The Egg of a Rooster: A Linguistic Critique of the Book 'The Book and the Qur'an'), (Damascus: al-Maṭba'a al-Ta'āwuniyya, 1993); Nash'at Muḥammad Riḍā Zhibyān, *Dhāk radd?! 'An qirā'a mu'āşira li'l-kitāb wa'l-qur'ān* (That Is a Refutation?!—About the Contemporary Reading of the Book and the Qur'an), (Damascus: Dār Qutayba, 1992).

²⁹ Muḥammad Farīz Manfikhī, *Taqwīm 'ilmī li-kitāb 'al-Kitāb wa'l-qur'ān'* (A Critical Assessment of the Book 'The Book and the Qur'an'), (Beirut: Dār al-Rashīd, 1993).

³⁰ Ma'mūn al-Jawjātī, *al-Uşuş al-khāsira li'l-qirā'a al-mu'āşira* (The Corrupt Foundations of the 'Contemporary Reading'), 2nd ed., (Limassol: Al-Jaffan & Al-Jabi, 1993); Jawād Mūsā Muḥammad 'Affāna, *al-Qur'ān wa-awḥām al-qirā'a al-mu'āşira—Radd 'ilmī shāmīlī 'alā kitāb: 'al-Kitāb wa'l-qur'ān: qirā'a mu'āşira* (The Qur'an and the Delusions of Contemporary Reading—A Comprehensive Critical Rejection of 'The Book and the Qur'an: A Contemporary Reading'), (Amman: Dār al-Bashīr, 1994).

³¹ Aḥmad 'Imrān, *al-Qirā'a al-mu'āşira li'l-Qur'ān fī'l-mīzān* (An Impartial Review of 'The Contemporary Reading of the Qur'an'), (Beirut: Dār al-Naqāsh, 1995).

³² Bashīr 'Anī, "Muḥammad Shaḥrūr: Manhaj fī'l-qirā'a al-mu'āşira," (Muhammad Shahrur: A Method in Contemporary Reading) *Dirāsāt Ishīrākīyya* 164/65 (1996): 46–54; Ghāzī al-Tawba, "Duktūr Shaḥrūr yulaww a'nāq al-nuṣūṣ li'l-ajrād ghayr 'ilmiyya wa-taftaqir ilā'l-barā'a," (Dr. Shahrur Distorts the Texts Ignorantly and with no Authority) *al-Mujtama'*, no. 1301 (May 26, 1998).

³³ Munīr Muḥammad Ṭāhīr al-Shawwāf, *Tahāfut al-dirāsāt al-mu'āşira fī'l-dawla wa'l-mujtama'* (Refutation of Contemporary Studies on State and Society), (Beirut, 1993), (Riyādh: Dār al-Shawwāf, 1995), also published as: *Tahāfut al-dirāsāt al-mu'āşira* (Limassol: Dār al-Shawwāf, 1994).

³⁴ al-Munajjid, *al-Ishkālīyya*, 11.

Many authors regarded their refutations as a kind of 'protective wall' to shield Muslim youths from the dangerous influences of the book.³⁵ Books published against Shahrur grew bigger and thicker, providing a comprehensive, page-by-page refutation of the already voluminous book by Shahrur. The two publications by 'Abd al-Raḥmān Ḥasan Ḥabannaka al-Maydānī (1997)³⁶ and Muḥammad Ṣayyāḥ al-Ma'ar-rāwiyya (2000), which concluded the fiercest phase of the controversy, aimed to provide the theological means to prove every argument of Shahrur wrong by delivering a counterargument.³⁷

Compared to other cases outside Syria the Shahrur case has been a relatively restrained and civilized affair. It never made it to the civil courts in Damascus, and the author has never been officially accused of blasphemy, disbelief or apostasy as happened elsewhere. There has not even been a public hearing where the author had to defend his position, and there has certainly not been any attempt to arrest him. No one has dared publicly to declare Shahrur a renegade, and although the author has received a considerable amount of hate mail there has been no immediate threat to his safety or life. His books have not been confiscated by the Syrian police even though his first book was officially banned in Egypt and temporarily forbidden in Saudi Arabia and Kuwait. Following his retirement from his position at Damascus University in 1998, Shahrur accepted several invitations from universities in and outside the Arab world (e.g. the Lebanon, Bahrain, Morocco, Turkey, United States, Germany), and he could travel to all these places without any interference by Syria's

³⁵ Most vividly: Muḥammad Sa'īd al-Tabbā', *Risāla...wa-Radd ilā dhāk al-rajul* (A Message...and A Refutation for that Man), (Damascus: Maṭba'at al-Ṣubul, n.d). Compare this to similar responses in Egypt after the publication of a series of articles on the Qur'an ("Muḥāwala li-fahm 'aṣrī li'l-qur'ān") by Muṣṭafā Maḥmūd in the magazine *Ṣabāḥ al-Khayr*, see: J. J. G. Jansen, "Polemics on Mustafa Mahmud's Koran Exegesis," in *Proceedings of the Ninth Congress of the Union Européenne des Arabisants et Islamists* (1978), ed. R. Peters, 110–22 (Leiden: Brill, 1981).

³⁶ 'Abd al-Raḥmān Ḥasan Ḥabannaka al-Maydānī, *al-Tahrīf al-mu'āṣir fi'l-dīn: Tasallul fi'l-anfāq ba'd al-suqūṭ fi'l-a'māq—makāda al-mārksiyya wa'l-bāṭiniyya al-mu'āṣira taht shi'ār qirā'at mu'āṣira li'l-nuṣūṣ al-islāmiyya* (The Contemporary Deviation from Religion: The Infiltration into Tunnels after going Underground—The Conspiracy of Marxism and of the Contemporary Batiniyya Sect with the Slogan of a Contemporary Reading of the Islamic Texts), (Damascus: Dār al-Qalam, 1997).

³⁷ This summary of the Shahrur controversy is a shortened version of the account published in: Andreas Christmann, "73 Proofs of Dilettantism: The Construction of Norm and Deviancy in the Responses to 'al-Kitāb wa'l-Qur'ān: Qirā'a Mu'āṣira' by Mohamad Shahrour," *Die Welt des Islam* 45, no. 1 (2005): 20–73.

state authorities. The papers and lectures he was allowed to produce after 9/11 furnished the material for his most recent and politically most outspoken publication, *Tajfīf manābi‘ al-irhāb (Draining the sources of terrorism)*, in which he refutes the militant interpretations of central qur’anic concepts by today’s radical Islamists and traces their historical roots in what he sees as the equally militant understandings of medieval Islamic jurisprudence. Given his late entry into the public discourse on Islam and the negative press his first book received in spite of its popularity, it is remarkable to see that Shahrur, not least because of the toleration by the Syrian government and rulers of several Arab countries, has now become a major voice in the debate about a more liberal and tolerant interpretation of Islam and a reform of traditional concepts and understandings of the Qur’an.

THEORY

The philosophical work of Shahrur, as presented in this volume, is a multidimensional undertaking: it endeavours to provide a systematic and entirely novel presentation of the qur’anic text and, thus, a completely new conception of religion and Islam. It aims to demonstrate that faith and reason do not need to be mutually exclusive, and it also attempts to show that a rational definition of faith is not only more truthful to the modern, universal spirit of intellectual thought but also superior to the particularistic and ritualistic religiosity of traditional Islam. Like reformists such as Muhammad ‘Abduh and Fazlur Rahman before him, Shahrur seeks to synthesize qur’anic with modern worldviews. To this end, he points out what to him seems an already existing symbiosis between the qur’anic notion of religion (called *al-islām*) and a universally applicable and *de facto* observable form of common (human) religiosity (also called *al-islām*). Finally, he develops the thesis that the eternal verities of *al-islām* and the philosophical perceptions of the world, defining the parameters of morality and religion, are all but identical.

Shahrur’s main philosophical position can be found in his views on general religion (*al-islām*) and on particular religion (*al-īmān*). The former is guided by scientific reason and by what common (human) sense in all periods of history has viewed as good, moral action. The latter was brought into existence during one limited period of time by a prophet’s appearance as God’s messenger and promulgator of

al-islām, who was guided by the specific needs and particular requirements of the people he represented. *Al-islām* (religion in its general, ethical expression) is eternal, that is, an ideal code of human action, valid forever and everywhere. *Al-īmān* (religion in its particular ritual, legal, and cultural expression) is contingent, that is, variably and differently realizing in the contemporary 'here and now' the eternal ethical values of *al-islām*. It is, according to Shahrur, ethical religion that must provide the motive for humankind's intellectual and spiritual search, not prayer and fasting. It is ethics alone which constitute the true *raison d'être* of religion, not ritual, mystical contemplation, or the observance of rigid dress codes. If people begin to regard rituals as more important than ethics, then religion in its ritual, legal, and cultural expressions (*al-īmān*) cuts off its roots from the ethicality and rationality of *al-islām* and becomes irrational, immoral, and fundamentally inhuman.

This is the current state of affairs which Shahrur 'diagnoses' for what he calls *Salaḥī* Islam. Looking nostalgically backwards to the time of Muḥammad, *Salaḥī* Islam is non-ethical *al-īmān* that clouds people's rational minds and obscures their moral understanding of life. But ethical religion is rational, concerned with humankind's future, and composed of human values that are intrinsic to human nature. In Shahrur's tripartite model of human existence, consisting of 'being' (material existence), 'progressing' (time), and 'becoming' (change and development), it is the latter's dimension, connoting purposeful and dynamic progression of material existence, which Shahrur associates with the ethical religion of *al-islām*. Historical religion (*al-īmān*), which has lost this third dimension—by replacing ethics with blind ritualism that stifles the rational mind and suppresses intellectual curiosity—must strive to adopt again the morality and innate humanity of *al-islām* in order to allow society to further develop and flourish.

Shahrur's concept of God is crucial in this respect as his theology supports this philosophical-ethical understanding of religion. Although based on an empirical model of human perception, Shahrur follows Whitehead's neo-Kantian idealism by stating that the function of an idea is to serve the criteria by which humans judge the impressions they perceive through their senses. Shahrur's God is not the personal God of established religion, but a manifestation of an idea that represents the foundation of all existence: its source, its ultimate finalization, and its supreme ethical criterion. God the Creator manifests

himself to humans as God the Provider. That is, He continuously provides the material existence of 'being', its constant 'progressing' day by day, and the ethical standards or limits by which Creation realizes its 'becoming'. God provides the physical setting and eternal laws of nature that are scientifically discernable by the rational, human mind, enabling humans to pursue an ethical life which will culminate in the realization of the good on earth. In other words, Shahrur's God is a different God from the one believers want to reach with their prayers and sacrifices (the God that Soviet atheism wanted to destroy). In his concept, humankind postulates its relationship with God through the realization of the ethical good, which is humankind's eternal and universal task, because both the ultimate goal and the limits set up by God to achieve such a goal are eternal.

God represents what is eternal and immutable, while nature and humankind are subject to change. And yet, because God has created humans and endowed them with reason, He has also created humans' innate disposition that allows them, even if finite, to translate the abstract, absolute ideals of ethics into concrete, actual reality. These dialectics of the divine-human relationship is at the heart of Shahrur's epistemological, hermeneutical, and legal theories. On the one side, there is what he sees as descriptors of the transcendent God: immortality, immutability, absoluteness, infinity, abstractness, and sacrality; while on the other side, the exact opposite is true for nature and humankind: mortality, changeability, relativity, finiteness, concreteness, and relatedness. Epistemologically, God's knowledge of objective reality (cosmos, nature, and society) is infinite and perfect, while human knowledge is finite and deficient. Hermeneutically, God's revelation to humankind is sacred, objective, and unalterable, but its human interpretation is contingent, subjective, and mutable. And God's limits of law (its upper and lower boundaries) are immutable and absolute, but human legislation (the move between God's boundaries) is changeable and relative. Yet, through humans' rational faculty, which is God-given, human beings are able, though always limited, to participate in God's knowledge, to understand His revelation, and to follow His law, by which they submit to His ethical code and bring about the realization of the good and sacred on all levels of personal and societal existence. It is only when people forget that they possess such rational faculty—when, for example, dogmatic ritualism takes priority over critical enquiry or when the dominance

of the religious class of '*ulamā'* and *fuqahā'* marginalizes scientists and philosophers in society—that the bond between God and humans is broken and human society becomes 'immoral'.

Shahrur's concept of prophethood is also inseparable from his philosophical notions of ethical religion and God. Many of his critics failed to see that Shahrur did *not* apply the traditional theological notion of a personal God who sends His revelation *down* to chosen prophets. In his philosophical concept of revelation there is no space that connotes a vertical dimension of the revelatory event. In fact, the whole process of transmitting God's knowledge and divine wisdom to humankind does not take so much the form of 'revelation' (*wahy*) but of human, subjective 'comprehension' (*inzāl*), of what has been objectively 'delivered' by God (*tanzīl*). And this act of subjective comprehension is not carried out through some extraordinary prophetic gifts or divine inspiration but through logical enquiry and common-sense reasoning. The prophetic era of humankind—from Noah to Muḥammad—witnessed a series of prophets who transmitted the 'objective' and taught the 'subjective', submitting to their societies an ever more sophisticated 'comprehension' of what had been delivered to them (or better, what had been presented to them in front of their eyes). In Shahrur's vision, prophets were not divinely supercharged geniuses but spokespersons of objective knowledge equipped with the best possible—and until Muḥammad ever more penetrating—rational deduction of objective truth. Revelation in this vision is less a mind-boggling presentation of an impenetrable text of divine mysteries. Instead, revelation not only encourages rational enquiry (the apologetic argument), it also *is* the creation of reason in understanding objective reality. Only if this philosophical point is understood, can one appreciate Shahrur's dictum that societies today live in a post-prophetic era in which an ever more sophisticated way of rational enquiry by society's leading thinkers (philosophers, natural scientists, lawyers, and the like) has succeeded the prophets of the prophetic era in their attempt to rationally understand the truth. "Inspiration came to [Isaac] Newton when he saw the apple dropping and the earth attracting it. He had some unconnected ideas in his mind, but after he saw the apple fall the conscious connection happened."³⁸

³⁸ Interview, 518.

The absence of a personal God in Shahrur's philosophy explains why no prophet, saint, or mystic—not to mention the religious scholar—has a particular 'nearness to Him', which would give him a special status because of his *religious* enquiries. The prophets' special status is only derived from their own rational enquiries (*ijtihād*) into the objective truth and their applaudable application of the universal ethical code (*al-islām*) to the moral conduct of concrete individuals and the legal functioning of particular societies (*al-īmān*). And the saints, mystics, and the '*ulamā*' have distanced themselves from God by preferring rituals over ethics and doctrine over critical reasoning. Here, more than anywhere else, the teleological and evolutionary character of Shahrur's prophetology becomes evident because each prophetic vision turns into historical perspective with the passing of time. Each prophet taught the universal message vis-à-vis the particular concerns of their people, but as the prophetic era has ended, their particular teachings must eventually be superseded by the universal concerns of all humankind. National legislation must become world legislation, and particular ethics must turn into universal ethics shared by all human beings. Given Shahrur's endeavour to bring historical Islamic religion (*al-īmān*) back to what is shared universally as human, ethical conduct (*al-islām*), one understands his impatience with *Salafī* Islamists who, like medieval scholars before them, regard the particulars of Muḥammad's time as the universal ideal for all humankind and who, thus, sacrifice the truly universal ethical teachings of the Qur'an in favour of the particularistic interpretations of Muḥammad, his companions, and subsequent generations of Islamic scholarship.

Here lies the root of Shahrur's bitter anticlericalism and antitraditionalism. He feels that the '*ulamā*' and *fuqahā*' of Islam have betrayed the progressive, universal message of *al-islām* in the following ways: by their obsession with the particular details of seventh-century Arabia; by their imposition of the *ḥadīths* onto the qur'anic text (holding its meanings firmly locked up in the distant past); by their fixation on the details of rituals; by their distrust of the human rational faculty; by their suppression of freethinking; and by their neglect of the common good and what Islam shares with other religions in favour of particularistic, sectarian interests that advocate a sense of spiritual superiority. Even more radically, in idolizing the early generations of Islam, in declaring Muḥammad's *sunna* as sacrosanct, and in sacralizing the opinions of famous medieval scholars,

the *'ulamā'* and *fuqahā'* are fundamentally undermining the dialectical God-men relationship that is based on a sharp distinction between divine-human, immortal-mortal, infallible-fallible and so forth. For Shahrur, their ignorance of the moral ideals of *al-islām* and their preoccupation with the ritual elements of *al-īmān* represent the antidote to his rational, liberal, and ethical approach: he deems their approach backward, primitive, entangled in political corruption, breeding fanaticism, superstition, and sectarianism. For all these reasons, Shahrur feels strongly that if the renewal of Islamic religion is to succeed, society must categorically dispense with the *'ulamā's* interpretation of the Qur'an (*tafsīr*) and, instead, rely on the views of nonclerical intellectuals who are untouched by traditional scholarship.

THE QUR'AN

The most innovative element in Shahrur's work is, however, neither his prophetology nor his philosophical concept of God, but rather the way he synthesizes both into a new understanding of the Qur'an. The mistake that most Muslim critics of Shahrur made was to attempt to impale his linguistic-philosophical-mathematical system of reading the Qur'an onto the nominalist-transcendental-metaphysical model of traditional *tafsīr* exegesis. What they were unable to see is that Shahrur neither projected his philosophical thoughts *into* the Qur'an (a form of subjective eisegesis, they claimed) nor illegitimately extracted them *from* the Qur'an (a kind of dilettante misreading), because he always maintained that the Qur'an instead *is* part of the ontological, cosmological structure (discerned by philosophy) that exists outside the text. This is where his work is most influenced by various models of structuralist thought which had their peak in Western universities in the 1960s and 1970s—exactly when Shahrur started his work on the Qur'an—and which, unlike in Biblical Criticism,³⁹ never created a lasting impact on the scholarly disciplines of *'ulūm al-qur'ān* in the Arab-Muslim world.⁴⁰ In the

³⁹ For a good survey, see David Greenwood, *Structuralism and the Biblical Text* (Berlin: Mouton Publishers, 1985).

⁴⁰ With the exception of Izutsu, structuralism never made a big impression in non-Muslim studies of the Qur'an either. While traditionally the historical-critical (and hence diachronic) method dominated the field, a more recent trend to study the

linguist and colleague from Damascus University (English Faculty), Ja'far Dīk al-Bāb, Shahrur found a mentor who wrote for him the introduction to linguistic theory in *The Book and the Qur'an*, which was heavily influenced by linguistic structuralism. However, apart from this collaboration with al-Bāb, structuralism had already found its way into Shahrur's thoughts through his reading of Bertrand Russell's 'structure of a relation', which is fully developed in Russell and Whitehead's *Principia Mathematica*⁴¹ but more readable in Russell's *Introduction to Mathematical Philosophy*.⁴² He learned from Russell that the structural definition of a relation is extensional, in terms of the things related rather than of the properties of the reaction considered independently of those things. In other words, objects should not be conceived in terms of internal properties, but as a system of relations between unspecified elements whose properties are derived from these relations. What mathematicians call set theory, and which became standard mathematical logic from the 1930s, includes the proposition that knowledge of a mathematical object cannot be gained by analyzing the isolated qualities of an entity, but only by searching for the formal properties of a system entailed in algebraically closed communicative sets. The relations of such a system are in mathematical logic specified as sets of ordered pairs (finite-infinite; limited-converse; inductive-deductive; maximum-minimum, etc.).

Shahrur's next step was then to link mathematical to linguistic structuralism and regard the Qur'an as a semantically 'closed communicative set' whose meanings cannot be derived by an analysis of isolated words or passages but by discovering the inherent structures that govern the relationship between the individual semantic units. The concept of 'structure' here differs from literary 'pattern' or textual 'arrangement', that is, from the internal organization, composition, or formation of the text, even though an analysis of this plays an important role in Shahrur's readings. But 'structure' differs from 'textual pattern' in that it refers to the hidden or underlying

Qur'an (synchronically) as literary text has not shown any inclination to apply linguistic or philosophical structuralism. For Izutsu, see Toshihiko Izutsu, *God and Men in the Koran: Semantics of the Koranic Weltanschauung* (Keio Institute of Cultural and Linguistic Studies, 1964); *Ethico-religious Concepts in the Qur'an: The Structure of the Ethical Terms in the Koran* (Montreal: McGill University Press, 1966).

⁴¹ A. N. Whitehead and Bertrand Russell. *Principia Mathematica* (Cambridge: Cambridge University Press, vol. 1, 1910; vol. 2, 1912; vol. 3, 1913).

⁴² Bertrand Russell, *Introduction to Mathematical Philosophy* (London: Allen & Unwin, 1919).

configuration which explains and justifies the more or less visible or obvious pattern of the text. Such a hidden configuration is applied from outside, not from within the text. The text's meaning is essentially not found inside it but, as Greenwood says, "beside it, at its limits, at the point where the text is joined to its structure".⁴³

This is where Shahrur combines mathematical and linguistic structuralism with the philosophical structure outlined earlier. The Qur'an's underlying structure is manifested in the dialectical relationship between a set of binary oppositions, such as divine-human, absolute-relative, objective-subjective, eternal-temporal, immutable-mutable, universal-particular, infinite-finite, and so forth, comprising the same constellation of the God-men bond as can be found in cosmos, nature, and society. This binary structure explains the arrangement and thus the meaning of the text which, in reverse, fully reveals its underlying structure once its meaning is discovered. Shahrur's exegetically most provocative step is to divide the qur'anic text into groups of verses that are either ontologically eternal, absolute, and objectively valid, or temporal, relative, and subjectively conditioned. The verses of the first group belong to *al-qur'ān*, representing objective truth, eternal laws, and absolute knowledge, whereas the second group belongs to *umm al-kitāb*, the subjective part of the Qur'an (that is, of the whole book as we know it and different from Shahrur's *al-qur'ān*), constituting the historically contingent, changeable, and what is subject to human interpretation. Likewise, since Muḥammad enjoyed the status of a prophet *and* messenger of Allah, Shahrur argues, the text structurally reflects these two separate positions (conventionally not perceived as separate); while his prophethood represents the eternal and absolute of Allah's revelation, in contrast, his messengerhood represents its temporal and relative side (rules of jurisprudence, state administration, warfare, etc.).

Relating this fundamental division to a large number of subsets and subcategories (always as binary oppositions, e.g., *tanzīl-inzāl*; *imām mubīn-kitāb mubīn*; *qaḍā'-qadr*; *ulūhiyya-rubūbiyya*; *kalām-kalima*), Shahrur manages to sustain his philosophical vision that all existing objective reality (and that includes the Qur'an) is a reflection of the ontological division between the eternal and universal ethical code of God and the particularistic historical/contingent (legal, political, economic, etc.) concerns of human societies, and hence the distinction

⁴³ Greenwood, *Structuralism*, 6.

between *al-islām* and *al-īmān*. In this vision the Qur'an ceases to be 'Scripture' whose sacred meanings are firmly locked inside each individual word and which need to be unlocked by the hermeneutically and spiritually most astute reader (normally the trained '*ālīm-mufasssīr*'). Instead, the Qur'an functions as text whose words are simply vehicles of meanings that point to a nontextual structure to be discovered either in cosmos, nature, and history of all humankind (the universal laws of *al-qur'ān*) or in the manifestation of humanity in concrete, historical human societies (the contingent laws of *umm al-kitāb*). The process of discovering the former is called *al-ta'wīl*, while the deduction of laws for the latter's procedures of human legislation is called *al-ijtihād*.

As for *al-ta'wīl* (that is, the act of interpreting *al-qur'ān* or better, the disclosing of its objectivity), this is based on Shahrur's evolutionary philosophy that envisages humans' increasing participation in God's absolute knowledge. According to his 'dialectics between the universal and human episteme' in a postprophetic era, the only way to link the total, comprehensive knowledge which is in Allah (that is, objective existence), and the relative, partial knowledge which humans possess (because of their subjective understanding of objective reality), is through the existence of a text whose miraculous nature allows a correspondence between its objective nature and the subjective understanding of each historical age. Shahrur calls this correspondence *al-tashābuh* or 'assimilatability', God's assurance of a permanent harmony (though, not sameness) between the temporal and eternal, relative and total, partial and absolute. Explaining this point, he establishes an analogy between *al-ta'wīl*'s dialectical relationship between human readers and their texts (scripture or otherwise) and our perception of ancient wall paintings: "Think of a fresco at the Vatican. The fresco is fixed, objective. But as the viewer changes position, he sees the fresco in a different way. Each time we move, we see the fresco in a different way. The mullahs want us to stand still and see the fresco as it was in the seventh century. We want to move around and see the fresco in a dialectic between text and context. Our interpretation of the fresco as we move around is subjective".⁴⁴

His critics understood this as a free license to the human mind to read into the Qur'an whatever it finds suitable (which is,

⁴⁴ Interview, 512–513.

incidentally, the most often voiced killer-argument against all 'contemporary' readings of the Qur'an). What has been overlooked, however, is that in Shahrur's philosophical scheme of things this 'whatever humans find suitable' is *not* necessarily what is incompatible with 'what God finds suitable'. This is because God 'guarantees' compatibility in a twofold way: by the absoluteness of His being He vouchsafes for the absolute and infinite validity of the text's form (*fresco*) and its content/meaning. And by having created human beings and endowed them with reason with which they make sense of the text in each historical period, He also created the inherent warranty that human beings, provided they find a joint consensus or similar understanding, will *always* correctly concur with what has been said in the text. Since there can be no inherent contradiction between the divine text and its (contemporary) human understanding—if performed on the highest possible rational/scientific level and in full accord with empirical reality—the accusation of an overly subjective, all-too-human interpretation of the Qur'an is—at least seen from Shahrur's point of view—beside the point.

As for the second act of interpretation, *al-ijtihād*, or the disclosure of a congruence between the divine law of the *sharī'a*, applied in society, and what is intrinsically and universally human in all societies on this earth, this does not involve, as many modern *ijtihād* theories have argued, adapting the eternally valid *ahkām* rules of the Qur'an to the temporal needs of contemporary societies. On the contrary, it is the attempt to get the *always* temporally valid *ahkām* attuned to the eternally valid laws of *al-qur'ān*, that is, with what each historical period has relatively understood of it (through *al-ta'wīl*). In other words, a rigid dress code (such as the total veiling of the female body), for example, which jars with human instinct and deviates from the current social consensus about good etiquette and moral decency, cannot be—by definition—divine law. Inheritance law which discriminates against female heirs and deviates from legal practice anywhere in the world is incompatible with God's law. Legal injunctions on apostasy, theft, polygyny, *jihād*, killing and such like, which are rejected by the majority of people and interpreted as inhuman and in violation of universally accepted human rights, undermine the ethical God-humankind bond and must be reformulated in the light of *al-islām*. Shahrur holds that the rules of *umm al-kitāb* are in permanent need of active preservation (*ḥifẓ*), supervision (*riqāba*), and confirmation (*taṣdīq*), while the *al-qur'ān* is its *ḥāfiẓ*, *raqīb*, and *muṣaddiq*.

This is the reason why the verses of *al-qur'ān* and the verses of *umm al-kitāb* are not separated in the Qur'an (or *the Book* as Shahrur calls it), but combined. The significance of this aspect lies in the fact that it reverses the current Islamist trend to apply the most rigid interpretations of *sharī'a* law in the name of applying God's law against man-made law (implying 'what humans find suitable, not God') by his conviction that there should not be one *sharī'a* rule that is incompatible with the higher values and overarching principles of *al-qur'ān*, that is, the eternal laws of nature and humanity as shared by the majority of people at a given period of time in history, and *al-islām*, the universally valid code of ethical practice that is immutable and even indisputable.

Although Shahrur mentions a number of exegetical principles that he applied in his reading of the Qur'an (e.g. nonsynonymity, nonabrogation), the actual proposed process of interpretation—schematized in the format of a triple movement model—can be summarized as follows:

1. The first movement consists of approaching the Qur'an with a cognitive understanding of reality that is deeply rooted in the most advanced discourse on nature, cosmos, and human society. Once approached in this way, it follows that any reading of any verse in the text must never contradict either human reason (as fed by scientific data from the humanities, social and natural sciences) or empirical reality (that is, globally available to human perception). This implies that the study of empirical data derived from objective reality must always *precede* the study of concrete passages of the Qur'anic text. It also implies that existing commentaries on the Qur'an which lack the contemporary episteme and fail to consider the most recent discoveries (and this by default includes the *tafsīr* work of medieval scholarship) are to be barred from any consultation. Most important, however, is that contemporary readings of the Qur'an regard as irrelevant historical-critical studies of the Qur'an and any attempt to ask what the text meant to the original readers in seventh-century Arabia. To use Shahrur's analogy, what the frescos in the Vatican meant for the viewers in sixth-century Rome is rather irrelevant in comparison to the question of how they are perceived today. Following his conviction that one must always read the Qur'an "as if it was revealed last night" and his philosophical premise that the content of *al-qur'ān* is always contemporary (being part of God's objective *Being* which irreversibly

- 'progresses' and 'becomes'), the readers cannot but access the text from the historical position they occupy. This is to reverse the traditional exegetical dogma which states that the closer the interpreters are to the semantics of the revelatory event in seventh-century Arabia, the more authoritative their interpretation becomes. In Shahrur's approach, the exact opposite is true.
2. The second movement consists of attaching the most recent content/meaning available to the immutable format of the qur'anic text. This proceeds in two steps. The first step consists of creating *al-tashābuh*, lit. 'likeness', between what is currently shared as universally accepted theories about nature/society and the verses of *al-qur'ān*. If both appear to be incompatible, judgement is to be suspended until further research results in more insights, up to a point in history when incompatibility no longer occurs. Inasmuch as objective reality cannot be faulted, no verse of the *al-qur'ān* can ever be considered incorrect. The second step is to assess the compatibility of the legal verses with the currently applied value systems and universally accepted codes of conduct. If these ethical norms are still within the legal boundaries, that is, God's limits, their moral-legal requirements determine how the *ahkām* verses of *umm al-kitāb* are to be interpreted. If the *ahkām* rules contradict universally accepted standards of behaviour, the latter must take precedence over the former and annul them. The model for this second step is to be found in Muḥammad's *sunna*, in that Muḥammad applied the *ahkām* rules for what was *then* shared as ethically and legally acceptable. It implies, however, that if the *sunna* contradicts what is *today* globally accepted as ethical and legal standards (e.g., human rights), none of the actual content of Muḥammad's *sunna* must be applied today. Whereas human rights are universal, the *sunna* is not, as it is deeply rooted in the historical contingencies of seventh-century Arabia. This implies that the application of Islamic law cannot be done purely by an internal revision of the Islamic legal tradition (*al-fiqh*), as it is primarily based on Muḥammad's *sunna* and thus epistemologically located in the past, but rather from outside it (using the parameters of civil law and parliamentary legislation).
 3. The third movement is then to move away from the text and return to the nontextual side of objective existence and change human behaviour, state legislation, and political administration in the light of what is compatible with the ethical requirements of *al-islām*.

Once the first two movements have established the general moral-social objectives by way of the most contemporary readings of God's revelation, these objectives must then be applied in the present concrete sociohistorical context. Such application requires that each country determines its priorities differently but makes sure that it nevertheless implements the same qur'anic values (e.g., currently human rights) as any other country in the world. It also requires that each religion, even if differently shaped by ritual diversity, constantly readjusts its teachings to those moral-social objectives gained by a fresh reading of the Qur'an. The important aspect of this phase is that law and rituals are not seen as identical with ethics but as its subordinated parts. This corrects the traditionalist and Islamist discourses that regard the moral message of Islam as embodied in the performance of rituals and strict adherence to *sharī'a* law. In Shahrur's view, religious practice and legal injunctions may or may not correspond with God's ethical ideals. If, for example, the implementation of *sharī'a* law justifies the violation of the rights of women and religious minorities, or undermines freedom of opinion, expression, thought, and religion, such a law has become immoral and devoid of God's divine, ethical norms. And if rituals and the law do not correspond with these norms, they have to be changed.

APPLIED THEORY

A concrete example of Shahrur's interpretations will illustrate the model just explained and bring together all points brought up so far. Verse 34 in chapter al-Nisā' has persistently been a difficult verse to reconcile with human rights and gender equality. The Arabic text in transliteration reads as follows:

Verse 4:34:

Al-rijāl qawwāmūn 'alā 'l-nisā' bi-mā faḍḍala Allāh ba'ḍahum 'alā ba'ḍⁱⁿ wa-bimā anfaḡū min amwālihim fa'l-ṣāliḡāt^u qānitāt^{um} ḡafizāt^{um} li'l-ḡhayb bi-mā ḡafiza Allāh wa-allātī takḡfūn nushūzahunna fa-'izūhunna wa-uhjurūhunna fi'l-maḡāji' wa-'ḡribūhunna fa-in aḡanakum fa-lā tabḡhū 'alayhinna sabīl^{an} inna Allāh kāna 'alīy^{an} kabīr^{an45}

⁴⁵ A common translation in English would be "Men are in charge of women, because Allah has made some of them excel over the others, and because they spend

Two passages are particularly problematic: 1) *Al-rijāl qawwāmūn 'alā 'l-nisā'*, and 2) *wa-allātī takhāfūn nushūzahunna... wa-'dribūhunna*. The traditional rendering of these two passages by medieval *tafsīr* exegetes can be summarised as follows: 1) Men are in charge of women, because of their physical, intellectual, financial etc. superiority by which Allah favours men over women; 2) If husbands are faced with the disobedience, open rebellion and disloyalty of their wives, it is legitimate to beat them and reinforce their obedience.

Such open misogyny and sexism in Shahrur's eyes is unacceptable for several reasons. First, it contradicts universally held ethical principles, dominant in gender politics of the twenty-first century, which state that discrimination on the basis of a person's sex is intolerable. Second, it contradicts the ethical norms held by the text's objective and unchangeable part, that is, *al-qur'ān*, as expressed in verses such as 2:187 and 4:1, which emphasise sexual equality in terms of reason, intelligence, religion, and legal responsibility. Given what *al-qur'ān* states as an absolute divine norm (sexual equality), it is compulsory for any interpreter to explain 4:34 (a verse of *umm al-kitāb*) in the light of 2:187 and 4:1 (verses of *al-qur'ān*). Third, the misogyny of traditionalist exegetes reflects the prevalent understanding of medieval patriarchal societies. Since this understanding ignored the divine ethical code of *al-qur'ān* and clashes with what is currently regarded as morally just, it ought to be abandoned. Finally, the assumption of male superiority is contradicted by recent scientific data which ascribe no deficiency to female persons, intellectually or otherwise. Moreover, beating and physical violence is not only universally condemned as immoral but has also been proven as highly counterproductive for resolving marital crises. And if it is against universally held standards and practice, no religious community (*al-ūmān*) has the right for a moral *Sonderweg* and to oppose *al-islām*. Verse 4:34, which addresses all believers worldwide, must be "as applicable to men and women in Tokyo or São Paulo as it is to men and women in Cairo, Damascus, or Riyadh".⁴⁶

some of their wealth. Hence righteous women are obedient, guarding the unseen which Allah has guarded. As for those of them that you fear might rebel, admonish them and abandon them in their beds and beat them. Should they obey you, do not seek a way of harming them; for Allah is Sublime and Great!" Translation by Majid Fakhry, *An Interpretation of the Qur'an: English Translation of the Meanings* (New York: New York University Press, 2000).

⁴⁶ Chapter 5 in this book, pp. 279–280.

Apart from Shahrur, many contemporary Muslim writers have attempted to reread 4:34 in the light of modern feminist thought. As for the first phrase *al-rijāl qawwāmūn ‘alā ‘l-nisā’*, they stressed that the *qiwāma* of men over women, a) is not a biological/anthropological superiority and, hence, not an essential privilege given to the male part of God’s creation;⁴⁷ b) is, instead, a financial duty of material protection of women and maintenance of their families; thus, it is not a privilege but rather a responsibility;⁴⁸ c) is an ideal, not a de-facto description of reality and, thus, conditioned on the actual financial power of men;⁴⁹ d) is restricted to those men who have marital responsibilities and cannot be generalised for all men in society;⁵⁰ e) is restricted to times when women pursue their “child-bearing responsibilities”;⁵¹ f) is not even linked to protection and maintenance by men but to their “moral guidance and caring”;⁵² or g) was a restriction on men’s absolute and repressive power over women in seventh-century Arabia.⁵³ As for the second phrase *wa-allātī takhāfūn nushūzahunna... wa-‘dribūhunna*, these writers argued that men’s beating of women a) does not imply a repeated, intense, and random use of maximum force but rather a symbolic gesture of rebuke and punishment;⁵⁴ b) is a restriction on hard hitting as practiced in seventh-century Arabia and was, thus, an improvement in the women’s situation and not an injunction of universal validity;⁵⁵ c) indicates a measure of last resort in a three-step attempt to solve a marital crisis and is, thus, not a way to discipline disobedient wives;⁵⁶ d) is a strike of very little intensity, more like a soft stroke with a towel,

⁴⁷ Asma Barlas, “Believing Women” in *Islam: Unreading Patriarchal Interpretations of the Qur’an* (Karachi: Sama, 2004), 186.

⁴⁸ ‘Ā’isha‘Abd al-Raḥmān, *Al-Maḥfūm al-islāmī li’l-taḥrīr al-mar’ah* (Khartoum: Jāmi‘at Umm Durmān, 1967), 12.

⁴⁹ Barlas, “Believing Women”, 187.

⁵⁰ Amina Wadud-Muhsin, *Qur’an and Women* (Kuala Lumpur: Penerbit Fajar Bakti, 1992), 72.

⁵¹ Wadud-Muhsin, *Qur’an and Women*, 73.

⁵² Aziza Al-Hibri, “A Story of Islamic Herstory: Or How did We ever get into this Mess?,” *Women and Islam: Women’s Studies International Forum Magazine* 5, no. 2 (1982): 207–19 (217).

⁵³ Aziza al-Hibri, “Islam, Law and Custom: Re-defining Muslim Women’s Rights,” In *Women and Islam*, ed. Aziza al-Hibri, 32 (Oxford: Pergamon Press, 1997)—an argument that slightly contradicts her earlier one published in 1982, see previous footnote.

⁵⁴ Barlas, “Believing Women”, 188.

⁵⁵ Wadud-Muhsin, *Qur’an and Women*, 76–77.

⁵⁶ *Ibid.*

toothbrush, fan or folded handkerchief;⁵⁷ e) does not at all imply 'strike' but the "confinement of women";⁵⁸ f) simply means "to create an effect upon her" by employing nonviolent means,⁵⁹ or just g) "to strike out of a marriage".⁶⁰

Given his position as a 'radical', Shahrur would regard most of these interpretations as not far-reaching enough and, in spite of their well meaning, still inadequate for a real contemporary reading of the Qur'an. His explicit criticism of those feminists who interpret *al-qiwāma* as men's 'standing in service', implying that men are not the masters but in fact the servants of women, shows that he disagrees with the inherent or hidden structural imbalance in such a view. For him, the above-mentioned interpretations still perpetuate an essential inequality between the sexes. The most innovative aspect of Shahrur's reading of 4:34 is then that he does not subscribe at all to the men-women or husband-wife polarity that this verse seems to suggest. He maintains that the main theme of the verse is *al-qiwāma*, that is, leadership or guardianship *as such*, not the relationship between men and women. In order to prove this point he suggests reading the two terms *al-rijāl* and *al-nisā'* not as 'men' or 'women' respectively. Instead, he reads the two terms in a gender neutral way and proposes that both in fact imply men *and* women. Quoting verses in which *al-rijāl* (24:37) or *rijāl^{an}* (2:239; 22:27) are not exclusively used for male persons, he stresses that *rajul-rijāl* (sing.-pl.) is semantically not always restricted to connoting maleness. The generic sense of the lexeme *r-j-l* is 'to walk' or 'to go on foot', which in neither case is a prerogative of the male sex. Similarly, the term *al-nisā'* does not only mean 'women' but also expresses an ungendered notion of delay, deferral, or postponement. The Arabs say 'the delivery has been postponed' or 'Zayd is late', both expressions using the related term *al-nasī'* (connoting deferment), as does 9:37 "Verily the transposing (of a prohibited month) (*al-nasī'^u*) is an addition to unbelief...".

⁵⁷ Murad Hofmann, *Islam: The Alternative* (Reading: Garnet Publishing, 1993), 141.

⁵⁸ Riffat Hassan, "An Islamic Perspective," In *Sexuality: A Reader*, ed. Karen Lebacqz, 355–56 (Cleveland: Pilgrim Press, 1999).

⁵⁹ Hadia Mubarak, "Breaking the Interpretive Monopoly: A Re-Examination of Verse 4:34," *Hawwa* 2, no. 3 (2004): 261–89 (284–85).

⁶⁰ Dahlia Eissa, "Constructing the Notion of Male Superiority over Women in Islam: The Influence of Sex and Gender Stereotyping in the Interpretation of the Qur'an and the Implications for a Modernist Exegesis of Rights." *WLUML Occasional Paper*, no. 11 (November 1999): 45.

In the context of 4:34, it refers to a group of people (men *and* women) who ‘lack behind’ or ‘follow next’, namely behind those *al-rijāl* (men *and* women) who possess the authority of *qiwāma* (leadership or guardianship).

Such a gender neutral reading of *al-rijāl* and *al-nisāʾ* allows Shahrur to understand the verse not as a prescriptive instruction of a unique ‘Islamic’ gender relationship (and thus not to any preference, men or women), but as a description of a universal type of unequal distribution of talent as well as leadership qualities, which objectively and empirically exist in human society (Islamic or not). Since *al-rijāl* refers to both men and women, Shahrur argues that high competence, moral strength, determination, education, and strong cultural awareness will always lead to a situation where some men *and* women are put in charge of other women *and* men who do not excel in these things at the same level. *Bi-mā faḍḍala Allāh baʿḍahum ʿalā baʿḍim*—the line that follows the *qiwāma* phrase—here literally means a preference of ‘some of them’ (men *and* women) to ‘some others’ (women *and* men), as the personal pronoun suffix *hum* is again rendered as gender neutral. The marital context, which has been traditionally seen as the point of reference in this verse, is in Shahrur’s interpretation replaced by a reference to a wider societal context, in which in all spheres of social, political, cultural, and economic life some men *and* women outperform others and thus assume leadership.

Following this line of argument that circles around an ungendered concept of *qiwāma*, Shahrur turns then to those terms that *are* grammatically feminine. The term *qānitāt* refers to those women who faithfully preserve the special skills and power of *qiwāma* which God has bestowed upon them: they ‘guard what God would have them guard’. If they keep using their talents for the benefits of all, they are ‘righteous women’ (*ṣāliḥāt*). If, however, they squander God’s special gifts, they become *nāshiza*, that is, women who, because of their carelessness, are unfaithful to their talents and abuse their position of leadership. *Nushūz* is here interpreted as lack or abuse of *qiwāma* in all spheres of life where women (or men—as stated in 4:128) assume leadership and responsibility; it does not refer to any kind of marital crisis (or worse, to disobedience, stubbornness, or dislike). Once the marital context is out of the way, Shahrur is able to apply (almost) universally acceptable rules on how to deal with lack or abuse of power: a) admonition and official warning first, then b) avoidance of close (social and personal) contact, and finally c) the withdrawal of

the right of leadership/guardianship. Quoting several Qur'anic verses that use derivations of the lexeme *ḍ-r-b*, Shahrur maintains that *ḍaraba* is such a polysemous word that the most literal reading, 'to strike', is too restrictive and inconsistent with any other verse or even most *ḥadīths* in this respect. *Idribūhunna* thus implies a nonaggressive and nonviolent but firm resistance against any abuse of *qiwāma*, a kind of civilised conveyance of discontent and rebuke carried out by men *and* women.

In sum, Shahrur's interpretation of 4:34 is able to give women full social and juristic status whereby their entire intellectual, physical, moral, religious, and economic capacity is secured *sui juris*, and where women are in control of their own agency unchecked by any notion of male leader- or guardianship. And the possibility that the Qur'an might sanction domestic violence or that husbands might be allowed to beat their wives into obedience is seen as entirely out of the question. In the light of Shahrur's interpretations, verse 4:34 should then be read as follows:

People lead other people, who follow them, because Allah has given some of them more talent and competence than others, and because they have more financial power (than others). Hence righteous women are those able and competent women who guard their talents of leadership (for the good of society), which Allah has asked them to guard. As to those women whose incompetence and lack of good leadership you fear, warn them first, then reduce intimate contact with them and, finally, resist firmly but nonviolently the abuse of their position of leadership (before you withdraw leadership from them). Should they then comply (with what you are saying), do not seek a way of harming them; for Allah is Sublime and Great!⁶¹

This interpretation of 4:34 shows that for Shahrur the morality of the *al-qur'ān* is not—as with quite a number of so-called modernist interpretations of the Qur'an—limited to only a select few legal enactments, while women's human rights remain severely compromised. His understanding of the *al-qur'ān's* universal moral message tells him that the female is an autonomous moral being who has a

⁶¹ Verse 4:128 is then understood to be paired with 4:34 and to be read as follows: "If a woman fears lack of respect and loss of good leadership on her male partner's part (married or not), she should strongly object to this and be firm in her protest, aiming for an amicable agreement between them, for such an agreement is best, even though men's souls are swayed by greed (that is, lack of self-criticism). But if you do good and practice self-restraint, God is well-acquainted with all that you do".

direct relationship with God who is her only guardian. He wants this to be adequately preserved in his legal interpretations of *umm al-kitāb*, in which no limitation or advance privilege is ascribed to any gender group under any circumstances, and in which individual morality is recognised as more important than the preservation of different or reciprocal social roles on the basis of sex or gender. Shahrur's reading of 4:34 also shows to what extent he is prepared to go in finding a semantic congruence between the legal verses of the divine text and what he sees as the eternally valid laws of God's ethical code. As for any other structuralist interpretation, the meaning of 4:34 is not encapsulated in its individual words (*al-nisā'* does not always and essentially refer to 'women', nor does *al-rijāl* intrinsically mean 'men') but is construed through the relational properties of words within a particular set of reading conventions which, in Shahrur's case, departs from every single customary rule in the study of the Qur'an. Here his stern anticlericalism finds itself utterly vindicated since any reliance on traditional *tafsīr* would have drawn him back into a discourse that attempts to rationalise sexual discrimination in one form or another. This is the reason for his defence of his main methodology of *sola scriptura*, that is, complete reliance on the qur'anic text alone: no other text/authority of the past can stand between him and the text in front of him—it is “as if the Qur'an was revealed last night”.

Shahrur's ultimate concern when applying his philosophical ideas to the sphere of Islamic law is to accomplish that semantic congruence between the ethical and legal verses of the Qur'an, symbolising God-given morality and humanness in a legal system. And it is this concern which motivates him to prove to his secularist critics that the ethical concepts of rational philosophy are not entirely incompatible with the legal notions of Islamic jurisprudence. In fact, he does not completely abandon the tools and even rhetoric of the *fuqahā'*, but often retrieves suppressed or marginalised legal interpretations, while revealing a remarkable knowledge about the 'orthodox' positions which he then begins to amend. And since it is not easy to deal in detail with Islamic law from a purely philosophical point of view, and since his philosophical views are all outlined in Qur'anic vocabulary, one occasionally gets the feeling that he applies to universal ethics, religion, and law a still dominantly 'Islamic' rather than purely philosophical or scientific perspective. Ironically, in Shahrur's effort to fit the God of the Qur'an or of *sharī'a* law into the mould

of a neo-Whiteheadian system, parts of the latter's truly and uncompromised universality seems to have been lost.

On the whole, though, Shahrur's attempt to set up the universally human aspects of the Qur'an and then to apply these to his legal exegesis is eminently successful. No other modern Muslim writer, except perhaps Fazlur Rahman, has managed to combine both a theoretical critique and a concrete analysis of the qur'anic text that covers such a large area of Islamic law. Indeed, Shahrur's writings on the rules of bequests and inheritance law, polygyny, women's dress codes, and personal status law, all developed on the basis of his theory of limits, constitute a landmark in the development of modern Islamic thought and deserve broad attention. Moreover, his compelling fusion of European philosophical concepts with a qur'anic worldview has not only achieved the establishment of a 'theory' which Shahrur saw as vital for overcoming the intellectual crisis of Arab nationalism, but also forcefully addresses the current crisis provoked by radical Islamism.

True, much of the idealism, scientific positivism, and high-flown enthusiasm for evolutionary progress that characterised nineteenth-century European philosophy seems a bit alien to the disillusioned, postmodern spirit of our current time. Undoubtedly, what was then called rational, universal and moral may be seen now as irrational, context-bound, and interest-driven; and the ideal of an irreversible progress of human knowledge climaxing in a total grasp of absolute knowledge may seem to some either as too simplistic or entirely anachronistic. Shahrur's conviction that the ethical ideals of *al-islām* are indivisible and eternally valid will be unacceptable to those who deconstruct this as just another product of a monotheistic worldview in the tradition of Judeo-Christian-Islamic theology, ignoring non-monotheistic and nontheistic/nontranscendent ethical models (e.g., choice theory or situation ethics). His faith in the incorruptible rationality of modern philosophy and in the moral efficacy of the modern sciences may appear too naïve to those more critical in their appraisal of what philosophers and scientists have contributed to what is irrational and evil in the modern age. Many of Shahrur's own interpretations will be seen as too subjective and arbitrary, or incompatible with a rigorous, falsifiable, and verifiable system of textual analysis. And his absolute trust in the essential goodness of secular, parliamentary legislation and his unbroken optimism that this embodies the humanness of society much better than the '*ulamā's*

uncodified religious law, might be untenable to those who seriously question the political implications of such a concept (e.g., after the British parliament in 2003 sanctioned an unjust war in Iraq).

And yet, none of this has deterred ten thousand and more readers in the Arab-Muslim world from being ‘hooked’ by what Shahrur has written. The core meaning of his work is not so much determined by the novelty or originality of individual ideas or approaches as such, but by its boldness and power to suggest an alternative way to what is assumed to remain as ‘orthodox’. The appeal of his call for rationality and scientific objectivity lies in the readers’ exposure to a religious climate of an incredible anti-intellectualism spread from thousands of pulpits throughout the Middle East. Shahrur’s stress on the priority of ethics over rituals find its significance against the background of thirty years of public debate about the full implementation of *sharī‘a* law in Muslim countries and the devastating spirit of overzealous legalism that accompanied it. His emphasis on a strictly contemporary reading of the Qur’an and the accent he lays on a progressive trajectory of human development have their bearing in what critics of the Islamist movement see as an absurd obsession with the past and the cultural details of seventh-century Mecca and Medina. And his call for a return to the universal, ethical objectives of Islam (*al-islām*) is important in the light of the excesses of religious fundamentalism and Islamic radicalism which have existed in the Arab Middle East since as early as the mid-1970s. The ultimate relevance of Shahrur’s books for Muslim readers, however, originates in the fact that he manages to synthesise critical reasoning with religious thought, which for both his secular as well as his traditionalist opponents is anathema. Instead of citing numerous authorities of medieval legal schools as the best proof for the quality of an argument/interpretation, Shahrur suggests shifting the emphasis from ‘borrowed authority’ to the authority of one’s own rational faculty. Instead of memorizing an ultimately amorphous corpus of *hadīths* in order to produce a tolerable rendering of a qur’anic passage, Shahrur encourages individual’s critical thought—however subjective or idiosyncratic—in order to make the text meaningful to Muslims today. For those Muslims who want to apply their critical reasoning, which it is increasingly encouraged to use elsewhere in society, to their own religion and yet still maintain their religious identity as ‘good believers’ and in full harmony with their critical mind, this approach appears to be conclusively attractive.

INTRODUCTION

by Muhammad Shahrur

Since the beginning of my attempt to reunderstand and reread the Qur'an I have published five books in Arabic. This volume seeks to convey my thoughts in one concise volume especially prepared for an English-speaking audience. The main intention of my work is to go beyond the epistemology of traditional Islamic scholarship. What is too often hailed as either inimitable or unsurpassable holds us in fact back when we attempt to reach new insight. In order to achieve genuine renewal and lasting reform we cannot rely on the solutions of bygone eras. As Einstein once said, "The world we have made as a result of the level of thinking we have done thus far creates problems that we cannot solve at the same level at which we have created them...We shall require a substantially new manner of thinking if humankind is to survive." In order to solve the current problems of the Arab-Muslim world we are required to use the ideas and thoughts of our most creative minds even if their proposals appear unusual or unfamiliar. But the familiar and the well-acquainted are often insufficient to solve the challenging problems of our ever-more-complex world. We want this volume to be perceived as a relentless critique of all attempts to reform Islam by a return to seventh-century Arabia and through an adoption of the archaic worldviews of our *salafī* forefathers. Such reforms, we believe, are utterly fruitless and bound to fail because they possess an inherently atavistic nature that is incompatible with the modern episteme that demands plurality, tolerance, and progressive thinking.

Allah's *Book* teaches us to divide human history into two historical epochs. The first epoch is the period of prophets and messengers, which ended with Muḥammad's (ṣ)¹ mission. The second epoch

¹ The transliterated Arabic letter (ṣ) stands for: *ṣallā Allāh 'alayhi wa-sallam* (God bless him and grant him salvation!) by which Muhammad Shahrur [henceforth he will be referred to as MS] adopts the standard eulogy applied when the name of the Prophet Muḥammad is mentioned; (r) stands for: *radīyya Allāh 'anhu* (May God be pleased with him!), which MS occasionally employs as a eulogy for the prophets that came before Muḥammad.

began after Muḥammad's (ﷺ) death, and is the epoch in which we still live today. In this second epoch, humankind no longer requires God's² prophets and messengers because human beings have matured to such an extent that they can, without direct interventions from God, confidently explore the laws of the universe. This allows human societies today to issue legislations without the instructions from living prophets or messengers. Think of the creation of human rights, the abolition of slavery and the emancipation of women, all of which are indications that a new level of civilisation has been reached as the result of a postprophetic way of legislation. It would be an extreme regression if we tried to establish a modern society on the basis of premodern values and bygone norms. Our task today is not to regress to a state of society that is less complex than the previous one but to develop the most advanced forms of civil society whose impact can be felt by every despotic ruler in this world.

In this volume, Allah's *Book* is presented as the seal and ultimate expression of the first epoch of humankind, the period of prophetic guidance. This confronts us with the question of how to read and understand it from the perspective of those who live in the second epoch in which direct prophetic guidance is neither necessary nor longer available. Just as in the seventh-century people understood Allah's *Book* with the help of what was *then* contemporary knowledge, in the twenty-first century we must understand it with what is *now* contemporary knowledge. Only through such a truly contemporary rereading of Allah's *Book* can we succeed in achieving real reform and a successful renewal of Islamic thought.

We offer a radically new interpretation of Allah's *Book* (*al-kitāb*)³ which fundamentally questions the so-called sacred certainties of

² The English term 'God' and the transliterated Arabic term 'Allah' will be used interchangeably for the Arabic word **الله**. The aim of using these terms interchangeably is to avoid perceiving **الله** as primarily the God of the Arabs or Muslims (if only 'Allah' were used) or as 'God' of the Judeo-Christian tradition with all its specific (Biblical) connotations (if only 'God' were used). For MS, **الله** is the indeterminable, nontemporal, nonspatial and nonreducible entity of mere creativity and objective existentiality that is, philosophically and epistemologically, a wider category than the traditional categories of either 'Allah' or 'God'.

³ MS does not use the term *al-qur'ān* because, as it will be fully explained in chapter 3, *al-qur'ān* constitutes only one subunit of Allah's *Book*, not the entire revelation. Instead, he uses the term *al-kitāb*, translated as '*the Book*' (written in italics and with capital initial letter), which contains both *al-qur'ān* and the other parts of Allah's

Islamic theology and the so-called fundamentals of Islamic jurisprudence. However, we do not claim that this is the only correct interpretation or the only possible way to understand the text. We reject the dogmatism of the *salafī* traditionalists and their claim to be in the possession of absolute knowledge about the Qur'an. Such claim is a violation of Allah's oneness, as it presupposes that humans can be equal to God in His knowledge, which to claim is—as verse 43 of Sūrat al-Ra'd states—truly blasphemous: 'Say, "God is sufficient witness between me and you: all knowledge of the Scripture comes from Him"' (Al-Ra'd 13:43, AH).⁴

Our study is concerned with the exposition and fresh interpretation of God's revelation to humankind. It is vital for the reader to understand that we follow a different methodology in reading the divine text of Allah's *Book* and that we do not stand in the tradition of scholarly disciplines such as *'ulūm al-qur'ān* or *tafsīr al-qur'ān*. Our methodology will be laid out in the separate chapters of this volume, but some of the most important linguistic and philosophical-hermeneutical aspects that underlie our approach are summarised in this introduction.

LINGUISTIC PRINCIPLES

We understand the process of reading texts, of whatever type or format, as a process of communication between the author and the reader/listener via the medium of the text. We believe that it is possible for the reader to learn about the author's intention by reading the text alone. There is no need to go back to the author and ask what the meaning of the text is. However, no reader can ever claim

revelation. When the author refers to the conventional understanding of the Qur'an (i.e., the entire *Book*), the term is capitalized and not italicized in order to distinguish it from *al-qur'ān* as MS defines it. The same rule will apply for other terms that are differently interpreted by MS, e.g., *al-islām* ↔ Islam; *al-īmān* ↔ Iman; *sunna* ↔ Sunna; *al-shahāda* ↔ Shahada; *al-zakāh* ↔ Zakah, while in other cases different spelling + translation indicates a departure from the conventional rendering of the terms, e.g., Muslim-Assenters for *al-muslimūn* or Muslim-Believers for *al-mu'minūn*. For further clarifications on the different understanding of the Qur'anic terms, see the Glossary of Terms and Concepts.

⁴ References to the Qur'an will normally include the full name of the *sūra*, its number and the number of the verse that is quoted. If the name of the *sūra* has already been given or is mentioned in a footnote, a shorter version is used that only cites the number of the *sūra* followed by the number of the verse, e.g., 33:35.

to have fully understood the text because this would imply that in terms of the acquired and transmitted knowledge of the text reader and author have become absolutely identical. As for *the Book*, which embodies the ultimate level (of knowledge), its author is Allah who alone possesses absolute knowledge about it. While the text of *the Book* is of divine origins, all its readers/listeners are humans like you and me whose knowledge is not absolute. Human knowledge of the divine text is partial, limited, and relative. Therefore, people understand the text in different ways according to their historically conditioned, context-based perceptions of the text's meaning. Until the coming of the Last Hour this will be the unchanging hermeneutical condition in reading the divine text, because the human reader will always be influenced by the time and historical context in which he or she lives.

Because no revelation has occurred after the last one to Muḥammad (ṣ), who hence completed all previous chains of prophethoods, every prophecy has its fixed time and cannot be infinitely extended. We also argue that since Allah alone has absolute knowledge of the text we human beings only possess relative knowledge that aspires to reach towards the unattainable absoluteness of Allah's knowledge. If it is true that the era of revelations has come to an end with Muḥammad (ṣ) and that only Allah enjoys absolute knowledge, then the divine text must possess the quality of 'assimilatability' (*al-tashābuh*). This means that even if the form of the text in its literal substance is fixed, its content (that is, its meaning) moves. This movement means that the rules and injunctions of the text have the flexibility to be applied according to the changing circumstances of human societies, a flexibility that is the core element of *ḥanīfiyya*, which we define as the curved movement of human legislation within the straight lines that God has set up. We do not mean by *flexibility* moral and legal relativism but rather a greater amount of responsiveness to the needs of human societies. This can be achieved by applying divine norms within the boundaries of upper and lower limits that the text provides. It implies that Allah has left it to us to make sense, by way of our relative and context-related knowledge, of the many injunctions in the text, and to fill the gaps that the text has left—all of this strictly within the constraints of the divine boundaries (or limits).

In our linguistic analysis of the divine text we start with the premise that words cannot be meaningless. This is a departure from tra-

ditional exegesis which claims that some words in Allah's *Book* have no meaning or that their meanings cannot be grasped by the human mind. Such a claim entirely ignores the purpose of Allah's revelation because it was sent down 'so that [we] may *understand*' (Yūsuf 12:2). It ignores that words, in their phonetic and grammatical expressions, always serve their (intended) meanings or, put differently, that the meaning of a word is determined by the linguistic structure into which it was purposefully embedded. The function of language is therefore to serve the communicative purposes of those who speak this language and who want to convey their thoughts and ideas to their readers/listeners. No word can thus become meaningless. To claim that some of God's words are semantically obscure or cannot be understood by humans is to deny the communicative purpose of revelation and contradicts its explicit aim to be understood. It is to deny that language is a carrier of thoughts through which it acquires meaning. Only language outside any human thought at all (the language of animals, for example) is incomprehensible (to us), but in this case such language will also be entirely insignificant as 'text'. This is certainly not the case with Allah's *Book*. Its language *does* fully function within the constraints of the human intellect. To claim that its language (Arabic) is so 'sacred' that it cannot be understood by the human mind is irrational and also contradicts everything we know about how languages work.

If the meaning of a word is determined by the communicative purpose that a speaker/author gives to it, it implies that meaning only exists within the structure of any given language and any concrete historical context. It does not reside within the word itself. If we want to make sense of a person's speech we do not analyse each individual word separately and in isolation from its place in the sentence structure or the entire system of a language. We follow in this al-Jurjānī who maintained that words in isolation, that is, words purely as lexical items, do not make sense until they are constructed in a certain way, and arranged and harmonised in one pattern rather than another. Al-Jurjānī believed that isolated words have no communicative or expressive value, and that the only possible way to mean anything is for words to be included into sets of relations which dramatically change the way the single word is to be understood.⁵

⁵ 'Abd al-Qāhir Ibn 'Abd al-Raḥmān al-Jurjānī, *Kitāb asrār al-balāgha*, ed., Hellmut Ritter (Istanbul: Maṭba'at Wizārat al-Ma'ārif, 1954), 3.

When we say that the meaning of a single word is derived from the composition and the grammatical structure of a certain text we also imply that its explicit meaning is derived from what is implicit, that is, not explicit or 'silent'. When someone says, for example, that 'Joe ate a red apple' we realise that the meaning of the colour red is established through the fact that other colours exist that are *not* red. Or if we hear in Allah's speech that 'these are the sins that are inexcusable' we understand its meaning, and the significance of stressing that *these* sins are inexcusable, only because of our implicit knowledge that other types of sins might exist that are *not* inexcusable but good and justified. Since Allah's *Book* avoids tedious elaboration as well as elliptic terseness, it is of paramount importance, in particular in our legal interpretations of the verses, to read the explicit as well as the implicit in the text. When we hear, for instance, in *Sūrat al-Nisā'*, verse 11, 'if there be more than two females, then they should receive two-thirds of what he (the deceased father) leaves', or 'but if there is only one female, she is entitled to one half' [FM], we realize that in both instances the existence of a male heir is implied even if the text does not explicitly refer to male heirs.

The Book expresses its structure, composition, and meaning with utmost precision, a precision comparable to the structural perfection that one finds in nature and that is studied in chemistry, physics, biology, medicine, and mathematics. This is because the Creator, who has created the universe with its smallest atoms and particles and who has created human beings with their organs, bones, arteries, eyes, ears, and noses, He is the same who also authored *the Book*. We therefore need to acknowledge the unity of the Creator and the unity of universal laws, expressed both in nature and *the Book*. As in nature, every letter of His words has a specific function and meaning. As in nature, *the Book* does not contain anything that is semantically redundant or superfluous. Some grammarians have called repetitive features of the text 'matters of emphasis' and have claimed that such features affect the style but not the meaning of the text. We, however, believe that a concession of redundancy undermines the divine authority of *the Book*. We believe that it is impossible to take away a single word or to even remove a single particle from the text without seriously damaging the integrity of its meaning. Likewise, every attempt to restructure the syntax of the text, for example by moving a word forward or backward, would significantly alter the intended sentence structure. This would not only change the aesthetic effect

and the musical rhythm of the verse but also quite substantially its meaning. In our interpretation of *the Book* we must therefore strictly observe the unity between form and content, that is, a harmony between the linguistic expression and its semantic content. If we violate this unity and study a word's meaning separate from its lexical form, for example by disregarding its tense, gender, or number, we will produce more confusion than clarity, and ambiguities will obfuscate the actual clear intentions of the text.

If *the Book* does not contain anything redundant or superfluous, it follows that the significance of a single word cannot be conveyed by another word. Two or more different words cannot express the same idea, because if they did we could replace one word with another and could claim that the meaning has not changed or that the expressive power of the construction is still intact. But this is impossible because God's speech is never redundant or arbitrary. It is precise and purposeful. One cannot remove a single dot in the text without corrupting its meaning. This implies that absolute synonymy does not exist in Allah's *Book*—neither in the form of individual words nor whole idiomatic phrases. The often-assumed synonymy between, for example, *al-kitāb* and *al-qur'ān*, between *lawḥ mahfūz* and *imām mubīn*, or between *al-ba'l* and *al-zawj* is unsustainable. If *al-qur'ān* meant exactly the same as *al-kitāb* why did Allah not drop one of the two and why did He not continue to use just *al-qur'ān*? Why did His revelation continue to use both *al-kitāb* and *al-qur'ān*? We believe that the two terms are indeed semantically distinct. Each embraces a different range of potential meanings whose disclosure has enormous implications for our perception of Allah's revelation. Also, the word *al-ba'l* should not be perceived as completely synonymous with the word *al-zawj*, meaning 'husband', since in the context of verses 24:31 and 4:31, which discuss behavioural codes for women and men, they are definitely not synonymous, and their semantic distinction is crucial for a proper understanding of the social and legal issues involved.

To allow synonymy in *the Book* would imply that we allow the principle of substitutability in Allah's revelation. If *al-kitāb* can always be substituted for *al-qur'ān* without changing the meaning or the truth of the verses, then we would concede that Allah's speech is imprecise, indistinct, and full of conceptual fuzziness. *The Book* says: 'These are the verses of *al-kitāb* and a *qur'ān* that makes things clear.' (Al-Ḥijr 15:1) The doctrine of synonymy led to the erroneous view that

al-kitāb and *qur'ān* in this verse express an absolutely identical meaning, ignoring the fact that both terms possess two entirely different linguistic forms and etymologies and that they are linked by the conjunction *and* (-wa), indicating an addition (+) and not an equation (=). If both words were synonymous one of the two would be superfluous and the verse could, for example, stop earlier: 'These are the verses of *al-kitāb*'. Or the two words could be swapped around: 'These are the verses of a *qur'ān* and *al-kitāb*'. This however—in both cases—would change the meaning of the verse significantly. The fact that the verse contains both words and connects them with the conjunction *wa-* cannot be explained away by the argument that they are synonymous and cannot be justified only by a reference to poetic licence imposed by the rhyme or metre of the verse. Assessed as single, isolated words (that is, in isolation from grammatical and syntactic relations) the two terms do share a similar semantic field and can be used in some instances of everyday speech as synonyms. But the point is that as soon as these two isolated words have been inserted into the grammatical and syntactical construction of a concrete verse (15:1), connected by the conjunction *wa-*, they *do* mean two different things and the one cannot be substituted by the other. This underlines the argument, held by the majority of modern linguists, that perfect synonymity is impossible in concrete syntactic and grammatical relations of human speech (and this is different from words in isolation).

If there are terms, for example, the fifty or more words in Arabic for a she-camel, which are treated as synonyms (that is, all referring to the same semantic core, i.e., the she-camel), we should not regard this as an argument against nonsynonymity. Firstly, it shows that everyday life of nomadic Arab tribes demanded that nomads communicated the subtlest differences of the appearance of a she-camel with the help of a variety of different terms. To substitute one with another would have meant a loss of precision and clarity and could have led to potentially serious misunderstandings. Secondly, it does not disprove our point that these fifty or more words for she-camel are synonymous only because they are isolated words, for example as they appear on a list of terms for she-camel or as they are listed in a dictionary. If they enter into the construction of a phrase or sentence they become part of a syntactical pattern whereby they lose their synonymity. This applies to all the words in *the Book* which we do not read as isolated words but always in a concrete syntactical

arrangement. For example, when we come across the following verse: ‘For Muslim men and women (*al-muslimīn wa’l-muslimāt*) and for believing men and women (*al-mu’minīn wa’l-mu’mināt*)...’ (Al-Aḥzāb 33:35), we realise that the two terms *al-muslimīn* and *al-mu’minīn*, even if they, as isolated words, may be seen as near-equivalents, cannot exactly mean the same. Why would Allah repeat the same concept twice and then link them with the conjunction *wa-*? We realise that the text indeed refers to two different types of believers, one called *al-muslimīn* and the other *al-mu’minīn*. This requires us to uphold this distinction and then search for a terminological clarification in other verses of *the Book*. As another example, if we read in verse 11 of Sūrat al-Nisā’ ‘to each of his *carer* parents [*li-abawaihi*], one sixth of what he leaves’, we should not assume that *li-abawaihi* can be replaced by *li-wālidaihi*, ‘to each of his *biological* parents [*li-wālidaihi*]’, because *abawān* and *wālidān*, even if both mean ‘parents’, are different, non-synonymous terms that refer to two different kinds of parents (carer parents do not necessarily have to be the biological parents of a child, that is, its ‘birth-givers’), and this terminological distinction is significant in the discussion of inheritance laws.

The assertion of nonsynonymity lies at the heart of our methodology. This is one of the reasons why our approach is different from that of traditional exegetes who all operate on the assumption that synonymity exists in Allah’s speech. We believe that for a truly modern understanding of the text it is necessary to leave behind the era of ‘*ulūm al-tafsīr*’ which is based on the doctrine of synonymity. Our aim is to reach for a more subtle and precise understanding of the divine text in which every word in *the Book* expresses a unique meaning. It is also our aim to leave behind the dichotomy between grammar and rhetoric in Arabic linguistics that we have inherited from medieval scholarship. In the history of Arabic linguistics we saw how grammarians such as al-Khalīl⁶ and Sībawayh⁷ developed different

⁶ Ibn Aḥmad al-Farāhīdī al-Khalīl (d. 175/791), was one of the earliest Arab grammarians. He was also a lexicographer and phonologist who belonged, like Sībawayh (his pupil), to the Baṣra School of Arabic grammar. With his other pupil Layth b. al-Muẓaffar he compiled the first dictionary of the Arabic language called *Kitāb al-‘Ain* (the Book of ‘Ain—because it begins with the letter ‘Ain). His methodology, which was to exemplify his entries with references to Arabic poetry, became the standard method in Arabic lexicography for many centuries.

⁷ ‘Amr b. ‘Uthmān Sībawayh (d. 177/793), was a philologist and grammarian from the Iranian province of Fars who belonged to the so-called Baṣra School of Arabic grammar. His only work, *al-Kitāb*, is a compendium of Arabic grammar that

positions from those of rhetoricians such as Abū ‘Alī al-Fārisī,⁸ Ibn Jinnī,⁹ and al-Jurjānī.¹⁰ We witnessed how their debates initiated a great amount of hostility and eventually created a sharp divide between Arabic grammar and rhetoric. We today who live in the twenty-first century must overcome this divide and combine in our reading of *the Book* both grammatical and rhetorical analysis. We should also not forget that in the meantime, other disciplines such as mathematics, physics, chemistry, astronomy, and medicine have advanced on an unprecedented scale which gives us the opportunity to go beyond the narrow range of the philological disciplines and include, in a measured way and only if it is absolutely appropriate, the insights of the social and natural sciences. We deem it as inexcusable that some current scholars still interpret *the Book* solely on the basis of medieval sciences, ignoring the need to apply the latest findings of modern sciences.

Finally, it is our intention to read Allah’s *Book* not in isolation from social reality. It is a scandal how little traditional exegetes cared for the societies in which they were born and bred, and whose subsidies they enjoyed in order to interpret the divine text for their people. It is also a scandal how dogmatic they read the text and how often they projected their preconceived ideas of Islam, revelation, and Arabic grammar on the text and distorted what *the Book* actually says. We should always remind ourselves that the rules of Arabic grammar and lexicography were fixed only after *the Book* was revealed to

he compiled from the texts of the Qur’an and the *hadīths* of the Prophet aiming at deducing the rules of the Arabic language from the way Arabic was used in those two sources. It has been the standard work of Arabic grammar for many centuries in spite of the fact that it was severely criticized for its often flawed methodology and implausible conclusions.

⁸ Abū ‘Alī al-Fārisī (d. 377/987) was a grammarian and lexicographer from Iran but lived most of his life in Baghdad. His teachers were Ibn al-Sarrāj and al-Zajjāj, while he himself became the teacher of the famous grammarian Ibn Jinnī. His most significant book, *al-Īdāh fi’l-naḥw wa’l-takmila*, is a compendium of Arabic grammar and rhetoric that has been the subject of numerous commentaries.

⁹ Abū ‘l-Fath ‘Uthmān Ibn Jinnī (d. 392/1002) was a grammarian from Baṣra, a pupil of al-Fārisī, and befriended the poet al-Mutanabbī. He is the author of several books on Arabic grammar and rhetoric, e.g., *Sirr šinā‘at al-‘rāb*, *al-Khaṣā’iṣ* or *al-Munṣif*. He wrote a commentary on the *Dīwān* of al-Mutanabbī and of Ibn Aws al-Tā’ī (*al-Hamāsa*).

¹⁰ ‘Abd al-Qāhir Ibn ‘Abd al-Raḥmān al-Jurjānī (d. 470/1078) is a well-known linguist and rhetorician who wrote seminal books such as *al-‘Awāmil al-mi’a*, *Kūtab asrār al-balāgha*, and *Dalā’il al-‘i’jāz*.

humankind, not before. When, for example, the linguist Sībawaih described the grammatical rule that noun and verb in a sentence must be congruent in gender and number, it contradicted Allah's speech in verse 19 of Sūrat al-Ḥajj: 'Here are two adversaries who dispute about their Lord...' [FM]¹¹, because the dual form of the noun does not correspond with the nondual, plural form of the verb. And yet, we must not assume that Allah made a grammatical mistake because of Sībawaih's rule. Instead, we shall assume that the rule was not laid down with absolute precision. The many disputes about this and the emergence of different linguistic schools debating the correctness of this rule prove our point. Grammatical rules and theories of language must be derived from the actual usage of the language, and these rules and theories must be based on the Arabic usage of *the Book*—it should not be the other way around. What is right and wrong must not be declared by Arabic grammarians but by the actual language use of Arabs. The text will always rule over theory, not theory over the text.

PHILOSOPHICAL PRINCIPLES

As for the philosophical premises of our rereading of Allah's *Book*, we first of all need to refer to our tripartite concept of existence with which we aim to illustrate our thinking about the dynamics of development and progress. This explanatory tripartite model will be used both for the description of the universe as a whole and for the analysis of human societies in particular. In this philosophical model we also employ mathematical terminology and explain the dialectical relationship between movement and stasis in cosmos and society on the basis of three coordinates: 1: 'being' (*al-kaynūna*), 2: 'progressing' (*al-sayrūra*), and 3: 'becoming' (*al-ṣayrūra*). Let us begin by exploring the characteristics of these coordinates by referring to a more general theory of existence. The first coordinate, 'being', is defined as the material existence of our universe. Such 'being' filled the realm of the empty space of the cosmos even before it turned into the material world we now know. It is therefore true to say that such material

¹¹ 'Hādihāni khaṣmāni ikhtaṣamū fī rabbihim...' (Al-Ḥajj 22:19); according to the rules of Arabic grammar (about congruence in gender and number) it should be as follows: 'Hādihāni khaṣmāni ikhtaṣamā fī rabbihim...?.'

‘being’ exists whether we human beings can perceive it or not. It exists outside of our human consciousness. The second coordinate, ‘progressing’, refers to time. It denotes movement, process, and motion. Time is intrinsically linked to the first coordinate, to the extent that ‘progressing’ is the signifying force of ‘being’, that is, the material existence. In other words, only through movement, process and motion—that is, time—do the manifestations of the material world come into existence (and are visible, audible, touchable and such). ‘Becoming’ is the indispensable third coordinate that denotes change, alteration, and transformation. Existence would be incomplete, or two dimensional, if this third evolutionary dimension, which attributes purpose to ‘being’ and ‘progressing’, was excluded. Without this dimension of ‘becoming’, objects of the material world would wander randomly and aimlessly through time and space. It would lead to self-destruction and eventually nonexistence. Conversely, no item could change or move if it did not exist materially in the first place. In short, no ‘becoming’ and ‘progressing’ without ‘being’, and no purposeful ‘being’ without ‘becoming’ and ‘progressing’.

The Book emphasises the need to unite the three coordinates and stresses the mutual inclusiveness of ‘being’, ‘becoming’, and ‘progressing’. The best example we can give is this:

O people, if you are in doubt regarding the resurrection, We have indeed created you from dust, then from a sperm, then from a clot, then from a little lump of flesh, partly formed and partly unformed, in order to show you. (Al-Hajj 22:5)¹²

In this verse, ‘being’ is expressed in the sentence ‘We have indeed created you from dust’. ‘Progressing’ is discernable in the transformation of dust into water (sperm). And, finally, ‘becoming’ takes place in several chains of existential transmutations, that is, the change from dust to sperm, from sperm to a clot, from a clot to a little lump of flesh, each chain representing different levels of ‘being’.

The two dimensions of ‘being’ and ‘progressing’ can be described as the upright or vertical coordinates of existence, representing existence in all its material and temporal manifestations. The third

¹² See also: ‘And in the earth are plots adjoining each other and gardens of vines, tillage and palm trees, from one or different roots, which are irrigated by the same water...’ (Al-Ra‘d 13:4, MF)

dimension, 'becoming', can be seen as a horizontal coordinate that displays the extent to which existence is developing and changing. If we take this model into the earliest possible time period, we observe that all three dimensions were manifested during the Big Bang at the beginning of our world. After the explosion, the first material components, the photons, turned into hydrogen; hydrogen then turned into helium; helium into nonorganic beings; nonorganic beings into organic beings; organic beings into living creatures of primitive, protoplasmic cells; primitive cells into animals; and finally animals into human beings. Such chains of transformations point to a continuous process of 'becoming' which has, since then, become a constant feature of nature's two other dimensions: 'being' and 'progressing'.

If we take our model into the future and see what will happen at the end of this world, we recognise a rather two-dimensional existence: 'being' and 'becoming' will exist without 'progressing', existence in all its manifestations will freeze in time: 'being' comes to a standstill and time, as we know it, will cease to exist. Existence will degenerate as its outward manifestations infinitely regress. Such a situation is manifest in *the Book's* description of Hell and Paradise, where time is nothing but an accumulation of eternally fixed realities. Existence in the fire of Hell, for example, will be frozen, the outward manifestations of suffering and pain will not change, and the souls of the sinners will be tortured forever. In verses 106-7 of Sūrat Hūd we hear:

As for the wretched, they shall be in the Fire; they shall have therein groaning and moaning; abiding therein forever, so long as the heavens and the earth shall endure, except as you Lord pleases. [MF]

This new life (in Hell or Paradise) requires, however, a prior transformation of existence from a state in which time is a factor of material existence into a state in which time has come to a standstill. *The Book* refers to this when it predicts the coming of the Last Hour. It predicts that the end of this world leads to an acceleration of 'progressing', at the end of which, upon the debris of the old world, a new kind of existence will be born wherein no 'progressing' exists any longer. This is a form of negation or destruction mentioned in the following verse:

Do not call, besides Allah, upon any other god. There is no god but He. Everything will perish save His face. He is the judgement, and unto Him you shall all be returned. (Al-Qaṣaṣ 28:88, MF)

Destruction does not mean nonexistence. It implies a new form of existence through a different ‘becoming’; this new ‘becoming’ in the Afterlife will be fixed and stable because of the lack of ‘progressing’. The end of this world and the creation of the Afterlife are, we might say, a second Big Bang which follows the first at the beginning of this world. Since ‘becoming’ represents the purpose of any existence, the purpose of the first Big Bang was to eventually lead to the second Big Bang, to the creation of the Afterlife and a new existence after death.

What happens if we take one dimension out of this tripartite concept of existence? We have said that ‘being’ and ‘progressing’ without ‘becoming’ is existence without purpose; it is senseless and aimless. If we took ‘being’ out of the tripartite structure and leave ‘progressing’ and ‘becoming’ on their own, it would imply a logically and ontologically impossible fixation upon any point A on the coordinates of ‘becoming’ and ‘progressing’. On the coordinate of ‘progressing’, that is, the dimension of time and movement, any point A would remain A, as movement is frozen, and on the coordinate of ‘becoming’, that is, the dimension of purpose and aim, our point A would turn into A’, which is self-contradictory, in the sense that A *is* A and yet *not* A—according to the dialectical logic of ‘negation’ or ‘negation of negation’ this would be impossible. This notion of an antagonistic struggle between internal contradictions leads us to think that ‘becoming’ and ‘progressing’ necessitate the dimension of ‘being’. The dimension of ‘being’ is then expressed or manifested through movement and development. The colour red, for instance, if we take it as an example of ‘being’, exists only through the things that *are* red, such as a rose, a shoe, or a hat; it only exists through its manifestation in things that make it visible. Without such things the colour red would not exist (for us) visibly.

We are now able to describe the following constellations with regards to the interplay among the three dimensions or coordinates of existence:

1. *'Being' (existence) and 'progressing' (time) without 'becoming' (transformation):*

This constellation indicates motionless, purposeless existence. Even if equipped with time, there would be no change or alteration. Development and selective evolution would become impossible. If we had such a constellation we would never arrive at the Last Hour; this world would never end. But since verse 5 of Sūrat Al-Ḥajj proves the truth of the resurrection (and thus of a preceding Last Hour), Allah unmistakably added the dimension of 'becoming' to 'being' and 'progressing'. Even theoretically, the laws of dialectical logic would render a constellation in which 'becoming' is missing as inconceivable. Thus, whoever believes in the existence of a Last Day through his belief in the existence of God has therefore already fulfilled the fundamental pillar of *al-islām*, as we will explain in chapter 1. Belief in Allah and in the Last Day represents the lowest possible limit of *al-islām*, and this excludes the possibility of perceiving 'being' and 'progressing' without 'becoming'.

2. *'Being' (existence) and 'becoming' (transformation) without 'progressing' (time):*

This constellation pertains to timeless transformations, that is, motionless change of existence. This, however, can only be possible at the time of the Last Hour. Within our existing world the quality of nontemporal and yet transformable existence is only possible in the sphere of pure light.

3. *'Progressing' (time) and 'becoming' (transformation + purpose) without 'being' (existence):*

This simultaneous constellation of existence and nonexistence is inconceivable in terms of dialectical logic. Instead, we have a series of 'beings' where one existence negates the previous ones. The first Big Bang and the creation of our world negated a previous existence, most probably a substance out of nothing. The second Big Bang, the coming of the Last Hour, will negate our existing world and create a new world. From the very first moment of the initial explosion the purpose of our world has been to move to a second big explosion at the time of the Last Hour as *the Book* describes it. The next world, in contrast, will have no such purpose; it will be nonteleological, that is, it will be aimless since it lacks 'becoming'.

Moving on to the level of human society, ‘being’ refers to the basic biological existence of human beings, ‘progressing’ means advance in history, and ‘becoming’ is civilisational development and social change. Point zero, where the three coordinates of human existence originated, was Adam, the father of humankind and the starting point of human history. Similar to life on a cosmological macrolevel, human life is deficient or even unsustainable if one dimension is taken out of the tripartite structure. If, for example, ‘being’ was removed, human life would simply cease to exist. In this scenario, history would stop, time would disappear, and human life would regress to an animalistic stage; the evolutionary process would be reversed, back to the period of primitive forms of biological existence. This, however, is ontologically inconceivable.

If ‘progressing’ is removed, time will be abolished. But since time exists whether we want it to or not, a negation of time is also inconceivable. History implies a conscious acknowledgement of time, since human beings, in contrast to the animal world, are able to locate temporal succession in their brains.

With ‘becoming’ we face the biggest challenge to human existence. The dimension of human will and self-determination allows development and change. ‘Becoming’ produces a development that varies from one culture to another and from one historical period to another even within the same culture. We call the first variety historical difference, the second historical development. To sum up, ‘progressing’, or time, cannot be removed from human existence, ‘being’ can ontologically not *not* exist, and ‘becoming’ is historical change (*al-ṣayrūrīyya al-ta’rīkhiyya*) which human beings, in exercising their free will, either accelerate or slow down—but can never fully stop.

On the level of ‘becoming’ human beings realise their full potential and assume responsibilities. Reading *the Book*, we realise that every Qur’anic story deals with this problem. We learn through these stories that an act of a human being, before its actual execution, belongs to the world of possible acts, whereas after its execution, it belongs to the world of determined acts—and *this is because time can never regress*.¹³ We also realise that choice and purpose are intrinsically part

¹³ [Italics as in the Arabic text.] MS explains in a footnote that to know the outcome of an act beforehand, before the act has been carried out, would mean that Allah can work Himself through history from the end towards the beginning, against

of every human act, as are the reward and punishment that human beings receive for what they do. Their acts are therefore always voluntary and not predetermined. On this we hear in *the Book*:

In these narratives about them [i.e., the messengers], there is a lesson for people of understanding. (Yūsuf 12:111)

Say: "Travel in the land and look what was the fate of those who disbelieved (the messengers)." (Al-An'ām 6:11)

Furthermore, in 'becoming' and the dual process of time movement and development, we see the dialectical law of the negation of negation fully realised. *The Book* contains several examples, of which we will discuss the three most important:

1. *'Becoming' in the belief of God's unity (al-tauḥīd)*:
 Belief in the unity of God passed through several stages due to an increasing human capacity to believe: from belief in a personified, concrete godhead to belief in an abstract, invisible God; or from belief in many different goddesses to belief in only one God. There we recognise different periods of religious history: from astral worship (stars and planets) to nature cults (trees and rocks), and then from idolatry (statues and idols) to the worship of saints (*salaf* forefathers and *ṣūfī* sheikhs). We recognise in each of the subsequent periods a trace of the previous ones, but we also acknowledge an evolutionary progressing from a more primitive to a higher stage of religious belief. The credo 'there is no god but God' is the most advanced and most abstract form of expressing belief that can be shared by everyone, philosophically minded or not, and is also the ultimate expression of *al-islām* (see chapter 1).
2. *'Becoming' with regards to morality and ethical ideals (muthul 'ulyā li'l-akhlāq)*:
 We will show in chapter 1 that the history of ethics is accumulative. Human ethics has evolved from the simple forms of respect

the flow of history, regressing in time. But this is, according to MS, a logical impossibility, since even God has to obey the law of evolution and progressing of time. The *imām mubīn*, says MS, stores the events in history in a kind of historical archive, but nowhere are future events and developments recorded. Acts are not predetermined, only determined *after* they have been done. Strictly speaking, the notion of the divine predestination of human acts and events in nature and society contradicts Allah's objective law of existence and is, hence, to be rejected both theologically and empirically.

for parents to the more advanced forms of the ‘ten commandments’ which finally culminated in the messengerhood of Muḥammad (ṣ) which represents an extended and most sophisticated version of previous ethical codes.

3. *‘Becoming’ in human legislation (al-tashrī‘)*: Evolution and progress to higher forms of legislation, negating previous ones, is expressed in the concept of ‘abrogation’ (*al-naskh*). As will be explained later, it implies the abrogation of earlier messengerhoods by later ones; it does not imply an abrogation of legal verses by other verses of the same messengerhood.

We explained macrocosmic ‘being’ and ‘progressing’ without ‘becoming’ as existence without change or development, and as an aimless and purposeless progressing of time. ‘Being’ and ‘progressing’ without ‘becoming’ is deficient existence. The same applies to human societies: the most advanced societies possess all three dimensions since they progress on all three coordinates of existence. Less advanced or stagnating societies are two dimensional. We might call them ‘flat’ societies as they are missing a third dimension that gives them depth and width.

In a direct confrontation between three-dimensional and two-dimensional societies the former always win. *The Book*, in its insistence on a unity of all three dimensions, reminds us that a two-dimensional existence, a ‘flat’ society, is only legitimate in the Afterlife, that is, in Hell, and that a society in this world should be three dimensional. It prophesizes terrible affliction on every society that has neglected its third dimension: by having lost their purpose or aim in this world such societies have lost their place under the sun and will eventually perish.

We now realise the danger of saying that ‘becoming’ in Islamic societies has happened only once, namely in seventh-century Arabia, and that it should never happen again—until the Day of Resurrection. It will be a tragic mistake to say that until the Last Hour no further development or renewal should ever take place again. It would be fatal to insist that societies should always be modelled according to Muḥammad’s (ṣ) state on the Arabian Peninsula 1,400 years ago. It would mean defeat and stagnation if his words and deeds remain the highest ideal of human behaviour, so all-embracing that they cover all spheres of life until the coming of the Last Hour. To do so would

give Muḥammad's (ﷺ) words and deeds, including the way he ate, the way he dressed, and the way he used his toothpick, the same sanctity as the injunctions of *the Book*. It would also mean to accuse everyone who does not behave like Muḥammad (ﷺ) of heresy or even apostasy.

We have said that the precision of nature and universe can also be found in the text of *the Book*. As humankind has become very advanced in all spheres of the natural and social sciences, we are today much better equipped in the study of the textual subtleties of *the Book*. It will be the ultimate concern of our contemporary reading (*qirā'a mu'āṣira*) of *the Book* that we facilitate it with the most advanced techniques and scientific methods of our age and that we come up eventually with meaningful knowledge with which we are able to establish human legislation within the boundaries that God has set for all humankind.

Muhammad Shahrur

CHAPTER ONE

AL-ISLĀM AND AL-ĪMĀN

WHY THE CONVENTIONAL UNDERSTANDING OF AL-ISLĀM AND AL-ĪMĀN IS NOT ADEQUATE

Traditionally, the term *al-islām* stands for the religion of those who are commonly known as Muslims, the followers of Prophet Muḥammad (ṣ). In this traditional understanding, the term *al-īmān* has been used to also describe the ‘faith’ of these Muslims, the adherents of *al-islām*. The result of linking *al-īmān* to *al-islām* was that the followers of Muḥammad (ṣ) were thought to be both the Muslims (Ar. *al-muslimūn*) and the believers (*al-mu’minūn*), while it was ignored that there is a big difference between *al-islām* and *al-īmān*. In the books of the *Ḥadīth* scholars both terms have also been treated as more or less synonymous (see al-Bukhārī; Muslim, *Ṣaḥīḥain*, chapters on *al-īmān*).

However, the assumption of synonymity in Allah’s *Book* has been a fundamental flaw in traditional scholarship. As we will prove in this chapter, it has obscured the fact that the two terms are neither semantically nor etymologically identical. It is the aim of this chapter not only to explore the semantic differences between *al-islām* and *al-īmān* but also between terms such as *al-kufr*, *al-shirk*, and *al-jivām*, which were (all) thought to be synonymous terms contrasting with *al-islām* and *al-īmān* (see the works of our honourable scholars in *tafsīr*, *uṣūl al-fiqh*, *lughah*, and so forth). This study hopes to demonstrate the distinct universal nature of the term *al-muslimūn* (those who assent to God), which can be (generically) applied to all believers in this world, and this in contradistinction to the term *al-mu’minūn* (those who believe), which, because it describes a more particular type of religious belief, must be used only for the followers of Prophet Muḥammad (ṣ).

Let us first revisit how *al-islām* and *al-īmān* have been traditionally understood. *Al-islām* is commonly perceived to be based on the following five pillars:

1. The *shahāda*: the creedal statement that ‘there is no god but God’ and that ‘Muḥammad is the Messenger of God’;
2. *ṣalāh*: the ritual to pray five times a day;
3. *zakāh*: the duty to donate money as a ‘poor due’ or ‘alms tax’;
4. *ṣaum*: the fast during the month of Ramadan;
5. *ḥajj*: the pilgrimage to Mecca ‘for those who have the means to do so’ (3:97).

The common description of *al-īmān* is that it is based on the following five tenets of belief in:

1. Allah;
2. His angels;
3. His books and messengers;
4. The Hereafter;
5. Allah’s divine predestination and His power over good and evil.

It is immediately clear from these (quite dubious) lists, the pillars of *al-islām* and the tenets of *al-īmān*, that they are either based purely on ritual practice (*al-islām*) or on theological doctrines (*al-īmān*). Ethical and moral rules have been entirely excluded from either category. As a consequence, secularists, nationalists, and Marxists have (wrongly) perceived the religion of Islam as fundamentally flawed and incapable of providing moral guidance for people in modern societies—a perception that has relegated Islam to the scrap heap of history. What has been ignored in such often anti-religious propaganda is the fact that moral teachings were always an inseparable part of *al-islām* and that it was only because of our honourable scholars’ ignorance that ethics was excluded from religion. It is the aim of this chapter (and indeed the entire book) to reconnect ethics to religion and to present an interpretation of *al-islām* in which the moral teachings of the Qur’an are rediscovered for the benefit of an Arab civil society, which gets its priorities right and places enlightened civility before stupefying ritualism and mindless doctrinism.

DISPROVING THE CONVENTIONAL UNDERSTANDING

We will now turn to the text of the Qur'an, which—according to our terminology—is called *the Book*.¹ Let us first agree that Allah's revelation is free from error and (human) interpolation. Let us also agree that we must identify the meaning of the terms *al-islām* and *al-īmān* by locating them in the context in which they appear in *the Book*. It will then immediately become clear that the traditional definitions of *al-islām* and *al-īmān* do not make sense, and that those who insist on the old definitions actually deviate from *the Book*. The results of our findings can be summarised as follows:

1. Based on 33:35, 'men and women who assent to God' (*al-muslimūn* and *al-muslimāt*) are both terminologically and conceptually separated from 'men and women who believe' (*al-mu'minūn* and *al-mu'mināt*).²
2. Based on 49:14,³ *al-islām* precedes *al-īmān*—chronologically (in terms of its appearance in human history) as well as biographically (in terms of the individual's spiritual progress and transition from *al-islām* to *al-īmān*).
3. Muslims are *not* the followers of Prophet Muḥammad (ṣ)! Instead, the *Jinns*, Abraham, Jacob, the tribes of the Israelites, Joseph, the

¹ MS's definition of the term *al-qur'ān* is different from the definition of the term *al-kitāb*. Whereas in traditional *tafsīr* both terms refer more or less synonymously to the Qur'an—the holy scripture as we understand it—he differentiates *al-qur'ān* from *al-kitāb*. In his arrangement *al-kitāb* is the generic term (*ism 'amm*) which stands for the whole content of the written copy (*al-muṣḥaf*), beginning with al-Fāṭiḥa and ending with Sūrat al-Nās, while *al-qur'ān* is the more specific term (*ism khāṣṣ*) that comprises only one part of *al-kitāb*. Hence, what we normally describe as Qur'an (the entire copy of all chapters) should be defined as *al-kitāb*, *the Book*, which is henceforth written in italics and with a capitalised initial letter in order to distinguish it from other books that *the Book* also contains. The exact definition of this term and its difference from *al-qur'ān* is given in chapter 3.

² 'For Muslim men and women [*al-muslimūn wa'l-muslimāt*] [and] for believing men and women [*al-mu'minūn wa'l-mu'mināt*]' (Al-Aḥzāb 33:35); MF: 'men and women who have submitted'; MP: 'men who surrender to Allah, and women who surrender'; AH: 'for men and women who are devoted to God'; AhA: 'men and women who have come to submission'; AA: 'men and women who have surrendered'; AB: 'men and women who are Muslims'.

³ 'The desert Arabs say, "We have faith [*amannā*]." [Prophet], tell them, "You do not have faith [*lam tu'minū*]. What you should say instead, 'We have submitted [*aslammā*],' for faith [*al-īmān*] has not yet entered your hearts' (Al-Ḥujurāt 49:14, AH).

magicians of the Pharaoh, the disciples of Jesus, Noah and Lot—*they* are the actual Muslims; and when the Pharaoh saw the splitting of the sea he also became a Muslim. Historically speaking, none of them could follow the Prophet Muḥammad (ṣ). Instead, they followed other messengers: for example, the disciples followed Jesus (r) and the magicians of the Pharaoh followed Moses (r). If we keep postulating that the *shahāda* is the first pillar of *al-islām* and the ultimate criterion for adherence to *al-islām*, we would deny—since the *shahāda* demands that one must follow *Muḥammad* as the Messenger of God—not only that the Pharaoh had converted to *al-islām* by following Moses (r) but also that the disciples of Jesus adhered to *al-islām* by following the prophet Jesus (r). We would negate their adherence to *al-islām* on the grounds that they did not follow Prophet Muḥammad (ṣ). Other so-called pre-Islamic prophets, their families, and tribes, who could not yet have known Muḥammad (ṣ) but whose strong adherence to *al-islām* is well-attested in *the Book*, would also be excluded from being attached to *al-islām*. Surely, our honourable scholars do not want us to believe that they were not Muslims only because they never fasted during the month of Ramadan and never did the pilgrimage to Mecca!⁴

4. The rituals of prayer, alms tax, fast, and pilgrimage are not pillars of *al-islām*. This is because *the Book* demands that these rituals be practised only by the Muslim-Believers (*al-mu'minūn*) and not by the Muslim-Assenters (*al-muslimūn*).⁵
5. The pillars of *al-islām* cannot be reduced to religious rituals because *the Book* mentions other things that are absolutely essential to *al-islām*, for example, the injunction to fight, to kill, and to seek consultation, to fulfil contracts and obligations, and many, many other moral and legal responsibilities.⁶

⁴ 'Abraham was not a Jew nor yet a Christian, but he was upright, and bowed his will to Allah's (*hanīf^{an} muslim^{an}*)' (Al-Jinn 72:14); see also Āl 'Imrān 3:52, 67; Al-Baqara 2:132; Yūsuf 12:101; Al-A'rāf 7:126; Yūnus 10:90; Yūnus 10:72–73; Al-Dhāriyyāt 51:35–36; Al-Nisā' 4:103; Al-Baqara 2:110; Al-Nūr 24:56; Al-Baqara 2:185.

⁵ 'For such prayers are enjoined on believers (*al-mu'minūn*) at stated times' (Al-Nisā' 4:103); see also Al-Baqara 2:110, 183, 185; Al-Nūr 24:56.

⁶ 'Those who believe, and emigrate, and fight for the faith, in the cause of Allah; as well as those who give (them) asylum and aid,—these are (all) in very truth the believers: for them is forgiveness of sins and a provision most generous.' (Al-Anfāl 8:64); see also Al-Ḥujurāt 49:15; Al-Baqara 2:178, 216; Al-Shūrā 42:38; Al-Mā'ida 5:1; Al-Isrā' 17:34–37; Al-Nūr 24:27.

6. To interpret the words ‘Allah only accepts *al-islām*’ and ‘The followers of *al-islām* will enter Paradise’ as a reference only to those who adhere to Muḥammad (ṣ), and thus reduce *al-islām* to the prayer, alms tax, fasting, and pilgrimage of only one part of all humankind, contradicts the spirit of *the Book*. Such an exclusivist claim by one specific religious community has been repeatedly rebuked by *the Book*. For example, it fiercely criticised those qur’anic Jews and Christians who had desired God’s favour solely for themselves:

They also say: ‘No one will enter Paradise unless he is a Jew or a Christian.’ This is their own wishful thinking. [Prophet], say, ‘Produce your evidence, if you are telling the truth.’ In fact, any who direct themselves wholly to God and do good will have their reward with their Lord: no fear for them, nor will they grieve. (Al-Baqara 2: 111-2, AH)

7. The narrow definition of *al-islām* referring only to prayer, alms tax, fasting, and pilgrimage deviates from the most fundamental teachings of *the Book*. To say, for example, that Allah approves of only one religious community (and its specific rituals), Islam in its narrow [conventional and historical] sense, contradicts Allah’s notion of *al-islām* as a religion that is inherent in human nature (*al-fiṭra al-insāniyya*) and that Allah has bestowed upon *all* of His creation.

So [Prophet] as a man of pure faith, stand firm and true in your devotion to the religion [*li’l-dīn ḥanīf^{an}*]. This is the natural disposition [*fiṭra*] God instilled in mankind—there is no altering God’s creation—and this is the right religion [*al-dīn al-qayyim*], though most people do not realize it. (Al-Rūm 30:30, AH)

The implication of this verse is that the pillars of *al-islām* must be consistent with the natural disposition that ‘God instilled in mankind’. It implies that nothing of this religion must contradict human nature. But do the rituals of (historical) Islam really conform to the natural instincts of all human beings? In other words, are humans naturally inclined to perform these rituals? Of course not. To pay alms tax (*zakāh*), for example, means to give away money and part of our possessions, which undoubtedly goes against human instinct!! Allah has ordered His creation to care for property and to ‘love wealth with a passion’.⁷ Likewise, to fast (*ṣaum*) contradicts our natural disposition because it undermines the human instinct for survival.

⁷ ‘And you love wealth with a passion’ (Al-Fajr 89:20, AH); see also Al-Baqara 2:177; Al-Ḥadīd 57:20; Al-Ma‘ārij 70:19–20.

The basis of human nature is to eat and drink and to satisfy hunger and thirst; it is *not* to fast. It is to reveal emotions and even to shout insults as a spontaneous expression of anger and provocation, and *not* to hold back because of Ramadan's sacredness. In contrast, the specific rituals of Muḥammad's community are all against human nature. If these rituals were part of our human nature we all would perform them naturally (like drinking and eating) and we would not need explicit commands from God to do so (as they are given in *the Book!*)—we would act perhaps similar to a herbivorous cow which instinctively eats only grass because Allah made this the inherent disposition of cows. We, however, do not perform any of these rituals by instinct or on impulse, which means that the specific forms of prayer, fasting, and pilgrimage and so on cannot be part of *al-islām*, the religion of all humankind. Instead, they are only part of the definite (and hence more particular) section of Allah's *Book*.⁸ They were stipulated only for the Muslim-Believers (*al-mu'minūn*), not for all Muslim-Assenters (*al-muslimūn*) who, by their natural disposition, instinctively follow the religion of *al-islām*, and not of *al-īmān*.

TOWARDS A NEW UNDERSTANDING OF AL-ISLĀM AND AL-ĪMĀN

So far we have shown that the traditional definitions of *al-islām* and *al-īmān* are incompatible with Allah's text. What we need to do now is to explore the definitions that are more faithful to *the Book*. We need to explain the differences between 'those who assent to God'

⁸ MS distinguishes between verses that are ambiguous (*mutashābiha*), designating verses relating to prophethood; and those that are definite (*muḥkama*), the verses relating to messengerhood. These are supplemented by verses that are neither fully definite nor fully ambiguous. The ambiguous verses represent what MS calls *al-ḥaqq*: the objective sources of existence, inasmuch as they are the general, absolute, and eternal laws of the universe, unaltered since the creation of the world, but for the first time revealed in a human (Arabic) language. The definite verses designate *al-sulūk*: guidance for human attitude and specific rules of social behaviour. They are not part of *al-ḥaqq*. The distinction between ambiguous and definite verses is fully explained in chapter 3, but it is already clear from this that MS departs from the conventional exegetical understanding of 'ambiguous' and 'definite', in which the latter refers to divine commands that are universal and never change, and the former refers to commands that are limited and do change. In this understanding, the *muḥkama* verses contain the basic commandments, shared by all religions, while the *mutashābiha* verses contain the practical aspects of these commandments and may vary from one religion to another (*Encyclopaedia of the Qur'an*, s.v. "Ambiguous." (L. Kinberg), 70–77). In MS's interpretation it is exactly the opposite.

(*muslimūn*) and ‘those who have faith’ (*mu’minūn*). This implies a redefinition of the pillars of *al-islām* and *al-īmān*, for which the concepts of ‘doing what is fair and just’ (*al-ihsān*) and ‘doing what is righteous’ (*al-‘amal al-ṣāliḥ*) will be introduced. ‘Doing what is righteous’ (*al-‘amal al-ṣāliḥ*) will be defined as a pillar of *al-islām*, while *al-ihsān* (‘doing what is fair and just’) will be defined as a pillar of *al-īmān*. We will also deal with two often-misunderstood verses in *the Book*. These verses say that ‘the religion before Allah is *al-islām*’ (Āl ‘Imrān 3:19) and that ‘if anyone desires a religion other than *al-islām*, never will it be accepted of Him’ (Āl ‘Imrān 3:85). In order to interpret these verses correctly we need to ask: what is meant by the phrase ‘a religion other than *al-islām*’? How is this religion defined and why it is so special? The answers to these questions will eventually help us to put our priorities right, to place morality and ethics above ritualism, and, finally, to achieve a truly sustainable ‘Islamic awakening’.⁹

Instead of returning to the notion of synonymy in *the Book*, we set out to find subtle differences of meaning between terms such as *al-islām* and *al-īmān* or between *al-shirk* and *al-kufr* that only look similar on the surface. We have already seen how *the Book* displays an astonishing precision, reflecting the majesty of its divine Maker, in distinguishing between *al-muslimūn* (those who assent to God) and *al-mu’minūn* (those who have faith in Muḥammad). In the same manner, it also subtly distinguishes between *al-mu’minūn* (those who have faith) and different categories of ‘unbelievers’ such as *al-kāfirūn* (those who reject God), *al-mushrikūn* (those who violate God’s unity) and *al-mujrimūn* (those who dissent from God).

It is absolutely vital for our reading of *the Book* to negate synonymy and to identify even the smallest semantic variation in *the Book*. And yet, our claim that there is no synonymy in *the Book* does not mean that we insist on an absolute difference between these terms. What we mean is that there are subtle semantic variations between these words that are by no means oppositional or antonymic. For

⁹ MS understands the current phenomenon of *al-ṣaḥwa al-islāmiyya*, represented by the diverse streams of contemporary Islamism, as consisting of the following aspects: a) obsessive focus on ritualism (veiling, fasting, and pilgrimage), b) veneration of the *salāf* forefathers, and c) exclusion of an ethical discourse and hatred of the West and everything non-Islamic. His own concept of *al-ṣaḥwa al-islāmiyya* is meant to reverse the current Islamist agenda and advance an ethical ‘awakening’ that emphasises morality against a rigid ritualism; see the conclusion of this chapter and also chapters 2 and 6.

example, the Arabic words *al-jāzm* and *al-jurm*, *al-jazz* and *al-ḥazz*, *al-batt* and *al-qatt*, *al-batr* and *al-shaṭr*, all connote the same root meaning, which is ‘to cut off’ (*al-qat*—yet another term); however, minor additional layers of meaning make each word unique and different from the others in this group.¹⁰ Ignoring such subtle differences while writing or reading newspapers is bad enough, but we should not ignore them while reading Allah’s *Book*!

Al-islām and al-muslimūn

Now that we have established that *al-islām* and *al-īmān* are two different concepts and that the traditional understanding of *al-islām*’s five pillars is inaccurate, we can now redefine *al-islām* and its pillars according to *the Book*, applying the method of *tartīl*,¹¹ that is, a thematic arrangement of the verses that contain the terms in question.

1. *The term al-islām refers to an ‘assent to God’:*

We learn that *al-islām* means belief in the existence of God, in His unity and in life after death; we learn that this belief contains an absolute, axiomatic truth, insofar as these articles of faith can neither be proved nor disproved by empirical evidence or scientific tests; and we learn that such beliefs are equally shared by all people in this world and are, as they are based on

¹⁰ E.g., *jazama*: ‘to cut off’ and ‘to give an apodictic judgement’; *jarama*: ‘to cut off’ and ‘to commit an offence, crime’; *jazza*: ‘to cut off’ and ‘to clip, shear’; *ḥazza*: ‘to cut’ and ‘to incise, indent’; *batta*: ‘to cut off’ and ‘to decide, settle’; *qatta*: ‘to cut’ and ‘to trim, shorten’; *batara*: ‘to cut off’ and ‘to amputate, mutilate’; *shaṭara*: ‘to cut off’ and ‘to halve, bisect’; *qata*: ‘to cut off’ and ‘to separate, disjoin, interrupt’. The additional meanings of these words have been highlighted by the underlined and because, according to MS, these additional or indirect meanings make them unique and different to those terms with which they share the common or direct meaning of ‘to cut (off)’.

¹¹ This term is conventionally understood as a qur’anic self-reference (Al-Muzammil 73:4 says: “Or a little more; recite the Qur’an slowly and distinctly [*tartīl*],” AH), urging readers of the Qur’an to perform a ‘measured recitation’. In contrast, MS interprets *wa-rattil al-qur’ān tartīlan* as Allah’s request to group together the many different subject themes (*mawḍū‘āt*) that are scattered throughout the entire *Book* and to create a logical order or meaningful sequence (*tartīl*) which allows a proper interpretation of a specific theme or topic. Ambros translates the verbal root *r-t-l* as “to arrange s.th. in good order” (Ambros, *Dictionary*, 108) which exactly renders MS’s literal understanding of the term *tartīl*.

natural reason and instinct, intelligible to both common people and the intellectual elite (*al-rāsikhūn bi'l-ilm*).¹²

2. *Al-islām* ('assent to God') is a religion shared by the entire universe (and not just by the inhabitants of our globe):

We read in Sūrat Āl 'Imrān, 'All creatures in the heavens and on earth, willing or unwilling, bowed to His will [*aslama lahu*],' (3:83). We hear that these are rational beings that live in the many galaxies of this universe who—according to *the Book*—not only heard of God, the only One, but also assented to Him, subjectively and willingly because of God's divinity (*al-ulūhiyya*) as well as objectively and dispassionately because of His sovereignty (*al-rubūbiyya*). We also learn that this religion is called *al-islām*, meaning 'belief in His existence and His unity'. This belief is a matter of utmost logic because Allah, the Highest, is our Lord, that is, the Lord of the sky and the earth, the Lord of what is *in* the sky and the earth, and what is *between* the sky and the earth.

3. *The religion of al-islām and life as a muslim cannot be identified with Muḥammad's (ṣ) messengerhood, nor with any other prophetic message:*

We hear that Noah was a *muslim*, as were Abraham, Joseph, Jacob, Solomon, Moses, and Jesus. They all were *muslims* in spite of the fact that they were not contemporaries of Muḥammad (ṣ) and never performed the rituals he prescribed. Their faith was confined to belief in God and His unity. Everyone who believed in the existence of God and the Hereafter (the absolute, axiomatic truth) was a *muslim*, regardless of the individual messenger he followed, and regardless of the name of the religious community to which he belonged.

4. *Al-islām is the only heavenly religion that humankind has ever known:*

It has been transmitted by different messengers, each in his own way. *Al-islām* began with Noah and culminated in the Noble Prophet (ṣ), passing messengerhoods from Abraham, Jacob, Moses, and Jesus, undergoing several developments and passing through several periods, while facing a growing intellectual and

¹² *Al-rāsikhūn fi'l-ilm*: the term does not refer, as it is commonly understood, to the most learned and devout among the '*ulamā'* and *fuqahā'* but, according to MS, to scholars and philosophers (religious or not) who occupy the most eminent place in society because of their exceptional knowledge and expertise.

material capability that its human recipients developed in dealing with subsequent messengerhoods.¹³

The Definition of al-islām

Let us read again the words of *the Book*:

The believers, the Jews, the Christians and Sabians—whoever believes in Allah and the Last Day and does what is good, shall receive their reward from their Lord. They shall have nothing to fear and they shall not grieve. (Al-Baqara 2:62, MF)

Who is fairer in speech [*aḥsana qaul^{an}*] than one who calls unto Allah and performs the righteous deed [*‘amila ṣāliḥ^{an}*] and says: “I am one of those who submit [*min al-muslimūn*]”. (Fuṣṣilat 41:33, MF)

41:33 tells us that *al-islām* is based on the axiomatic truth of Allah’s existence and belief in the Hereafter. It is linked to ‘doing what is righteous’ (*al-‘amal al-ṣāliḥ*) and, because *al-islām* is the generic term that includes the particular, to ‘doing what is fair and just’ (*al-iḥsān*), the pillar of *al-īmān*. If someone ‘does what is righteous’ he is one of the *muslimūn* (‘those who assent to God’),¹⁴ and it does not matter whether he is—as 2:62 says—a follower of Muḥammad (ṣ) (‘the believers’), a follower of Moses (‘the Jews’), a follower of Jesus (‘the Christians’), or whether he follows any other religious creed or religious community of whatever name (‘the Sabians’).¹⁵ The existence of Allah and the Hereafter—and that includes the resurrection of the dead—is an axiomatic truth that is indisputable for every *muslim*. If we accept this premise it will be clear what is meant by the phrase

¹³ ‘They replied: “We shall worship your God and the God of your fathers, Abraham, Ishmael, and Isaac, one single God: we devote ourselves to Him (*wa-naḥnu lahu muslimūn*).’ (Al-Baqara 2:133, AH; also 2:62, 112,128); see also Al-Naml 27:44,91; Yūsuf 12:101; Yūnus 10:84,90; Āl ‘Imrān 3:52; Fuṣṣilat 41:33; Al-Anbiyā’ 21:108; Al-Nisā’ 4:125; Al-Mā’ida 5:44.

¹⁴ MF: ‘one of those who submit’; AB: ‘one of the Muslims’; AA: ‘of them that surrender’; AhA: ‘of the obedient’; AH: ‘one of those devoted to God’; MP: ‘of those who surrender’; closest to MS is AH because it does not keep the notion of total surrender (passive servitude) that MS wants to avoid, hence his ‘those who assent to God’, which reflects an active, conscious, emancipated, and enlightened decision to believe in God’s existence.

¹⁵ MS interprets *al-ṣābi‘īn* not as a specific religious group (e.g., the Manichaeans, as proposed by Bellamy in *JAOS* 116 (1996)) or sect (‘most commonly they are assumed to be a group called after their baptismal practices, bearing a name derived from Aramaic’ (Ambros, *Dictionary*, 309)), but as a generic term, used by the text in order to refer to any other religious community that does not belong to Judaism, Christianity, or Islam.

‘the religion before Allah is *al-islām*’ and ‘if anyone desires a religion other than *al-islām*, never will it be accepted of Him’. It means that the only religion God can accept is the one inherently linked to belief in Him, which is *al-islām*. *Al-islām*, in this context, means the opposite of disbelief, and it is disbelief (that is, a religiously held form of disbelief) which Allah cannot accept. It is only logical that Allah cannot accept from His creation a religion that refuses to believe in God altogether.

Dissent from God

In order to better understand the terms *al-islām* and *al-muslimūn* in *the Book* we hence also need to study the term opposite to *al-islām*, which is *al-ijrām* (connoting a dissent from God) and the opposite term to *al-muslimūn*, which is *al-mujrimūn* (those who dissent from God). *The Book* says: ‘Shall we treat those who are [*al-muslimīn*] in the same way as those who are [*al-mujrimīn*]?’ What has come upon you that you judge in such a wise?’ (Al-Qalam 68:35–36, AhA).¹⁶ The root of the word *al-mujrim* is *j-r-m* whose basic meaning is ‘to cut off’. In modern Arabic we call a thief or a murderer a *mujrim* (i.e. culprit or criminal) because a *mujrim* has cut off his ties with law and order and has given free reign to his instincts and desires. This is exactly how *the Book* uses the term, because a ‘culprit’ in this context is someone who has cut off his ties with God, who denies His existence, who does not believe in the Hereafter, the resurrection of the dead, and the Day of Judgement. Unlike a *muslim*, who freely assents to God, a *mujrim* is someone who (freely) dissents from Him. In modern parlance, a *mujrim* would be called an ‘atheist’, a dissenter from God. In *the Book* ‘those who cut off their ties with God’ are defined as those who reject the possibility of a resurrection after death, who deny the existence of God, and who tell lies about the Hereafter. They are also described as those who, with their own eyes, suddenly will come to see what they have always denied: they will come out of their graves and be dumbstruck, while their astonishment will increase even more when they realise that they are, without

¹⁶ No translation captures the meanings that MS intended; e.g. *mujrimūn*: MP: ‘the guilty’; AH: ‘those who do evil’; AhA: ‘those who are culpable’; AA: ‘the sinners’; AB: ‘the evildoers’; MF: ‘who are criminals’, although MS would accept MF’s rendering as ‘criminals’, since the term has acquired this meaning in modern Standard Arabic; see further below.

being interrogated by Allah, being sent straight to Hell (whose existence they had always denied).¹⁷

Why are they not interrogated by Allah?¹⁸ It is because a *mujrim*, a dissenting atheist, does not believe in the existence of God. This alone sends him straight to Hell. He will not even be asked by God about his acts in this world. The reason is that he has no account with God. The omission of prayer, the breaking of the fast, the tampering with weights and scales (corruption in trade and commerce) and such, which are all sins that Allah might forgive an assenter (*muslim*)¹⁹, will not even be mentioned in the case of a dissenter, because a *mujrim* has cut off his ties with God. A person cannot be made accountable for things whose consequences for the Afterlife have never been acknowledged by him in the first place. *The Book* says:

Except the companions of the right hand. (They will be) in gardens (of delight): they will question each other, and ask of the sinners: "What led you into Fire?" They will say: "We were not of those [*muṣallīn*], nor were we of those who fed the indigent; but we used to talk vanities with vain talkers, and we used to deny the Day of Judgement." (Al-Muddaththir 74:39–46)

We learn that the 'companions of the right hand' will ask the *mujrimūn* what had led them into Hell. They will reply that they had not assented to *al-islām*—in belief and practice: they did not accept the existence of God and had cut off their ties with Him ('We were not of those who [are connected to God]'); they also denied the Hereafter ('we used to deny the Day of Judgement'), and they did nothing that was good for His creation ('nor were we of those who fed the

¹⁷ 'The guilty (*al-mujrimūn*) will be known by their mark and will be seized by their foreheads and their feet. Which, then, of your Lord's blessings do you both deny? This is the Hell the guilty (*al-mujrimūn*) deny...' (Al-Raḥmān 55:41–43, AH); see also Yā-Sīn 36:59; Al-Rūm 30:12; Al-Naml 27:69; Al-Mursalāt 77:18–19. For even more details about the *Mujrimūn* see Al-Muṭaffifīn 83:29; Al-Qaṣaṣ 28:78; Al-Qalam 68:44; Al-Ḥijr 15:95; Al-Muddaththir 74:42.

¹⁸ 'The guilty will not be questioned about their sins' (Al-Qaṣaṣ 28:78, AH).

¹⁹ Verbs of the root *s-l-m*, in particular *sallama/yusallimu* and *aslama/yuslimu*, are commonly translated as 'to submit', 'to resign', even 'to surrender', which all connote a passive act of submission and lack the element of putting obedience to God into *active* practice, an element that the verbs *sallama* and *aslama* also contain in the sense of 'to consent', 'to approve', or 'to accept'. In the light of MS's thesis that the opposite of disobedient dissent (an active practice) is not surrender or submission but an active process of approval, *al-muslimūn* has been translated as assenters or, in order to distinguish them from the Muslim-Believers, as Muslim-Assenters.

indigent’); instead, they did what was bad and harmful (‘we used to talk vanities with vain talkers’). Then came, all of a sudden, the Last Hour and they ended up in the Fire.

Some misguided exegetes interpreted the words ‘those who are connected to God’ as ‘those who prayed the ritual *ṣalāh* prayer’. However, the Arabic term *al-muṣallīn* in 74:43 does not refer to the ritual prayer. Otherwise it would mean that those who omit the ritual prayer or a fasting day also deny the existence of God, which is simply not the case. It would be a gross injustice to call them ‘those who cut off their ties with God’ (*al-mujrimūn*) only because they missed a prayer. Evidence for this can be found in the following verses:

[Prophet], have you considered the person who denies the Judgement? It is he who pushes aside the orphans and does not urge others to feed the needy. So woe to those [...] who are heedless of their [*ṣalātihim*], those who are all show and forbid common kindness. (Al-Mā‘ūn 107:1–7, AH)

In these verses we hear that those who deny the Day of Judgement and those who deny the existence of God are regarded as those who have left the realm of *al-islām* and have instead entered the realm of *al-ijrām*. We therefore do not interpret the expression ‘those who are *al-muṣallīn*’ in both *sūras* as literally ‘those who perform the ritual prayer’, in the sense of a prostration of the body, but more figuratively as ‘those who connect themselves to God’ (*ṣila*).²⁰ Surely, one does not need rituals if one wants to strengthen one’s ties with God. One may perhaps say ‘Oh Lord, help me!’ or ‘Praise and Glory be to God’, but no specific bodily gesture is needed to enhance one’s spiritual attachment to Allah. There is clearly a difference between a person’s individual attachment to God and a ritualised way to express it. This distinction is evident in the way *the Book* uses words derived from the trilateral root *ṣ-l-w*. If it wants to refer to the connection between the believer and God by way of rituals, it uses *ṣal-awa*, with the letter *waw* (as in Al-Nūr 24:37),²¹ but if it refers to the personal, spiritual link with God which does not need to be outwardly

²⁰ All translators render *al-muṣallīn* as ‘those who pray’ as they go back to the root *ṣ-l-w*, whereas MS prefers an association with the root *w-ṣ-l* ‘to connect’ and its derivation *ṣila* (connection, link, tie); see also his distinction between *ṣ-l-w* and *ṣ-l-ā* below.

²¹ ‘By men whom neither trade nor sale can divert from the remembrance of Allah, nor from regular prayer (*al-ṣalawa*), nor from paying zakah, their only fear is for the day when hearts and eyes will be turned about’ (Al-Nūr 24:37).

expressed by any conventional ritual, it uses *ṣalāh*, with the letter *yā* (as in Al-Nūr 24:41)²². We must never ignore these subtle differences, and if the text employs two derivatives of the same lexeme, when it could have used an identical expression, it indicates a difference. It indicates that we are meant to clearly distinguish between ‘prayer’ in the sense of a ritual, and ‘prayer’ in the sense of a spiritual connection between God and the believer, giving praise to Allah, mentally or verbally, but not by a movement of the body.

In sum, the term *al-islām* expresses a connection to God, a belief in Allah and the Hereafter; those who establish that *spiritual* connection (*al-muṣallūn*) are ‘those who assent to God’ (*al-muslimūn*),²³ while those who perform the ritual prayer of *rakʿa* and *sujūd*, that is, *al-ṣalāh*, are ‘those who believe’ (*al-muʿminūn*).

The Pillars of al-islām

We are now in a position to redefine the three pillars of *al-islām* as they are presented in *the Book*. Let us begin with the first two pillars:

1. Belief in the existence of God
2. Belief in the Hereafter

As we said before, these two pillars contain elements of an axiomatic, indisputable truth which, once it is accepted, initiates a believer into the religion of *al-islām*. The first part of the *shahāda*, ‘There is no god but God’, is already the most elaborate expression of a theological doctrine in *al-islām* as it follows naturally from the more fundamental

²² ‘Do you not see that it is Allah whose praises all beings in the heavens and on earth do celebrate, and the birds with wings outspread? Each one knows its own [*ṣalātahu*] and praise. And Allah knows well that they all do.’ (Al-Nūr 24:41); YA: ‘(mode of) prayer’; MF: ‘the prayer of each’ and most translators, except MP: ‘He knows verily the worship’, AhA: ‘each one knows its obligations’, who seem to share the view of MS that *ṣalātahu* does not refer to ‘prayer’. Ambros also distinguishes between *ṣalā(t)* and *ṣalawāt* and admits that 24:41 cannot mean ‘ritual prayer’ (Ambros. *Dictionary*: 163). The root is an import from Aramaic, meaning ‘prayer’, derived from the root *ṣ-L-y*, meaning ‘inclining’ (ibid.) that can be figuratively understood and may support ‘symbolic or spiritual connection to God’ as proposed by MS.

²³ ‘Say: “Truly, my prayer (*ṣalātī*) and my service of sacrifice, my life and my death, are (all) for Allah, the Cherisher of the worlds; no partner has He: this am I commanded, and I am the first of those who submit to His will (*al-muslimīn*)”’ (Al-An‘ām 6:162-3).

belief in the existence of God and the Hereafter. This doctrine was first expressed by the prophet Noah, and then reaffirmed by several messengers and prophets until it was finally sealed by Muḥammad (ṣ).²⁴

3. ‘Doing what is righteous’ (*al-‘amal al-ṣāliḥ*).

The Good Work

Since the ethical fundamentals of *al-islām* have always been ignored by our honourable scholars the following section is dedicated to studying the third pillar in more detail. The ‘*ulamā*’s negligence of ethics meant that it was excluded from both the pillars and tenets of *al-islām* and *al-īmān*, which is the reason why we should not brush over this important duty too quickly.

‘Doing what is righteous’ (*al-‘amal al-ṣāliḥ*) refers to the entire body of teachings, instructions, moral commandments and ethical ideals that all religions have issued throughout human history. We might call this body the common denominator of all existing heavenly religions on earth. A person who ‘does what is righteous’ is a *muslim per se*—regardless of whatever specific creed he or she upholds—on condition that this is based on belief in the existence of God and the Hereafter. Such general, absolute teachings and moral commandments were conveyed through the books and messages of previous prophets, starting with Noah and ending with Muḥammad (ṣ), a chain of prophetic instructions that absorbed a steady growth of ethical norms and an increasing accumulation of moral values. The reward for acting in accordance with these ethical ideals will be, as *the Book* promises, blissful life in the gardens of Paradise.²⁵

In terms of their hierarchy, these ethical ideals are placed as the third pillar of *al-islām* after the statements of belief in God and the Hereafter. Ethical ideas are referred to by the qur’anic phrases ‘do worship God’ (*a‘budū Allāh*) and the ‘straight path’ (*al-ṣirāṭ al-mustaqīm*)²⁶,

²⁴ E.g., ‘Say: “What has come to me by inspiration is that your God is One God: Will you therefore bow to his will (*fa-hal antum muslimūn*)” (Al-Anbiyā’ 21:108); see also Yūsuf 12:106; Luqmān 31:25; Al-Zumar 39:65.

²⁵ ‘As to those who believe and work righteous deeds, they have, for their entertainment, the gardens of Paradise’ (Al-Kahf 18:107).

²⁶ ‘You do we worship (*na‘budu*), and Your aid we seek. Show us the straight way (*al-ṣirāṭ al-mustaqīm*).’ (Al-Fātiḥa 1:5–6); ‘Say: “Verily, my Lord has guided me to a

insofar as the worship of Allah (*‘ibāda*) is the ‘straight path’—see Yā-Sīn 36:61.²⁷ Ethics incorporate a system of human values that has binding force upon believers of every religion.²⁸ Consider the following verse:

In matters of faith [*al-dīn*], He has laid down for you [*sharā‘a lakum*] [people] the same commandments [*waṣā‘*] that He gave Noah, which We have revealed to you [Muhammad] and which We enjoined on Abraham, Moses, and Jesus: ‘Uphold the faith and do not divide into factions within it’—what you [Prophet] call upon the idolaters to do is hard for them; God chooses whoever He pleases for Himself and guides towards Himself those who turn to Him. (Al-Shūrā 42:13, AH)

From this we learn that the religion (*al-dīn*) which Allah ‘has established for you’ is *al-islām*, authorised by Him. It is the only religion that Allah will ever accept. It is a religion of guidance, of truth, and of moral values, finally revealed to the Prophet Muḥammad (ṣ) but with a history of constant maturation via previous prophets the first of which was Noah. We hear in this verse that Allah enjoined this religion on Noah, then on Abraham, Moses, and Jesus—He wanted them to ‘remain steadfast in it’. We also learn that this enjoinder, or better these enjoinders, were jointly shared by all prophets, including Muḥammad (‘the same religion has He established for you’). And yet, each of their enjoinders had been adapted to the historical circumstances in which the prophets lived, as a result of which their messages underwent a process of acculturation and proliferation.

What exactly were these enjoinders? According to *the Book* they came down in the form of commandments that are summed up by the term *al-furqān*, to be rendered as ‘moral guidance’. Over time, the commandments increased in number, from Noah to Moses, until they reached ten. The ten commandments are called the ‘general or universal ethics’ (*al-furqān al-‘āmm*) and form the foundation of *al-islām*.

way that is straight (*ṣirāṭⁱⁿ mustaqīmⁱⁿ*), a religion of right (*dīn^{an} qiyam^{an}*), the path (trod) by Abraham, the true in faith, and he joined not gods with Allah” (Al-An‘ām 6:161); see also Al-Rūm 30:30.

²⁷ ‘And that you should worship Me, (for that) is the straight way’ –, refer to acts of ‘doing what is righteous and beautiful’ (Yā-Sīn 36:61).

²⁸ ‘Nay, whoever submits (*man aslamā*) his whole self to Allah and is a doer of good (*wa-huwa muhsin*)’ (Al-Baqara 2:112); see also Al-Nisā’ 4:125; Al-An‘ām 6:48; Ṭā-Hā’ 20:82; Al-Mā’ida 5:69.

From Moses onwards they matured further and accumulated more commandments, until they were finally perfected in Muḥammad's (ﷺ) message. They are what we call 'particular ethics' (*al-furqān al-khāṣṣ*) and form the ethical foundation of *al-īmān* (and also of *al-islām* since *al-islām* is the general type of religion for *al-īmān*).

Al-islām and Universal Ethics

I will now explain both types of ethics. Let us first focus on what we call the 'general' or 'universal' ethics of *al-islām* and quote from *the Book*:

Say: "Come, I will rehearse what God has (really) prohibited you from": Join not anything as equal with Him; be good to your parents; kill not your children on a plea of want. We provide sustenance for you and for them. Come not nigh to shameful deeds, whether open or secret; take not life, which God hath made sacred, except by way of justice and law: thus does He command you, that you may learn wisdom.

And come not nigh to the orphan's property, except to improve it, until he attain the age of full strength; give measure and weight with (full) justice. No burden do We place on any soul, but that which it can bear. Whenever you speak, speak justly, even if a near relative is concerned; and fulfil the covenant of God: thus does He command you, that you may remember.

Verily, this is My way, leading straight, follow it; follow not (other) paths: they will scatter you about from His (great) path; thus does He command you that you may be righteous. (Al-An'ām 6:151–53)

These verses provide us with ten commandments (of which nine are moral orders and one a religious creed). Although many readers will know these ten commandments by heart it will be worth listing them one by one in order to emphasise their importance for the religion of *al-islām* (and *al-īmān* because *al-īmān* is the particular religion of *al-islām*). They can be summarised as follows:

1. *Join not anything as equal with Him*:

This religious creed refers to the witness of Allah's unity (*al-tauḥīd*) expressed in the formula 'there is no god but God'. This is, as we saw above, the most important pillar of *al-islām*. It is the next step after accepting the existence of God and the Hereafter. A person might believe in God and the Hereafter but still remain in a state where he or she violates God's unity

(a state which is defined as *shirk*).²⁹ The prophet Noah was the first to live up to this first (religious) commandment. According to *the Book*, after Noah, it was enjoined by other prophets, such as Abraham and Jacob, upon their tribes, families and all of their descendents.³⁰ This pillar is so fundamental that its rejection would be an unforgivable sin. This would turn a person into someone ‘who cut off his ties with Allah’ and into someone who denies the existence of God, the resurrection after death, the Day of Judgement, and the duty of ‘doing what is righteous’. It is a heinous crime which actually, according to *the Book*, is the only transgression for which no pardon can be expected from God.³¹ What is also indeed ‘a sin most heinous’ is to make an image of God (to make Him anthropomorphic, hence the Arabic term *al-tajsīd*), which is to give God a concrete, temporal, spatial, and material dimension, forgetting that He is beyond any such dimension or description. As we heard, Noah was the first prophet who prevented such a violation of God’s unity. Other prophets followed suit, and Muḥammad (ṣ) finally completed this prophetic mission. But be assured that no compulsion is allowed (*lā ikrāh fīhī*) to achieve this goal.³²

2. *‘Be good to your parents’:*

This refers to your respect for your parents. It is, in principal, the first *moral* commandment which was first given to Noah,³³ and then passed on as Allah’s revelation to Muḥammad (ṣ).³⁴ We gather from the text of *the Book*, in particular from 31:14

²⁹ ‘Most of them will only believe in God while also joining others with Him’ (Yūsuf 12:106, AH).

³⁰ ‘And Abraham enjoined upon his sons and so did Jacob; “Oh my sons! God has chosen the faith for you; then die not except in the state of submission (to Me)” (Al-Baqara 2:132).

³¹ ‘Allah forgives not that partners should be set up with Him; but He forgives anything else, to whom He pleases; to set up partners with Allah is to devise a sin most heinous indeed’ (Al-Nisā’ 4:48, also 116).

³² Reference to 2:256.

³³ ‘O my Lord! Forgive me, my parents, all who enter my house in Faith’ (Nūḥ 71:28).

³⁴ ‘Your Lord has decreed that you worship none but Him, and that you be kind to parents. Whether one or both of them attain old age in your life, say not to them a word of contempt, nor repel them, but address them in terms of honour’ (Al-Isrā’ 17:23).

and 46:15,³⁵ that Allah addresses all human beings because He appeals to their general innate disposition of kindness. It implies that this injunction enjoys universal validity.

3. *'Kill not your children on a plea of want':*

This third moral commandment is a ban to kill children out of a desperate financial situation. It was first stated as general ethics and then confirmed as particular ethics in Muḥammad's (ﷺ) message (17:31).³⁶ However, we recognise that *the Book* clearly indicates a difference between general and particular ethics when it talks about the killing of children. In Sūrat al-An'ām it says 'on a plea of want' (6:151), while in 17:31 it says 'for fear of want', indicating that in the first instance the situation of the people was actually really miserable, a very concrete case of economic crisis ('on a plea of want'), while in the second instance the prohibition was less specific as it referred to a situation in which people only feared or anticipated *future* plights due to the burden of having children ('for fear of want'). Also, Allah says first: 'We provide sustenance for you and for them' (6:151) but then changes it to 'We shall provide sustenance for them as well as for you' (17:31). In the first instance, Allah provides sustenance *firstly* for the parents ('for you') and *then* for the children ('for them'), whereas in the second instance, it is the other way around: God gives firstly sustenance to the children ('for them') and then feeds the parents in honour of the children they have raised ('for you'). In the latter sequence of provision, the killing of children would deprive their parents of God's sustenance, which is not the case according to the sequence of 17:31. In other words, the general prohibition to kill children 'for fear of poverty' has become even sharper in particular ethics. And yet, we should not see this as a command to have as many children as possible and *not* to introduce birth control and family planning. This is because nowhere does Allah link his assurance of sustenance with the *number* of children parents raise. There is

³⁵ 'And We have enjoined on man (to be good) to his parents: in travail upon travail did his mother bear him, and in years twain was his weaning: (hear the command), "Show gratitude to Me and to your parents: to Me is (your final) goal.' (Luqmān 31:14), and 'We have enjoined on man kindness to his parents: In pain did his mother bear him, and in pain did she give him birth' (Al-Aḥqāf 46:15).

³⁶ 'Kill not your children for fear of want: We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin' (Al-Isrā' 17:31).

absolutely no connection between the number of children and God's provision of help and support; in fact, one child would be enough to secure God's sustenance.

4. *'Come not nigh to shameful deeds, whether open or secret'*:
This fourth moral commandment perhaps illustrates best the evolutionary development of moral values and ethical ideals. Sexually 'shameful deeds' were first defined in the messenger-hood of Lot through the prohibition of homosexuality. This was expanded by the prohibition of fornication by the Prophet Moses and finally further expanded by a ban on public acts of homosexuality by the Prophet Muḥammad (ṣ). Similarly, the lessening of the punishments for these sins evolved, as they underwent several changes from, for example, the most severe form, execution, to lighter ones such as flogging. What we also learn from this commandment is that chastity is one of the highest moral ideals, and that it lies at the root of human nature and the innate disposition (*al-fiṭra*) instilled into humans by God.
5. *'Take not life, which God has made sacred, except by way of justice and law'*:
In the fifth moral commandment we notice that to kill another person is against the natural instincts of human beings. It implies that, unless provoked, humans will always refrain from such acts of violence. We know from psychological research that soldiers who have returned home from war face enormous difficulties in readjusting their daily life to the normality of human society. It shows how *extraordinary* was their life as soldiers.
6. *'And come not nigh to the orphan's property, except to improve it'*:
The sixth moral commandment is further elaborated in *Sūrat al-Nisā'*, for example, by the instruction that one is only allowed to marry more than one wife if it is the intention of a man to better care and protect the life and property of orphans. This is fully explained in chapter 5.
7. *'Give measure and weight with (full) justice'*:
This seventh moral commandment implies that one should impose control and restrictions on how to set up the standard measures in trade transactions, and that one should impose harsh penalties against those who transgress against the officially accepted limits (of weights and measures)—as we hear in *the Book*: 'Woe to those who give short measure, who demand of other people full measure for themselves, but give less than

they should when it is they who weigh or measure for others!’ (Al-Muṭaffifīn 83:1-3, AH).

8. *‘Whenever you speak, speak justly, even if a near relative is concerned’:*
The eighth moral commandment is a powerful call to give testimony truthfully and in all sincerity. This commandment has been given an even stronger note in Muḥammad’s (ṣ) message: ‘O you who believe! Stand out firmly for justice, as witnesses to God, even as against yourselves, or your parents, or your kin’ (Al-Nisā’ 4:135).³⁷
9. *‘Fulfil the covenant of God’:*
The ninth moral commandment requires believers to avoid perjury or disloyalty against a person’s individual beliefs and, most naturally, against the covenant between God and humankind. Loyal believers are ‘those who fulfil the covenant of God and fail not in their pledged word’ (Al-Ra’d 13:20). The covenant of God consists of an alliance that people—by swearing an oath—publicly agree to act upon. Most importantly, this refers to the covenant of *al-islām* but can include others, for example, the covenant of faith (*al-īmān*), a marriage contract, the covenant of a nation state (the oath of citizenship), or the covenants of an occupational association (guild), a political party, or a sports club.
10. *‘Verily, this is My way, leading straight, follow it; follow not (other) paths’:*
The tenth and last moral commandment urges people to follow the path of God and to fulfil the divine commandments unharmed by friction, animosity, and sectarian strife. It implies that unity, agreement, and concord between religions and denominations is a law of human nature and that it is a great offence to violate this law by stirring up animosity and hatred between religious communities. As the tenth commandment it comprises all other nine commandments as it urges the *muslimūn* to fulfil them all and not to be content with only adhering to a few of them.

These are the commandments, or universal moral laws of *al-islām*, which we call general ethics (*al-furqān al-‘āmm*). Revealed long before the seventh century they were further elaborated and fully perfected

³⁷ Also, ‘You who believe, be steadfast in your devotion to God and bear witness impartially’ (Al-Mā’ida 5:8, AH).

in the form of Muḥammad's (ﷺ) messengerhood. We will now turn to the moral values that constitute what we call the particular ethics (*al-furqān al-khāṣṣ*) of *al-īmān* and that were revealed to seal the chains of messengerhoods. They fully established 'faith' (*al-īmān*) and completed *al-islām*.

Al-īmān and Particular Ethics—The Straight Path

The Book contains several moral injunctions and ethical guidelines that, even though dispersed in many different *sūras*, outline a consistent model of ethical behaviour, called the straight path of God (*al-ṣirāṭ al-mustaqīm*). The most important injunctions are, in terms of their social impact, the call to spread peace (*al-salām*) and to speak in a mild-mannered way (*al-līn fi'l-qawl*). We learn from *the Book* that the meaning of *al-salām* is 'peace' (*salm*), that is, the avoidance of war and conflict. It is not—as our honourable scholars have it—just a form of greeting (as in 'peace be with you'). But let us provide some more examples of such moral injunctions as stated in *the Book*. For the good-hearted and well-mannered reader these rules may look trivial and rather obvious, but given that in the recent past we have seen scandalous degrees of immorality committed by Muslim-Believers who have abandoned morality in favour of fanaticism and mindless ritualism we believe it is worth spelling them out here:

1. O you who believe! Let not some men among you laugh at others: it may be that the (latter) are better than the (former). Nor let some women laugh at others: it may be that the (latter) are better than the (former). Nor defame nor be sarcastic to each other, nor call each other by (offensive) nicknames... (Al-Ḥujurāt 49:11).
 - This verse prohibits us from pouring scorn on fellow human beings (friends, neighbours and colleagues).
2. And do not speak ill of people behind their backs... (Al-Ḥujurāt 49:12, AH)
 - This is a clear prohibition of calumny.
3. And do not spy on one another... (Al-Ḥujurāt 49:12, AH)
 - This injunction includes all forms of spying and espionage, including the clandestine tapping of telephone calls, the opening of letters, and the bugging of flats and cars by state security services.

4. Do not follow blindly what you do not know to be true: ears, eyes, and heart, you will be questioned about all these. (Al-Isrā' 17:36, AH)
 - This verse prohibits us from accusing other people (of a crime or sin) without clear evidence and hard (empirical) facts.
5. O you who believe! Enter into [*al-salm*]³⁸ whole-heartedly... (Al-Baqara 2:208)

Say not to any one who offers you [*al-salām*]³⁹: “You are none of a believer!”... (Al-Nisā' 4:94)

But if the enemy incline towards peace, do you (also) towards peace [*li'l-salm*], and trust in Allah... (Al-Anfāl 8:61)

Therefore if they withdraw from you but fight you not, and (instead) send you (guarantees of) peace [*al-salam*], then God has opened no way for you (to war against them). (Al-Nisā' 4:90)

 - These verses, *inter alia*, urge believers to spread peace and avoid war by pursuing a policy of peace and of resolving conflicts rationally and effectively by addressing adequately the needs of all involved parties.
6. Believers, do not enter other people's houses until you have asked permission to do so and greeted those inside... (Al-Nūr 24:27, AH)
 - This injunction refers to the duty to respect the property and privacy of houseowners.
7. If you find no one in, do not enter unless you have been given permission to do so. If you are told, ‘Go away’, then do so—that is more proper for you... (Al-Nūr 24:28, AH)
 - To enter and stay in a house requires the permission of its owner. If permission is not given one has to leave immediately.
8. You will not be blamed for entering houses where no one lives, and which could provide you with some useful service... (Al-Nūr 24:29, AH)

³⁸ YA translates *salm* as ‘Islam’; AB: ‘enter Islam totally’; AH: ‘submission to God’; MP: ‘into submission (to Him)’; AhA: ‘to full submission to God’, but clearly MS understands it as ‘peace’, like AA: ‘O believers, enter the peace, all of you’. MF translates ‘O believer, enter into complete peace’, but adds in a footnote that this is synonymous with ‘complete submission’ or ‘true religion’ (fn. 156), which tries to link *al-salm* with *al-islām*.

³⁹ YA translates *al-salām* as ‘a salutation’; AB: ‘who greets you as a Muslim’; AA: ‘a greeting’; MF: ‘who greets you’, but clearly MS understands it as ‘an offer of peace’, which is wider in its meaning than a ‘greeting of peace’ (AhA: ‘who greets you in peace’; AH: ‘a greeting of peace’), more like MP: ‘who offers you peace’.

- No one is allowed to move into an unoccupied house and stay there if it is not equipped with all the necessary household appliances.
9. Those who have been graced with bounty and plenty should not swear that they will [no longer] give to kinsmen, the poor, those who emigrated in God's way: let them pardon and forgive... (Al-Nūr 24:22, AH)
When death approaches one of you who leaves wealth, it is prescribed that he should make a proper bequest to parents and close relatives—a duty incumbent on those who are mindful of God. (Al-Baqara 2:180, AH)
- This refers to the act of 'doing what is fair and just' (*ihsān*) to our closest relatives.
10. Alms [*ṣadaqāt*] are for the poor [*al-fuqarā'*] and the handicapped [*al-masākīn*]... (Al-Tawba 9:60)
- This refers to the act of 'doing what is fair and just' (*ihsān*) to the poor and the handicapped people.
11. ...and do good to parents, kinsfolk, orphans, those in need, neighbours who are near, neighbours who are strangers, the companion by your side, the wayfarer (you meet)... (Al-Nisā' 4:36)
- This refers to the act of 'doing what is fair and just' (*ihsān*) to our next-door neighbours and to neighbours and acquaintances who live farther away. It also urges us to be kind to the traveller and wayfarer, that is, people 'on the move' who stay with us as guests.
12. [It is righteous] to spend of your substance, out of love for Him, for friends and acquaintances who are not blood-related [*dhawī 'l-qurba'*], for orphans [*al-yatāmī'*], for the handicapped people [*al-masākīn*], the 'men of the road' who, while on travel, stranded because of mishaps such as robbery or car accidents [*ibn al-sabīl*] ... (Al-Baqara 2:177)
Alms [*ṣadaqāt*] are for the poor [*al-fuqarā'*] and the handicapped [*al-masākīn*], and those who administer the *zakāh* tax [*al-'āmilīn 'alaihā'*]; people whose work has a positive impact on public life [*al-mu'allafā qulūbuhum*]; the financially enslaved [*fi'l-riqāb*] and people in debt and imprisoned because of their insolvency [*al-ghārimīn*]; those who sponsor the foundation of universities, schools, hospitals [*fiṣ-ṣabīl Allāh*]; and travellers in need of help [*ibn al-sabīl*]. ... (Al-Tawba 9:60)⁴⁰

⁴⁰ The translation of these two verses has been adapted to the interpretation of the Arabic terms that MS introduces in chapter 3. The conventional rendering would be as follows (MF): near of kin (*dhawī 'l-qurba'*), orphans (*al-yatāmī'*), the needy (*al-masākīn*), the wayfarers (*ibn al-sabīl*), the poor (*al-fuqarā'*), their collectors (*al-'āmilīn*)

- This refers to the act of ‘doing what is fair and just’ (*ihsān*) to people in need.
13. Those who, when they spend, are not extravagant and not niggardly, but hold a just (balance) between those (extremes). (Al-Furqān 25:67)
- This verse urges us to be prudent in what we spend, in private or public.
14. The duty of spending (*zakāh*) refers to the realm of *al-islām*, but it is an amount on top of what has already been spent within the realm of *al-īmān*. *Zakāt al-islām* may be given to anybody, not just to the followers of Muḥammad (ṣ). In contrast, *zakāt al-īmān* is given only to the followers of Muḥammad (ṣ)—the minimum amount is 2.5 percent of accumulated profit.
O you who believe! Fulfil (all) obligations! (Al-Mā’ida 5:1)
- This is a moral obligation to fulfil all our contracts and written agreements.
15. You who believe, when you contract a debt for a stated term, put it down in writing; have a scribe write it down justly between you... (Al-Baqara 2:282, AH)
- This is, finally, an obligation to write down ‘in black and white’ what money or property we owe, as well as what we have lent to other people.

These are only a few examples of the many injunctions and ethical guidelines for *al-īmān* that can be found in *the Book*. Every moral guideline or ethical teaching that existed before Muḥammad’s messengerhood and which contradicts the above list of injunctions must be seen as repealed or abrogated. This is because the ethical rules of *al-islām* were subject to abrogation, a process that started—as we heard—with Noah and ended with Muḥammad (ṣ). As for Muḥammad’s (ṣ) messengerhood, it was not subject to abrogation, therefore there is nothing in it that can be classified as abrogating or abrogated. His message has, instead, confirmed certain rules that were sent before, and has added rules or abolished others in order to complete *al-islām*. In doing so, it abrogated other previous messages

‘*alayhā*), whose hearts are bound together (*al-mu’allafa qulūbuhum*); the slaves (*fi’l-riqāb*), the debtors (*al-ghārimūn*); spending in Allah’s path (*fi sabīl Allāh*). As we will see in chapter 3, it is MS’s intention to replace the often archaic renderings of those terms that have lost their relevance in a modern society (e.g., slaves and slavery) with a contemporary understanding.

that were revealed to prophets before him (i.e., before *al-īmān*). Muḥammad (ṣ) sealed (or put an end to) this successive, continuous abrogation whereby each new message abrogated the previous, older ones.⁴¹

The following explanations are intended to clarify the nature of the universal ethical laws of *al-islām* which are shared but not exclusively embodied by *al-īmān*:

1. These ethical guidelines are meant to restrain human behaviour. One may call them our inner conscience (*al-ḍamīr*), something we attain through education.
2. They are essential, innate moral values that exist only within our human consciousness. One can easily transgress ethical rules and violate moral injunctions because they are, insofar as they do not objectively exist, inherently weak. Therefore, every civilized society is compelled to firmly establish them as social rules by way of reward and sanction. Those who dare to undermine these values by reckless, unsocial behaviour must be prosecuted without mercy.
3. In principle, these guidelines do not need to be explained to people nor should they be imposed upon people by force, because they are part of a human's innate disposition, and people therefore absorb these moral values naturally and instinctively. Thus, sincerity and honesty are natural virtues, while fraud and deceit are

⁴¹ This is a very novel understanding of the legal concept of *naskh*. Technically, *fiqh* literature allows four types of abrogations: 1) a qur'anic ruling abrogates another qur'anic ruling; 2) a qur'anic ruling abrogates a *ḥadīth*; 3) a *ḥadīth* of the Prophetic tradition abrogates a qur'anic ruling; and 4) a *ḥadīth* abrogates another *ḥadīth*. As for types 2 and 3, MS would maintain that a qur'anic ruling always abrogates a *ḥadīth* of the Prophetic tradition (if it contradicts the qur'anic ruling) but that a *ḥadīth* can never abrogate a qur'anic ruling (see Muḥammad Zayd, *al-Naskh fi'l-qur'ān* (Cairo, n.p., 1963), 1–6; 82–84; Sha'bān Muḥammad Ismā'īl, *Nazarīyyāt fi'l-sharā'ī' al-samāwīya* (Cairo, n.p., 1977), 99–171). As for type 1, the *fiqh* rule is that a later revealed qur'anic ruling abrogates an earlier revealed ruling. The criterion is, hence, the time of their revelation between 610 and 632. This is not the criteria which MS applies. It is, rather, the type of messengerhood for which historically a ruling was revealed (i.e., for Moses, Jesus, or Muḥammad). A historically later-revealed ruling abrogates historically earlier-revealed rulings. It is not the chronology of revelation between 622 and 632 that counts but the chronology of messengerhoods between several centuries BD and the seventh century AD., i.e., between the prophet Noah and the Prophet Muḥammad. MS is not concerned with the fourth type. See, for an equally critical view of the classical concept of *naskh*, Aḥmad Ḥijāzī al-Saqqā, *Lā naskh fi'l-qur'ān* (Cairo: Dār al-fikr al-'arabī, 1978).

- despicable. These things are neither culturally nor historically conditioned.
4. These moral injunctions are social obligations that cannot be disputed or become the subject of public referenda. They are social facts whose content and meaning are unambiguous. Lies or disrespect of parents will always be seen as repulsive behaviour and cannot be reinterpreted as honesty or respect. To establish these moral values as social norms does not imply a denial that immorality and evil exist in this world. *Al-islām* is a realistic and pragmatic religion in which there is no room for beatified, unreal visions or fantasies. It knows how to accept both good and evil in this world, in the same way as it acknowledges the existence of death. We hear it in *the Book*: ‘Every soul shall have a taste of death; and We test you by evil and by good by way of trial. To Us must you return’ (Al-Anbiyā’ 21:35).
 5. These guidelines reflect universal values that encompass all periods of human history. This means that their ethical truth is hidden beneath their explicit expressions in *the Book*. The vast potential of ethical truth is not exhausted by explicit expressions of moral guidelines. In other words, one may add other moral guidelines and expand on those that already exist. What is required is human wisdom, not divine revelation. Moral guidelines are formulated by the most astute people of a society who know how to harmonise ethical rules with the life experiences of the common people and how to link them to the accumulated wisdom of their cultural past. Undoubtedly, history offers people much wisdom and is, at the same time, their fiercest admonisher, since it relentlessly mirrors the real experiences that people have in their daily lives.
 6. All these moral guidelines are firmly interlinked, forming a holistic net of strings and connections; no partition or division is allowed, because there is only one, undividable path. *The Book* puts it like this: ‘Verily, this is My way, leading straight, follow it...’ (Al-An‘ām 6:151–53).
 7. To adhere to these moral guidelines does not depend on the individual’s strength and human capability. To believe in God and to follow these moral commandments requires neither special skills nor high intelligence. One does not need to be exceptionally gifted in order to know that the killing of other people is wrong. Such an aversion is engrained in human nature. One may, perhaps, compare the pillars of *al-islām* and its commandments to what we know

from counting goals in football: it is, for example, either 1 or 0 but never anything in between. *The Book* says: ‘O believers, fear Allah as He should be feared, and do not die except as Muslims [*illā wa-antum muslimūn*]’ (Āl ‘Imrān 3:102, MF). It means that *al-islām* and its pillars demand that we fear Allah as He should be feared. And everyone who thinks this verse has been abrogated by verse 64:16 has been spitefully deceived.⁴²

Morality (*al-akhlāq*) is here understood as a sociospiritual law that lays the foundation of the relationship between the members of the human race. It distinguishes human beings from animals and it is effective, regardless of the economic structure in a society. The morality of *al-islām* is characterised by universal validity. It achieves its characteristic as ‘general ethics’ through its status as divine revelation. This morality differs from mere custom and tradition, which, although mentioned in *the Book*, were neither stated as precise rules nor—because of their nature as constantly changing social practice—explicitly particular norms. In contrast, social ethics were revealed in the form of commandments, the *al-furqān*, from Noah onwards until Muḥammad (ṣ). They are still valid at the present time and are shared by many different cultures in the world; they are enforced regardless of the nature of the economic system or social environment. In sum, they are the common (human) denominator which unites cultures, political systems, race, class, and gender. They directly influence the individual’s social behaviour once they have been institutionalised as a cultural norm or common practice. What every Arab Muslim must realise is that, contrary to what is currently believed, social obligations towards society are first and foremost *moral* obligations and only secondarily religious duties or political-legal obligations.⁴³

⁴² ‘So fear God as much as you can; listen and obey and spend in charity for the benefit of your own soul and those saved from the covetousness of their own souls...’ (Al-Taghābun 64:16).

⁴³ MS added to this the following comment: ‘It has been a big mistake in our intellectual past, intended or not, to denounce universal ethical guidelines as ideological reflections of a specific cultural tradition. Some Arab Marxist intellectuals thought, for example, that ethics belongs to a kind of ideological superstructure in a society that reflects primarily its economic, material substructure. According to this view, the ethics of the Bible and the Qur’an, and this includes the ten commandments, express a specific kind of morality derived from the primitive economic conditions that existed in the ancient Near East. Marxist thinkers argued that because

The traditional understanding of *al-islām* has seriously corrupted our minds and has caused us to stagnate in our thinking of *al-islām*. The fateful error of defining religion exclusively in terms of the performance of the rituals of *al-īmān*, and the false labelling of these rituals as pillars of *al-islām*, has meant that religion was defined in isolation from ethical laws that are universally applicable. It meant that a person's religiosity was measured solely by his or her fulfilment of ritual obligations, regardless of that person's moral or social behaviour in society. The confusion of *al-islām* with *al-īmān* has produced other conceptual difficulties, for example, the confusion between several different degrees of 'permission' and 'prohibition', such as, a) *al-ḥalāl* / *al-ḥarām*, what is absolutely allowed / absolute taboo (and which can only be decreed by God), and b) *al-masmūh* / *al-mamnūʿ*, what is permitted / forbidden (which is decreed by positive law), c) *al-māʾrūf* / *al-munkar*, what is prescribed as right / proscribed as wrong (the result of popular practice and social conventions), d) *al-ḥasan* / *al-qabūh*, what is good or bad (and which is subject to the personal taste of each individual). This confusion between legal, social, and moral rules, and the muddling of the many different levels of jurisdictions, has created this dreadful current trend among many Muslims to excessively label things as absolute taboos (i.e., *ḥarām*), for which there is no evidence in the divine text of *the Book*. We hear, for example, that for a woman to show her face in public, to hear a woman's voice, to play musical instruments, to make sculptures, to take photographs, or, for fear that the devil might slip into someone's mouth, to yawn with one's mouth open, even to clip one's fingernails at night, all things that are normal everyday activities, have suddenly become absolute taboos! We should remember that the great sins in *al-islām* are only those acts that transgress the ten commandments of

these economic conditions do not exist any longer, the ethics that accompanied them must also disappear. However, such a position, where implemented, led to utter frustration and disappointment because it cut people off from morality and divine guidance, which were not replaced by something better. The practice of discarding moral guidance under the pretext of a Neo-Marxist deconstruction of history has given rise to an attitude of moral licentiousness whereby murder, disrespect for parents, fraud, false testimony, and adultery are perceived as perfectly normal. We know the abandonment of ethical rules has led Arab-Muslim societies into a deep moral crisis and will, if it is not rectified, eventually trigger their total destruction. We need to understand that divine commandments express a moral culture that is universal and applicable to all humans of any historical, religious, or economic background. These commandments can never be replaced or redefined.⁷

the universal *furqān*. Everyone who claims that there are seventy major sins, or even seven hundred, has been thoroughly misled.⁴⁴

Faith and Believers

The Term al-īmān (Faith) in the Book

Let us come back to the main topic of this chapter, which explores the distinction between *al-islām* and *al-īmān*. So far we have defined *al-islām* and its fundamental pillars, so now we need to do the same with *al-īmān*. The following list of characteristics of *al-īmān* has been derived from our systematic search through *the Book*, in which we analysed every single verse that is relevant to the topic. The outcome of this analysis can be summarized as follows:

1. *Al-islām always takes precedence over al-īmān:*

Historically and conceptually *al-īmān* proceeds from *al-islām* or, to put it the other way, *al-islām* always (and necessarily) precedes *al-īmān*.

The desert Arabs say, “We believe.” Say, “You have no faith; but you (only) say, ‘We have submitted our wills to God [*aslamnā*]’, for not yet has faith [*al-īmān*] entered your hearts. (Al-Ḥujurāt 49:14)

2. *Al-islām and al-īmān mean two different types of faith:*

The first, *al-islām*, contains the tripartite belief in a) the existence and oneness of God, b) the Hereafter, and c) God’s command to ‘do what is righteous’. *Al-islām* commands and incorporates all other types of faith, including *al-īmān*. It implies that any form of particular religious faith must conform to these three general pillars of belief. Verse 4:137 below states that a system of faith that omits these pillars basically rejects beliefs and is called *kufṛ*.

⁴⁴ The number of major sins or *al-kabā’ir* given in the *ḥadīths* differ considerably. A popular *ḥadīth*, reported by al-Bukhārī, states seven major sins (Muḥammad Abū ‘Abd Allāh al-Bukhārī, *al-Jāmi‘ al-Ṣaḥīḥ li’l-Bukhārī* (Beirut: Dār Ibn Kathīr, 1987), vol. 3, 1017) but Muslim *fiqh* scholars differed in classifying some of these sins as major sins, while others were included in this list of major sins (see ‘Abd al-Raḥmān al-Jazīrī, *al-Fiqh ‘alā madhāhib al-arba’a* (Cairo: Wizārat al-Awqāf, 1950), vol. 5, 223). It seems that MS refers to the popular work by al-Dhahabī which classified the *kabā’ir* into seventy categories (see Muḥammad b. ‘Uthmān al-Dhahabī, *al-Kabā’ir* (Beirut: Nashr Dār al-Nadwat al-Jadīda, n.d.)).

Those who believe, then reject faith [*kafarū*], then believe (again) and (again) reject faith [*kafarū*], and go on increasing in unbelief [*kufʿan*]⁴⁵—God will not forgive them nor guide them nor guide them on the way. (Al-Nisā’ 4:137)

The second, *al-īmān*, is defined as belief in Muḥammad (ṣ) and his messengerhood, including belief in *the Book* and its message as well as the books that were revealed before the Apostle (ṣ)—as stated in 4:136 addressed to ‘those who believe’ (*alladhīn āmanū*).

O you who believe! Believe in God and His Apostle, and the scripture which He has sent to His apostle and the scripture which He sent to those before (him).... (Al-Nisā’ 4:136)

Whereas the adherents of *al-islām* are the Muslim-Assenters (*al-muslimūn*), the followers of *al-īmān* are Muslim-Believers (*al-mu’minūn*).⁴⁵

3. *Al-islām and al-īmān combined receive a ‘double portion’ of God’s mercy:*

According to verse 57:28, Allah promises to bestow on ‘those who fear God’ (the Muslim-Assenters) and on ‘those who believe in Muḥammad (ṣ)’ (the Muslim-Believers) a double share of His mercy.

O you who believe! Fear God, and believe in His apostle, and He will bestow on you a double portion of His mercy: He will provide for you a light by which you shall walk (straight in your path), and He will forgive you (your past)... (Al-Ḥadīd 57:28)

In a more abstract way it looks like this:

⁴⁵ Many verses refer to these two types of faith: ‘O you who believe! Believe in God and His Apostle, and the scripture which He has sent to His apostle and the scripture which He sent to those before (him)....’ (Al-Nisā’ 4:136); ‘O you that believe! Fear God, and believe in His apostle, and He will bestow on you a double portion of His mercy...’ (Al-Ḥadīd 57:28); ‘But those who believe and work deeds of righteousness, and believe in the (revelation) sent down to Muhammad...’ (Muḥammad 47:2); ‘It is He who sent down tranquillity into the hearts of the believers, that they may add faith to their faith...’ (Al-Fatḥ 48:4); ‘...Yea, those who believe, their faith is increased and they do rejoice. But those in whose hearts is a disease, it will add doubt to their doubt, and they will die in a state of unbelief’ (Al-Tawba 9:124–25).

Those who assent to God—first type of faith—al-islām—the first share of mercy;

Those who believe in His Apostle—second type of faith—al-īmān—the second share of mercy.

4. *Divine reward is given to both types of believers:*

Those who believe in God and the Hereafter (the *muslimūn*) will receive God's reward, and those who in addition believe specifically in *the Book* revealed in Arabic (the *mu'minūn*) will be rewarded twice:

And when it is recited to them, they say: "We believe therein, for it is the truth from our Lord: indeed we have been Muslims (bowing to God's will) from before this." Twice will they be given their reward, for that they have persevered... (Al-Qaṣaṣ 28:53–54)

5. *The term al-īmān is always linked to a relationship with a specific messenger:*

Whenever it is said in the text that someone 'believed' (*āmana*) in a specific messenger, it implies that this person followed this messenger as a disciple, novice, or member of a specific religious community:

And when Our Decree came, We saved Hud and those who believed with him, by a mercy of Ours... (Hūd 11:58, MF)

And when Our Decree came, We delivered Shu'ayb and those who believed with him by a mercy of Ours... (Hūd 11:94, MF)

The Book calls 'those who believed in Moses' Jews, members of the Jewish community. It calls 'those who believed in Jesus' *al-naṣārā* (Christians), either because they supported and protected (*naṣarū*) Jesus and became his followers (*anṣāruhu*), or because they were from the city of Nazareth (*al-nāṣira*)—in either case they were members of the Christian community. When the text mentions 'those who believed in Muḥammad (ṣ)', they are referred to as the 'believers':

O Prophet! Allah is Sufficient for you and so are the believers [*al-mu'minīn*] who follow you. (Al-Anfāl 8:64)⁴⁶

6. *Al-īmān is a specific type of piety:*

There exists three types of piety. The first type is the piety of *al-islām*, expressed as belief in Allah, the Hereafter, and 'doing

⁴⁶ See also Al-Mā'ida 5:23; Al-Ḥujurāt 49:15.

what is righteous'. Muslims all over this world, including Christians, Jews, New Age groups, and followers of Muḥammad (ﷺ) and so forth, practise this type of piety. The second type is the piety of faith (*al-īmān*), expressed as belief in a specific messenger and the book that was revealed to him; the 'Muslim-Believers' embody this type of piety. The third type is a combination of the first and second types of piety (*al-islām* + *al-īmān*) that can be practised through *al-iḥsān* (particular ethics), because *the Book* states Allah's love for those who practise the piety of 'doing what is fair and just':

On those who believe and do deeds of righteousness there is no blame for what they ate (in the past), when they guard themselves from evil, and believe, and do deeds of righteousness, (or) again, guard themselves from evil and believe, (or) again, guard themselves from evil and do good. For God loves those who do good [*Allāh^u yuḥibb^u al-muḥsinīn^u*]. (Al-Mā'ida 5:93)

The Pillars of al-īmān

The tenets *al-īmān* (faith in Muḥammad (ﷺ) and in his messengerhood) allow a gradual growth of piety from the fundamentals of *al-islām* to a higher form of belief. *The Book* reflects upon the spiritual development of those who already have a firm belief in Allah, the Hereafter and 'doing what is righteous', in sum, *al-islām*. The following pillars of *al-īmān* are built—perhaps similar to the sublime top floor of a massive building—upon the pillars of *al-islām*:

1. The witness (*al-shahāda*) that Muḥammad (ﷺ) is Allah's apostle:

But those who believe and work deeds of righteousness, and believe in the (revelation) sent down to Muhammad... (Muḥammad 47:2)

Only those are believers who have believed in God and His apostle, and have never since doubted, but have striven with their belongings and their persons in the cause of God: such are the sincere ones... (Muḥammad 47:15)
2. The prayer 'at stated times':

For such prayers are enjoined on believers at stated times. (Al-Nisā' 4:103)
3. The giving of alms tax (spending). Note that spending (*al-infāq*) is a pillar common to both *al-islām* and *al-īmān* because spending

has a social (care for other people) as well as a spiritual dimension (the wish to come closer to God). The difference, however, is that spending in *al-islām* is a natural act ensuing from the humans' innate disposition (*al-fiṭra*)—‘Whatever good you give, shall be rendered back to you...’ (Al-Baqara 2:272)—while spending on the *zakāh* tax in *al-īmān* is a social burden that does not come naturally:

[How] prosperous are the believers! [...] who pay the prescribed alms. (Al-Mu'minūn 23:1, 4, AH)⁴⁷

4. The fast in the month of Ramadan:

O you who believe! Fasting is prescribed to you... (Al-Baqara 2:183)

5. The pilgrimage to Mecca by ‘those who can afford the journey’:

...Pilgrimage thereto is a duty men owe to God—those who can afford the journey... (Āl 'Imrān 3:97)

6. Consultation:

[Those who] respond to their Lord; keep up the prayer; conduct their affairs by mutual consultation... (Al-Shūrā 42:38, AH)

7. The fight in God's way (note: ‘there is no compulsion in religion’, Al-Baqara 2:256) for freedom, justice, and equality:⁴⁸

Fighting is ordained for you, though you dislike it... (Al-Baqara 2:216, AH)

These seven pillars of *al-īmān* are not exclusive but also include the pillars of *al-islām*, such as belief in Allah, the Hereafter, and ‘doing what is righteous’. Muslim-Assenters (*al-muslimūn*) who, in addition, seek to become Muslim-Believers (*al-mu'minūn*) are therefore fully obliged not to forget their commitment to fulfilling *al-islām*'s three pillars of faith. As we laid out above, the fundamental difference

⁴⁷ See also Al-Baqara 2:43; Al-Nisā' 4:162.

⁴⁸ MS defines any struggle for freedom, justice, and equality as a fundamental pillar of a ‘*jihād* in God's way’ (*al-jihād fī sabīl Allāh*), but if this cannot be achieved by peaceful means it turns into a violent fight, or *al-qitāl*. Any fight that is fought for a different cause, that is, not for freedom, justice, and equality cannot be defined as a ‘fight in God's way’ (*al-qitāl fī sabīl Allāh*). The reference to 2:216 implies that MS here refers to *al-qitāl* as the violent form of *al-jihād*. The difference between *al-jihād* and *al-qitāl* is explained in detail in chapter 6.

between the two kinds of faith is that *al-islām* is the innate (natural) disposition of all people in this world, while *al-īmān* is a form of ritual worship that contradicts humans' innate disposition. Through these rituals, adherents of *al-īmān* differ from those who are not *ahl al-īmān*, but they do not differ in their moral behaviour (respect for parents, avoidance of fraud and perjury, etc.), which is universally articulated in similar ways.

As for the problem of disbelief (*al-kufr*), we have said that *the Book* correlates two kinds of disbelief to the two types of faith: disbelief in the realm of *al-islām* and disbelief in the realm of *al-īmān*. The first kind of disbelief negates the existence of God, the Hereafter and 'doing what is righteous'; it undermines the fundamentals of *al-islām*. *Al-kāfir bi'l-llāh* is, in short, an atheist who has dissented from God. The second kind of disbelief rejects belief in Muḥammad (ṣ) and his book. It refers to someone who refuses to acknowledge both Muḥammad's prophethood (*al-kāfir bi-nubūwatihi*) and his messengerhood (*al-kāfir bi-risālatihi*). Both kinds of disbelief must be expressed in deliberate, fully articulated, and publicly stated views by which the disbelievers antipathetically oppose either kind of faith. Only those who have declared their disbelief in such an open and antagonistic manner, like for example Abū Lahab who became a *kāfir* because he was openly hostile towards Muḥammad (ṣ), shall be declared infidels. Others who did not openly contradict Muḥammad's message even though they did not believe in it, were—quite rightly so—not regarded as *kāfirs*.

O you who believe! Believe in God and His Apostle, and the scripture which He has sent to His apostle and the scripture which He sent to those before (him)... (Al-Nisā' 4:136)

'Those who believe, then reject faith, then believe (again) and (again) reject faith, and go on increasing in unbelief—God will not forgive them nor guide them nor guide them on the way.' (Al-Nisā' 4:137)

Al-islām and al-īmān

Having established the true pillars of *al-islām* and *al-īmān* we can now extend our study of the differences between the two realms of faith: *Al-islām* means faith that entails belief in Allah, the Hereafter, and 'doing what is righteous'; *al-īmān*, in contrast, pertains to faith in the truth of messengerhoods, that is, divine revelations put down in heavenly scriptures and transmitted by God's apostles, and finally in 'doing what is fair and just'. A Muslim-Assenter (*al-muslim*) can also

be a Muslim-Believer (*al-mu'min*), but not all Muslim-Assenters are Muslim-Believers. One might, for example, believe in God, the Hereafter, and 'doing what is righteous' and still *not* believe in Muḥammad's (ﷺ) messengerhood. However, a Muslim-Believer is, by definition and self-designation, a Muslim-Assenter too, since a believer always assents to God.

Al-islām is the more general type of faith. It is the universal, human religion of all people on earth. That is the reason why it is called 'Islamic religion' (*al-dīn al-islāmī*), not 'religion of faith' (*al-dīn al-īmānī*). We also remember that God said: 'the religion before Allah is *al-islām*' (Āl 'Imrān 3:19) and 'if anyone desires a religion other than *al-islām*, never will it be accepted of Him' (Āl 'Imrān 3:85). *Al-īmān*, in contrast, is a very specific term for those who follow Muḥammad (ﷺ).⁴⁹ Allah has coined the term 'believers' (*al-mu'minūn*) to refer to those who believe in His Prophet (ﷺ). The term 'commander of the faithful' (*amīr al-mu'minīn*) has been specifically created for Muslim-Believers. It was first used during the reign of 'Umar b. al-Khaṭṭāb; note that the Caliph was *not* called 'commander of the Muslims' (*amīr al-muslimīn*). Also, the wives of the Apostle Muḥammad (ﷺ) were called 'mothers of the believers' (*ummahāt al-mu'minīn*) and not 'mothers of the Muslims'!

Al-islām is consistent with human nature (*al-fiṭra*), but *al-īmān* is not. To believe in God—and only one God—can be compared to the natural instinct of an ant that cannot help but be trampled underfoot by its fellow ants or with a tortoise that digs holes in the banks of a river or the seashore to hatch its eggs there. In other words, we are naturally disposed to believe in God and 'do what is righteous'. *The Book* says:

Say: "I am but a man like yourselves, (but) the inspiration has come to me, that your God is one God: whoever expects to meet his Lord,

⁴⁹ MS believes that the now antiquated terms for 'Muslims', for example in French (*Mahométans*), German (*Mohammedaner*), and English (*Muhammedans*), do in fact reflect more adequately the fact that 'Muslim-Believers' are the followers of Muḥammad. The pejorative sense of these words, insofar as they seem to suggest that 'Muhammedans' worship Muḥammad or think of him—analogous to how 'Christians' believe in 'Christ'—as God, needs of course to be omitted. Once it has been clarified that Muḥammad is human and a prophet, the term 'Muhammedans' might be used again to designate Muslim-Believers.

let him work righteousness, and, in the worship of his Lord, admit no one as partner. (Al-Kahf 18:110)
 And your Lord taught the bee to build its cells in hills... (Al-Naḥl 16:68)

The natural disposition of humans was created by God Himself. Nobody else interfered in this process of creation. That is the reason why we read:

Indeed We showed you favour before. We inspired your mother... (Ṭā-Hā' 20:37–38, AH)

We also read that when the Arabs came to tell Muḥammad (ṣ) that they had embraced *al-islām*, God ordered Muḥammad (ṣ) to let them know that their assent to God was not his (Muḥammad's) doing but rather because of 'God's favour He conferred upon' them:

They think they have done you [Prophet] a favour by submitting. Say, 'Do not consider your submission [*islāmakum*] a favour to me; it is God who has done you a favour, by guiding you to faith, if you are truly sincere'. (Al-Ḥujurāt 49:17, AH)

In *al-islām*, human nature does not need instructions from heavenly scriptures, but in contrast *al-īmān*, containing ritual performances, codes of human behaviour, and ethical rules, does require guidance from divine scriptures. By Allah's grace, messengers were sent to the peoples to bring them the light of the truth and instructions on how to worship God. Now we understand why God has said, in chastising those who disbelieved in Muḥammad's messengerhood, that *al-islām* must still be the minimum (the lowest limit) of belief that is required of them. He said:

Again and again will those who disbelieve wish that they had bowed (to God's will) in Islam [*lau kānū muslimīn*]. (Al-Ḥijr 15:2)

Piety in *al-islām* means 'to fear God as He should be feared', while piety in *al-īmān* is 'to fear God as much as you can'. We read in *the Book*:

O you who believe! Fear God as He should be feared, and die not except in a state of Islam. (Āl 'Imrān 3:102)
 So fear God as much as you can; listen and obey and spend in charity for the benefit of your own soul... (Al-Taghābūn 64:16)
 On no soul does God place a burden greater than it can bear... (Al-Baqara 2:286)

We learn from 2:286 that Allah set the task of fulfilling religious obligations in accordance with the strength and ability of each believer. We know from experience that human beings differ in their abilities and that some people are more pious than others because they are given greater spiritual strength. Such diversity, however, contradicts verse 3:102, which orders the believer to ‘fear God as *He should* be feared’. No allowance is given for varying degrees of piety. But a contradiction between text and reality is inconceivable. How can we solve this problem?

The exact wording of the first verse provides an answer. It begins by addressing those ‘who believe’ (*alladhīna āmanū*). Given that *the Book* distinguishes between two kinds of faith we need to ask which of the two is meant here. The way the verse ends provides a clue. It refers to ‘a state in Islam’, that is, to those who believe in God, in the Hereafter, and in ‘doing what is righteous’. We infer from this that these are the Muslim-Assenters and that the verse addresses only the *muslimūn*, whereas the second verse (64:16), ‘fear God as much as you can’, is addressed to the *mu’minūn*, the believers who believe in Muḥammad (ṣ).

The difference is that in *al-islām* faith needs to be rigorously implemented, whereas *al-īmān* allows different degrees of piety and spirituality. In *al-islām*:

- a) One possesses belief in the existence of God regardless of one’s strength or abilities;
- b) It is inconceivable that one believes in God for an hour and then stops doing so in the next;
- c) It is impossible to practise falsehood or commit adultery because of a lack of strength or ability; for example, it would be frivolous if someone claimed that he did his best not to fornicate but could not help it or, even worse, that he tried very hard not to kill someone but in the end could not avoid it happening. We would certainly never respond to such acts by saying to the perpetrator: ‘Never mind, on no soul doth God place a burden greater than it can bear....’!

Therefore, the command to ‘fear God as He should be feared’ belongs only to the pillars of *al-islām* and is part of the innate disposition of humans that guides moral behaviour. This is the reason why the verse ends by saying: ‘die not except in a state of *al-islām*’.

As for the pillars of *al-īmān*, we fear God according to our strength and ability ('On no soul does God place a burden greater than it can bear'). It is important to note that the previous verse, 2:285, starts with the phrase 'The messenger believes in what has been revealed to him from his Lord, as do the men of faith [*al-mu'minūn*]'. In *al-īmān*, the sick believer is exempted from fasting because he is not strong enough to do so; pilgrimage is subject to the ability of the pilgrim to do the journey; *jihād* is no obligation for those who are unable to practise it; no alms tax is required from those who cannot afford it; and consultation is subject to historical circumstances since no absolute model is given of how to conduct it. All religious obligations of *al-īmān* are not absolute but relative and subject to historical change, and since they are not part of the human innate disposition (*al-fiṭra*) they are practised in accordance with an individual's strength and ability.

The overarching capital of all pillars of *al-islām* is → to witness that 'there is no god but God' → that is, the worship⁵⁰ of Allah (performed by the Muslim-Assenters or *al-muslimūn*);

The overarching capital of all pillars of *al-īmān* is → to witness that 'Muḥammad (ṣ) is the messenger of God' → i.e. the obligatory rituals (performed by the Muslim-Believers or *al-mu'minūn*).

Those who jump directly into the realm of *al-īmān* without having passed the stage of *al-islām* are called 'hypocrites'. *The Book* says:

When the hypocrites come to you [Prophet], they say, 'We bear witness that you are the Messenger of God.' God knows that you truly are His

⁵⁰ MS comments in a footnote: 'Note that human beings are worshippers of God (*al-'ubbād*), not His slaves (*al-'abūd*). Worshippers of God enjoy freedom of choice, on a personal as well as political level, whereas slaves of God do not enjoy such freedom. Worshippers of God are capable of implementing justice in society, whereas slaves do not have such power. What Allah demands from every human being is worship (*al-'ibāda*), not slavery. So we are His worshippers (*al-'ubbād*) in this world (but we are free to choose between obedience and disobedience), while in the After-life we will become His slaves (*al-'abūd*), since no choice will then be left to humans. That is why we read in verse 56 of *Sūrat al-Dhāriyyāt*: 'I have only created Jinns and men, that they may serve Me.' This should be read as: 'human beings are worshippers of Me who obey Me so that their will is fulfilled, and they disobey Me through the freedom of their choice.' However, this verse does not refer to the rituals of *al-īmān*, i.e., fasting, alms tax, or pilgrimage, etc.'. The topic of freedom is discussed again in chapter 6.

Messenger and He bears witness that the hypocrites are liars.
(Al-Munāfiqūn 63:1, AH)

This verse teaches us that if someone performs the ritual prayer as part of *al-īmān*, but ignores the ethical commands as part of *al-islām*, he is a ‘hypocrite’, even if he rigidly observes the prayer times, the duty of the fast, and the Ḥajj rite.

The following chart demonstrates how *the Book* distinguishes between the two types of faith—even within one single verse:

Faith: Type 1 (the Muslims)		Faith: Type 2 (the Believers)
‘But those who believe and work deeds of righteousness...’ (1)	→	‘...and believe in the (revelation) sent down to Muhammad...’ (2) (Muḥammad 47:2)
‘O you who believe! Fear God...’ (1)	→	‘...and believe in His apostle...’ (2) (Al-Ḥadīd 57:28)
Allah’s first portion of mercy (1)	→	Allah’s second portion of mercy (2)
	→	‘...He will bestow on you a double portion of His mercy...’ (Al-Ḥadīd 57:28)
‘O you who believe!...’ (1)	→	‘...Believe in God and His Apostle...’ (2) (Al-Nisā’ 4:136)
‘Those who believe, then reject faith...’ (1)	→	‘...then believe (again) and (again) reject faith...’ (2) (Al-Nisā’ 4:137)
‘On those who believe and do deeds of righteousness...’ (1)	→	...when they guard themselves from evil, and believe, and do deeds of righteousness, (1 + 2) (or) again, guard themselves from evil and believe, (or) again, guard themselves from evil and do good (2) (Al-Mā’ida 5:93)

A Moral Understanding of al-iḥsān

Finally, we turn to the concept of ‘doing what is fair and just’ (*al-iḥsān*), the crucial moral term for *al-īmān*. In short, ‘doing what is

fair and just' means doing good deeds that fight evil acts and misdeeds. Hence, good and bad deeds stand in a dialectical relationship. Good deeds are for the benefit of humankind and other creatures, while bad deeds bring them harm. This is, in simplest terms, the general definition of *al-iḥsān*. It has nothing to do with human behaviour in the eyes of God, because He, in His omnipotence, sublime majesty, and perfection, is above human deeds and misdeeds. *Al-iḥsān* is purely defined by the way we interact as human beings in this world.

Worryingly, the lack of clarity in defining the term *al-iḥsān* has always been the Achilles heel of the way moral ethics have been conceptualised in Islam. By describing it purely as a Sufi term ('to act as if God sees you', etc.), we forget that *al-iḥsān* actually means that we should respect one another and care for those close to us, that is, our spouses, children, neighbours, and parents, as we are told by *the Book*:

...and do good [*iḥsān^{am}*] to parents, kinsfolk, orphans, those in need, neighbours who are near, neighbours who are strangers, the companion by your side, the wayfarer (you meet), and what your right hands possess... (Al-Nisā' 4:36)

If we do something bad we are requested to do something good in compensation for the bad deed. We are reminded that we should judge others by their deeds and good work, not their outward appearance. It is like a warning that we should not judge, for example, a woman by what she wears or whether she is veiled or not, but by the deeds she has done for others and for society as a whole. This means that we act righteously and justly by working for others and not by following rigid dress codes or other shallow norms of external religious correctness. The moral aspect of *al-iḥsān* has been tragically ignored by contemporary Arab believers, to the point where people are now more obsessed with appearance than with good deeds.

But do our physicians not do good deeds by taking care of their patients? And do not lawyers, teachers, builders, farmers, and so on do *al-iḥsān* by being good and professional in their work? Is it not high time to open a completely new chapter of *fiqh* and write it under the title 'Good deeds at work'? In that chapter, we would talk about competence and excellence in performing good deeds in all spheres of life, perhaps one section for each sphere (good work at home; good work in our neighbourhoods; good work for the environment;

good work for spiritual happiness; good work as citizens, etc.). What would be important to write is that all good deeds are firmly located in this world. We cannot ignore the fact that this world is the field where the seeds of the Afterlife grow, even if we acknowledge the existence of the next world. But without life in this world Hell and Paradise would not make sense, neither would the Day of Judgement or the concepts of reward and punishment. Once we have grasped the dialectics between this world and the Next, we are able to nourish this life and give it meaning. We will then be able to fully participate in establishing a prosperous human society that can positively influence the course of events in history.

Let us look at these two verses from *the Book*:

Nay, whoever submits his whole self to God and is a doer of good [*muḥsin*], he will get his reward with his Lord... (Al-Baqara 2:112)

Who can be better [*aḥsana*] in religion than one who submits his whole self to God, does good [*huwa muḥsin*], and follows the way [*milla*] of Abraham the true in faith [*ḥanīf^m*]? For God did take Abraham for a friend. (Al-Nisā' 4:125)

In both verses the category of a person who is a 'doer of good' (*al-muḥsin*) is discussed. We hear in the first verse (2:112) that the Afterlife is intrinsically linked to 'doing what is fair and just' in this world. As we have said above, this world lays the foundation for our life in the next world where we will reap the fruits of our work in this world. We learn that good deeds are recorded by Allah for each individual soul, because *the Book* says 'he will get *his* reward with *his* Lord', using the singular (his), which indicates an individual account with God, and not the plural form (their), that is, a collective account. When it uses the plural form as in 'on such shall be no fear (for *them*), nor shall *they* grieve'⁵¹, it is directed to the entire group of *muḥsinūn* in the next world, reminding us in more general terms that 'doing what is fair and just' in this world does not entail losing sight of the Next. In the second verse (4:125) we hear that 'who can be better in religion than one who submits his whole self to God'. We learn that every religious community, of whatever name or title, in which there is a person who assents to God (and who is someone who is 'doing what is fair and just'), will find God's approval.

⁵¹ This phrase completes verse 2:113.

The same verse clarifies the dialectics between the individual and society in terms of ‘doing what is fair and just’. The verse links the opening part that talks about *al-ihsān* with the concluding part that talks about the ‘way (*milla*) of Abraham’ who is called a *ḥanīf*. We gather from this link that ‘doing what is fair and just’ is part of ‘the true way of faith’ (*al-ḥanīfiyya*)⁵² which is embodied in the community of Abraham (*mīllat Ibrāhīm*).⁵³ Note that the text does not say ‘religion of Abraham’ but ‘community of Abraham’, because ‘religion’ (*dīn*) is different from ‘community’ (*milla*). Religion consists of all those civil and ethical rules which are upheld by ‘doing what is fair and just’ and which define the relationship between individuals and society. *The Book* tells us that there is only one religion in this world—and this is *al-islām*. As for the term ‘community’, it refers to the assembly of like-minded people who translate these ethical rules into concrete norms of behaviour that are obligatory for the members of this community. Their sociocommunal behaviour is based on the principle of *ḥanīfiyya*, which means that in the way they formulate and translate these ethical rules they are influenced by the historical context in which they live. Allah has given us rules that are fixed, the ‘straight path’ and His commandments, but He left us to deal with *ḥanīfiyya*, the task of allowing and constantly absorbing diverse developments.

⁵² The term *ḥanīf* in the Qur’an usually connotes the meaning ‘monotheist other than Jewish or Christian’ (Ambros, *Dictionary*, 79) and is in Islamic *fiqh* positively denoted as referring to someone who is a sincere or straight believer (see Muḥammad b. ‘Alī al-Shawkānī, *Nayl al-awtār min ahādīth Sayyid al-Akhyār: Sharḥ munṭaqa ‘l-akhbār* (Cairo: Idārat al-Ṭibā‘a al-Munīriyya, n.d.), vol. 2, 208). According to al-Ṭabarī, the term *ḥanīf* also stands for the *ḥājj*, i.e., the pilgrim who travels to Mecca, because the pilgrimage is mythologically linked to Abraham’s tradition, which is usually referred to as *al-ḥanīfiyya* (Abū Ja‘far al-Ṭabarī, *Jāmi‘ al-bayān fi ta’wīl al-qur‘ān* (Beirut: Mu‘assasat al-Risāla, 2000), vol. 3, 104). However, the term is differently defined by MS (see chapter 4). Although he keeps the direct meaning of ‘monotheist’ and ‘sincere’ (believer) he adds his indirect (interpreted) meaning, which is *ḥanīf*, the human inclination to move (in curves) between the straight limits that God has set down. Whereas *ḥanīfiyya* embodies the essence of humanness, straightness embodies the essence of the divine (and hence nonhuman) self.

⁵³ YA: ‘way of Abraham’; MP: ‘the tradition of Abraham’; AhA; AA: ‘the creed of Abraham’; MF: ‘the true religion of Abraham’; AH: ‘the religion of Abraham’; AB: ‘the religion of Ibrahim’; ‘religion’ seems to mean ‘creed’ with all translators, but Ambros (Ambros, *Dictionary*, 259) defines *milla* also as religious community (in the social, historical sense of religious tradition). MS wants to draw on this social, collective meaning of *milla*.

The principle of *ḥanīfiyya* is embodied in Muḥammad's message of a theory of limits (*al-ḥudūd*).⁵⁴

As for the problem of historical change and the potential constant evolution of what is 'fair and just', we need to recall that historical circumstances govern most ethical rules. New, unprecedented ethical rules will have to be introduced in the light of new developments in human society, and new ethical rules, of which we have yet no knowledge, will have to be created in the future. Today, we are asked to apply the principle of *ḥanīfiyya* to our contemporary community (*milla*), which we do by following the example of the community of Abraham. In order to achieve this, Allah has given us the principles of moral behaviour, its foundation and ethical boundaries, but He has left it to us to formulate ethical rules according to the idea of *ḥanīfiyya*.

Exactly how this is done is a matter of historical variance and differs from one place to another and from one historical period to the next. 'Doing what is fair and just' in terms of working in a factory, for example, depends on the existing conditions of production. And the conditions of production are often troublesome and oppressive; so we hear *the Book* calling: 'So establish weight with justice and fall not short in the balance.' (Al-Raḥmān 55:9). This implies, however, that the conditions of production might change and develop, primarily because of the effects of scientific and technological progress. Means of transport and the driving conditions differed tremendously between the late and the early twentieth century. We need to be aware that if we applied the same old rules of driving today with our current means of transport and much-improved infrastructure, we would be in danger of ceasing to be 'those who do righteous things' because, as we said before, this would not apply the principle of *ḥanīfiyya* of Abraham's community. Its core message is to take historical change into consideration and to adapt the concept of 'doing what is fair and just' to the actual conditions of the time and the place in which it is to be practiced.

⁵⁴ This theory is fully explained in chapter 4. It basically contains MS's fundamental position that the Qur'an should not be regarded as a book of codified law that stipulates exact punishment for specific crimes but, instead, only indicates the outer boundaries (the upper and lower limits of moral and social tolerance) in God's law. Human legislation, thus, should not take place *with* these outer boundaries but in *between* them.

The two verses of Sūrat al-Baqara and Sūrat al-Nisā' stipulate that whoever submits his whole self to God is 'doing what is fair and just' on condition that the principle of *ḥanīfiyya* is applied to his ethics. The following verse articulates this idea nicely by giving us the example of a prosperous, thriving person who has a firm grip on the rope that Allah has given him:

Whoever submits his whole self to God, and is a doer of good, has grasped indeed the most trustworthy hand-hold; and with God rests the end and decision of (all) affairs. (Luqmān 31:22)

Finally we want to stress again that the need to develop an understanding of 'doing what is fair and just' (*fiqh al-iḥsān*) for all spheres of life is the biggest challenge that contemporary Arab believers face. As believers we need to be familiar with 'doing what is fair and just', its underlying principle of *ḥanīfiyya* and its fundamental condition to believe in Allah and the Hereafter. We need to realize that such familiarity is the only way to avoid remaining isolated and outside history, outside civilisation and outside the centre of the world's creative powers. If we continue to give priority to our prayers and the fast of Ramadan, to hide our women behind the *ḥijāb*, and to grow our beards, that is, if we continue to be obsessed with the superficialities of external behaviour and appearance, we will stay backward and remain a miserable, humiliated nation. If we do not implement the concept of 'doing what is fair and just' and the principle of *ḥanīfiyya* with all its different practical implications in our daily life, if we do not socialise our youth in this spirit, and if we do not replace the traditional manuals of religious rituals (*fiqh al-sha'ā'ir*) with the new practices of *fiqh al-iḥsān* we will, in the long run, achieve absolutely nothing.

Conclusion: Getting Our Priorities Right

The rediscovery of a clear distinction between *al-islām* and *al-īmān* in *the Book* requires us to revise how we are used to set our priorities:

Top Priority

Our top priority must always be *al-islām*, belief in God, the Hereafter, and 'doing what is righteous' (our ethical norms). *Al-islām* must be the shared platform upon which we cooperate and interact with the rest of the world. Most of the inhabitants of this earth are

Muslim-Assenters in the sense that they naturally accept *al-islām*'s beliefs and ethical values, even though they are shaped and articulated differently in each state and society. As for the practice of rituals and belief in messengers, *al-īmān*, it is evident that they are (ethically) neither self-sufficient nor self-explanatory. They need to be authenticated by the moral ethos of *al-islām*. It is our task to inform Arab Muslims about the real understanding of *al-islām* and tell them that they are not just followers of Muḥammad (ṣ) but that they are first and foremost Muslims, that is, assenters to God, as we hear in the following verse:

And they say: "None shall enter Paradise unless he be a Jew or a Christian." Those are their (vain) desires. Say: "Produce your proof if you are truthful." Nay, whoever submits His whole self to God and is a doer of good, he will get his reward with his Lord; on such shall be no fear, nor shall they grieve. (Al-Baqara 2:111–12)

It is our responsibility to advise people of the importance of 'doing what is righteous' and 'doing what is fair and just' and to tell them that these are fundamental pillars of *al-islām* and *al-īmān*. Every Muslim on this earth is called upon to fulfil this duty. It is the only criterion in judging a person's righteousness. The gates and avenues of 'doing what is good' are many and they will be kept open until the Day of Resurrection. Innovation and diversity in 'doing what is good' is of high priority and will be rewarded by God because everything that is of benefit to His creation is registered with Him for all eternity.

Second Priority

Second on the list of priorities are the religious obligations of *al-īmān* (prayer, alms tax, fasting, pilgrimage), which are entrusted to the *mu'minūn* who follow the Prophet Muḥammad (ṣ). This does not mean—as we have said several times—that the religious obligations are detached from *al-islām* and from 'doing what is righteous'. It only implies that they are particular obligations which do not enjoy universal validity or political significance. They are ritual obligations that do not permit alteration or diversity. Innovations—either by adding new rituals or removing old ones—are illicit acts (*bid'a*). In the realm of *al-īmān*, innovations are impudent and reprehensible. In the realm of *al-islām*, however, innovations are good and laudable.

Until now, we have not gotten our priorities right. Absolute priority is given to things that are, in fact, of minor importance, as a result of which we let the top priorities slip into second place. Inexplicably, we have given absolute priority to the pillars of *al-īmān* rather than to the pillars of *al-islām*, resulting in our minds being completely preoccupied with the most insignificant details of ritual performances. A slip in the fast during Ramadan is to us more scandalous than the widespread corruption in our society, and the question of how to make up for a missed prayer is given more attention than the question of how to stop the fraud and deceit that cripple our societies and make life unbearable.

*Islamic Revival (al-ṣaḥwa al-islāmiyya) and the Reawakening of Faith
(al-ṣaḥwa al-īmāniyya)*

Once we have accepted that *al-islām* is the natural religion of all human beings (*dīn al-fiṭra*), enjoying universal validity and applicability, we are able to sustain a true *Islamic* revival. The following observations will help the reader to understand why the implementation of *al-islām*—a proper *Islamic* revival—will be beneficial to all societies. Since *al-islām* means wealth and welfare (*al-islām bi'l-khayr*) for everyone, we observe that in every society on this globe:

- Employment is higher than unemployment. This shows that human societies advocate a culture of work ethics, a commitment to labour, and striving for the better. The concept of predestination and fatalism by which individuals' lives are once and for all predetermined is utterly un-Islamic.
- Health care and medical treatment are provided in order to prolong life and sustain health. The thought that each individual's life span has been predetermined, that the duration of life should not be 'artificially' prolonged by medicine, is fundamentally un-Islamic.
- The fight for justice is essential for the proper functioning of human societies. The existence of fraud and deceit undermines the social and moral fabric of society and, hence, committing these things is relatively heavily sanctioned by the legal systems of most countries.

- Orphans are normally taken care of by orphanages and other welfare organisations regardless of the children’s ethnic or national origins.
- Sophisticated guidelines are laid down for the production of consumer goods and deviations are harshly punished. In most countries, the main objective of the economy is the production of food, clothes, furniture, and luxury goods.
- Simple rules are given for the interaction between men and women. Most importantly, the inheritance of property by male and female descendants is regulated by testaments—not by complicated, gendered, and unjust inheritance laws as they are cherished by our honourable *fuqahā’*.

In short, a true Islamic revival means endorsing moral and social values that foster civil society, in the shape of welfare organisations, trade unions, NGO’s, community groups, business associations, self-help groups, coalitions, and advocacy groups. Unfortunately, generations of ‘*ulamā’* have failed to turn *al-islām* into a universally applicable and practical religion. Instead, they have promoted the values of slavish ritualism and a mentality of flight from this world to the Next, that is, a form of escapism that left them unable to give common people guidance on how to fulfil their aspirations in this world. We believe that this mentality of escapism and slavish ritualism is the reason why political Islam and the Islamist movement will fail to get overwhelming support of the majority of the population in most countries of this world.

A true reawakening of faith (*al-ṣaḥwa al-īmāniyya*), a revival that does not exhaust itself by an increase in ritualistic performances through prayer, fast, and pilgrimage, is characterized by:

1. An increase in the number of people who fast during the month of Ramadan and who disburse the month-specific voluntary donations because *al-īmān* (in this respect) means (also) wealth and welfare.
2. An increase in the number of people who pay alms tax because *al-īmān* means wealth and welfare. Since voluntary donations and the ritual of *zakāh* are essentially social activities uniting society by means of charity money, it is—unlike prayer, fasting, and pilgrimage—also an activity of *al-islām*, and not just exclusively of *al-īmān*.

3. An increase in the number of people who take part in the burial prayer for deceased fellow believers, showing their condolence, compassion, and commiseration because *al-īmān* means wealth and welfare.
4. An increase in love for the Messenger (ﷺ).

Every true moral act that is achievable by everyone everywhere in the world belongs to the realm of *al-islām*. The followers of Muḥammad's messengerhood do not possess a monopoly over moral righteousness. We know that high moral virtues existed before the life of the Prophet (ﷺ), who embodied some of these noble virtues, hence they are not essentially grounded in his *sunna*. The fact that they were also embodied by people before him shows us that they can be found outside the realm of *al-īmān*. In contrast, the (very specific and particular) rituals practised by the followers of Muḥammad's messengerhood belong exclusively to the realm of *al-īmān*. *Al-īmān* came after *al-islām*, not before. It is not correct to say that *al-islām* was imposed on earlier religions because we know that there was no other religion that existed before *al-islām*. It is, however, correct to say that *al-īmān* was imposed on earlier religions. Sūrat Muḥammad states that people had faith in Muḥammad (ﷺ) (*al-īmān*) after they had believed in something else ('He will remove from them their ills and improve their condition', Muḥammad 47:2). *Al-islām*, with its belief in the existence of God and good deeds, is firmly placed in this world and yet also leads into the Next. As for *al-īmān*, its place is also in this world but, unlike *al-islām*, it is separated from the state and the organisations of civil society. This aspect will be further explained in chapter 6.

To talk about a currently ongoing *Islamic* revival is nonsense. If we take the example of Egypt and look at what has happened in this country between 1970 and today, we see that *al-islām* has almost entirely disappeared. We are observing a deep slumber, not an awakening! In contrast, in other so-called *non-Islamic* countries we recognise that *al-islām* is everywhere because in those countries wealth and welfare are ever growing, bypassing the so-called Islamic countries by a hundred miles.

The current reawakening of faith (*al-ṣaḥwa al-īmāniyya*), it is sad to say, will not feed us, will not eradicate hunger and poverty, and will do nothing to reform state and society. Its focus on prayer, *dhikr*, recitation, death, Paradise and Hell, that is, on life in the next world,

will only improve the state of the individual's soul, it will do nothing for society at large. It replaces a life-affirming attitude with an obsession with death and the Afterlife. It will keep the believers unsympathetic to the plights and sufferings in this world as it will shut their eyes to the glaring despotism and autocracy of the political tyrants who seem to have been installed everywhere. It is a sobering thought that the impact of an increase in prayer, fasting, and pilgrimage on political culture is laughably negligible, and the political regimes will feel its weight like that of a dust speck.

CHAPTER TWO

THE SUNNA OF THE PROPHET (ﷺ)

INTRODUCTION

Islamic jurists' excessive fixation on the life of Muḥammad (ﷺ) has led to the unfortunate result that the *sunna* of the Prophet (ﷺ) not only became theoretically the second most authoritative source of Islamic law but practically also very often the primary source of legislation. When issuing their *fatwās*—in particular on legal issues with far-reaching social and political implications—Islamic jurists very often ignored the rules of *the Book* or had them replaced by the *sunna*, which over time became their ultimate—and often only—point of reference. By focusing on the *sunna* of the Prophet (ﷺ) as a major source of Islamic legislation, our honourable scholars clearly overstepped the mark when they began to treat it as the principal and most authoritative source of truth, equal if not superior to the word of God in *the Book*. Their theologically most detestable step was to regard *the Book* as incomplete and in need of the elaborations and specifications of the *sunna*, implying that a divine text needs to be completed and confirmed by a human source—which is a truly blasphemous thought!

In order to understand what went wrong in Islamic law and why we ended up with a mindset focused on analogies that constantly forces today's Muslims to bring their behaviour in line with minute details of the *sunna*, leaving no room for innovative thinking, reform, or renewal, we need first to establish what in Allah's *Book* enjoys universal validity (and is part of Muḥammad's prophethood), and what was and has been of particular relevance (and is part of Muḥammad's messengerhood). For this discussion the universal norms of human existence and the dialectics between social development and civilisational progress need to be fully considered.

Contemporary Islamic discourse lacks philosophical depth. The ignorance of modern philosophical thinking is the root cause of the almost primitive reflex by our honourable scholars to treat everyone who is blessed with the tiniest spark of originality and creativity as

a subversive renegade or even an enemy of Islam. It is a real scandal that people are mobbed and treated as pariahs if they dare to unmask the datedness of the *salaf* heritage, and it is outrageous that they are ridiculed if they apply modern critical methods to unravel the mysteries of the divine text. And it is an even greater scandal that people are accused of apostasy when they rely on the truth of Allah's words, which state that Muḥammad (ṣ) became God's messenger not through personal sanctity but due to the mercy of the Almighty; and also when they believe that the message of *the Book*—and *not* the *sunna* of Muḥammad (ṣ)—is the seal of all prophetic messages.

PROPHETHOOD AND MESSENGERHOOD

It is our aim to show that the *sunna* of the Prophet is culturally and historically conditioned, and that it lacks the universality of Allah's *Book*. While Muḥammad's *sunna* cannot be perceived as being outside the law of historical development and needs to 'stay' in seventh-century Arabia, Muḥammad's messengerhood in *the Book* needs to be understood according to the dialectics between form and content, insofar as its text is fixed but its content moves. Let us therefore first turn to Allah's *Book* and introduce two fundamental categories: Muḥammad's prophethood and Muḥammad's messengerhood.

We start out from the premise that Allah revealed *the Book* to Muḥammad (ṣ) as text (*naṣṣ*) and content (*muḥtawā*). As text it consists of all the revealed verses, from the first Sūrat al-Fātiḥa to the last Sūrat al-Nās, and as content it covers the entirety of themes and topics that have ever been addressed in revealed scriptures or books. These themes and topics can be classified under two major categories whose characteristics can be derived from the following two verses:

This is the Book which cannot be doubted and is a guidance to *the God-fearing*. (Al-Baqara 2:2)

Who are these 'God-fearing'?

Those who believe in *the unseen* [*al-ghayb*]... (Al-Baqara 2:3)

→ this refers to the 'book of the unseen' (*kitāb al-ghayb*) = category I

And '[who] perform the prayer and give freely from what We provided for them.' (Al-Baqara 2:3, MF)

→ this refers to the 'book of conduct' (*kitāb al-sulūk*) = category II

These two different categories (book of the unseen / book of conduct) indicate a distinction between prophethood and messengerhood. Prophethood (*nubūwa*) is derived from the Arabic root *n-b-ʿ*, which means—in its second verb form (*nabbaʿa*)—‘to announce’ or ‘to disclose’,¹ and in the context of *the Book* it refers to those parts of the text that announce or disclose the themes of universal—and sometimes, historical—‘truth and falsehood’ (*al-ḥaqq waʿl-bāṭil*). The verses of messengerhood (*al-risāla*), in contrast, contain concrete moral, social, and ritual instructions, that is, precepts of correct and praiseworthy behaviour, to be followed by the believers in their daily life. The verses of prophethood talk about the essential questions of human existence: about life and death, about the beginning and the end of the world, Hell and Paradise, and such; they form the ‘book of prophethood’ (*kitāb al-nubūwa*). The verses of Muḥammad’s message or messengerhood, in contrast, talk about religious practices: about rituals, prayer, fasting, pilgrimage, prohibitions, social duties, welfare obligations, and the like. They represent the ‘book of messengerhood’ (*kitāb al-risāla*). The book of prophethood deals with the reality of our objective existence; it distinguishes between true and false, real and illusory; it possess the quality of being ‘ambiguous’ (*mutashābih*), and it is located in the textual (or existential) subcategories of *al-qurʿān* and *sabʿ al-mathānī*. The book of messengerhood, that is, the book of conduct, possesses the quality of being unambiguous or ‘definite’ (*muḥkam*) and is located in the *umm al-kitāb*, the ‘mother of the book’. In short, Muḥammad (ṣ) is a messenger of God *and* a prophet, but both roles contain different tasks and themes. *The Book* acknowledges Muḥammad’s dual role by clearly distinguishing between verses of messengerhood and verses of prophethood.²

¹ MS refers exclusively to the root *n-b-ʿ* and hence *nabbaʿa* ‘to make s.th. known, to announce s.th.’ (as in 66:3), even though the conventional reference would be to *n-b-y* and *nabīy* ‘prophet’, from Syriac *nḥīyā* or from another Aramaic dialect (Ambros, *Dictionary*, 262). MS uses the semantic association between *nubūwa* (prophecy) and *nubūʿa* (prognosis, prophecy), the latter linked to *inbāʿ* (notification, information), to establish his interpretation that the role of prophets is ‘to notify’ or ‘to inform’.

² Based on his assumption of two fundamentally different categories of divine revelation, MS defines verses according to their metaphysical status as either eternal, absolute, and objectively valid or as temporal, relative, and subjectively conditioned. Since Muḥammad enjoyed the status of the Prophet *and* the Messenger of Allah, MS argues, the Qurʿān must reflect these two positions (which are conventionally not perceived as separated) in the form of two different categories of verses: verses of

For the purpose of further exploring the difference between prophethood and messengerhood we must now define how we understand prophethood and the role of a prophet. In order to do this we need to introduce the categories of *naba'* and *khobar* which designate two different types of 'news':

1. *Naba'*: refers to an event in the unseen or unknown world which has either already taken place in the near or distant past or will take place in the near or distant future. Muḥammad's (ṣ) role as a prophet (*naby*) was to disclose to his fellow men these events which were hidden to them but which, through his announcements, became discernable. These announcements form the book of prophethood which does not contain any legal injunctions. In terms of style and rhetorical expression prophetic announcements are short, crisp, and concise. A reference to them can be found in the following verse:

Those cities, We relate to you [i.e., Muḥammad] some of their [*anbā'ihā*];³ their messengers came to them with clear signs, but they would not believe in what they had denied earlier. This Allah seals the hearts of the unbelievers. (Al-A'rāf 7:101)

2. *Khobar*: refers to an event in the past or immediate present (not the future) in the tangible or known world which can be empirically seen or reconstructed (if it happened in the distant past) by the people. However, such *khobar* events may turn into *naba'* events with the passing of time. For example, what happened to Noah and his people were *khobar* events for those who personally wit-

prophethood *and* verses of messengerhood. Chapter 3 provides a detailed explanation of this distinction.

³ YA translates *anbā'* as 'tales', similarly MF: 'their tales'; AhA: 'whose accounts'; AH: 'the stories of those towns', but MS wants to convey the meaning of 'news' or 'tidings', as this was captured by other translators, e.g., AB: 'we have given you news of them'; MP: 'We relate some tidings of them to you'; AA: 'We relate to thee tidings of'. In strictly legal terms, the *fiqh* scholars do not distinguish between *al-khobar* and *al-naba'*, but Arab linguists, who oppose the existence of synonymity in the Arabic language, usually define *naba'* as 'extremely important information that the listener (i.e., the person who is informed) could not have known', while *khobar* is defined as 'normal information which the listener may or may not already know' (see Abū Hilāl al-'Askarī, *al-Furuq al-lughawiyya* (Beirut: Dār al-Kutub al-'Ilmiyya, 2000), vol. 1, 528–30). It seems that MS keeps this distinction as his *khobar* news are, for the first time, discernable to human knowledge, while *naba'* news might be known or not known, i.e., they have already become 'yesterday's news', not 'breaking news' like the *khobar* news.

nessed them. But over the centuries they turned into *naba'* events as they became unknown or indiscernible to subsequent generations. In terms of style and rhetorical expression they are elaborate, lengthy, and detailed. Both categories of 'news', *naba'* and *khavar*, pertain to the content of *al-qur'ān* and form the qur'anic stories; they belong to the book of prophethood and do not contain legal injunctions.

With this in mind we say that the miraculous nature (*al-i'jāz*) of the book of prophethood is defined by the quality of knowledge it contains; it is *i'jāz 'ilmī*, or an 'epistemological miracle'. Not only does it contain precise knowledge of the universal laws that govern the entire universe and nature, but it also hosts historical stories which had either already happened before Muḥammad's time (*naba'* events to him) or which he himself witnessed (*khavar* events). For us today, such *khavar* events have now become *naba'* events.

The miraculous nature of the book of messengerhood, in contrast, is defined by the soundness and righteousness of its legal instructions: they are valid until the Day of Judgement. It enjoys everlasting validity because it is based on the principle of *ḥanīfiyya* and because its injunctions are applied within the legal framework of Allah's limits (see chapters 4 and 5).

The Book, directly revealed into Muḥammad's brain, holds prophethood and messengerhood. It came down as the last of the many messages of *al-islām* which history had accumulated over time and with which Allah has sent his prophets and messengers to all peoples in this world. *Al-islām*, as we said in chapter 1, started with Noah and found its perfect expression with Muḥammad (ṣ). Since Muḥammad's (ṣ) death our knowledge of the universe has increased and our legal systems have improved. Humankind as a whole has greatly advanced, so much so that we no longer need another prophet or another revelation as we can now rely on reason and our matured experiences of this world. The scientific institutions of the modern era have inherited prophecies and prophethoods, and the new legislative assemblies and parliaments have inherited ancient messengers and their messengerhoods. In other words, with the 'seal of the prophets' ended too the period of external, moral intervention and consequently also the role of religious experts.

If *the Book* is Allah's revelation as text and content from its first to its last letter, we would need to specify what makes it so different

from the other messages and prophecies that have previously been revealed. We believe that the special nature of *the Book* lies in its sacredness as the last and final revelation. But what do we mean by sacredness?

We take our clue from one of the ninety-nine names of Allah in *the Book*, *al-qudus*, which we translate as ‘the one who governs over the living’. We read in *the Book*:

We also gave Jesus, son of Mary, clear signs and strengthened him with the [*rūh al-qudus*]⁴ (Al-Baqara 2:87)

We know that the miraculous ability to reanimate the dead was one of God’s gifts to Jesus. We infer from this that ‘holy’ or ‘sacred’ (*muqaddas*) means to live, and that a sacred text is a text that shows signs of life or *is* living. Accordingly, *the Book* is a sacred text because it is a living text, a text of life, and a text for the living, not the dead. Even if we find in *the Book* things about people who belong to a different historical period, and who were therefore subject to the ‘becoming’ and ‘progressing’ of their times, it can still be read as if they belonged to the time of our reading of the text—as if *the Book* was revealed only yesterday! How is this possible?

We find the answer in the ontological quality of the text as ‘being’ in-and-for-itself, and of being originated in Allah who is also pure ‘being’ in-and-for-itself. Both God and text can only be understood by looking at their outward signs and external manifestations, by the ninety-nine names that manifest themselves in the externalities of our existence. As created beings, we will never fully understand the entirety of this universe because only God can do this. What we can do is to gradually comprehend it by a continuous ‘becoming’ of our relative and contingent knowledge. The ultimate aim is to come closer to God even though we will never fully reach Him. But to facilitate this process of coming near Him we are allowed to make everything in nature subservient, whether we use it wisely and for

⁴ *Rūh al-qudus* is usually rendered as ‘the Holy Spirit’, see YA, AA, AH, MF, including MP who glosses ‘a term for the angel Gabriel’; different but not better AB: ‘the Purest Ruh’ and AhA: ‘divine grace’; Ambros (Ambros, *Dictionary*, 221) says: *qudus* is from Syriac *qudšā*, in 2:87 means ‘holiness’. Still, it does not provide the intended sense of ‘life-creating’. The best phrase to capture MS’s intention is to render it as ‘the spirit of life’ or, perhaps *Pneuma Kyriou*, ‘Spirit of the Lord’ (as in NT) that provides the way to (eternal) life.

the benefit of humankind or foolishly and even to the detriment of society and the environment.⁵

No one, we repeat, is able, nor should be allowed, to claim total knowledge of *the Book* in its entirety or its single parts, even if he is a prophet or messenger. If someone claimed to have such total knowledge he would commit the crime of *shirk*, as he would become a partner of God in His knowledge and His 'being' in-and-for-itself. If Muḥammad (ṣ) had total knowledge of *the Book*, in its entirety or its single parts, and his interpretations and *ijtihāds* had all the flavour of absolute truth, it would make him a partner of Allah in divine knowledge and, even more ridiculously, the author of *the Book*. By God, we cannot accuse Muḥammad (ṣ) of *shirk* regarding Allah since he never claimed to possess absolute knowledge of Allah's *Book*. But because our honourable scholars overrated the *sunna* to such an extent that they began treating Allah's *Book* as if Muḥammad (ṣ) had been able to write it himself, Muslim believers were given the impression that Muḥammad (ṣ) possessed superhuman knowledge.

How does *the Book* constitute its 'being' in-and-for-itself? We believe it is because of the stability or firmness of the text, or better: the stable nature of *al-dhikr*, which is the linguistic, that is, phonetic/lexical, format of *the Book*. The text's *dhikr*, which we have in front of us today, is exactly the same *dhikr* that existed in the seventh-century. And it is the same text that Allah revealed into Muḥammad's brain from where it was then transmitted *ad verbum ipsissimus* to his fellow men. The text of *al-dhikr* does not possess 'becoming' or 'progressing', hence its textual format is fixed forever. On that we hear:

It is truly We who have revealed [*al-dhikr*],⁶ and we are truly its guardians.⁷ (Al-Ḥijr 15:9)

⁵ In a footnote, MS explains that regulations against the irresponsible use of natural resources should come through the implementation of the ethical rules as discussed in chapter 1. Since God's religion, *al-islām*, can be broadly defined as ethics and moral principles, the implementation of *al-islām* would secure a balance between humans and nature, and a responsible use of human and natural resources.

⁶ Notice that the text uses the term *al-dhikr*, and not *al-kitāb*, *al-qur'ān*, or *al-furqān*; on the nonsynonymous use of all these terms against conventional *tafsīr*, see chapter 3.

⁷ Most translators render *al-dhikr* literally as: 'the Reminder' (MF, AB, MP) or 'the Remembrance'(AA); AhA says: 'this exposition'; only AH thinks it is synonymous to: 'the Qur'an'. MS believes that *al-dhikr* refers only to the actual textual for-

If *the Book* possesses the quality of 'being' in-and-for-itself, how are human beings supposed to deal with it? How should we, being subject to 'becoming' and 'progressing', read the divine text? And how should future readers, whose 'becoming' and 'progressing' will have inevitably moved on to a more advanced level of knowledge, understand *the Book*? We believe that readers of different historical periods will have understood different things from the text. Readers of the eighth, ninth, twelfth, eighteenth and twentieth centuries have differed from one another in terms of their intellectual capacities and methodologies. Some have discovered things that others have overlooked, and a third group of readers may have elicited things from the text that the other two groups have completely ignored. This is because despite its fixed 'being', *the Book* is a text of life into whose 'becoming' and 'progressing' the reader has been absorbed according to his own degree of 'becoming' and 'progressing'. This fundamental hermeneutical principle underlines our dictum that 'the text is fixed but its content moves', expressing a subtle dialectical relationship between textual structure and meaning.

The messages that readers receive from the text and the messages that they might overlook depend on the epistemological context in which they read the text. In this regard, every reading is bound to be contemporary. A reader of the twelfth century approached the text with the scientific and social awareness of his time, his reading being the most contemporary reading possible at that time; we in the twenty-first century apply the scientific and intellectual level of our own age, turning our reading into the best possible contemporary reading. A reader in premodern times will have used the most up-to-date knowledge available to him to understand the text's explanation of life on earth. He would have used the model of the four elements of water, earth, air, and fire which scholars at that time employed to explain nature and life. In the modern age, however, we apply the findings of laboratory experiments that explain life as the basic transformation of hydrogen into uranium, that is, we are using an altogether different explanatory model. In both cases the most contemporary forms of knowledge have been applied and yet two different interpretations have resulted. This is because the scientific and intellectual horizon of the prescientific reader simply was

mat or, if recited aloud, its audible expression whose meaning is not (yet) discerned.

not as advanced as ours, by which we recognise the unstoppable, relentless progress of ‘becoming’ and ‘progressing’ in our scientific knowledge.

We now understand much better why *the Book* is the only and ultimate source of prophethood and messengerhood (not the *sunna*!). It is the only text that possesses the quality of ‘being’ in-and-for-itself, and therefore the only text that is sacred. No other text by a human being, whether prophet or messenger, can ever claim to possess the same level of sacredness as *the Book*.

A CRITIQUE OF THE TRADITIONAL UNDERSTANDING OF THE *Sunna*

In this section we refute the traditional understanding of the *sunna* which has caused serious damage to Arabic civilisation. Because ‘becoming’ has been forced to stay locked in the period of the first three centuries of Islamic history, the traditional fixation on the *sunna* of the Prophet (ﷺ) has made Arab-Muslim societies—philosophically speaking—*flat*, two dimensional. In contrast to other more three-dimensional civilisations, Arab-Muslim societies have remained backward and still display symptoms of cultural decay and intellectual stagnation. A traditional understanding of the *sunna* forces today’s jurists to make their legal decisions strictly analogous to those issued between the seventh and the ninth centuries.

The traditional view has it that the *sunna* relates to us the words, acts, good deeds, statements, and decisions of Muḥammad, God’s Messenger (ﷺ). It requires us to emulate the example of the Prophet (ﷺ) as rigidly as possible in our daily conduct. The following verse 21 of Al-Aḥzāb and two *ḥadīths*⁸ have often been cited to convince and discipline us:

You have indeed in the Apostle of God a beautiful pattern (of conduct) for any one whose hope is in God and the Final Day, and who engages much in the praise of God. (Al-Aḥzāb 33:21)

The Messenger of Allah, may Allah bless him and grant him peace, said, “I have left two things to you. As long as you hold to them you

⁸ If this term refers to a specific saying of Muḥammad it is written with a small initial letter (i.e., *ḥadīth*). If, however, it refers to the entire textual corpus of prophetic sayings and the scholarly (Muslim) study of it, it is written with a capital, *Ḥadīth*.

will not go astray: these [two things] are the book of Allah and the Sunna of His Prophet.”⁹

“Behold, I have been given this book together with something similar/equal.”¹⁰

Based on the dubious notion of Muḥammad’s sanctity as prophet and messenger, the *sunna*, that is, the collective body of all *ḥadīths* that capture the words and deeds of a supposedly *über*-human being, has gained an authority that intrudes into the daily life of every Muslim-Believer. General issues of religious belief and specific questions of social conduct are indiscriminately treated as equally authoritative and binding on us all. Every little detail of the Prophet’s life has been defined as equally sacrosanct, whether it concerned questions of universal, objective laws (*nubūwa*) or legislation (*risāla*), whether it referred to prophetic knowledge (*‘ilm*) or to legislation (*ahkām shar‘īyya*). The *ḥadīths* of the *sunna* have thus acquired the status of sacred texts whose authority cannot any longer be questioned. As a result, the *ḥadīths*, regardless of their often dubious origins and weak chains of transmitters, were given priority to the divine text even when they contradicted the verses of *the Book*.

Neither Muḥammad (ṣ) himself nor his companions would ever have approved of such notions of sanctity. On the contrary, we hear that Muḥammad (ṣ) explicitly forbade his followers from compiling anything but the words of God. The oft-heard argument that the collection of *ḥadīths* enabled the Prophet’s companions to better distinguish between Muḥammad’s words as a prophet (and human being) and the words of God (the divine author), and thus protect the latter from being mixed with the former, can be refuted by quoting verse 9 of Sūrat al-Ḥijr that rebukes such efforts. In this verse we are assured of the fact that Allah Himself will take care of His words as the sole and best protector of *the Book*, and that He would not need *ḥadīth* compilers to do so:

We have, without doubt, sent down the Message; and We will assuredly guard it (from corruption). (Al-Ḥijr 15:9)

⁹ Mālik ibn Anas Al-Aṣḥabī, *Muwatṭā al-imām Mālik* (Abū Dhabī: Mu’assasat Zāyid ibn Sulṭān Āl Nahyān, 2004), vol. 5, 1323 (ḥadīth no. 3338).

¹⁰ Abū al-Sa‘ādāt Ibn al-‘Athīr, *Jāmi‘ al-uṣūl* (n.p., n.d.), vol. 1, 68 (*Kitāb al-i’tiṣām bi’l-kitāb wa’l-sunna; Bāb al-istimsāk bihīmā*).

The truth is that after the prophet's death in 632 his companions were preoccupied only with the task of producing an authoritative collection of divine revelations. They did not bother at all about prophetic *ḥadīths*. They started collecting the divine *āyāt* under the caliph Abū Bakr and completed the task under the caliph 'Uthmān b. 'Affān, who eventually compiled the written *muṣḥaf*, the copy we hold in our hands today. This is what has become known as the codex of 'Uthmān. It is said to have abrogated all other codices that existed at that time and which were subsequently all destroyed. The Prophet's (ﷺ) companions had realised that whatever Muḥammad (ﷺ) said or did as a human being could not have originated from a divine source and thus was strictly related to the political-historical context in which he lived. Even though they could have started to collect *ḥadīths* they continued to rely exclusively on the divine text. Knowing *the Book* very well they realised that to collect *ḥadīths* in order to complete divine revelation would have contradicted Allah's words in verse 3 of Sūrat al-Mā'ida:

This day have I perfected your religion for you, completed My favour upon you, and have chosen for you *al-islām* as your religion... (Al-Mā'ida 5:3)

It was clear to them that the religion of *al-islām* was perfected even without the existence of a single *ḥadīth*. It was indeed inconceivable to think that Allah has given them an incomplete religion of which half, the *ḥadīths*, was still missing. And it would also be inconceivable to think that they, after having successfully collected all existing divine revelations, could have been so neglectful of not having exhaustively collected all existing *ḥadīths* (a process that lasted several centuries), therefore embarrassing generations of future Muslims by having secured only half of *al-islām*.

The collection of *ḥadīths* and the process of turning them into sacrosanct texts is undoubtedly a later development. The following aspects have triggered this fateful turn towards the sanctification of the Prophet's *sunna*. We have identified six major errors which all occurred because of a wrong interpretation of a verse in *the Book*. In dealing with these errors, we quote the verse first, highlight the mistakes made, and then introduce our own reading of the text.

1. The first one concerns the belief that Muḥammad's (ﷺ) words were inspired by God:

And he [Muḥammad] does not talk [*yanṭiq*] capriciously. It is only a revelation [*wahy^{um}*] being revealed [*yūḥā*]... (Al-Najm 53:3-4, FM)

It was thought that the two verses equate what Muḥammad (ṣ) said (*yanṭiq*) with divine revelation (*wahy*). This led to the erroneous view that the Qur'an and the *sunna* are two categories of revealed or inspired word. It has been overlooked that Al-Najm 53:3-4 were revealed in Mecca at a time when Muḥammad (ṣ) was confronted by strong opposition from the Ahl al-Quraish. They had questioned the validity of Muḥammad's (ṣ) claim to have received revelations from God. They did not question Muḥammad's (ṣ) own words but only what he presented as divine revelation. Verses 3 and 4 were revealed as an assurance of the divine origins of his revelations from God, not an assurance of the sacrality of Muḥammad's sayings as prophet and human being.¹¹

¹¹ MS adds in a footnote the following explanation: 'A short clarification is in order here in order to tackle the fateful legacy of synonymicist philology that holds the minds of our 'ulamā' in a firm grip. Against that we hold the non-synonymous definitions of philological terms, such as utterance (*nuṭq*), word (*qawl*), lexeme (*lafẓ*), and speech act (*kalām*), that we derived from modern linguistics and classical, non-synonymicist philology. We start with a quote from *Qatr al-nadā wa-ball al-ṣadā* by Jamāl al-Dīn b. Hishām al-Anṣārī (d. 708 AH): [Begin of quote] 'A word (*kalīma*) is an utterance that can be found either alone or in a compound; a word (*qawl*) consists of a lexeme (*lafẓ*) that carries meaning, but not all lexemes are words; lexemes involve vocal sounds that are based on the letters of the alphabet—they may mean something or not. Thus, a word consists of a lexeme, denoting a specific meaning, that might be derived from one single sentence, such as: 'Nay, this is a word he is speaking'. A word, given that it consists of a lexeme that carries meaning, can occur singly, such as Zayd, servant, bed etc., but it might form a compound if it consists of more than just one lexeme, such as the young boy Zayd, see verse 3 of Sūrat Muḥammad: 'Thus Allah coins their similitudes for mankind.'" [End of quote]

An utterance (*nuṭq*) is a vocal articulation that involves an intelligent connection of different lexemes (*alfāẓ*), to the extent that they are logically and meaningfully linked to each other. We might also call this the area of syntax. An utterance (*nuṭq*) is also used to produce meaningful articulations through which logically and meaningfully words (*kalimāt*) are interconnected in different ways. We might call this the area of grammar. The lexeme (*lafẓ*) of an utterance is a sound which the tongue, lips, and vocal cords produce in order to be heard. This can be found with humans as well as animals when dogs bark, wolves howl, or birds sing. A word (*qawl*), in contrast, could hold only one, singular segment or unit of this sequence of vocal articulation. A word (*qawl*) contains the meaning that is transported from the speaker to the listener in order to be understood.'

[The difference is here made between the words *qāla Allāh* and *naṭaqa al-nabī*, which are for MS not just two words for 'saying' but denote different meanings. Whereas *qāla Allāh* denotes the real speaker and communicator of a meaningful

2. The second error concerns the belief that Muḥammad's (ṣ) acts and deeds are sacrosanct, that is, unblemished by mistake and hence infallible. This view can easily be rejected by reading the following verses of Sūrat 'Abasa in which Allah unambiguously reprimands Muḥammad (ṣ) and concedes his fallibility:

He frowned and turned away when the blind man came to him—
for all you know, he might have grown in spirit, or taken note of
something useful to him. ('Abasa 80:1-4, AH)

This is a clear rebuke by God because Muḥammad was so impertinent to have turned away from Ibn Maktūm, an old, blind beggar, in order to address instead the notables of the Ahl al-Quraish in the hope that they would accept his call and convert to Islam. Criticising such snobbishness, Allah asks Muḥammad (ṣ) to change his attitude and turn back to the beggar, for the old man might spiritually benefit enormously from the Prophet's attention. In the following verse we hear another rebuke of Muḥammad's action:

Prophet, why do you prohibit what God has made lawful to you in
your desire to please your wives? Yet God is forgiving and merciful.
(Al-Taḥrīm 66:1, AH)

And another time:

It is not fitting for an apostle that he should have prisoners of war until
he has thoroughly subdued the land. You look for the temporal goods

sentence, *naṭāqa al-nabī* denotes Muḥammad's utterances, i.e., a meaningful and coherent transmission of Allah's words. The former (*qāla*) relates to 'saying' whereas the later (*naṭāqa*) refers to the pronouncement of what has been said. That *the Book* does not employ *qāla* when it refers to Muḥammad's sayings is, for MS, significant; it points to the impossibility of Muḥammad 'saying' revelations—contrary to what the verse of Al-Najm might suggest—because he can only 'pronounce' them.]

MS continues: 'Suppose we accept synonymy, it would mean that the verb *naṭāqa*, i.e. to pronounce, has the same meaning as *qāla*, i.e. to speak. In this case, the sayings of God's messenger (*naṭāqa al-rasūl*) would enjoy the status of divine revelation (as in *qāla Allāh*). This would imply that the prophetic *ḥadīths* enjoy divine protection, that they are free of ambiguity and obscure meaning, that they need to be preserved literally (*bi'l-lafẓ*) and not just in terms of their meaning, and that no distinction can be made between the utterances of Muḥammad as Prophet and his utterances as Messenger of Allah. Against all of this we raise the following objection: the only book that legitimately contains the phrases *qāla Allāh* and *naṭāqa rasūl Allāh* is *the Book*. The phrase *qāla Muḥammad* in the books of *ḥadīths*, must not be understood as equal to *qāla Allāh* in *the Book*, even if these *ḥadīths* were transmitted by uninterrupted chains of transmitters that go back to the Prophet.'

of this world, but God looks to the Hereafter: And God is exalted in might, wise. (Al-Anfāl 8:67)

3. The third error has occurred by inventing the notion of the Prophet's (ﷺ) impeccability (*al-ʿiṣma*). This view can easily be rejected by reading the following verse of Sūrat Al-Māʿida:

Messenger, proclaim everything that has been sent down to you from your Lord—if you do not, then you will not have communicated this message—and God will protect you from people. God does not guide those who defy Him. (Al-Māʿida 5:67, AH)

The verse makes it clear that Muḥammad (ﷺ) was not infallible as a prophet *per se*. His impeccability as a prophet is qualified by, a) his infallible delivery of the revealed text of *al-dhikr al-ḥakīm* (because he transmitted the message without adding or taking away a single letter and without letting any human being interfere in the process of transmission); and by, b) his moral perfection, in the sense that he did not violate an absolute taboo of God or transgress a limit set by God.

His moral perfection lied in the fact that he never ventured to perform *ijtihād* in anything that God had explicitly forbidden. Instead, in everyday life he performed practical *ijtihāds* within the parameters of what God had allowed (*al-ḥalāl*). His *ijtihāds* were never fixed once and for all and were never declared absolute as they changed and developed according to historical circumstances. In other words, by his *sunna* he impeccably specified what Allah had allowed in His *Book*. But such impeccability does not imply that the Prophet's (ﷺ) specifications are absolute and to be enforced in other regions of this world or in other sociohistorical contexts of human history.

4. The fourth misunderstanding pertains to the common exaggeration of Muḥammad's prophetic role:

(We sent them) with clear proofs and scriptures; and We revealed to you the reminder, so that you may make clear [*li-tubayyin*] to mankind what has been revealed to them, and that, perchance, they may reflect. (Al-Naḥl 16:44, MF)

This verse of Sūrat Al-Naḥl has led to much confusion among Muslim commentators. This confusion produced the outrageous view that the Sunna is superior to the Qur'an,¹² in the sense that the

¹² The terms Qur'an and Sunna (i.e., not in italics and with an initial capital letter) are used here in order to remain as close as possible to common usage in this

Sunna overrides the authority of the Qur'an if the latter contradicts the former, which basically amounted to an abrogation of the divine text.

The problem lies in a too literal understanding of verse 44 of Al-Nahl and the phrase 'that you may make clear to mankind what has been revealed to them'. It was thought that this refers to textual ambiguities in the divine text which Muḥammad (ṣ) was meant to clarify, or to too generally formulated injunctions that he was sent to specify. In other words, the *sunna* of the Prophet (ṣ) was seen as a pragmatic specification and perfect exemplification of Allah's rather ambivalent legal injunctions. Legal experts had forthwith to use the instrument of analogy in applying Muḥammad's decisions in order to find and establish their own. In the end, the *ḥadīths* were believed to be the perfect filter through which one could explain an obscure divine text, while the *sunna* became the absolute yardstick of the 'real' legal intentions by the divine text. To read *the Book* without the filter of the *ḥadīths* became increasingly difficult, resulting in the fatal thinking that the *sunna* overrides the Qur'an's authority and that 'the Qur'an needs the *sunna* more than the *sunna* needs the Qur'an'. And yet, 'Allah, the Highly exalted, is above what they ascribe to Him'¹³

Confusion occurred over the correct interpretation of the Arabic phrase *li-tubayyin* and its root words *bayān* or *tibyān*. The verb *bayana* was often thought to mean 'to explain clearly' or 'to make clear' and was identified as the main task of the *sunna*. The following verses of *the Book*, however, show that *bayana* rather denotes 'to make evident', or to bring out what is hidden (i.e., not yet discernible):

Those who conceal the clear (signs) We have sent down, and the guidance, after We have made it (known) [*bayyanāhu*]¹⁴ for the people in the Book—on them shall be God's curse, and the curse of those entitled to curse. (Al-Baqara 2:159)

context. Strictly adhering to MS's terminology, however, Qur'an should be rendered as *the Book* or *al-tanzīl al-ḥakīm*. See chapter 3.

¹³ This is a phrase taken from Sūrat al-An'ām 6:100.

¹⁴ All translators understood *bayyanāhu* as 'to make s.th. clear', which does not necessarily exclude the possibility that they saw this as synonymous with 'to display' and 'to uncover' as MS intends it—MF: 'after making them clear'; AH: 'made them clear'; MP: 'made it clear'; AhA: 'have made clear'; AB: 'make things clear'; AA: 'after we have shown them clearly'.

And remember God took a covenant from the People of the Book, to make it known and clear [*la-tubayyanunnahu*] to mankind, and not to hide it... (Āl 'Imrān 3:187)¹⁵

O people of the Book! There has come to you our Apostle, revealing to you [*yubayyinu lakum*] much that you used to hide in the Book... (Al-Mā'ida 5:15)¹⁶

'And eat and drink, until the white thread of dawn appear [*yatabayyina*] to you distinct from its black thread...' (Al-Baqara 2:187)

It is clear that in this context the root meaning of *b-y-n* is 'to make apparent', that is, visible to the eyes, something that is hidden, obscured, that is, invisible to the eyes. We hear further proof in the following two verses:

And Abraham prayed for his father's forgiveness only because of a promise he had made to him. But when it became clear to him [*tabayyana*] that he was an enemy to God, he dissociated himself from him: for Abraham was most tender-hearted, forbearing. (Al-Tawba 9:114)

He has created man; He has taught him speech (and intelligence) [*al-bayān*]. (Al-Raḥmān 55:3–4)

In 9:114 we learn that *tabayyana* refers to the moment when the enmity of Abraham's father to God became *evident* to Abraham—perceived by his senses and understood by his rational mind:¹⁷

¹⁵ Most translators follow MS here, e.g., MF: 'you shall reveal it to mankind'; AH: 'make it known'; AhA: 'to make (its truth) known'; synonymous use in AB: 'make it clear'; AA: 'make it clear unto the people'; only MP equates *tubayyanunnahu* with 'to explain it'.

¹⁶ Similar to a previous footnote, MF: 'to show you'; AH: 'to make clear'; AhA: 'announcing many things'; AB, AA: 'making clear to you'; again with the exception of MP: 'explaining to you' who regards *yubayyinu* more in the sense of 'to elucidate' rather than MS: 'to uncover' or 'to open out'. Lane (Book 1), distinguishes between circumstantial evidence and verbal evidence, the latter being 'to make something apparent, manifest or perspicuous, either spoken or written', and MS seems to follow this meaning of *tubayyinu* as 'verbal evidence'.

¹⁷ On this point, MS has added a footnote stating that Allah has taught human beings how to use *their* language in order to communicate to other people, and he remarks how, through such intercommunicative skills, they establish groups and communities, that is, social cohesion in their daily life. The traditional scholars' insistence on the need of the *sunna* of the Prophet for the *bayān* of *the Book*, seems really absurd in this respect, because [if *bayān* means 'to show' and 'to display', and not the narrow notion of 'to explain'] why should communities in Tokyo, Cairo, Washington, or the Himalayas ever need the *sunna* of Muḥammad (s) in order to hear God's speech? Surely, the disclosure or pronouncement of *the Book* in all these locations does not need the *sunna* of Muḥammad.

When we have recited it, repeat the recitation and We shall make it clear [*bayānahu*]. (Al-Qiyāma 75:18-19, AH)

We have sent down to you the Book [revealing]¹⁸ all things [*tibyān^{am}*], a guide, a mercy, and glad tidings to Muslims. (Al-Naḥl 16:89)

There is, in their stories, instruction for men endued with understanding. It is not a tale invented, but a confirmation of what went before it—a detailed exposition [*tafṣīl^a*] of all things, and a guide and a mercy to any such as believe. (Yūsuf 12:111)

This is the way of your Lord, leading straight: We have detailed [*faṣṣalnā*] the signs for those who receive admonition. (Al-An‘ām 6:126)

The Book says it over and over again: the divine text is clearly visible to the eyes and audible to the ears; in all its details it is unobscured, uncovered, and unambiguous. Such a crystal-clear text does not need clarifications by the *sunna*: it has already been explained and made clear, and all the necessary details have been given. Why should there be a need to lessen the confusion if there is no confusion in the first place?

An example taken from contemporary politics can illustrate what is really meant by *bayān*. Just imagine that two heads of state come together to negotiate a new bilateral treaty. At the end of their meeting a joint communiqué is prepared with a summary of the talks, and this is distributed among the accompanying press journalists. What happens is that the spokesperson announces all the details of the negotiations even though he did not take part in them. Furthermore, he does not know what else has been discussed and what the communiqué does not mention. The spokesperson’s only task is to read the communiqué to the press, and make its points audible and visible, that is, known to his audience; a clarifying commentary by him is neither requested nor expected.

This example illustrates the role that Muḥammad (ṣ) played. His role as a messenger of God was to make Allah’s revelation known to people. It was neither requested nor expected that he change the form or shape of the revelations (the *dhikr al-ḥakām*), nor that he reformulate them in his own words. Some Muslim scholars have claimed that Muḥammad (ṣ) merely received inspirations from God and that he put them into his own words which he then announced as divine revelations. If this is true, it would mean that Muḥammad (ṣ) possessed

¹⁸ For 16:89 and 75:19 it is my gloss because all translators render *tibyān* and *bayān* as ‘to explain’ and not as ‘to make known’ as MS intends it.

all the superhuman capacities necessary to formulate such sublime speech, and that he had completely understood all the divine instructions. It would mean that the Prophet's 'being' is the 'being' of the most praiseworthy, but surely Allah, the highly exalted, is above what they ascribe to Him!

Let us repeat the fundamental truth that in front of us is *the Book*, the unaltered, unfiltered, and untampered word of God that came down to Muḥammad (ṣ) in its final format and complete in content. It was delivered to the people without the need for clarification or specification, and without the need for protection or guardianship (see Sūrat Al-Ḥijr 15:9). Such protection has since been achieved by written copies of the original manuscript, first as scrolls, then, after the invention of the printing machine as books and, nowadays, as computer files or audio/video CDs and DVDs. Before all of that was possible, the Prophet Muḥammad (ṣ) was in this respect the most reliable, most trustworthy, and most perfect transmitter of the divine text.

A final thought: if it is true that *the Book* is ambiguous and the *sunna* unambiguous, and that one always has to go back to see how the *sunna* has specified the general rules of *the Book*, it would leave no room for human reason, experiment, reflection, or independent thinking. It would disqualify verse 2 of Sūrat Yūsuf as being entirely meaningless:

We have sent it down as an Arabic Qur'an, in order that you may learn wisdom. (Yūsuf 12:2)

5. The fifth problem occurred because of a wrong understanding of Sūrat Al-Ḥashr:

Whatever the Messenger gives you [*mā atākum*], take; but whatever he forbids [*mā nahākum*], refrain from. Fear Allah, for Allah is terrible in retribution. (Al-Ḥashr 59:7, MF)

In verse 59:7 we notice the usage of the verb *a-t-ā*, 'to come' or 'to arrive', which implies that *the Book* deliberately avoids the verb *j-a-*, which also means 'to come' or 'to arrive'. The reason for this is that the two verbs connote two different origins for what 'comes' or 'arrives'. Whereas *a-t-ā* is (semantically) reflexive and connotes an origin that lies *in* the source (item or person) itself, the verb *j-a-* is transitive as it connotes an origin that lies outside a source (item or person). This difference is best illustrated by verse 43 of Sūrat Maryam:

“O my father! To me has come [*jā’anī*] knowledge which has not reached you [*ya’atik*]; so follow me: I will guide you to a way that is even and straight.” (Maryam 19:43)

We notice here that the text uses first *jā’anī* in order to indicate that Abraham, the speaker in this verse, has received divine knowledge from Allah, that is, from somewhere outside himself, whereas in the case of his father, who has not received such knowledge, the verb *ya’atik* is used, hence Abraham’s command to his father to follow him. As for the verb *a-t-ā* in general, *the Book* employs it only if it refers to actions, never to speech acts or communication by words.

If we apply these insights to 59:7, we can now explain why the verb *a-t-ā* (*mā atākum*), is used and not *j-a-’*, or *jā’akum*. *Mā atākum* refers to knowledge that Muḥammad (ṣ) gained from human experiences, that is, from human origins, sources that lie within himself. *The Book* deliberately avoids the term *jā’akum* in the phrase ‘so take what the apostle assigns to you (*mā atākum*)’ because if it had used *jā’akum*, it would mean that Muḥammad’s (ṣ) (human) knowledge is derived from an (outside) divine source—surely Allah, the Highly exalted, is above what they ascribe to Him—or, at least, it would give the impression that Muḥammad (ṣ) might even be the author of *the Book*.

In sum, ‘what the Apostle assigns to you’ is taken from within Muḥammad (ṣ) as a human being, while *the Book* came down (*jā’a*) from outside Muḥammad, both in shape and content. If we apply this more specifically to the phrase ‘so take what the apostle assigns to you’ and link it to the question of human legislation in the form of the *sunna* of the Prophet, we must then regard Muḥammad’s efforts to govern seventh-century Arabian society and to establish a new, centralised state on the Arabian Peninsula as *his* efforts and as contingent to *his* historical context. Every human society is asked to do exactly that (‘take what the apostle assigns to you’), to govern society and build a state according to the conditions of the present time.

On a different note, we see how verse 59:7 employs the term *n-h-y* in the phrase ‘refrain from what he forbids you (*nahākum*)’. This usage is deliberate because it avoids the term *h-r-m*. Muḥammad (ṣ) was only required to permit or prohibit (*ya’amur wa-yanhā*) but never to absolutely allow or forbid (*yuḥallil wa-yahram*) since the latter is the prerogative of Allah alone. The difference is far-reaching: whereas the area of permission/prohibition is part of human legislation and

is contingent, relative, flexible, and changing, the area of absolute permission and taboo (*ḥalāl* and *ḥarām*) is divine, fixed, absolute, and everlasting. Whereas Allah allows or forbids *and* permits or prohibits, human beings can only permit or prohibit but *not* absolutely allow or forbid.

The divine absolute taboos (*al-muḥarramāt*) are sufficient for creating and sustaining the inner core and consciousness of human beings, but alone they would not be enough to run a state and govern society with all its political, economic, and social complexities. But this is exactly what Muḥammad (ṣ) did when he created a state under the conditions of life in seventh-century Arabia. In doing so he applied what we may call the principle of ‘tying and loosening’ (*taqyīd wa-iṭlāq*),¹⁹ which means that he introduced legislations and legislative bodies on the Arabian Peninsula that aimed at either ‘loosening’ the areas of divine permissions (to give them general applicability) or ‘tying’ them due to specific circumstances (to make them only particularly applicable). His applications reflect the dialectical relationship between the limits that Allah has set and human legislation that manoeuvres between God’s boundaries. Such manoeuvres, we must stress, are subject to human error.

6. The sixth and final error was to equate obedience to Allah with obedience to Allah’s Apostle:

First, it needs to be pointed out that *the Book* demands obedience to Muḥammad (ṣ) only as a messenger (*rasūl*) but never as a prophet (*naby*):

And obey God and the Apostle [*al-rasūl*]; that you may obtain mercy.
(Āl ‘Imrān 3:132)

¹⁹ This *fiqh* principle is based on the general linguistic distinction between the use of a word in its absolute, unqualified (*muṭlaq*) meaning in contrast to its specific, qualified (*muqayyad*) meaning. The process of qualifying the general meaning of a word is called *al-taqyīd*, while the reverse process is called *al-iṭlāq*. In *uṣūl al-fiqh* and *uṣūl al-qur’ān*, *al-taqyīd* refers to the effort of scholars to qualify an absolute, general rule and apply it to specific, particular legal cases, while *al-iṭlāq* refers to the effort to generalize a rule that has been stated only for a very specific, particular situation. Further distinctions are made between *al-taqyīd*, *al-takhṣīs*, *al-naskh*, *al-ta’līq* and *al-istihnā’*, see Rafiq al-‘Ajm, *Mawsū‘at muṣṭalaḥāt uṣūl al-fiqh ‘inda ‘l-muslimīn* (Beirut: Maktabat Lubnān Nāshirūn, 1998), vol. 1, 486–87.

This verse stands for many others of similar wording. *The Book* never uses the phrase ‘And obey God and the prophet’. Second, prophet-hood is faced with either acceptance or disapproval, and a typical response would be ‘Yes, it could be’ or ‘No, it can’t be’, whereas messengerhood is faced with either obedience or disobedience, typically expressed in ‘Yes, I assent’ or ‘No, I dissent’. When, for example, Muḥammad (ṣ) announced, as Prophet, the verse: ‘for the convulsion of the Hour (of Judgement) will be a thing terrible!’ (Al-Ḥajj 22:1), the reaction of his listeners was either: ‘Yes, I think this is true’, or ‘No, this is a lie’, whereas when he, as Messenger, said: ‘anyone who is ill or on a journey should make up for the lost days by fasting on other days later.’ (Al-Baqara 2:185) [AH], the likely response was surely not ‘Yes, I think this is true’ but either ‘Yes, I will follow that instruction’ or ‘No, I reject it’. Third, when Allah addresses Muḥammad (ṣ) in *the Book* as prophet, in the manner of ‘O you prophet’, the instructions that follow are of general guidance, advice, or admonition issued because of very concrete instances in the life of Muḥammad. They are not meant to fall into the category of legal permissions or prohibitions. In sum, the call for obedience to Muḥammad (ṣ) is restricted to his role as Messenger, not as a prophet. And his messengerhood, as we have explained earlier, consists of legal injunctions, moral rules, and ritual obligations.

In order to avoid the confusion that is so common in dealing with Muḥammad’s *sunna* we need to introduce two different types of obedience:

A. ‘Combined obedience’ (*al-tā‘a al-muttaṣila*): obedience to Allah and His Messenger (ṣ):

And obey God *and* the Apostle; that you may obtain mercy. (Āl ‘Imrān 3:132)

All who obey God *and* the Apostle are in the company of those on whom is the grace of God—of the prophets (who teach), the sincere (lovers of truth), the witnesses (who testify), and the righteous (who do good): Ah! What a beautiful fellowship! (Al-Nisā’ 4:69)

In those two verses, Allah, the Living and Everlasting, connects obedience to God to obedience to His Messenger. If obedience is demanded in this manner, it becomes obligatory for everyone who lived at the time of Muḥammad (ṣ) or after his death. Ritual and moral obedience is expressed by performing the rituals that

Muḥammad (ṣ) practised²⁰ and by respecting the absolute taboos that Allah has set. The taboos are clearly laid out in *the Book* and are, as explained in chapter 1, part of the innate disposition of human beings and an essential element within our consciousness. No shackles or bonds are necessary in order to accept them.

Muḥammad's (ṣ) infallibility consisted in his perfection of never having violated any of these taboos, and our obligation is to at least try to imitate him in that. Our obedience to Muḥammad's (ṣ) legal injunctions is expressed in practising *ijtihād* within the limits set by Allah, which allows us to 'turn and bend sideways', that is, to follow the principle of *hanāfiyya*. It is not expressed in following his *ijtihāds* to the letter because the legal limits (*al-ḥudūd*) are Allah's limits, not Muḥammad's limits. When verse 14 of Sūrat al-Nisā' says, 'But those who disobey God and His apostle and transgress His limits...' (Al-Nisā' 4:14), the possessive pronoun 'His' refers to Allah, not to Muḥammad. If *the Book* had wanted to refer to both Allah's and Muḥammad's limits it would have used the Arabic dual-ending *humā*, 'transgress their (both) limits'.

Muḥammad (ṣ) himself practised *ijtihād* within Allah's limits and it is our obligation to follow him in this. Several times he cautioned his companions not to apply the highest possible legitimate penalty (the upper limit), the death penalty, in cases where there was doubt and uncertainty about the guilt of the accused. He said: 'Repeal the *ḥudūd* due to uncertainty, and overlook the offence of the righteous person unless it occurs in one of Allah's *ḥudūd*.' He also said: 'Repeal the *ḥudūd* from Muslims as much as you can. If you can find a way out for a Muslim then apply it. For it is better for a ruler to make a mistake in forgiving someone than to make a mistake in punishing someone.'²¹ He did not urge his companions to implement the *ḥudūd* penalties if doubts persisted. He urges us to describe and define the crime before exacting penalties, and he calls upon us to be particularly

²⁰ MS adds in a footnote here: 'Through these rituals we are connected to an uninterrupted transmission of knowledge from the time of Muḥammad until today, a history of interconnection in which *Ḥadīth* scholars and the *fuqahā'* have played a very minor role. Indeed, their contributions to this are almost zero. With their excessive casuistry concerning the insignificant technical details of these rituals they have made it even harder for people to practice them and participate in this tradition of transmitting knowledge from Muḥammad.'

²¹ 'Abd al-Raḥmān Al-Suyūṭī, *al-Jāmi' al-saghīr* (Beirut: Dār al-Fikr, n.d.), vol. 1, 52 (ḥadīth no. 313).

vigilant the nearer we approach the upper limit of Allah's punishments, allowing us to move away from it due to the circumstances of a specific case and the contingencies of objective reality.

As for the obedience concerning ritual practices we distinguish between two types:

a. *Absolute obedience*: believers follow the instructions as given in *the Book*, for example, 'So establish regular prayer and give regular charity; and obey the apostle; that you may receive mercy...' (Al-Nūr 24:56), or as a *ḥadīth* puts it: 'Pray as you saw me praying.'²² Obedience here is absolute so, for example, a prayer will be rejected if it is done in a way that differs from Muḥammad's behaviour. It will also be rejected if it is outwardly performed according to this model while it is not directed to Allah. The same applies to the pilgrimage—a *ḥadīth* requests: 'From me take your rituals'.²³ It also applies to the fast. However, even if one has to fast as Muḥammad (ṣ) did, there is no injunction that demands also to break the fast as he did.

b. *Relative obedience*: this requires *ijtihād* within the limits set by Allah with regards to these rituals. For example, the lower limit of alms tax is 2.5 percent of our income but it might not always stay as low as this. If economic and financial circumstances dictate, one may raise the alms tax and increase the financial burden for the benefit of those who receive our charity. This increase can be decided by a proper *ijtihād*. But note that one must never go below the lower limit of 2.5 percent—obedience to Muḥammad (ṣ) in this is also obedience to God.

B. '*Separate Obedience*' (al-ṭā'a al-munfaṣila): *eternal obedience to Allah and time-restricted obedience to Muḥammad (ṣ)*:

O you who believe! Obey God, and obey the apostle, and those charged with authority among you. If you differ in anything among yourselves, refer it to God and His apostle, if you do believe in God and the Last Day: That is best, and most suitable for final determination. (Al-Nisā' 4:59)

Obey God, and obey the apostle, and beware (of evil): if you do turn back, know you that it is our apostle's duty to proclaim (the message) in the clearest manner. (Al-Mā'ida 5:92)

These verses refer to a second type of obedience to Muḥammad (ṣ) which, to us today, is separate from obedience to God. It was a

²² Reported by al-Bukhārī, quoted in Ibn al-'Athīr, *Jāmi' al-Uṣūl*, vol. 1, 3866 (ḥadīth no. 3820).

²³ Reported by Muslim, quoted in Muslim Abū'l-Ḥusayn Al-Nīsābūrī, *Ṣaḥīḥ Muslim* (Beirut: Dār al-Jīl, n.d.), vol. 4, 79 (ḥadīth no. 3197).

combined form of obedience only during Muḥammad's (ﷺ) lifetime. It designates the obedience of his followers to what he had decided, based on the principle of 'tying and loosening'. While creating the foundations of a new state amidst the political and cultural turmoil of his time, Muḥammad (ﷺ) continuously exercised *ijtihād*, sometimes loosening up to a maximum of permissibility, sometimes tying it up to an absolute minimum. He was by no means infallible in his *ijtihāds*, while his decisions reflected the conditions of his time. His *ijtihāds* were historical, relative, and contingent.²⁴ The decisions he took fell into the categories of situational permissions and prohibitions and had, since they were not explicit rules (*aḥkām*) of *the Book*, only regional and temporary significance. As historically contingent rules which reflected the breadth and width of the limits that Muḥammad (ﷺ) himself had set, they do not fall within the sphere of Allah's limits. Unlike the limits of Allah, Muḥammad's limits and the rules he 'placed in between', for example, the prohibition of music, dance, singing, the visual arts, and such, enjoy neither absolute validity nor eternal authority. If Muḥammad's decisions were necessary at the time he took them, they had all the flavour of the ancient society in which he lived.

His prohibitions of music, dancing, singing, painting, sculpturing, for example, can be explained—only, of course, if one wants to explain and justify them—by the prevailing idolatry of Arabian society. They were however never inserted into the text of *the Book* and hence cannot be regarded as permanent injunctions. The concrete measures that Muḥammad (ﷺ) took against the idolatry of his time, originating in human (not divine) legislation, cannot be equated with the universal and eternal limits that Allah has set and which are binding for us today. What we hear, instead, is the admonition to keep away from the 'filth of the idols' (*al-rajās min al-authān*), not from the idols as such.²⁵ The *ḥadīths*, reflecting the cultural milieu of

²⁴ In verse 59 of Sūrat Al-Nisā' we hear that believers are asked not only to obey God and His Messenger but also 'those charged with authority among you'. This requires a detailed analysis that is given in chapter 6.

²⁵ MS adds in a footnote: 'That is, when Muḥammad forbade the worship of tombs he legislated against the worship, not the tombs as such. The same applies to the worship of stars, trees, rocks, and statues! It is not the dancing, singing, and sculpturing that people should not do—rather, what instigated Muḥammad's legislation was the un-Islamic intention behind these things. It would imply mindless iconoclasm if the legislation was meant to rule out these things as such.'

ancient societies, certainly will not help to identify measures and rules that are appropriate for our contemporary period. We will have to do without them.

How Shall We Understand What Is Known as ‘The *Sunna* of the Prophet’?

You have indeed in the apostle [*rasūl*, i.e., not prophet or *nabī*] of God a beautiful pattern (of conduct) [*uswat^{um} ḥasanat^{um}*] for any one whose hope is in God and the Final Day, and who engages much in the praise of God. (Al-Aḥzāb 33:21)

It is generally agreed that Verse 21 of Sūrat Al-Aḥzāb declares God’s Messenger to be our ultimate role model. We do not deny this. But the question is for what exactly is Muḥammad (ṣ) our role model? What are the areas of belief and practice concerning which God requires us to emulate Muḥammad’s (ṣ) example? We know that belief in the oneness of God (*al-tauḥīd*) is the indisputable essence of Islamic doctrine. It is also, as we said in chapter 1, the backbone of *al-islām*, next to belief in the existence of God and the Afterlife. And it is, as we saw, the first and principal commandment of *al-furqān*. Following from this we suggest that the answer to the above questions can be found in the following verses of *the Book*:

There is for you an excellent example [*uswat^{um} ḥasanat^{um}*] (to follow) in Abraham and those with him, when they said to their people: “We are clear of you and of whatever you worship besides God: we have rejected you, and there has arisen, between us and you, enmity and hatred for ever, unless you believe in God and Him alone”... (Al-Mumtaḥana 60:4)

“Our Lord! Make us not a (test and) trial for the unbelievers, but forgive us, our Lord! For you are the exalted in might, the wise.” There was indeed in them an excellent example [*uswat^{um} ḥasanat^{um}*] for you to follow, for those whose hope is in God and in the Last Day. But if any turn away, truly God is free of all wants, worthy of all praise. (Al-Mumtaḥana 60:5–6)

They think that the confederates have not withdrawn; and if the confederates should come (again), they would wish they were in the deserts (wandering) among the Bedouins, and seeking news about you (from a safe distance); and if they were in your midst, they would fight but little. You have indeed in the apostle of God a beautiful pattern (of conduct) [*uswat^{um} ḥasanat^{um}*] for any one whose hope is in God and the Final Day, and who engages much in the praise of God. When the believers saw the confederate forces, they said: “This is what God and his apostle had promised us, and God and His apostle told us what

was true.” And it only added to their faith and their zeal in obedience. (Al-Aḥzāb 33:20–22)

The first two verses from Sūrat al-Mumtaḥana tell us that, in His quest to implant *tauḥīd* in us, Allah has made Abraham a role model. It says ‘there is for you an excellent example (to follow) in Abraham and those with him’. In verse 33:22 we hear that Allah has made Muḥammad (ṣ) a role model for exactly the same reasons: to implant *tauḥīd* in us. In both cases the text addresses the same people for whom Muḥammad (ṣ) and Abraham are role models: ‘for any one whose hope is in God and the Final Day’; it confirms the same identity of those who should emulate Abraham and Muḥammad. It is undeniable that *the Book* stresses a similarity between the two prophets and between those who follow them. We hear that the reason why Abraham turns away from his peoples is their *shirk* of Allah because they worship idols. And we learn that the root cause of conflict between Muḥammad (ṣ) and his peoples is exactly the same.

Allah wants us to take Muḥammad (ṣ) and Abraham as role models in our fight against idolatry and in our efforts to plant *tauḥīd* in our souls. The similarity of Muḥammad and Abraham as role models, as given by *the Book*, does not allow us to define the exemplary behaviour of Muḥammad (ṣ) exclusively through the *ḥadīths*, because they give Muḥammad (ṣ) a separate identity (from Abraham) and do not contain anything about Abraham that we could emulate.

The call for *tauḥīd*, following the examples of Abraham and Muḥammad, is the only reason why we should confront our fellow brothers and sisters. They should never be challenged because they do not wear the *ḥijāb* or because their beards are too short. We distance ourselves from any attempt to define Muḥammad’s role model in terms of how we should dress, eat, drink, sleep and talk. It is unacceptable that people form groups and sects because of such trivial issues, sow enmity and hatred, and even go as far as to kill people because they dress and behave differently.

This is certainly the case with the so-called Islamic revival. The so-called revivalists have completely forgotten the *tauḥīd* principle, the basic moral commandments of God and Allah’s dictum that ‘there shall be no coercion in religion’ (Al-Baqara 2:156). Instead, they focus exclusively on matters of ritual purity and what could go wrong while praying or fasting: how our ablutions might be polluted,

how our prayers can become corrupted, how our fast is invalidated, and so on. We can buy hundreds and hundreds of books that deal with our mortal sins, the punishments of the grave, and stories that sow fear and aggression. Such gloomy stuff will certainly not heal our societies. By any leap of the imagination, this is neither a revival nor is it Islamic.

It is truly regrettable that the Islamic doctrine of *tauḥīd* has been distorted to such an extreme degree. The noble example of Allah's Messenger has been unbelievably vulgarised. It has been detached from its true intention as stated by God, to the extent that we now emulate Muḥammad (ṣ) as Prophet and human being and not—as demanded by God—as Allah's Messenger (ṣ). As a result, the *ḥadīths* of the *sunna* have become eternally valid legislation. The words and deeds of Muḥammad's (ṣ) companions, because of their noble reputation, have turned into the eternal basis of analogical jurisdiction, and the scholarly discipline of *uṣūl al-fiqh*, while forgetting the rationale for its contingent existence, has become the yardstick for legal debate for all times.

We do not dispute the possibility that ablutions for prayer, a fast, or a supplication might become invalid, and do not deny the existence of mortal sins and vicious acts of obstinacy. What we do dispute, however, is that these things are perceived as the totality of our religion and that our minds are completely occupied by these topics. We criticise the fact that people, intentionally or not, are forced to deal constantly with these secondary issues, while being increasingly drawn away from the truly significant issues of their existence. *The Book* repeatedly mentions the truly important things of life, as for example:

O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other (not that you may despise (each other). Verily the most honoured of you in the sight of God is (he who is) the most righteous of you. And God has full knowledge and is well acquainted (with all things). (Al-Ḥujurāt 49:13)

Exalted is He who holds all control in His hands; who has power over all things, who created death and life to test you [people] and reveal which of you does best—He is the mighty, the forgiving. (Al-Mulk 67:1–2, AH)

Here we hear that togetherness, piety and good work are the fundamental aims of Allah's creation. Togetherness is achieved through

cooperation, mutual help, and assistance in order to achieve cohesion in whatever social unit we live, be it the unit of the family, a team at work, or the state at large. Piety is achieved through knowledge and fear of Allah, by doing what He has ordered and avoiding what He has forbidden. Good work consists of the deeds and righteous acts that are beneficial to our fellow brothers and sisters. One may, for example, strive for perfection at work or abstain from fraud in trade transactions; one may build a school, a mosque or a hospital; or one may simply pray, fast and perform all the other rituals. The only thing one should *not* do is only to pray or fast or only to build mosques and nothing else. Surely, these actions alone do not really qualify as the righteous deeds that Allah wants us to do.

What about this murderous tendency among so-called revivalists to categorize every little transgression as a mortal sin?

Those who avoid the greater crimes [*kabā'ir al-ithm*] and shameful deeds [*al-fawāhish*], and, when they are angry even then forgive. (Al-Shūrā 42:37)

If you (but) eschew the most heinous of the things [*kabā'ir*] which you are forbidden to do [*mā tuhaun^a*], we shall expel out of you all the evil in you, and admit you to a gate of great honour. (Al-Nisā' 4:31)

Those who avoid great sins [*kabā'ir al-ithm*] and shameful deeds [*al-fawāhish*], only (falling into) small faults; verily your Lord is ample in forgiveness... (Al-Najm 53:32)

O you who believe! Let not some men among you laugh at others: It may be that the (latter) are better than the (former); nor let some women laugh at others: It may be that the (latter) are better than the (former); nor defame nor be sarcastic to each other, nor call each other by (offensive) nicknames... (Al-Ḥujurāt 49:11)

O you who believe! Avoid suspicion as much (as possible), for suspicion in some cases is a sin; and spy not on each other behind their backs... (Al-Ḥujurāt 49:12)

In these verses Allah tells us that there is a clear difference between an absolute taboo (*ḥarām*) and a prohibition that is not absolute (*nahy*). We hear that He prohibits us from spying on each other. We shall not defame or be sarcastic to each other, nor shall we insult others by offensive name-calling. We also notice that the text calls suspicion a sin (*al-ithm*) and that in the first three verses the terms 'greater sins' (*kabā'ir al-ithm*) and 'shameful deeds' (*al-fawāhish*) are used—sins that 'shall be avoided'. These are prohibited (*nahy*)—see 4:31 *mā tuhaun^a*—but are not absolute taboos (*ḥarām*). We infer from this that there are

greater and smaller sins (53:32: 'only small faults'), but in terms of those acts that violate absolute taboos, 'capital crimes' (*al-muḥarramāt*), no qualitative distinction is made between great and small. A small 'capital crime' is a contradiction in terms and does not exist. *Al-muḥarramāt* are 'capital crimes' that are to be equated with 'major sins'. They are absolutely forbidden and must be avoided.

Let us examine the two acts that Allah prohibited in these verses: spying on each other and slander. We deduce from this that spying on your neighbour and your friends and identifying their weak points for public slander is unacceptable. These things do, indeed, lead to serious friction in society and an acute deterioration in social relationships. That is the reason why He ordered us to abstain from them and why He categorized spying and slander as unjustifiable sins. However, if one has to spy on the enemy of a country by collecting intelligence from abroad, this constitutes, in contrast, a necessary and useful activity or is, as we call it, a justifiable sin that is not included in Allah's sanction.

The same applies to slander. If we gather information about someone's shortcomings and imperfect character traits in order to defame this person, it is, even if true, an abdominal act or an unjustified sin that Allah has prohibited. But if a person enquires about someone's life and character because of an intention to marry into the family or a desire to start a business with someone, speaking openly about moral or social deficiencies might be necessary in order to prevent great harm. In this case, calumny is a justifiable sin since it has at least some merit. We learn from Allah's differing treatment of sins that prohibition can be either absolute or conditional, depending on the intention or purpose behind the sinful act.

The same applies to the problem of drinking alcohol. Some jurists have said that alcohol inevitably implies a state of intoxication, even though the drinking of alcohol does not necessarily always lead to drunkenness. These jurists have completely forbidden alcohol under the pretext that an absolute taboo helps to prevent further harm. In their eyes, the conditioned prohibition (*nahy*) of alcohol in *the Book* justifies their absolute prohibition (*tahrīm*) of it. Our position, however, is that a conditioned prohibition does not justify an absolute taboo since a taboo implies, as we have explained earlier, a different quality of scope, validity, and authority. No one can possibly deny the fact that alcohol can be potentially beneficial, for example if it is used as an anaesthetic in surgical operations. In these circumstances

the use of alcohol is a justified sin. If it is used, however, in order to induce drunkenness it is clearly an unjustified sin.

We must stress that only Allah, who can order temporary or conditioned orders, can issue absolute taboos or permission, while His Messenger (ﷺ), who may also give temporary or conditioned orders, cannot issue absolute taboos or permission. He can only pass on the taboos and permissions contained in Allah's *Book*. As for 'those of authority', that is, the parliament of the country, it may also legislate temporary or conditioned orders, but it cannot issue absolute taboos or permission. This distribution of legal authority is based on the fundamental distinction between human and divine interdiction. Divine interdiction enjoys universal validity while its implementation is historically conditioned (intention, purpose). Human interdiction is always historically conditioned and never enjoys universal validity. Divine interdiction contains a universal moral ideal, whereas human interdiction does not possess such a moral core. If we ignore these differences and place Muḥammad's (ﷺ) all too human interdiction on the same level as absolute taboos, we risk attributing to them universal, eternal, and indisputable validity. If we added to his rulings the interdictions of his companions and the interdictions of the Imams of the Sunni and Shi'ī legal schools, we would suddenly be faced with a huge number of absolute taboos that would make our lives a misery.

The irony is that this is exactly what is about to happen in our societies: the most trivial acts of daily life are interpreted as capital crimes against the religion of Islam: to play a game of backgammon is now tantamount to *shirk* against Allah, to wear a silk tie is now as serious a crime as killing one's soul, and to compose eloquent poetry is now considered as reprehensible as stealing the property of orphans. It is not enough that such thinking displays a condemnable frivolity of the human mind, but such punitive rulings in fact compete with Allah's authority since they forbid things that Allah has not forbidden. The ridiculous outcome of linking the major sins with our private lives is that we are almost inevitably bound to commit a major sin every day of our life. And once we realise that the way we eat, drink, sleep, and dress is judged by the parameters of major, mortal sins, as traditional *tafsīr* suggests, we may legitimately ask, when did we lose the kindness and generosity of Islam and where has its sincerity and authenticity gone? Is the essence of Muḥammad's message not lost when we turn every little misdeed of ordinary life into capital

crimes? Have we not completely missed the point of Muḥammad's mission when we enslave humankind with such onerous bonds and shackles in their daily life? I say: 'there is no power save in Allah'.²⁶

With this in mind we propose to follow an alternative route. We propose to regard the *sunna* as nothing but the Prophet's *ijtihād* in applying the rulings of *the Book* according to the social reality of seventh-century Arabia. Muḥammad (ṣ) placed his *ijtihāds* between the boundaries of God, while at other times he created new boundaries if they had not been provided by God. As Muḥammad's exemplary model, valid until the Last Day, we propose this: his exegetical moves between Allah's limits and his pragmatic creation of new limits if no divine order is given. About this Allah said: 'I have brought to you the book and with him [Muḥammad] is something similar.'²⁷ And Muḥammad (ṣ) said: 'The disagreement of my community is a blessing'²⁸ which, in our interpretation, means that it is a blessing that we differ in our *ijtihāds* and move like the Prophet between Allah's limits. If we take this to heart we will eventually be able to return to the authentic hermeneutical principle which says that the *ḥadīths* need to be interpreted in the light of *the Book* and not the other way around.

THE SPECIFIC, CIRCUMSTANTIAL NATURE OF THE *SUNNA* OF THE PROPHET

The core activity of Muḥammad's *sunna* was to 'restrict the released' and to 'release the restricted', to allow greater or lesser freedom in applying what Allah has permitted (*al-ḥalāl*). His legal decisions were also intended to regulate the affairs of *his* society and to modify its development within the parameters created by Allah's absolute taboos and permissions. Based on these premises we can summarise the characteristics of Muḥammad's *sunna* as follows:

1. His decisions were conditioned by the circumstances of life on the Arabian Peninsula in the seventh century.

²⁶ Al-Kahf 18:39 [FM].

²⁷ Abū Dāwūd Al-Sajistānī, *Sunan Abū Dāwūd* (Beirut: Dār al-Kitāb al-‘Arabī, n.d.) vol. 4, 328 (ḥadīth no. 4606).

²⁸ Al-Suyūṭī, *al-Jāmi‘ al-ṣaḡhīr*, vol. 1, 48 (ḥadīth no. 288).

2. His *ijtihāds* in restricting the allowed (*al-ḥalāl*) did not need divine revelation.
3. Muḥammad's restrictions of the 'unrestricted permissions' (*ḥalāl muṭlaq*) were subject to constant corrections due to changing circumstances in his life.
4. His *ijtihāds* were not infallible and can therefore, unlike revelations, be corrected.
5. His *ijtihāds*, prophetic or not, do not constitute Islamic legislation. Instead, they reflect his applications of civil law arising from the historical conditions of seventh century Arabia. In administrating the state and society of his time, Muḥammad (ṣ) applied a specific civil law (*qānūn madanī*) suitable for his time which, by reason of its historical contingency, has no transhistorical validity—even if the reports about it, the *ḥadīths*, are totally accurate.

The best example we can give to illustrate the specificity of Muḥammad's *ijtihād* is his interdiction against visiting graves. We notice that Muḥammad (ṣ) first 'restricted the released' and then, after much deliberation, reversed his decision and 'released the restricted'. Whether one is allowed to visit graves or not was not explicitly decided by divine injunction in *the Book*; it, therefore, fell into the category of the absolutely allowed (*al-ḥalāl*). Muḥammad (ṣ) was free to allow such practices. But in order to combat superstitious practices of *jāhiliyya* Arabia, Muḥammad (ṣ) exercised legitimate 'restriction of the released' and forbade the practice. This did not reflect divine legislation, nor did it forbid such visits for all time. In fact, after the ideas and moral principles of the new faith had been planted in the hearts of most Arabs, Muḥammad (ṣ) reversed his decision and allowed women to visit the graveyards again. This reversal has confused generations of Muslim jurists since, in their understanding, Muḥammad (ṣ) had first created an 'absolute' taboo and then abandoned it. And since everything what Muḥammad (ṣ) did, carried—in the eyes of the '*ulamā*'—legislative significance (a misconception that, fatefully, became the whole rationale of Islamic *fiqh*), it led to great confusion in deciding whether visiting graves was allowed in Islam or not.

We know that the jurists' solution to the dilemma was to invent a doctrine of abrogation—and God knows where they got that from! Instead of acknowledging that Muḥammad (ṣ) simply decided what was best for his society at a specific time of his life, they tried to

prove the existence of abrogated and abrogating *ḥadīths*, from which they then deduced the existence of abrogated and abrogating verses in *the Book*.²⁹ Instead of wasting our time and exploring what is abrogated and what not, it is more important for us today to commission our parliaments and ask them to ‘release the restricted’ and to ‘restrict the released’ in what Allah has *permitted*—and do this strictly in accordance with the conditions of contemporary societies. In doing so we would follow the *sunna* of the Prophet and emulate his example in the best possible and most authentic way.

THE CONTENT OF PROPHETIC *ḤADĪTHS*

The prophetic sayings of Muḥammad (ṣ) can be divided into two categories: words of wisdom and prophetic statements.³⁰

A. *Words of Wisdom*

A reference to such words of wisdom can be found in the following verses of *the Book*:

God has sent down the scripture and wisdom to you, and taught you what you did not know... (Al-Nisā’ 4:113, AH)

He gives wisdom to whoever He will. Whoever is given wisdom has truly been much good, but only those with insight bear in mind. (Al-Baqara 2:269, AH)

²⁹ In Ḥanafī and Mālīkī law it is indeed encouraged, with specific reference to the Prophet’s later permission, that men and women do visit the graves of their relatives. And—as MS rightly claims—for Ḥanafī scholars such as the Syrian Wahba al-Zuhaylī, the existence of such abrogating decisions by the Prophet in the *Ḥadīth* does indeed prove the existence of abrogating verses in the Qur’an itself (see Wahba al-Zuhaylī, *al-Fiqh al-islāmī wa-‘adillatuhu* (Damascus: Dār al-Fikr, n.d.), vol. 2, 679–10).

³⁰ This is a novel distinction proposed by MS, but in traditional *fiqh* there is a recognition of the fact that not all of the *sunna* of the Prophet is legislative (*tashrī‘ī*). There is, for example, the category of *ghayr tashrī‘a* (nonlegal) or *al-af‘āl al-jibillīyya*, that is, habitual activities (lit. acts of natural temperament) that consist of the Prophet’s personal likes and dislikes and his everyday manners that do not have binding force. See Kamali, Hashim. *Principles of Islamic Jurisprudence*, Cambridge: Islamic Text Society, 1991, 50–57). The latter category might be covered by MS’s class 5, ‘personal statements’, whereas the former category (of legislative Sunna) might be covered by his class 3, ‘statements about legal injunctions’, and yet neither of the two is seen to serve as a normative model for current legislation which is a decisive departure from traditional *fiqh*.

And recite what is rehearsed to you in your homes, of the signs of God and His wisdom: for God understands the finest mysteries and is well-acquainted (with them). (Al-Aḥzāb 33:34)

We bestowed (in the past) wisdom on Luqmān: “Show (your) gratitude to God.” (Luqmān 31:12)

A person who speaks words of wisdom does not need the help of divine revelation, not even of prophethood or messengerhood. Luqmān was not a prophet, and yet we hear in verse 31:12: ‘We bestowed (in the past) wisdom on Luqmān’. In *the Book* we find many such ‘precepts of wisdom’ which, incidentally, proves that Muḥammad Idrīs al-Shāfi‘ī’s view that ‘wisdom’ is primarily represented by the *sunna* of the Prophet is totally wrong.³¹

Do not follow blindly what you do not know to be true: ears, eyes, and heart, you will be questioned about all these. Do not strut arrogantly about the earth: you cannot break it open, nor match the mountains in height. The evil of all these actions is hateful to your Lord. [Prophet], this is some of the wisdom your Lord has revealed to you... (Al-Isrā’ 17:36–39)

The essential feature of words of wisdom is that they contain moral sayings that are universally understood and shared by all people. Let us quote some examples from a variety of *ḥadīths*:

There [should be] no harm [to anyone], and there [should be] no harm in retaliation [if someone was harmed before].³²

Leave behind what gives you doubt for what does not give you doubt.³³

Begin with yourself, only then with your brother.³⁴

The one who believes in God and the Last Day, he shall speak nicely or not speak at all.³⁵

No one is truly a believer unless he desires for his brother what he desires for himself.³⁶

A Muslim is one from whose hand and tongue people are safe.³⁷

³¹ Quoted from Muḥammad Idrīs al-Shāfi‘ī, *Kitāb al-riṣāla*, in Fakhr al-Dīn Muḥammad al-Rāzī, *Mafātiḥ al-ghayb* (n.p., n.d.), vol. 25, 181 (tafsīr of 33:34).

³² Reported by Ibn Mājah, quoted in Al-Qazwīnī, *Sunan Ibn Mājah* (Beirut: Dār Iḥyā’ Kutub al-‘Arabiyya, 1952), vol. 2, 784 (ḥadīth no. 2341).

³³ Reported by Abū ‘Īsā al-Tirmidhī, *Sunan al-Tirmidhī* (Cairo: Sharikat Muṣṭafā al-Bābī, 1975), vol. 4, 668 (ḥadīth no. 2518).

³⁴ Al-Suyūṭī, *al-Jāmi‘ al-ṣaḥīḥ*, vol. 1, 11 (ḥadīth no. 46).

³⁵ Reported by Muḥammad Abū ‘Abd Allāh al-Bukhārī, *al-Jāmi‘ al-ṣaḥīḥ* (Beirut: Dār ibn Kathīr, 1987), vol. 5, 2272 (ḥadīth no. 5784).

³⁶ Al-Bukhārī, *Ṣaḥīḥ*, vol. 1, 14 (ḥadīth no. 13).

³⁷ Al-Bukhārī, *Ṣaḥīḥ*, vol. 1, 12 (ḥadīth no. 10).

Wisdom is the believer's lost property; wherever he finds it he takes it.³⁸

Another feature is that words of wisdom are formulated from the pool of human experiences and hence come from within human beings. They may be perceived by revelation but revelation is not necessary in order to speak words of wisdom. The following *ḥadīth* makes it clear that wisdom is of a distinct quality to revelation:

Wisdom is harmful to the believer when he finds it [and it is] taken away [again].³⁹

No religious or civil law should be based on words of wisdom. One of the above-mentioned *ḥadīths* states that 'the one who believes in God and the Last Day, he shall speak nicely or not speak at all'. Such prophetic statements cannot be turned into a doctrine or religious law, because if they were, every believer who is very talkative and sometimes prattles utter nonsense must be imprisoned or called a *kāfir*, that is, someone who, because of his talkative nature, is a renegade and a disbeliever in Allah and the Last Day. God forbid that words of wisdom are turned into law or doctrine. What this *ḥadīth* wants to teach us is that a good believer is moderate in his speech, chooses his words carefully, and tries to be as exact and precise as possible when he describes things or talks about other people.

B. *Statements of the Prophet*

Prophetic statements are divided into five categories:

6. *Statements about rituals:*

These are the *aḥādīth al-sha'ā'ir*, Muḥammad's (ṣ) instructions, comprising his messengerhood, on how to perform the ritual obligations of *the Book*. Believers of Muḥammad's (ṣ) message have to obey his orders; their adherence to them is what we have called 'combined obedience'.

³⁸ Al-Tirmidhī, *Sunan*, vol. 5, 51 (ḥadīth no. 2687).

³⁹ Al-Tirmidhī, *Sunan*, vol. 5, 41 (ḥadīth no. 2611).

7. *Statements about the unseen world:*

These are the *aḥādīth al-akhbār bi'l-ghayb*, Muḥammad's (ṣ) speculations about the unseen world. Because of the fact that he, as a prophet, had no special knowledge about the unseen world, it would be improper for us to take his words as truth. Like every human being, he could only believe in the existence of the unseen world and, like every human being, could only confirm things of the unseen world if they became empirically perceptible, for example, by scientific research. If such things had not been sufficiently researched, he—like everyone else—had to rely on what *the Book* says about it. Moreover, since the things of the unseen world are part of the ontological reality of the cosmos they were above and beyond the sphere of *al-īmān* and hence, strictly speaking, not in Muḥammad's area of expertise (see chapter 1).

8. *Statements about legal injunctions:*

These are the *aḥādīth al-aḥkām* which comprise every legal injunction and every piece of legislation that Muḥammad (ṣ) issued. They are in strict compliance with the verses of *the Book* and between the limits that Allah has set. They are, as we have pointed out, only informative for us, since, as orders of his time, they show us how Muḥammad (ṣ) applied the divine injunctions to the contingent social and political problems that he faced in ancient Arabia. His statements have non-normative value for us because they merely reflect his activities as a *mujtahid* who responded to the needs of his time and who applied rulings that the objective conditions of his society made necessary. Due to their historical contingency our *ijtihāds* may considerably deviate from his *ijtihāds*—even if this does *not* diminish our love for the Prophet Muḥammad (ṣ)!

9. *Sacred statements:*

This category refers traditionally to the *aḥādīth al-quḍsiyya* about the unseen world which, as the name indicates, were thought to be inspired by divine revelation. However, we cannot accept them as sacred or divine for the same reasons as given for the *aḥādīth al-akhbār bi'l-ghayb*: Muḥammad (ṣ), as Prophet, simply could not have spoken such words, as his knowledge of the unseen world amounted basically to nothing. Moreover, we reject the existence of such sacred statements because they imply that *the Book* was in some way ambiguous

or needed further elaboration or additional explanations.⁴⁰ We believe that if Allah had thought it necessary to add explanations He would have given them *within the Book*. This was, of course, not necessary as we hear in the following two verses:

“Shall I seek for judge other than God? When He it is who has sent unto you the book, explained in detail [*mufaṣṣal^{am}*].”... (Al-An‘ām 6:114)

And if the apostle were to invent any sayings in our name, We should certainly seize him by his right hand, and We should certainly then cut off the artery of his heart. (Al-Ḥāqa 69:44–46).

From the second verse, taken from Sūrat Al-Ḥāqa, we realise that fabricating lies about Allah includes words of defamation and slander as well as words of praise and glorification. But even if these fabrications contain praise and glorification they still remain spurious words put into the mouth of Allah. Even if positive and well-intended, they are still fabrications for which Allah’s punishment is, as we hear in 69:46, very severe. God forbid that the Prophet might have done such a thing!

10. *Personal statements:*

These are the *aḥādīth al-ḥayāt al-insānī* which cover the sayings about Muḥammad’s personal life, his eating and sleeping habits, his favourite pastimes, his way of dressing, speaking, travelling, walking, running, hunting, and so on. They also include his kindness, good-naturedness, tolerance, courage, and his feelings about justice and injustice, truth and falsehood, hardship and welfare, and so forth. We hear and thoroughly absorb all these biographical details

⁴⁰ A *ḥadīth qudsī* is, according to the *‘ulūm al-qur’ān* scholars, defined as a saying of God that was spoken through the medium of the Prophet. It is also called *wahy ghayr matlū*, nonrecited revelation, in order to distinguish it from *wahy matlū*, recited revelation, which is the Qur’an. While the Qur’an is the actual word of Allah (verbatim), a *ḥadīth qudsī* contains God’s message expressed in the words of the Prophet. The Qur’an enjoys, at least theoretically, superior status due to several theological and *ḥadīth*-specific considerations, for example, due to the fact that the Qur’an was narrated through *tawātur* (multilateral) chains of transmission, while the *aḥādīth qudsiyya* were narrated only by a *khbar wāḥid* (solitary) chain of transmission (see Mannā‘ Khalīl al-Qaṭṭān, *Mabāḥith fi ‘ulūm al-qur’ān* (Riyadh: Maktabat al-Ma‘ārif li’l-Nashr wa’l-Tawzī’, 2000), 22). The fact that the Islamic tradition acknowledges the existence of divine revelation outside the covers of the Qur’an is unacceptable to MS as it opens up the possibility of divine inspirations that are expressed in human words—a possibility too close to the claims of sanctity of Islamic *fiqh* that MS wants to combat.

of Muḥammad's daily private and public life so that our souls are polished, our spirits uplifted, and our virtues strengthened. But we deny the legitimacy of turning such personal matters into normative behaviour to be emulated by everyone on this planet at all times and throughout every period of human history.

CONCLUSION

The aim of this chapter has been to solve one of the most complex problems of Islamic history, that is, to define the form and essence of the *sunna* of the Prophet (ﷺ). We have demonstrated that it is necessary to place the *sunna* into the epistemological, cultural and political context of seventh-century Arabia. We showed that we, living in the twenty-first century, must be critical of the *sunna*'s contingent and context-bound nature as well as of formulations and definitions of the *sunna* that Islamic *fiqh* invented during the seventh to the ninth centuries.

We have made it clear that Muḥammad b. ʿAbdallāh (ﷺ) was a human being. What made him different was his reception of divine revelation, as we hear in verse 110 of Sūrat Al-Kahf:

Say: "I am but a man like yourselves, (but) the inspiration [*wahy*] has come to me... (Al-Kahf 18:110)⁴¹

Revelation came down to Muḥammad (ﷺ) complete in form and content, which means that he delivered it to his people exactly as he heard it. His great mission was to make it public, that is, to 'unhide' what was hidden and to make clear what was unclear. On this we hear *the Book*:

And remember God took a covenant from the People of the Book, to make it known and clear to mankind, and not to hide it... (Āl ʿImrān 3:187)

Through his transmission of the divine text—and here we compare Muḥammad (ﷺ) to a conductor transmitting an electric current—the Prophet became a messenger of Allah. It was this mission that distinguished him from all the other prophets and messengers that humankind had seen before. We learn that prophets and messengers who preceded Muḥammad (ﷺ) had been equipped with special gifts

⁴¹ See also Fuṣṣilat 41:6.

of miraculous power that they possessed independently from the messages they carried to the people. Muḥammad's (ﷺ) mission as a prophet and messenger, in contrast, was solely authorised by Allah's order to deliver the text of the divine revelations exactly as he heard it.

It is because of this mission that Allah asks the Muslim-Believers to be obedient to Muḥammad (ﷺ) as messenger (*rasūl*), not as prophet (*nabī*) or human being (*al-bashr al-insān*). Why? Because obedience requires the impeccability of the one whom we obey, and Muḥammad (ﷺ) was not in any way impeccable either as human being or as prophet—only as messenger (within the boundaries that *the Book* stipulates). Numerous passages in *the Book* could be quoted to illustrate this truth.

As for the thorny problem of how to correctly follow Muḥammad's *sunna* we conclude that we should emulate not his rules as such but the manner in which he harmonised with *the Book* the 'becoming' and 'progressing' of his society on the Arabian Peninsula in the seventh century. In other words, we should follow his model and also apply the divine rules but this time within the political-historical context of our own time. He presents to us the first and most authentic model of how to transform the 'being' of-and-in-itself of *the Book* into concrete realities of society, state, family, and such, a model *ijtihād* which we have to emulate for our own times, the twenty-first century.

This insight allows us to conclude that Muḥammad (ﷺ) was a pragmatic leader who received the 'absolute' and applied it to the 'particular' of his time. As we have seen, he was certainly a wise man, but, as we have also seen, the wisdom of his *sunna* was not derived from a divine source. This implies that our philosophical and theological knowledge, which should be anchored in divine knowledge, can only be derived from *the Book* alone. It cannot come from the words and statements of Muḥammad (ﷺ) even if he was God's most perfect Messenger. Only Allah alone, not His Messenger, should be the ultimate source of knowledge. Nor shall the words of his companions and contemporaries be the inspiration for contemporary thought.

Finally, let us assure the reader that we are committed to following the *sunna* of the Prophet but only to the extent and degree we defined in this chapter. We are indeed willing to emulate the example of Muḥammad (ﷺ) but only within the parameters of a new Islamic

jurisprudence that we propose in this volume. The following six principles summarise our definition of the *sunna* of the Prophet:

1. The oral tradition, that is, the entire collection of *hadīths*, whether classified as reliable or weak, as supported or singular, has no binding authority. The reason for this is that the *sunna* consists of human legislation, and human legislation, as the ‘*ulamā*’ themselves told us, changes according to the historical context in which it is passed. The key criterion for their implementation (or modification) is the extent to which they are (or are not) in harmony with *the Book* and social reality. If they are in harmony they should be implemented, if they are not in harmony then they should be modified. We do not follow the tradition of overriding the authority of *the Book*, so bluntly expressed in the tradition of some Ḥanafī scholars: ‘If the views of the Sheikhs [of our school] contradict the views of the Qur’ān, we adhere to what the Sheikhs say’.
2. The *sunna* of the Prophet is the first *ijtihād*, that is, one out of many alternative options that Muḥammad (ṣ) exercised in order to issue concrete injunctions that embodied his application of the divine absolute idea. His *sunna* is the first *ijtihād*, but not the last and not the only one. It is the first successful attempt to adapt divine law and order to social reality.
3. The *sunna* of the Prophet authentically reflects Muḥammad’s (ṣ) magnificent ability to create—while receiving the revelations of *the Book*—a legal, social, and political reality in full congruence with the divine text.
4. The legal injunctions of Muḥammad’s messengerhood (*al-risāla*) have only limited validity. One has to bear in mind that he received these verses within a period of only ten years while he lived in Yathrib (Medina). Surely, the social and political situations he faced in those ten years cannot possibly constitute the only situations that people faced at that time all over the world. And given that there will be no further revelation and no new messengerhood until the Last Day, surely Muḥammad’s ten years in Yathrib cannot possibly cover all the circumstances that we will encounter now and in the future. The emergence of different and novel situations, which need to be handled by Islamic law, will make obsolete the method of analogical reasoning that takes its basis in Muḥammad’s

- ijtihad*. Our *ijtihad* should be based on reason and modern scientific thinking in full compliance with *the Book* and objective reality.
5. The tradition and customs of the companions of the Prophet have no binding authority. They only have value as historical information. In Islamic *fiqh*, the consensus of the *fuqahā'* should be replaced by the consensus of living people who issue laws through contemporary institutions such as legislative assemblies and parliaments. We believe that living people are far more competent to solve current social and economic problems than Muḥammad's (ﷺ) companions and their successors who lived 1,400 years ago. However, if by chance, their decisions happen to be suitable for some of our current problems we would, of course, not be foolish enough to reject them. But they should not to be applied *in principle*, and in any case only after a search for more contemporary solutions has failed.
 6. *Ijtihad*, qualified and within well-defined boundaries, is not only legitimate but also necessary. We reject all claims that an *ijtihad* of so-called *naṣṣ* verses⁴² is forbidden and that *ijtihad* is only allowed if a verse does not contain an explicit ruling, that is, a non-*naṣṣ* verse. But what is the purpose of an *ijtihad* outside the realm of such explicit *naṣṣ* rulings? Outside the realm of *naṣṣ*, that is, outside the legal verses that possess legislative significance, the law-giver may legislate whatever he wants (because it would have no legal relevance). We aim to introduce a new Islamic philosophy and a new Islamic jurisprudence. We want to secure an historical continuity with previous generations of Muslims by maintaining the *shahāda* of 'there is no god but God, Muḥammad is the messenger of God', by maintaining the fundamental ethical principles and by maintaining the fixed forms of ritual obligations as they were taught by the Prophet (ﷺ). All other areas of religious and social conduct do not need to be maintained, since our 'becoming' requires an adaptation of the message to the needs of our own time which are different from the needs of our forefathers in seventh-century Arabia. The sole criterion of exercising a legitimate *ijtihad* is, hence, not the existence or nonexistence of a *naṣṣ* text, but the degree of congruence

⁴² The *fiqh* rule of *naṣṣ* regulations implies that no *ijtihad* is allowed in a matter of explicit qur'anic injunctions (e.g. the *ḥudūd* punishments). MS wants, in contrast, to exercise *ijtihad* on exactly these *naṣṣ* injunctions. An interpretation outside the realm of *naṣṣ* verses he calls *al-ta'wīl*, not *ijtihad*.

between the outcome of the *ijtihād* and the circumstances of our objective reality. If the *mujtahid*'s decision is fully in accord with the realities around him, or her for that matter, at the time of his or her *ijtihād*, the decision is right; if it contradicts social and political realities, the *ijtihād* is wrong.

Someone might look at these five points and ask 'what about the details of rituals, where shall we learn about the exact way to pray, to fast, and do the pilgrimage, and how will we know about the minimum amount of charity if *the Book* does not provide us with such details? Should we not consult the *sunna* for that?' Our answer to this is 'yes': *the Book* teaches these things only in a general, absolute manner which the greatest of all messengers (ṣ) put into practice by his concrete, ritual performances. A theoretical, verbal, or oral specification of the details of his rituals was not needed.

Muḥammad's (ṣ) practical *sunna*, reflecting the exact details of rituals, is the only part of his messengerhood (*al-risāla*) which we today wholeheartedly accept both in form and content. It comprises, as we defined in chapter 1, the pillars of *al-īmān*. They define the identity of the Muslim-Believers (*al-muslimūn al-mu'minūn*), those who are Muslims and believers in Muḥammad's messengerhood and who express their faith through the pillars of *al-īmān*. We consider the form and content of these rituals as fixed. In spite of their stable form, they do not obstruct historical 'becoming' and 'progressing'.

However, we should not forget that due to their manifest religious and spiritual nature, rituals are inappropriate for the task of forming a society and controlling state institutions. Religious rituals can be practiced in any political system, democratic or not, and given that people agree that as long as a despotic ruler does not prohibit rituals they have to obey him, the performance of rituals has no significant impact on the political culture of a country. Rituals are not part of civil society and hence, in this respect, need not to be changed, modified, or intensified.

Having said this we should be wary of unnecessary complications in the performance of rituals. It cannot be right that, after having practised these rituals for over 1,400 years, people are still in need of prayer manuals and instruction by legal scholars. The rituals should be simple and straightforward and easy to practise; there can never be any cultural or civilisational value in the infamous casuistry for which our *fuqahā'* are so well-known.

A final word: all social legislation needs to be based on the knowledge which humans have derived from modern social, human, and natural sciences. In order to gain such knowledge, human beings need to enjoy maximum freedom—the highest and most sacred good on earth. Restrictive legislation, however, restricts human freedom. A healthy society can exist with less restrictive legislation. The reverse situation makes people not only less free but also mentally and physically ill. With this in mind we have come to the decision to separate the legislative aspects of *the Book*, where there is room for manoeuvring in order to be less restrictive, from the moral and ethical ideals, the ethical ideals of the *al-furqān* or ‘the straight path’ (*al-ṣirāṭ al-mustaqīm*), where there is no room for manoeuvring.⁴³

⁴³ MS argues against the Islamist tendency to define *al-islām* as law and to impose the most draconian legislation by a literal understanding of the *ahkām* injunctions. Against that, he defines *al-islām* as ethics and introduces the theory of limits that allows mitigations and a less punitive approach to law. A restrictive, literal, and even punitive approach is only allowed in the sphere of ethics, not in (formal) law.

CHAPTER THREE

REVELATION

The previous two chapters have made it clear that our analysis of Allah's *Book* is based on the understanding that its text is divided into two basic units: the 'book of messengerhood' (*kitāb al-risāla*) and the 'book of prophethood' (*kitāb al-nubūwa*). This chapter is dedicated to a full exploration of this division. Its aim is to show how Allah has split up the different parts of these two books and shared them out between the *sūras* of the written text. We believe that the miraculous nature (*al-i'jāz*) of the text lies precisely in *the Book's* dual nature and that its protection against any tampering with the text's meaning must be secured by keeping verses of prophethood apart from the verses of messengerhood. All of this is based on our notion that Allah's words are nonsynonymous, in the sense that no word shares exactly the same meaning with another word regardless of how close their semantic core may be. This point will be demonstrated by a detailed comparison between verses that are believed to contain synonymous words. The semantic differences between these words will be shown by an analysis of their specific location and concrete context within a *sūra*.

Let us first quote some of these verses of *the Book* and begin by asking questions that are meant to raise some doubts about how they are conventionally understood. The answers to these questions will be provided later in the chapter.

- First, we observe that the text uses several different terms in referring to Allah's revelation. Apart from terms such as *al-qur'ān*, *al-kitāb*, and *al-furqān* we also find *al-dhikr*, as in the following verse:

It is We who have sent down the remembrance [*al-dhikr*];¹ and We watch over it. (Al-Ḥijr 15:9, AA)

¹ The notion of synonymy is explicit in AH: 'sent down the Qur'an Ourselves', MF: 'revealed the Reminder' (which is explained in a footnote as 'the Qur'an'); YA: 'sent down the message', and AhA: 'sent down this exposition'; closer to the actual

Do all these supposedly synonymous terms carry the same meaning? If not, how and why are they different?

- Second, when the text refers to ‘book’ we find that the noun is qualified by two different attributive phrases:

(This is) a book, with verses basic or fundamental (of established meaning) [*kitāb uḥkimat āyātuhu*]... (Hūd 11:1)
 ...a book, consistent with itself [*kitāb^{am} mutashābih^{am}*]... (Al-Zumar 39:23)

Is it correct to say that in the first instance the text refers to a book that contains all ‘definite verses’ (*āyāt muḥkamāt*) of the *Book*,² whereas in the second instance a different book is mentioned which contains ‘ambiguous verses’ (*āyāt mutashābihāt*)?³ Is it feasible to assume that the text contains two different categories of verses, each of which are assembled in two different books, that is, two smaller units within the larger unit of the *Book*?

- Third, we observe in the following verse that the term *al-qurʾān* is juxtaposed with the term *al-kitāb*, connected by the conjunction *wa*.

A. L. R. These are the *ayats* of revelation [*al-kitāb*]*—*of [and]⁴ a *qurʾan* that makes things clear. (Al-Ḥijr 15:1)

word meaning of *al-dhikr* are: AB: ‘sent down the Reminder’; MP: ‘reveal the Reminder’.

² MS intends to describe an antonymic term to ‘ambiguous’ (*mutashābih*), that is, inconclusive, enigmatic, or indefinite, because its meanings are kept in a state of eternal indeterminateness until the Last Hour, hence the opposite term ‘definite’ (*muḥkam*), connoting explicitness, clearness, and exactness. It does not convey the meaning of perfection, as in MP: ‘revelations of which are perfected’; AH: ‘whose verses are perfected’; AB: ‘whose ayats are perfectly construed’, nor of great length or detail, as in MF: ‘Verses which are elaborately formulated’; or of strong appeal, AhA: ‘whose verses are indeclinable’, more in a sense of clarity, AA: ‘whose verses are set clear’.

³ The translation of YA clearly does not capture MS’s intended meaning of *mutashābihāt* as ambiguous; neither do AH: ‘a Scripture that is consistent’; MF: ‘a Book, both insistent and corroboratory...’; AB ‘a Book consistent in its frequent repetitions’; AhA: ‘the [*sic*] Book conformable in its juxtapositions’; MP: ‘A Scripture consistent’, or AA: ‘a Book, consimilar in its oft-repeated’.

⁴ YA’s translation does not consider the conjunction *wa-*, but translates the second clause as a *ḥāl*-accusative, whereas MS takes it literally as referring to two different things. YA also does not translate *al-kitāb* as book but as ‘revelation’ which makes it difficult to get across MS’s point of the juxtaposition of *al-kitāb* and *al-qurʾān*. A similar translation that ignores the *wa-* is: AH: ‘These are the verses of the Scripture, a *Qurʾan* that makes things clear’. Other translators acknowledge the existence

Are we right in saying that two words in a divine text cannot be juxtaposed unless they are purposefully thought to contain different meaning? If so, is it not logical to assume that the term *qur'ān* adds something different to the term *al-kitāb* first mentioned? And if we agree on this, would we not have to find out whether *al-kitāb* and *al-qur'ān* are two distinctly different terms or, since *qur'ān* is placed after the term *al-kitāb*, whether their juxtaposition yields a relationship of subordination? If the latter is correct would it not imply that *al-qur'ān* is the more specific of the two and an integral part of the more generic *al-kitāb*?

- In the text it is said that *al-kitāb* is ‘guidance for the pious’ [Al-Baqara 2:2], whereas *al-qur'ān* is ‘guidance for the people’ [Al-Baqara 2:158]. Does this not indicate that the divine message is intended for two different groups of recipients? Of the two, ‘people’ is certainly the more generic term as it includes both ‘pious’ and ‘non-pious’ persons, whereas addressing ‘the pious’ excludes people who are not religious. Is it right to infer that since *al-qur'ān* means ‘guidance for the people’, referring to both religious and secular people, it cannot contain verses that address issues of religious practice? If that is correct, to what exactly does *al-qur'ān* refer?
- A clue is given in the following verse:

It is a confirmation [*taṣḍīq*] of (revelations) that went [with] it [*alladhi baina yadaihi*]... (Yūnus 10:37)

The *qur'ān* is a confirmation of what ‘went with it’. But what does the phrase ‘what went *with* it’ mean? Does it refer, as the traditional exegetes thought when they rendered *alladhi baina yadaihi* as ‘what went *before* it’, to the Torah and the Gospel? This would imply, to the greatest delight of some Jews and Christians, that the *qur'ān* was revealed only in order to confirm previous scriptures. Or does it instead refer to the fact that Muḥammad’s (ṣ) prophethood in seventh-century Arabia was supposed to confirm a new legislation, different from the Torah and Gospel? If so, what was the new legislation that Muḥammad (ṣ) was asked to confirm by the *qur'ān*?

of *wa-* but still render the second term as only attributive to the first: MF: ‘These are the Verses of the Book and a manifest Qur’an’; AB: ‘Those are the Signs of the Book and a clear Qur’an’; MP: ‘These are verses of the Scripture and a plain Reading’; AhA: ‘These are the verses of the Book and the perspicuous oration’.

- The *qurʿān* mentions the term ‘words of God’ (*kalimāt Allāh*). Are words of God words in the sense that they can be written down or orally recited? Are divine words similar to human speech? If they are, would that not inevitably turn God into someone who, by speaking Arabic, shares human attributes of race, gender, and language? And would this not contradict the following verse?:

Say [Prophet], ‘If the whole ocean were ink for writing the words of my Lord [*kalimāt rabbī*], it would run dry before those words were exhausted’—even if We were to add another ocean to it. (Al-Kahf 18:109, AH)

- The following three verses tell us that:

His word is the truth [*al-ḥaqq*]... (Al-Anʿām 6:73)

And God by His words [*bi-kalimātihi*] does prove and establish His truth... (Yūnus 10:82)

A.L.M.R. These are the signs (or verses) of the book [*al-kitāb*]: that which has been revealed unto you from your Lord is the truth [*al-ḥaqq*]; but most men believe not. (Al-Raʿd 13:1)

What does the verse mean when it states that Allah’s words are the truth? And why do we not once in the entire text find the expression: ‘Allah *said* “Perform the prayer!”’ or ‘Allah *said* “Keep the fast!”’? Or, put differently, why are ‘His words’ (*kalimāt Allāh*), referring to the truth, never stated in connection with ritual and legal commands?

- Two important terms in this respect are ‘spirit’ and ‘soul’:

[Prophet], they ask you about the spirit [*al-rūḥ*]. Say: ‘The spirit is part of my Lord’s domain [*amr rabbī*]. You have only been given a little knowledge.’ (Al-Isrāʾ 17:85, AH)

It is God that takes the souls (of men) [*al-anfus*] at death... (Al-Zumar 39:42)

How does ‘spirit’ (*al-rūḥ*) differ from ‘soul’ (*al-nafs*)? It is incorrect to interpret ‘spirit’ as the ‘secret of life’ as many traditional exegetes have claimed because this implies that all living creatures—animals, plants, and humans—share God’s ‘spirit’. But if Allah has ‘breathed his spirit’ only into Adam, the ‘father’ of humankind, would that not exclude animals and plants? Is it correct to associate ‘spirit’ with ‘God’s command’ simply because it is mentioned in the same verse (*amr rabbī*)? Are they

not two separate terms, connoting two different concepts that should not be confused? Did traditional exegesis not simply err here because it did not fully engage with a thorough study of the term ‘spirit’ (*al-rūh*)? To simply define it as ‘secret of life’ seems to be highly inadequate, given the depth and complexity of this term. But, if ‘spirit’ is different from ‘soul’ and ‘command’, what exactly does it mean?

- Also, what is the difference between ‘Lord’ and ‘God’? Why does the text always use the term ‘God’ (*Allāh*) when it refers to ritual duties of worship? Why does it not contain a phrase such as: ‘Do not worship anyone but the *Lord*’ (*al-rabb*)? In what context does the text use ‘Lord’ and when does it use ‘God’?

The following verse, for example, uses the term ‘Lord’. Revealingly, it does not command a specific ritual but a decree about general human behaviour:

Thy Lord [*rabbuk*] has decreed that you worship none but Him, and that you be kind to parents. Whether one or both of them attain old age in your life, say not to them a word of contempt, nor repel them, but address them in terms of honour. (Al-Isrā’ 17:23)

Does the verse state a decree that contains objective reality unrelated to the human mind? Is this a command that human beings can fulfil regardless of their actual mindset and behaviour? Does ‘worship of Him’ describe an objective fact of human nature regardless of human intention and consciousness? Does someone worship Allah if he, in practice, worships the moon or the sun because, objectively, one always worships Him even if, subjectively, something else is worshipped? Can ‘His words’ never be replaced by something else as, for example, Ibn ‘Arabī claimed? Of course, if it was like that then why did Muslims nevertheless drift into practices of *tawakkul*, superstition and scientifically absurd folklore?

- On a different topic, why, in the traditional interpretation of the following verse, was the descriptive negation (‘nobody touches’) changed into a prescriptive negation (‘none shall touch!’)?:

That this is indeed a *qur'ān* most honourable * in a book well-guarded * which none shall [*šic*]⁵ touch [*lā yamass^a*] but those who are clean. (Al-Wāqī'a 56:77–79)

How could the traditional exegetes ever say that the phrase 'those who are clean' refers to the pure and sane, thereby excluding menstruating women, women in childbirth, and people in a state of major ritual impurity from being allowed to touch the *qur'ān*? Do these verses really refer to a written copy of the *qur'ān*, written down by a human being on a piece of wood or camel skin, or recorded on a tape? Is this really the rule not to touch a copy of the *qur'ān* in a state of impurity? If not, what could be the alternative?

AL-KITĀB AND AL-QUR'ĀN

Let us first explore the two terms *al-kitāb* and *al-qur'ān* and establish how they are related to each other. The following three verses will guide us on this:

A. L. R. These are the *āyāts* of revelation [*al-kitāb*]⁵—of [and] a *qur'ān* that makes things clear. (Al-Ḥijr 15:1)

This is the book [*al-kitāb*]; in it is guidance sure, without doubt, to those who fear God [*li'l-mutaqīn*]. (Al-Baqara 2:2)

Ramadan is the (month) in which was sent down the *qur'ān*, as a guide to mankind [*hudā li'l-nās*], also clear (signs) for guidance and judgement (between right and wrong). (Al-Baqara 2:185)

In verse 1 of Sūrat al-Ḥijr the term *qur'ān* is added to the term *al-kitāb* through the conjunction 'and' (*wa*). A conjunction is employed in Arabic to either connect two distinct lexical units or to add a new semantic property to a preceding term. If *al-kitāb* and *al-qur'ān* were

⁵ YA like most translators reads the negated third person singular *lā yamass^a* prescriptively because of the inserted 'shall'. Similar are MF: 'that only the purified shall touch'; AB: 'No one may touch it except the purified'; AA: 'none but the purified shall touch'; AH: 'that only the purified can touch'; while MP understands it like MS as a description: 'which no-one touches except the purified'. This discrepancy is reflected in the *tafsīr* literature, where the statement is interpreted either as a prescriptive requirement of ritual purity for those who touch earthly copies of the Qur'an or as a description of the heavenly exemplar of the Qur'an touched only by the angels. See *Encyclopaedia of the Qur'an*, s.v. "Cleanliness and Ablution." (M.H. Katz), 343. AhA gives the verse a novel (modernist) touch, 'Only they can reach it who are clean (of mind)', in which the legal notion of purity is rendered in spiritual/moral terms.

two completely different categories, it would be as if someone said: ‘Aḥmad *and* Sa‘īd’, referring to Aḥmad and Sa‘īd as two different persons. If, however, *al-qur’ān* was a more specific unit of *al-kitāb*, it would either corroborate *al-kitāb* or introduce a different nuance to it. Surely, we need to establish which of the two possibilities is correct. But first we maintain that, based on the reading of the following two verses, *al-qur’ān* contains ‘clear signs’ (*āyātunā bayyanāt^m*), and that these ‘clear signs’ represent the truth (*al-ḥaqq*). And if the *qur’ān* contains clear signs, and if the clear signs represent the truth, then *al-qur’ān* means truth:

But when Our clear signs [*āyātunā bayyanāt^m*] are rehearsed unto them, those who rest not their hope on their meeting with Us, say: “Bring us a reading other than this, or change this.” Say: “It is not for me, of my own accord, to change it: I follow naught but what is revealed unto me: if I were to disobey my Lord, I should myself fear the penalty of a great day (to come).” (Yūnus 10:15)

When Our clear signs [*āyātunā bayyanāt^m*] are rehearsed to them, the unbelievers say, of the truth [*al-ḥaqq*] when it comes to them: “This is evident sorcery!” (Al-Aḥqāf 46:7)

As for the relationship between *al-qur’ān* and *al-kitāb*, verse 31 of Sūrat Fāṭir provides a clue:

That which We have revealed to you of [from] the book [*min al-kitāb*] is the truth [*al-ḥaqq*], confirming what was (revealed) [with] it: for God is assuredly—with respect to His servants—well acquainted and fully observant. (Fāṭir 35:31)

If it says that the *qur’ān* was revealed *from* the book,⁶ it means that the *qur’ān* does not cover the entire book but only one part of it. We will prove further below that *al-qur’ān* represents that part of *the Book* which is the truth (*al-ḥaqq*), embodied in the ‘ambiguous verses’ (*āyāt mutashābihāt*), i.e. the verses of prophethood. In this specific capacity as the truth, it is attached to the more generic term *al-kitāb*. Conversely, a different part of *al-kitāb* will then embody the ‘definite verses’ (*āyāt muḥkamāt*), i.e. the verses of messengerhood which do not specify the truth (even if, in being more generic, it does participate in the truth

⁶ YA understands the partitive preposition *min* as pertaining to all parts of *the Book*, similar to MF, AB, AhA, AA: ‘of the Book’; MP: ‘of the Scripture’, while AH: ‘the Scripture We have revealed to you [Prophet] is the Truth’ does not even acknowledge its existence but expresses what the others intended by ‘of the Book’ (i.e., all of it). But MS regards it as strictly partitive, i.e., (a) part of, some of it (not all).

by being controlled or monitored by it). Whereas the former refers to objective reality, revealed as ‘knowledge’, in its totality the latter represents a much narrower glimpse of that reality and is dependent on its ‘corroboration’ by the *qur’ān*.

(1) *Al-kitāb (the Book)*

The word *kitāb* is derived from the Arabic root *k-t-b* which literally means ‘to collect or compose things’ in a coherent and comprehensive manner. The derivative *kitāba* means ‘writing’ and refers to the process of composing a series of sentences for the purpose of dealing with a specific subject matter. It always denotes ‘writing’ of more than one line or less. The term *al-kātib* refers to the author of a book. If the term *kitāb* is indefinite, meaning ‘a book’, it always requires a genitive compound to qualify what kind of book it is: ‘a book of physics’, ‘a book of medicine’, or ‘a story book’.

In *the Book*, the many topics revealed to Muḥammad (§) are called ‘books’ (*kutub*), as in:

An apostle from God, rehearsing scriptures kept pure and holy * wherein are laws [books] [*kutub*]⁷ right and straight. (Al-Bayyina 98:2–3)

Prayer, for example, constitutes one book, a ‘book of prayer’; all verses that deal with the topic of prayer are contained in this book, such as:

For such prayers are enjoined on believers at stated times. (Al-Nisā’ 4:103)

Other books are the ‘book of fasting’, the ‘book of pilgrimage’, the ‘book of inheritance’, the ‘book of death’, and so forth; every subject matter is arranged as a book. Not a single thing exists in nature, in the cosmos or in society that is not kept in a book—as in the following verse:

⁷ YA’s translation again avoids dealing with ‘books’ and renders *kutub^{um}* as ‘laws’, likewise AhA: ‘containing firm degrees’; AB: ‘containing upright precepts’; AH: ‘containing true scriptures’; MP: ‘containing correct scriptures’, but MF: ‘wherein are valuable books’ follows MS in taking it literally as *books*, while the use of a capital in AA: ‘therein true Books’ may indicate an understanding of Scriptures other than the Qur’an (sent to the *ahl al-kitāb* and idolaters, see 98:1–2).

And all things have We preserved on record [in a book] [*kitāb^{am}*]⁸.
(Al-Naba' 78:29)

The definite term *al-kitāb*, *the Book*, refers to the entire body of all subject matters that exist. *The Book* has been revealed in individual 'books' to Muḥammad (ṣ), but these books are scattered throughout the text. Books have been revealed as 'words' with 'meaning', thus representing the complete textual corpus (*al-muṣḥaf*)—from the first Sūrat al-Fātiḥa to the last one, al-Nās. The indefinite term *kitāb*, a book, refers therefore only to one subunit within the larger unit of 'the book'; *kitāb^{am} mutashābih^{am}* (39:23), for example, the book of ambiguous verses, does not refer to the entire revelation (i.e., *the Book*) but only to a smaller component of it. Humankind explores the universe through the study of these verses. The same applies to *kitāb^{um} uḥkimat āyātihī* (11:1), the 'book whose verses are definite', which covers only the definite part of *the Book*. The believers explore the etiquette of human behaviour through the study of these verses.

A look at verse 3 of Sūrat Āl 'Imrān reveals what exactly is covered by the term *al-kitāb*:

He it is who has sent down to you the book [*al-kitāb*]: In it are verses basic or fundamental (of established meaning) [*āyāt muḥkamāt*]; they are the foundation of the book [*umm al-kitāb*]⁹—others are [ambivalent] [*mutashābihāt*].¹⁰ But those in whose hearts is perversity follow the part

⁸ Again, YA's translation avoids rendering *kitāb^{am}* as a 'book', so does AH: 'We have recorded everything in a Record' and AB: 'We have recorded all things in writing'; but not MF: 'Everything We have enumerated fully in a Book'; and AA: 'everything We have numbered in a Book'; MP: 'Everything We have recorded in a Book'; AhA: 'We have kept account of every thing in a book' (notice the small letter for *book* which reflects MS's understanding that such a book is not *the Book*).

⁹ Lit. 'Mother of the Book'; this is how it will be translated forthwith.

¹⁰ YA contrasts 'verses basic or fundamental (of established meaning)' with 'other verses that are allegorical', which is not what MS intends; similar AhA: 'and others allegorical' (in contrast to 'categorical') and MP: 'and others (which are) allegorical' (in contrast to 'clear revelations'). The other translators regard the verse as indicating hermeneutically two different categories of verses, AB: 'and others which are open to interpretation' (in contrast to 'clear judgements'); MF: 'and others which are ambiguous' (in contrast to 'precise in meaning'); AH: 'and others are ambiguous' (in contrast to 'definite in meaning'); AA: 'and others ambiguous' (in contrast to 'verses clear'). All translations, however, do not acknowledge a semantic difference between *wa-ukhar^{at} mutashābihāt^{um}* (some others, i.e., other than these that are ambiguous) and *al-ākhir mutashābihāt* (the others are ambiguous) and render the former expression (of 3:7) as containing the meaning of the latter (which is not in 3:7). MS, in contrast, sees here a reference to another type of verse other than ambiguous and definite. It

thereof that is allegorical, seeking discord, and searching for its hidden meanings, but no one knows its hidden meanings except God. And those who are firmly grounded in knowledge [*al-rāsikhūn fi'l-ilm*] say: “We believe in the book; the whole of it is from our Lord”—and none will grasp the message except men of understanding [*ūlū 'l-albāb*]. (Āl 'Imrān 3:7)

I) The Definite Book (*al-kitāb al-muḥkam*):

The definite book contains all ‘definite verses’ (*āyāt muḥkamāt*) of Allah’s revelation to which the term ‘mother of the book’ (*umm al-kitāb*) has been given to designate the origin or source of this book. The ‘definite verses’ address the rules and principles of human behaviour within the spheres of ritual worship, economics, the community, politics, and social and personal ethics. They embody Muḥammad’s messengerhood (*al-risāla*).

II) The Ambiguous Book (*al-kitāb al-mutashābih*):

The ambiguous book contains all ‘ambiguous verses’ (*āyāt mutashābihāt*) of Allah’s revelation, pertaining to the universal laws given by Allah to His Prophet Muḥammad (ṣ). Universal laws explain processes of nature in the unseen world, those parts of the universe that had not yet been discovered by the human mind when Allah’s revelation occurred. In embodying the signs of the objective reality, ‘ambiguous verses’ separate truth from falsehood—they represent Muḥammad’s (ṣ) prophethood (*al-nubūwa*). Unlike the ‘definite verses’, they do not contain rules of human behaviour and hence are purely descriptive. They contain ‘news’ about the universe, and not prohibitions or permissions.

The ambiguous book is divided into two parts: a) the seven oft-repeated (verses) and b) the grand *qur’ān*—as we hear in the following verse:

And We have bestowed upon you the seven oft-repeated (verses) [*sab^{am} min al-mathānī*] and the grand *qur’ān* [*al-qur’ān al-‘azīm*]. (Al-Ḥijr 15:87)

means that MS does not use 3:7 as a reference to the ‘ambiguous verses’ (he uses 39:23) but to the verses of *tafsīl al-kitāb*.

III) Explanation of the Book:

This is inferred from the above phrase: ‘other [than the] ambiguous verses’ (*ukhar mutashābihāt*). Note that the text does not say ‘the others are ambiguous verses’ (*al-ākhir mutashābihāt*), as many exegetes suggest.¹¹ It rather points to the existence of a third verse-type that is neither definite nor ambiguous. In the following verse we come across a special term for this type which is ‘explanation of the book’ (*tafṣīl al-kitāb*):

This qur’ān is not such as can be produced by other than God; on the contrary it is a confirmation of (revelations) that went [with] it, and a fuller explanation of the book [*tafṣīl al-kitāb*]— wherein there is no doubt—from the Lord of the worlds. (Yūnus 10:37)

Sūrat Yūnus refers to all three categories of books in just one verse:

- *al-qur’ān* (the truth);
- [rules] ‘that went with it’ (explained further down as *umm al-kitāb*);
- *tafṣīl al-kitāb* (the explanation of the book or literally: ‘a fuller explanation of the book—wherein there is no doubt—from the Lord of the worlds’).

The Definite Verses—The ‘Mother of the Book’ (umm al-kitāb)

The definite verses (*āyāt muḥkamāt*) of *the Book* for which a special term was given: ‘the mother of the book’ (*umm al-kitāb*), are contained in the definite book and cover the rules and principles of human behaviour in all spheres of life—they are representing Muḥammad’s (ṣ) messengerhood (*al-risāla*). We have established seven subcategories of definite verses:

1. Rituals;
2. The limits of God (*al-ḥudūd*), defining ways of *non*-ritual worship (*al-‘ibādāt*);
3. General ethics (*al-furqān*), moral codes given as commandments, and absolute taboos (*al-muḥarramāt*);
4. Temporary rules (only valid for Muḥammad’s (ṣ) time);
5. Circumstantial rules (e.g., prohibition), only enforceable if a specific historical situation emerges that is similar to the one prescribed in *the Book*;

¹¹ See the explanations given in the preceding footnote.

6. General notifications, nonbinding instructions in *the Book* introduced by the phrase ‘O you Prophet!’ (e.g., instructions for the dress code of women);¹²
7. Specific notifications, likewise nonbinding as they were specifically and exclusively revealed for Muḥammad’s (ṣ) time (e.g., rules of behaviour for the Prophet’s wives).¹³

Muḥammad (ṣ) received the *umm al-kitāb* from God and, by way of his *sunna*, applied it immediately to the historical context of seventh-century Arabia. Unlike the other part of the book, *al-qur’ān*, it does not require a theoretical understanding but allows for a practical exegesis that considers the needs of society. Such exegesis however requires the *qur’ān* to approve and confirm it. Unlike the verses of the *qur’ān*, the verses of *umm al-kitāb* do not contain Allah’s words that are eternally valid and to be enforced by necessity. Nowhere in *the Book* do verses of the ‘definite book’ start with the opening phrase ‘And God said:’ (*qāla Allāh*); therefore the verses of *umm al-kitāb* are:

A. *A moral commandment:*

God commands [*Allāh ya’amur^u*] justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds, and injustice and rebellion. He instructs you, that you may receive admonition. (Al-Naḥl 16:90)

B. *A prohibition stated as an imperative:*

‘Do not come close [*fā-lā taqrabūhā*]...’ (Al-Baqara 2:187)

C. *A legal rule:*

God (thus) directs you [*yuṣīkum Allāh*] as regards your children’s (inheritance): to the male, a portion equal to that of two females... (Al-Nisā’ 4:11)

¹² ‘O you Prophet! Tell your wives and daughters, and the believing women, that they should cast their outer garments over their persons (when abroad): that is most convenient, that they should be known (as such) and not molested. And God is oft-forgiving, most merciful’ (Al-Aḥzāb 33:59).

¹³ ‘O you who believe! Enter not the prophet’s houses—until leave is given you—for a meal, (and then) not (so early as) to wait for its preparation; but when you are invited, enter; and when you have taken your meal, disperse, without seeking familiar talk. Such (behaviour) annoys the prophet. He is ashamed to dismiss you, but God is not ashamed (to tell you) the truth. And when you ask (his ladies) for anything you want, ask them from before a screen: that makes for greater purity for your hearts and for theirs. Nor is it right for you that you should annoy God’s apostle, or that you should marry his widows after him at any time. Truly such a thing is in God’s sight an enormity’ (Al-Aḥzāb 33:53).

The Ambiguous Verses

Again for recapitulation, we said: The ambiguous book contains all ‘ambiguous verses’ (*āyāt mutashābihāt*) of *the Book* which reveal the universal laws given by Allah to His Prophet Muḥammad (ṣ). The ‘ambiguous verses’ separate truth from falsehood. They represent Muḥammad’s prophethood (*al-nubūwa*). The ambiguous book is divided into two parts: a) the seven oft-repeated and b) the majestic *al-qur’ān*.

Al-qur’ān (the Truth)

Al-qur’ān contains ‘the truth’. It consists of those verses that reveal what is reality and those that explain it. It embodies Muḥammad’s (ṣ) prophethood and provides such deep insights into universal realities that those who listen to it shout admiringly, ‘This is nothing but sorcery!’ The *qur’ān*’s ‘ambiguous verses’ occupy more space in *the Book* than those of the *umm al-kitāb*.

The miraculous nature or inimitability (*al-i’jāz*) of the *qur’ān* lies in its dual nature of expressing the truth in a total, comprehensive, and absolute manner, on the one hand, and of allowing the possibility of understanding it in a relative, contingent, and subjective manner, on the other. This duality of containing both the totality of the *qur’ān*’s truth *and* the relativity of humans’ perception of it, is what makes the *qur’ān* both eternally valid *and* historically viable. Human understanding of the eternal truth will always be relative, that is, short of the absolute. One may read the *qur’ān* from all possible angles, philosophical, scientific, historical, linguistic, religious, and such, but human interpretations will always remain partial and relative. Therefore, the *qur’ān* is the subject of successive, continuous, and progressively improving rational interpretations (*al-ta’wīl*), in contrast with traditional verse-by-verse exegesis (*al-tafsīr*). And because of its partiality and relativity, it is bound to attract a multiplicity of interpretations due to the sheer diversity of human perception and of the subjective ways to understand objective reality.

The *qur’ān* consists, primarily, of narratives about the truth and its laws in reality. But it also weaves these together (note the etymological root of *q-r-n*: ‘to bind together’) with narratives (*ḥadīth*) about events that occurred in human history (it never predicts or predestines such events but records them only *after* they have occurred). It thus links (*qarana*) the laws and events of objective reality together with the laws and events of human history. In its capacity as the

source of both the cosmic *and* historical truth it confirms ‘what went with it’ (*alladhi байна yadaihi*), that is, the *umm al-kitāb*, and functions as the latter’s ultimate protector and guardian.

The Seven Oft-Recited (sab’ al-mathānī)

And We have bestowed upon you the seven oft-repeated (verses) [*sab’an min al-mathānī*] and the grand *qur’ān*. (Al-Ḥijr 15:87)

1. In verse 87 of Sūrat al-Ḥijr the conjunction ‘and’ connects the term *al-qur’ān* to the preceding term *sab’ al-mathānī*. Since the terms cannot be synonymous and since *al-qur’ān* is preceded by *sab’ al-mathānī*, the latter must be a separate term and cannot be explained by *al-qur’ān*. Because *sab’ al-mathānī* is mentioned first this also indicates that it enjoys greater significance than the *qur’ān* in Allah’s act to bestow upon humankind divine instructions about the universe.
2. The number ‘seven’ in the term *sab’ al-mathānī* [lit. ‘the doubled-seven’] is further proof of our thesis that the term *sab’ al-mathānī* is different from *al-qur’ān*, as the *qur’ān* consists of more than just seven verses.
3. In spite of their separate nature, the two terms still share one generic root. One may compare this verse to another in which it is said that there are women who are ‘[either] previously married or virgins’ [Taḥrīm 66:5]. Despite their different social status wives and virgins have something in common because they are both women. Likewise, the common denominator between *al-qur’ān* and *umm al-kitāb* is their shared origin of being both revealed from God, even though they designate two different realms of the divine text. What links *sab’ al-mathānī* and *al-qur’ān* is that both reveal the same information about the universe, although they do it in entirely different ways:

God has revealed (from time to time) the most beautiful [event] [*aḥsan al-ḥadīth*] in the form of a[n ambiguous] book [*kitāb’an* [...] *mutashābih’an*], (yet) repeating (its teaching in various aspects) [*mathānī’an*]. The skins of those who fear their Lord tremble thereat; then their skins and their hearts do soften to the celebration of God’s praises. Such is the guidance of God: He guides therewith whom He pleases, but such as God leaves to stray, can have none to guide. (Al-Zumar 39:23)

In the above verse, the term *kitāb* is indefinite, ‘a book’, implying that in this instance the text does not refer to all revealed verses of *the Book*. It is qualified by the two adjectives ‘ambiguous’ (*mutashābih*) and ‘repeated’ (*mathānī*), from which we infer that the book of *sab’ al-mathānī* consists of both ‘ambiguous’ and ‘repeated’ verses. It proves once more that *sab’ al-mathānī* differs from *al-qur’ān*, because the *qur’ān* consists only of ‘ambiguous’ verses. Moreover, the first line of the verse defines *sab’ al-mathānī* as ‘most beautiful’ [or the ‘best narrative’], implying that the *qur’ān* is only ‘narrative’, whereas *sab’ al-mathānī* is the ‘best narrative’.

What, then, is *sab’ al-mathānī* exactly? It contains the number seven (*sab’a*) and the adjective *mathānī*, ‘repeated’, and indeed it literally means ‘seven times twice-repeated’. But it also connotes the sense of something that ‘holds two different things together’, ‘from two ends’ or ‘two borders’. It points to the ability of connecting ‘one end to the other’. Since each chapter of *the Book* has a beginning and an end, that is, is located between two borders, the term points us to the chapters’ two ‘ends’. What we find there is what is conventionally called the ‘abbreviated’ or ‘disconnected’ letters (*al-muqatta’āt*). Interestingly, they occur in seven different combinations, which are as follows:

- 1) Alif-Lām-Mīm-Rā’ (which also occurs as Alif-Lām-Mīm and Alif-Lām-Rā),
- 2) Alif-Lām-Mīm-Šād,
- 3) Kāf-Hā’-Yā’-‘Ain-Šād,
- 4) Yā’-Sīn,
- 5) Ṭā’-Hā’,
- 6) Ṭā’-Sīn-Mīm (which also occurs as Ṭā’-Sīn),
- 7) Hā’-Mīm

The so-called abbreviated letters, introducing their chapters, are correctly numbered either as verse one or as one *and* two. It is either:

a)

Nūn. By the [identification] [*qalam*] and the (record) which (men) write. [Al-Qalam 68:1]

or b)

Hā-Mīm * ‘Ain-Sīn-Qāf. [Al-Shūrā 42:1–2]

The second verse in b), in which the letters are both verse 1 *and* 2, demonstrates that these letters are not just cut off from the rest of the chapter, and should not be seen as cryptic initials or meaningless

Arabic signs which are there for no apparent function. Instead, we should regard them as expressing the chapter's message, in a different linguistic format.

If we count the number of letters in these seven combinations, we arrive at the number eleven:

1- Alif 2- Ṣād 3- Kāf 4- Yā' 5- Ṭā' 6- Ṭā' 7-Ḥā' 8-Mīm 9-Rā'
10-Hā' 11-Sīn

Our thesis is that these eleven letters are not just letters of the Arabic alphabet, or any other alphabet, but are rather graphemes of phonetic utterances that can be found in all other languages that exist on earth. Human language, in general, is based on eleven basic forms of laryngeal or labial sounds that human beings can utter. As pure utterances they do not carry a specific meaning; hence, the exclusion of the letter *Dāl* which, at least in Arabic, is not meaningless if uttered but, because it is homonymic to *dāll*, may connote 'significant'. If these utterances were letter combinations of the Arabic language, we would surely find among the many million Arabic native speakers at least one who could provide us with an explanation of them. But the truth of the matter is that they do not mean anything in Arabic or any other language since they are simply utterances of the human voice. Strictly speaking, one should change their transcriptions: from, for example, Alif-Lām-Mīm (for آل) to Aa-Ll-Mm, since Alif-Lām-Mīm still associates a combination of alphabetical characters of the Arabic language (that connote verbal meaning). But this association is, as we have shown, unfounded.

The Explanation of the Book (tafṣīl al-kitāb)

We have said that the 'explanation of the book' refers to a third category of verses: those that are neither ambiguous nor definite. These verses were revealed directly from Allah and, because of their in-between status, they transcend the division between 'definite' and 'ambiguous'. The following verses show how this category is connected to the other parts of the book:

This Qur'an is not such as can be produced by other than God; on the contrary it is a confirmation of (revelations) that went [with] it, and a fuller explanation of the book [*tafṣīl al-kitāb*]—wherein there is no doubt—from the Lord of the worlds. (Yūnus 10:37)

There is, in their stories, instruction for men endued with understanding. It is not a tale invented, but a confirmation of what went [with] it—a detailed exposition [*tafṣīl*] of all things, and a guide and a mercy to any such as believe. (Yūsuf 12:111)

A-L-R. (This is) a book, with verses basic or fundamental (of established meaning), further explained in detail [*fuṣṣilat*]—from one who is wise and well-acquainted (with all things). (Hūd 11:1)

Say: “Shall I seek for judge other than God, when He it is who has sent unto you the book, explained in detail [*mufaṣṣal^m*]?” They know full well, to whom We have given the book, that it has been sent down from your Lord in truth. Never be then of those who doubt. (Al-An‘ām 6:114)

According to the dictionary of Ibn Fāris,¹⁴ the Arabic term *tafṣīl* can mean both ‘elaborate exposition’ and ‘to set apart’. As for these two meanings we come across two further subdivisions:

1. *Exposition as ‘commentary’:*

Verses that do not contain general laws of the universe or rules of human behaviour but which provide information about either of the two, are ‘explanatory’ and function as a running commentary on other verses. For example, verses that elucidate that the *qur’ān* came down in Arabic, or that *the Book* contains ambiguous and definite verses etc., are commentaries on either the nature of the *qur’ān* (revealed in Arabic) or the composition of *the Book* (types of verses). Thus, they provide further information. One might say that these are the self-reflective verses of *the Book*.

2. *Setting apart in the sense of ‘to contextualize’:*

Verses that place a specific event in a concrete, historical context will set that event apart from other events that occurred elsewhere and at other times. Such verses help to establish a chronological sequence as they distinguish between earlier and later events.

In both functions, the ‘explanatory’ verses interrupt the flow of verses that are either ‘ambiguous’ or ‘definite’. They also put the different chapters into a specific order as they structure and subdivide the various categories of verses. This is particularly significant as *the Book* does not provide a thematically or chronologically coherent exposition of its topics. Instructions concerning issues of family law, for

¹⁴ Abū’l-Ḥusayn Aḥmad Ibn Fāris al-Qazwīnī, (d. 395/1004). *Mujmal al-lughā* (Beirut: Mu’assasa al-Risāla, n.d.), vol. 3, 722.

example, are scattered throughout different chapters (e.g., Al-Baqara, Al-Nisā', Al-Mā'ida) without attempting to introduce either a systematic order or consistent argument. To identify the 'explanatory' verses is, therefore, an important exegetical operation so that gaps of information, created by the scattered nature of the book's line of argument, can be closed.

If these verses are neither 'ambiguous' nor 'definite', and if *the Book* knows only these two types of verses, 'book of prophethood' and 'book of messengerhood', to which of the two should one allocate 'explanatory' verses? As they do not contain any rule, commandment, or moral instruction, they are clearly not in the book of messengerhood. By exclusion, they are part of Muḥammad's (§) prophethood, even if they are not ambiguous. But since Muḥammad (§) held only two offices, of prophet and messenger, there cannot be a third category. And yet, even as nonambiguous verses of Muḥammad's (§) prophethood their origin is still different: they were revealed directly from Allah; the explanatory verses do not originate from either *lawḥ mahfūz* or *imām mubīn* as do the other prophetic verses.

Why is *the Book* composed in such a multistructured way, containing so many different types of books and categories of verses? The answer lies in the history of revelation. Until the revelation of *the Book*, Allah had sent down revelations to the Jews and Christians which only consisted of rules and commandments, that is, revelations came down as books of messengerhoods and definite verses. As it happens, human beings transgressed against the commandments, divine instructions were ignored and new rules were added and declared as divine:

Then woe to those who write the book with their own hands, and then say: "This is from God." (Al-Baqara 2:79)

In order to prevent a recurrence of this calamity, Allah's last revelation was equipped with the criterion of truth, the *qur'ān*. It not only confirms 'what went with it', the 'definite verses' of the *umm al-kitāb*, it also controls and monitors their application. That is why the two books and the three categories of verses are so harmoniously intertwined in the text, and why they are so precisely, mathematically arranged in a manner that has, until now, escaped the penetrating view of so many commentators on the divine text. But just as modern medicine explores further and further the complexities of the genes,

tissues, and organs of the human body, and just as the natural sciences correlate more and more the different signs of changes in the weather, climate, and human habitats, so does a contemporary reading of *the Book*. The One who created the human body and nature in such a complex manner will do the same with His revealed words—to perceive *the Book* in a simpler way would not do justice to God’s power.

Remembrance (al-dhikr)

We have, without doubt, sent down the [remembrance]¹⁵ [*al-dhikr*]; and We will assuredly guard it (from corruption). (Al-Ḥijr 15:9)

They say: “O you to whom the [remembrance] [*al-dhikr*] is being revealed! Truly you are mad (or possessed)!” (Al-Ḥijr 15:6)

Ṣād. By the *qur’ān*, containing the remembrance [*al-qur’ān dhī ’l-dhikr*]. (Ṣād 38:1, AA)

If we now turn to the term *al-dhikr* (the remembrance) which, as in the two verses of *Al-Ḥijr* above, is stated in its definite form, as the remembrance, we notice that in verse 1 of Sūrat Ṣād, *al-dhikr* is the possessive attribute of *al-qur’ān*, connected to it by the conjunctive particle *dhū* (of). It means that the *qur’ān* possesses ‘remembrance’.¹⁶ But what exactly is remembrance?

¹⁵ YA’s rendering of *al-dhikr* as ‘message’ does not fully convey MS’s interpretation of it, unless one qualifies this message by saying that it is a message in human language so that human beings can remember it. Consistent with their previous renderings of *al-dhikr* are AA: ‘wherein is your Remembrance’ and AB: ‘containing your Reminder’ but not AhA: ‘which has a reminder for you’ and MP: ‘in which is your Reminder’, which both here render it as ‘reminder’, and MF: ‘in which there is admonition for you’, who dropped his rendering as ‘reminder’ elsewhere. Again, AH: ‘a Scripture to remind you’ regards the genitive construct (38:1) or the adverbial clause (*kitāban fīhi dhikrukum*) in 21:10 as attributive clauses stated in order to describe the *function* of the Book/Scripture, not its *set up* as MS intends it. Lane (Book I), gives the meaning of *dhikr* also as Remembrance and adds ‘the presence of a thing in the mind’, also termed *dhikr bi’l-qalb* to distinguish it from *dhikr* in the sense of telling, saying, mentioning, i.e. *dhikr bi’l-lisān*. It seems that MS tends—albeit *not* in their mystical interpretations within the Sufi-tradition—towards the former and intends to convey a ‘presence of the Qur’an in people’s minds’ (as an Arabic text) in his interpretation of *al-dhikr*.

¹⁶ The idea of such a subjective genitive of possession is supported by several translations, e.g., AB: ‘By the Qur’an holding the Remembrance’; AA: ‘By the Koran, containing the Remembrance’; MF: ‘By the Qur’an which contains the Reminder’; to a lesser degree by AH: ‘By the Qur’an with its reminding’, but understood in an entirely different way by MP: ‘By the renowned Qur’an’, also AhA: ‘I call to witness the admonishing Qur’an’—*al-dhikr* is usually rendered as either a) reminder or b) admonisher, sometimes interchangeably because the Qur’an has

We have said that the *qur'ān* represents the totality of objective, universal laws that govern every event in the cosmos, nature, and human history. By means of revelation these laws, which used to exist outside the human mind, were then expressed in human language:

We have made it a qur'ān in Arabic... (Al-Zukhruf 43:3)

Only because of this transformation into a linguistic format did it become possible for human beings to participate in knowledge of the *qur'ān* and to 'remember' it spiritually as well as intellectually:

We have raised onto you your remembrance [*dhikrak*]... (Al-Sharḥ 94:4)

We therefore define *al-dhikr* as the result of transforming the *qur'ān* from a nonlinguistic, naturalist state into words of Arabic:

Now We have sent down to you a Book [*kitāb^{an}*] wherein is your remembrance [*dhikrukum*]; will you not understand? (Al-Anbiyā' 21:10, AA)

This implies that *al-dhikr* was a revived or renewed form of what had existed before in our universe. Notice in the following verse the precision of *the Book* when it refers to the renewal of *al-dhikr* and not *al-qur'ān*:

Whenever any fresh revelation [*dhikrⁱⁿ muḥdathⁱⁿ*] comes to them from their Lord, they listen to it playfully with frivolous hearts... (Al-Anbiyā' 21:2, AH)

Once we realize that *al-qur'ān* and *al-dhikr* are not identical, and that *al-dhikr* is only an attribute of *al-qur'ān* (after it had been transformed into Arabic), the dilemma of Mu'tazilī theology should no longer haunt us. We are now able to say that Allah did not create the *qur'ān* as such but only its verbal format, that is, *al-dhikr*. This allows us to state that the *qur'ān* has existed since eternity and has been an integral part of Allah's primordial nature. We can also say that, by creating the linguistic format of books (*kutub*), Allah provided the grounds on which the signs of the *qur'ān* can be rationally understood:

been traditionally understood as a means of warning humankind against the consequences of overlooking (i.e., forgetting) God, see *Encyclopaedia of the Qur'an*, s.v. "Remembrance." (A. Brodersen), 422.

And We sent none before you, but men to whom we made revelation—question the people of the remembrance [*ahl al-dhikr* = those who speak Arabic], if you do not know—nor did We fashion them as bodies that ate not food... (Al-Anbiyā' 21:7, AA)

After the transformation of the *qur'ān* into Arabic it had become objectified, it entered into the realm of human texts (oral or written) and thus could become part of people's ritual practices. The recitation of the *qur'ān* could then become one of the central features of religious life. Believers are now able to recite the Arabic text whether they understand its content or not:

And to rehearse the *qur'ān*... (Al-Naml 27:92)

And We have indeed made the *qur'ān* easy to understand and remember [*li'l-dhikr*]: then is there any that will receive admonition? (Al-Qamar 54:17)

The linguistic format of an Arabic text also exists for the other parts of the book. We hear the proof in verse 29 of Sūrat Fāṭir:

Those who rehearse the book of God [*yatlūn kitāb Allāh*], establish regular prayer... (Fāṭir 35:29)

Since no human being can rehearse, or better, recite something that does not exist as a text, we conclude that all verses of the book must have been transformed into *al-dhikr*. This is significant because if we, as believers, recite the verses of *al-kitāb* we do so by reciting the transformed parts of *al-dhikr*. And when Muḥammad (ṣ) was given *the Book*, he received it as *al-dhikr*, that is, as oral lecture that he only needed to hear (and not necessarily to understand), so that he was able 'to pronounce it clearly to men':

We have revealed to you the reminder [*al-dhikr*], so that you make [known] to mankind what has been revealed to them, and that, perchance, they may reflect. (Al-Naḥl 16:44, MF)

(2) *The qur'ān*

The *qur'ān* embodies Muḥammad's (ṣ) prophethood. It provides the reason for distinguishing between truth and falsity. Together with the 'seven oft-repeated' (*sab' al-mathānī*) it constitutes the book of ambiguous verses. The *qur'ān* reveals the 'clear signs' which represent the truth (10:15; 46:7). The *qur'ān* is the truth.

The Words of God (kalimāt Allāh)

Before we are able to define what Allah's words are we need to distinguish between the different categories of human speech. In Arabic, words that are spoken but not understood (*aṣwāt*) are distinguished from words that are spoken *and* understood (*qaul*). If one overhears a conversation in Chinese and does not understand a word, the spoken utterances are just incomprehensible 'sounds' (*aṣwāt*). If one is Chinese and understands every word of the conversation, the words we hear would be classified as 'meaningful' (*qaul*). Furthermore, if the words are spoken with fluency and clarity, the words are defined as 'good speech' (*faṣāḥa*).¹⁷ If words are used eloquently and their meanings well expressed, they are called 'intelligent speech' (*qaul*).¹⁸ Intelligent speech (*qaul*) is the realm of 'rhetoric' (*al-balāgha*),¹⁹ whereas good speech is the realm of language fluency or competence (*al-lisān*). We therefore distinguish between 'sounds' that exist objectively but make no sense and 'sounds' as words, whose meaning is perfectly clear. As for the latter category, we distinguish between words whose meanings are registered but not pondered upon by their receivers, on the one hand, and words which are 'food for thought', words meant to evoke conscious reflections in the receivers, on the other. Such reflections can be stimulated either by oral speech or by a written presentation of the (silent) word.

If we apply these categories of human speech to the *qur'ān* we are faced with a dilemma, because if we claim that the words of the qur'anic text, written or orally recited, *are* the words of God, we would turn His words into human speech, and Allah would become an Arabic native speaker. But since this would violate God's unity ('Say: "But in truth He is the one God..." Al-An'ām 6:19) and His uniqueness ('Say: "He is God, the one and only"' Al-Ikhlāṣ 112:1), Allah is neither Arab nor of any other nationality. An analogy between God's words and human speech must be rejected. In the qur'anic text, the signified (divine) meaning of words must be found outside the text, not in human speech. The word 'sun', for example, signifies—if understood as Allah's word (*kalima*)—the sun itself, not

¹⁷ 'He is more eloquent in speech [*qfṣah*] than I...' (Al-Qaṣaṣ 28:34).

¹⁸ When Allah sent Moses to Pharaoh he said: 'But speak to him mildly [*fa-qūla lahu qawl^m layyin^m*]...' (Ṭā-Hā' 20:44).

¹⁹ As in: 'and speak [*qul*] to them a word [*qawl^m*] to reach their very souls [*bāligh^m*]' (Al-Nisā' 4:63).

just the meaning of the word ‘sun’. The word ‘moon’ signifies, or better *is*, the moon in space, not just the signified meaning of ‘moon’. Allah’s word ‘nose’ *is* the nose, not just the signified meaning of ‘nose’, and so forth. In other words, the essence of Allah’s words cannot be found in the qur’anic text but in the objective, material existence of the universe, that is, in the general laws that govern the cosmos, nature and human history. Or, if put dialectically, the words of God are the essence of the entire universal existence which, in its status as the divine signified, is the essence of God’s words (*kalimāt Allāh*).

Because of this extra-textual link between Allah’s words and their signified essence, we are assured that His words cannot be changed or modified. Since nobody can interfere with the course of nature and since nobody can turn the clock back, human beings can only accept or ignore God’s words but they cannot be changed.

And recite (and teach) what has been revealed to you of the book of your Lord: none can change His words [*la-mubaddil li-kalimātihi*], and none will you find as a refuge other than Him. (Al-Kahf 18:27)

This verse proves that the essence of Allah’s words reside outside the text. Just imagine someone reading the following verse as representing (essentially) the word of God:

God (thus) directs you as regards your children’s (inheritance): to the male, a portion equal to that of two females... (Al-Nisā’ 4:11)

Imagine further that someone came along and a) ignored this instruction and gave his daughters twice as much as his sons, and b) tampered with the text by changing its words around, then verse 27 of Sūrat al-Kahf (‘none can change His words’) would actually be contradicted by what this person just did. And if someone is able to change ‘His words’ so easily, the self-definition of the text that it cannot be changed would actually be a lie. But to find a lie in Allah’s text is, categorically, impossible. We have to accept the fact that Allah’s words encompass more than what any human language can ever express (as text). If He were to express His words, that is, the totality of objective reality, in written (human) text, ‘oceans of ink’ would not be enough to exhaust Allah’s knowledge:

Say [Prophet], ‘If the whole ocean were ink for writing the words of my Lord [*kalimāt rabbī*], it would run dry before those words were

exhausted'—even if We were to add another ocean to it. (Al-Kahf 18:109, AH)

The Truth (al-ḥaqq)

Allah is the truth and His words are the truth.²⁰ He establishes what is true through His words.²¹ The existence of the universe, which is outside the human mind, is the sacred abode of God—He *is* the reality.²² This all-encompassing existence is expressed in His words which are thus also true.²³ Hence, Allah is the truth, and His words are the truth.²⁴ His words are rooted in the truth, not in human language. Among the ninety-nine beautiful names of Allah you will not find the attribute 'the speaker'. But in order to instruct human-kind about the truth, God transformed the laws of objective reality into human language. The ninety-nine beautiful names are therefore derived from human concepts. Human beings understand the truth of objective reality according to what their limited minds can grasp. Such understanding is relative and confined to what the dominant episteme allows us to comprehend. The language of the *qur'ān* must therefore allow such piecemeal understanding, inasmuch as it must guarantee an ever-growing awareness of objective reality because human societies develop and the intellectual horizon of people broadens day by day. The *qur'ān* does allow such relative and gradual understanding because of its revelation in Arabic which has the quality of 'ambiguity' (*al-tashābuh*). God has chosen Arabic as the vessel for His divine references to objective reality because it provides the necessary dialectics between the absolute objective truth of God and its relative, subjective understanding by human beings. This dialectic guarantees that human societies, in spite of their diversity and multiplicity of interpretations, participate equally in the divine truth and take from it what they can comprehend. This is the true explanation

²⁰ 'His word is the truth...' (Al-An'ām 6:73).

²¹ 'And God by His words does prove and establish His truth...' (Yūnus 10:82).

²² 'That is because God—He is the reality; and those besides Him whom they invoke—they are but vain falsehood...' (Al-Ḥajj 22:62).

²³ 'We created not the heavens and the earth and all between them but for just ends [*bi'l-ḥaqq*]...' (Al-Aḥqāf 46:3).

²⁴ 'Verily, when He intends a thing, His command is, "be", and it is!' (Yā-Sīn 36:82); 'When He has decreed a plan, He but says to it, "be", and it is!' (Āl 'Imrān 3:47); see also Sūrat al-Kahf 18:35.

of why the *qur'ān* is called inimitable and why its opponents were overwhelmed when they heard it:

When Our clear signs are rehearsed to them, the unbelievers say, of the truth [*al-ḥaqq*] when it comes to them: "This is evident sorcery!" (Al-Aḥqāf 46:7)

The Content of the qur'ān

In *the Book* the term *qur'ān* appears both in its definite as well as in its indefinite form:

a) *definite*:

Ramadan is the (month) in which was sent down *the qur'an*... (Al-Baqara 2:185)

And We have bestowed upon you the seven oft-repeated (verses) and *the grand qur'an*. (Al-Ḥijr 15:87)

b) *indefinite*:

Nay, this is *a* glorious qur'an [*qur'ān^{um} majīd^{um}*], * (inscribed) in a tablet preserved! (Al-Burūj 85:21–22)

If an article determines the noun, it refers to the *qur'ān* as we have defined it so far. If the noun is undetermined, however, it refers to a subcategory of 'a *qur'ān*', which means that there are several (sub-) *qur'āns* within a larger unit called 'the grand *qur'ān*' (*al-qur'ān al-'aẓīm*). The *qur'ān*, revealed in the month of Ramadan, belongs to the former category, whereas the *qur'ān*, inscribed on a 'tablet preserved', is of the latter. Therefore, the content of the *qur'ān* must be subdivided into two classes:

1. *A fixed part*:

This class appears in verses 1–2 of Sūrat al-Burūj ('Nay, this is a glorious qur'ān (*qur'ān majīd*), * (inscribed) in a tablet preserved!'). In this class we group all those universal laws that will never change or be abolished: the certainty of death, the coming of the Last Hour, the resurrection of the dead, the existence of Hell and Paradise. These things exist or will occur independent of any human interference and are, thus, certainties that cannot be questioned, even if all the prophets of this world want it (because 'none can change His words' [Al-Kahf 18:27]). These are the laws of objective reality that are 'inscribed in a

tablet preserved' (*lawḥ mahfūz*), a tablet that controls all changes within the universe, holds all information, and instructs the 'glorious *qur'ān*' (*al-qur'ān al-majīd*). It holds the highest authority and represents the ultimate complexity of knowledge that can ever be grasped—by a gradual epistemological progress in *al-tashābuh*—through philosophy, the mother of all sciences.

2. *A changeable part:*

Referred to in verse 12 of Sūrat Yā-Sīn ('Verily We shall give life to the dead, and We record that which they send before and that which they leave behind, and of all things have We taken account in a clear book (of evidence) (*imām mubīn*)' [Yā-Sīn 36:12]). Two further subcategories are mentioned in this verse:

a) *Events in nature:*

Unpredictable occurrences of floods, earthquakes, hurricanes, and such; the sudden changes of colours in trees, exceptional growth in plants, sudden changes of health in animals and humans, and such; nothing of that is prefixed. Yes, death is certain but its arrival is not predestined—one may prolong or shorten life by one's own actions. The generic term for the changeable parts of nature is 'sign of God' (*āyat Allāh*), see: 'And among His signs (*min āyātihī*) is the creation of the heavens and the earth, and the variations in your languages and your colours...' [Al-Rūm 30:22] and 'Such are the signs of God...' [Al-Jāthiyya 45:6]. These 'signs of God' are kept in a 'book manifest' (*kitāb mubīn*), see: 'With Him are the keys of the unseen, the treasures that none knows but He. He knows whatever there is on the earth and in the sea. Not a leaf does fall but with His knowledge: there is not a grain in the darkness (or depths) of the earth, nor anything fresh or dry (green or withered), but is (inscribed) in a record clear²⁵ (*kitāb mubīn*) (to those who can read)' [Al-An'ām 6:59]. None of this is ever predetermined or

²⁵ YA's translation of *kitāb mubīn* as 'record clear' is unfortunate as it confuses it with MS's rendering of *imām mubīn* as 'a record clear'; AH: 'a clear Record'; MP: 'a clear record'; MF, AB: 'a Clear Book'; the best rendering is with AA: 'a Book Manifest', but the closest, even if a bit wordy, translation of what MS intends is AhA: 'recorded in the open book (of nature). This expresses exactly the notion of God's signs manifested in the open (!) book of nature.

prerecorded before its occurrence. One might try to influence the course of events, for example, by prayer and invocations of God and He then might or might not send rain by changing the direction of the wind in times of draught or, in cases of childless couples, increase their fertility by granting them better living conditions, and the like. The outcome of this is always unpredictable, but we trust the words saying that ‘nothing turns (back) destiny except the *du‘ā*-prayer’.²⁶ Moreover, more research in biology, chemistry, medicine, and so on can be undertaken because it will equip us with better ways to change the weather or maintain good health. In doing so we realize the *tashābuh* of God’s signs, contained in the ‘book manifest’, and this is the true meaning of the verse: ‘When He has decreed a plan, He but says to it, “be”, and it is!’ [Āl ‘Imrān 3:47].

b) *Human affairs*:

These are things that can change within human history. The technical term for them is ‘stories’ (*qaṣaṣ*) because *the Book* stores such data as stories. ‘We tell you [Prophet] the best of stories (*aḥsan al-qaṣaṣ*) in revealing this qur’ān to you. Before this you were one of those who knew nothing about them’ [Yūsuf 12:3]. And as verse 12 of Sūrat Yā-Sīn points out, such historical narratives are installed in ‘a record clear’ (*imām mubīn*), *not* in the *lawḥ mahfūz*. Their recording takes place only *after* their historical occurrence. ‘We shall certainly bring the dead back to life, and We record what they send ahead of them as well as what they leave behind: We keep an account of everything in a clear record²⁷ (*imām mubīn*)’ [Yā-Sīn 36:12]. These stories report how, during the long history of divine revelations, people have responded differently to the messages of the prophets and how, in accordance with their degree of knowledge, they have implemented what they learned from the text. Such accounts are so

²⁶ Al-Tirmidhī, *Sunan*, vol. 4, 448 (ḥadīth no. 2139).

²⁷ Most translators follow this and render *al-imām al-mubīn* as ‘a record or register clear’, e.g., AB, AA: ‘a clear register’; AhA: ‘a lucid register’; MP: ‘a clear Register’; AH: ‘a clear Record’. And yet, MF: ‘a clear Master Register’ (fn: *umm al-kitāb* or *lawḥ al-mahfūz*) shows that this is associated with the primordial register of *al-lawḥ al-mahfūz*, an association that MS categorically rejects. Since the *imām mubīn* registers human events like a historiographer chronicles historical events, one could also understand it—according to Ambros—as ‘some kind of written document, prob. “ledger”’ (Ambros, *Dictionary*, 29).

valuable for later generations to hear that they are, as in Sūrat Yūsuf, called the ‘best of stories’, which are stored in the *imām mubīn* but contained in the ‘clear book’ (*al-kitāb al-mubīn*), a term that appears in three separate *sūras*.²⁸ Each story, however, forms a separate ‘book manifest’ (i.e., indefinite *kitāb mubīn*), covering one single event in human history or nature. The varying and ever more increasing ability of humankind to learn from these stories provides the basis for their *tashābuh*: the further advanced our knowledge the better equipped we are to interpret the stories’ lessons for our own time period (= *ta’wīl*).²⁹

In conclusion, the *qur’ān* is either general or particular. In its general form it is stored as *qur’ān majīd* in the ‘tablet preserved’, referring to the words of God that are unchangeable and everlasting. It enjoys absolute, unquestionable authority and nobody and nothing can escape its rule. Its authority is eternally valid as it is eternally stored in the *lawḥ mahfūz* and, hence, is not subject to occasions of revelation (*asbāb al-nuzūl*). In its particular form, however, the *qur’ān* responds to change and alterations in nature and records human history reflecting its peculiar fluctuations and unpredictable movements. And yet, the particular *qur’ān* will never undermine the authority of

²⁸ The term appears with the definite article, *al-kitāb al-mubīn*, in: 12:1, 26:2, and 28:2, and indefinite, *kitāb mubīn*, in: 5:15; 6:59; 10:61; 11:6; 27:1; 27:75; 34:3.

²⁹ Literally, the word *ta’wīl* (derived from the root *a-w-l*) means ‘to return’, implying a return to the original meaning of a word in order to establish its real meanings and its unadulterated semantic connotations. In the *uṣūl al-tafsīr* literature it means three things: a) to understand a word on the basis of a connotation that is not its literal or primary connotation (this includes a symbolic or allegorical interpretation), b) to interpret a word or a phrase (i.e., by using your own rational judgement), and c) to explain the nature of a historical event (see Jalāl al-Dīn al-Suyūṭī, *al-Itqān fī ‘ulūm al-qur’ān* (Cairo, n.d.), 460–62). In Ḥanafī *uṣūl al-fiqh*, the term *ta’wīl* is used to refer to the process of choosing or preferring one specific meaning over others if a word or phrase has more than one connotation (*al-mushṭarak*). The preferred connotation is referred to as *al-mu’awwal* (see Zayn al-Dīn b. Ibrāhīm Ibn Nuḡaym, *al-Ashbāh wa’l-naẓā’ir* (Damascus: Dār al-Fikr, 1986)). For MS, *al-ta’wīl* is the search for the most adequate contemporary connotation that a qur’anic word has acquired even if the resulting (indirect or secondary) interpretation is different from its literal (direct or primary) interpretation. His point is that language, like everything else in society and history, changes, and that words develop new connotations which reflect adequately the current state of affairs in science and society. Even if the primary connotation of a word does not change (it stays fixed with the text’s shape) its secondary connotations always do (the text’s content), and it is the task of *ta’wīl* to follow up on these constantly newly emerging meanings that the divine text allows.

the general *qur'ān*. Instead, it works within the limits of the laws and conditions set by the *qur'ān majīd*. As it is said in the verse: ‘when he has ordained something, He only says, “be”, and it is!’ [Al-An’ām 6:47]. This connectivity between the general laws of the universe and the particular manifestations in nature and human history defines the core of *al-qur'ān* (= the one which ‘connects’—*qarana*).

The Ambiguous Nature of al-qur'ān (al-tashābuh)

Allah represents the totality of objective reality. His knowledge is absolute. He neither requires further knowledge nor needs any form of guidance. But human beings, in their attempt to apprehend Allah’s absolute knowledge, can only do so within the limits of their relative, historical understanding. Allah took this partiality in human understanding into consideration when He decided to impart His knowledge to humankind.

An analogy to this would be the case of a father who wants to teach his five-year-old son the things he has learned about theoretical physics. The father is a trained physicist and an international authority on the subject, whereas his son knows nothing about it yet. He teaches him his expertise in a piecemeal manner over a long period of time, that is, by considering his son’s age and by proportioning the amount he can teach according to what his son has already understood. This approach requires that father and son are in constant contact with each other and that the father never stops teaching his son until he fully understands the entirety of his father’s knowledge. Or, alternatively, the father gives his son a text to read which encapsulates an ultimate summary of his knowledge and never again changes what he has written. Since the son would initially not understand much he will be required to come back to the text year after year and every time absorb a little bit more of it. In this case, even though the text remains fixed and unchanged, its content changes insofar as the son will develop a gradual understanding of it. It is this quality of a text, where the form remains fixed but its content moves, that we define as the text’s ‘ambiguity’, or *tashābuh*.

Like in the example of father and son, Allah communicated with humankind in two ways: at first, constantly, repetitively, and over a long period of time, but after that only by one single instance. Until His revelation to Muḥammad (ṣ), Allah repeatedly returned to humankind to renew His message. After the revelation of the Torah, for example, He sent down the Gospel, and after the revelation of

the Gospel, He returned again and brought down the *qur'ān*. But after that He will never return again, nor will any other prophet or messenger ever appear again to renew Allah's message.

This has serious consequences for the way we understand *the Book*. With the Torah and the Gospel, Allah attuned His revelations to the actual historical circumstances that formed the intellectual horizon of the Jews and Christians who were the recipients of His message. In other words, God's revelations showed all the signs of the *Zeitgeist* that these periods had. It would be seriously anachronistic to go back to the Torah and the Gospel in order to understand the text that was revealed later, *the Book*. It would be more appropriate, as was done during the European Enlightenment, to regard these texts, which inadequately discuss the laws of nature and the complexities of the cosmos, as historically obsolete. Neither the Torah nor the Gospel possess the universal quality of *tashābuh* since they are purely historical texts, written for a specific group of people in a narrowly defined historical period. It is no wonder that the Torah and the Gospel have no relevance any more in modern sciences and are only used for liturgical purposes. May God prevent our 'ulamā' from inflicting the same destiny upon the qur'anic text!

Allah no longer communicates directly with human beings. He returns to them solely through the text of *the Book*, revealed fourteen hundred years ago. And yet, even today we still absorb immense knowledge about objective reality from His text. This can only imply that even if the form of His text is fixed, its content still moves. A miracle! This elasticity of the text allows its readers to relate what is read directly to what is experienced in reality. Generations of future readers will do the same without having violated either the form or the content of the text. No one, of course, will ever be able to fully understand or exhaustively interpret the text; this can only be done by God. Even those 'who are deeply rooted in knowledge' (*al-rāsikhūn fi'l-'ilm*) [3:7] will always be restricted in their interpretations due to their limited understanding of the truth. As for Muḥammad (ṣ), he never actually ventured to interpret a single line of the *qur'ān*; instead, he interpreted other parts of *the Book*, for example, the *umm al-kitāb*, but not the *qur'ān*, which he was asked to deliver, uninterpreted, to the people.

The Approving and Controlling Nature of the qur'ān

The scripture We have revealed to you [Prophet] is the truth and confirms the scriptures that [came with] it [*mā baina yadaihi*]... (Fāṭir 35:31, AH)

The disbelievers say, 'We will believe neither this qur'ān nor the scriptures that came [with] it [*alladhi baina yadaihi*].' (Saba' 34:31)

Generations of exegetes interpreted the phrase *mā baina yadaihi* as 'scriptures (the Gospel and the Torah) that preceded it (the Qur'ān)', ignoring the fact that their interpretation seriously undermined the authority of Muḥammad's prophethood. Having been provided with a revelation that simply confirmed previous scriptures would have dramatically sabotaged the Prophet's (§) mission to convince people that he had received a new message from God. They also ignored Muḥammad's (§) assurance that he had brought a revelation that abrogated previous scriptures including the Torah and the Gospel. How could they ever think that the *qur'ān* only confirmed what had been revealed before! The 'scripture that came with' the *qur'ān* was Muḥammad's (§) messengerhood (*risāla*) that needed to be confirmed by the truth. Verses that instruct people to pray, fast, go on a pilgrimage, arrange divorce and inheritance, and such, are verses that require absolute obedience and therefore need to be authorized. Approval had to come from outside his messengerhood, and it came through Muḥammad's (§) prophethood. Objective reality, encapsulated within the *qur'ān* and the *sab' al-mathānī*, confirms the rules of human behaviour and sanctions what has been declared as allowed or taboo (*ḥalāl au-ḥarām*). Disbelievers are those (see 34:31 above) who believe neither in the *qur'ān* nor the *umm al-kitāb* that 'came down with it'. In sum, revelation to Muḥammad (§) in the form of the *qur'ān* confirmed the *umm al-kitāb* which had preceded the *qur'ān* (35:31).

The *qur'ān*'s ambiguous nature (*al-tashābuh*) was the 'miracle' that Muḥammad (§) brought to the people. It was the most abstract miracle that God could ever have created. Previous prophets had to rely on concrete miracles which they performed in front of a disbelieving crowd (e.g., when Moses turned a staff into a snake inside the Pharaoh's palace). Without the performances of miracles prophets could not convince people that they were in the possession of a divine message. Their miracles were nothing but extratextual proof that their message came from God. This happened in humankind's primitive phase when people thought with their senses and when only phenomena that defied the laws of nature would impress people.

The miracle that Muḥammad (ṣ) performed occurred on a different, more abstract level. His miracle was the *qur'ān* itself. No extratextual miracle was required to prove that his message came from God. This miracle, the text's ambiguous quality, shows three characteristics:

1. Muḥammad's (ṣ) prophethood, embodied in *al-qur'ān* and *sabā' al-mathānī*, is the result of a rational deduction based on empirical perception of objective reality. It is inscribed in ambiguous ways inside the textual features of the prophetic verses. As time progresses, the rational deductions of the text mix with the ever more sophisticated empirical perception of reality and produce what is defined as 'unmediated apprehension' (*al-ta'wīl al-mubāshir*). As Allah says: 'We shall show them Our signs in every region of the earth and in themselves, until it becomes clear to them that this is the truth (*al-ḥaqq*). Is it not enough that your Lord witnesses everything?' [Fuṣṣilat 41:53].³⁰
2. The *qur'ān* of Muḥammad's prophethood possesses the quality of both expressing the entirety of knowledge and allowing a partial understanding of it. It is a truly textual miracle that no human author could ever have produced. It implies, however, that no human interpreter can ever reflect the total knowledge of the *qur'ān* in his exegesis. Every interpretation reflects, instead, the standards of thinking of the time when the exegesis was written. If we want to see the paradigms of the seventh century, we only need to read Ibn 'Abbās's commentary. If we want to know the paradigms of thinking in the fourteenth century, Ibn Kathīr's *tafsīr* will tell us. Their understanding of the text was partial, relative, and context related, whereas the text's knowledge is absolute, total, and trans-historical. This synthesis is the real 'miracle' of the *qur'ān*.
3. The *qur'ān* combines the perfect style of literary poetry with the accuracy and precision of the best scientific writing. The beauty of its poetic expressions, its melodic rhythm and its rhetoric symbolism is not compromised by its scientific reflections and discursive, objective exposition of scientific laws. In a way, it combines all the poetic masterpieces by Shakespeare, Pushkin, and al-Mutanabbī³¹

³⁰ 'For every prophecy is a limit of time, and soon shall you know it' (Al-An'ām 6:67). 'Nay, they charge with falsehood that whose knowledge cannot compass, even before the interpretation thereof has reached them...' (Yūnus 10:39).

³¹ Abū al-Tayyib Aḥmad b. Ḥussayn al-Mutanabbī (915–965), Arab poet, considered one of the greatest authors of the classical Arabic *qaṣīda* poetry. He was killed while on a trip near Baghdad.

with the sum of scientific genius in the writings of Newton, Einstein, and Ibn al-Haitham.³² To write, as traditional exegetes did, about the miraculous nature of the *qur'ān* only in terms of its literary style and rhetorical beauty is surely a sign of disrespect for and disloyalty towards the much more complex nature of the qur'anic text.

The Interpretation [or Better: Apprehension]³³ of the qur'ān (al-ta'wīl)

If the *qur'ān* represents the truth and the totality of knowledge, and if human beings can only partially participate in this knowledge, their human interpretations of the *qur'ān* will always be limited, selective, and relative, as opposed to perceiving the full truth. With the increase in scientific knowledge, however, they will eventually come closer to the truth, but the entirety of knowledge about objective reality will only be revealed on the Day of Resurrection. Allah says: 'On the day when it is fulfilled (*ya'tī ta'wīluhu*),³⁴ those who have forgotten it will say: "The messengers of our Lord did indeed bring true (tidings) (*bi'l-haqq*)' (Al-A'rāf 7:53). Until then, human beings will have to rely

³² Muḥammad b. al-Ḥasan b. al-Haytham (ca. 965–1039), Arab physicist, mathematician, and philosopher, became known in Europe under the name of Alhazen. He has influenced philosophers such as Roger Bacon (1214–1294) and the physicist Johannes Kepler (1571–1630).

³³ It would be natural to translate *ta'wīl* as 'interpretation' as it has been conventionally defined as allegorical or symbolic interpretation (of Ṣūfīs, Ismā'īlīs, Mu'tazilites) in contrast to *tafsīr*, which is a more literal reading or rather outward and circumstantial commentary (i.e. not strictly interpretation) of the Qur'an. And yet, it appears that 'apprehension', in the sense of 'to comprehend', 'to realize', and 'to absorb' is the more appropriate term since MS's process of *ta'wīl* is not only a hermeneutical exercise of textual exegesis but a far wider (philosophical, scientific, epistemological, and textual) act of realizing the laws and entities of objective reality or, in using a term from Whitehead, pertains to a kind of 'conrescence' by which the individual entities of this existence acquire complete complex unity (see A. N. Whitehead, *Adventures of Ideas* (Cambridge: CUP, 1933), 303–4).

³⁴ Lit. 'when its *ta'wīl* comes', i.e., in MS's sense: 'when its [full] interpretation is realized'—this is, of course, not quite captured in YA's translation, nor in MF, AB: 'its fulfilment'; MP: 'the fulfilment of it'; closer is AH: 'the fulfilment of its [final prophecy]'; but even more so AhA: 'the day that (Reality) is unravelled' and—one should add in the spirit of MS—it is fully and adequately perceived by the human senses or, as AA translates, when 'its interpretation comes'. Whereas the translators are undecided whether *ta'wīl* refers to the final unravelling of prophecy/reality or the interpretation of it, MS combines the two strings as one and renders it as the perception/interpretation of the fully unravelled (objective) reality. Ambros thinks that *ta'wīl*, meaning either interpretation or ultimate outcome, consequences, could mean both in 7:53 (Ambros, *Dictionary*, 31).

on the dynamics of *tashābuh* and constantly attempt to harmonize the absolute nature of the qur'anic verses with their relative understanding (*nisbīyat al-fahm*). This harmony is achieved by synchronizing the text's content (meaning) with its interpreters' changing and progressing knowledge which they gain from the most advanced scientific achievements of each period, and vice versa, by deducing scientific theories from the text of the *qur'ān* itself. The ultimate aim of each act of *ta'wīl* is to establish perfect congruence between humans' sensory perception of objective reality and their interpretation of *al-qur'ān*.

Ta'wīl is therefore both a hermeneutical process (reading the *qur'ān*) and a scientific-philosophical task (exploring nature, the cosmos and history). Since *ta'wīl* is only linked to the prophetic verses, the *qur'ān*, and not to the legal verses of *umm al-kitāb*, can be interpreted by everyone, believers or unbelievers, Arabic speakers or non-Arabic speakers, Islamicists or non-Islamicists. Verse 7 of Āl 'Imrān in which Allah says: '...for its interpretation (*ta'wīlihi*). But no one knows its true meanings except Allah and those who are firmly grounded in knowledge (*al-rāsikhūn fi'l-'ilm*)...', does not refer, as conventionally assumed, to the most learned and devout among the '*ulamā'* and *fuqahā'*', but rather to the scholars and philosophers who occupy the most eminent place in society. It is absolutely vital to invest in the authority of progressive science rather than in regressive *tafsīr* (which is based on the assumption that earlier commentaries are more authoritative than later ones). The inclusion of modern science and philosophical theories and the exclusion of traditional exegetes will secure a constant assimilation of contemporary episteme into the text and a progressive extraction of knowledge from the text.

In their vain attempt to protect the *qur'ān* from the outside world, traditional exegetes have ignored the fact that the *qur'ānic* text, even in the most sophisticated abstraction, is the entire objective reality revealed as text, which, by definition, cannot be contradicted. In other words, since the *qur'ān* represents the totality of reality, and since nothing else but this reality is contained in the *qur'ān*, no single item of this reality could ever occur which is not already apprehended inside the *qur'ān*. Our honourable scholars have also ignored Allah's dictum that He has revealed the *qur'ān* from the intelligible world so that people can understand it. Human reason, again by definition, is therefore unable to contradict the content of the *qur'ān*.

Based on this insight we conclude this section by proposing two fundamental doctrines and eight principles of *ta'wīl*.

The doctrines:

1. Revelation does not contradict reason.
2. Revelation does not contradict reality.

The principles:

1. Interpreters of the *qur'ān* need to view the text as if Muḥammad (ṣ) died only yesterday. They also must believe in the eternal validity of its content and that, because of its inherent ambiguity (*tashābuh*), it is applicable in all times and all places in this world.
2. Interpreters start their exegesis by asking the most pressing questions of their time. They extract answers directly from the text without reference to traditional exegesis and the literature of religious heritage (*al-turāth*). This interpretation is the realm of modern philosophy.
3. The *qur'ān* is to be studied by the human faculty of reason (*al-'aql*), given that it was revealed to people from the sphere of the intelligible world so that they could comprehend it ('We have made it a *qur'ān* in Arabic, that you may be able to understand' [Al-Zukhruf 43:3]).
4. The aim of interpretation is to establish a constant harmony between objective reality, which we perceive via our senses, and the theories and laws that we derive from reading the *qur'ān*. Sometimes a complete harmony is achieved (when science has discovered an absolute truth, for example, the earth is a globe and rotates around the sun), at other times, harmony remains deficient (if a scientific theory is not yet fully proven, such as Darwin's theory of evolution). Total harmony will never be fully achieved—except on the Day of Resurrection.
5. Since revelation cannot contradict reason we have to suspend criticism if we come across a passage that apparently contradicts the laws of nature. Verse 45 of Sūrat al-Furqān, for example, seems to suggest that there are shadows that exist without light. According to what we currently know about shadows' dependency on light, such claims seem inaccurate. Since we cannot say that the text is wrong (it never is!), we need to intensify the study of light and eventually discover a type of shadow that is yet unknown to us.

6. When we deal with future aspects of reality that empirically cannot be known yet, for example, the end of the world, the Day of Judgement, Hell and Paradise, the theories of the *qur'ān* cannot be supported by empirical knowledge. We can only speculate about such events in the distant future. We can do this on the basis of the verses which *the Book* provides. We thus assume that the discrepancy between the rational and empirical will eventually be resolved by the occurrence of these events (Day of Resurrection, Day of Judgement etc.), that is, when they become reality. Rational theories will then either be confirmed or contradicted by experiences of the other world. As Allah says: 'On the day when it is fulfilled, those who have forgotten it before will say: "The messengers of our Lord did indeed bring true (tidings)"' [Al-An'ām 6:53].
7. No interpretation is ever eternally final or fixed. As human views change with time, certain interpretations will become obsolete. They will be replaced by new ones. To preserve previous interpretations as 'guardians of the truth' means, in reality, to preserve the shortcomings and limitations of previous centuries. Interpretation must remain fluid and flexible. We do not expect the generations of interpreters coming after us to deal with our interpretations as if they were the *non plus ultra* of truth, thus fossilizing what we said as doctrines that can never be challenged.
8. The *qur'ān* needs to be taken away from our honourable scholars because their attitude towards it is like that of uneducated people: they surrender their brains uncritically in a cloud of piety. They do not ask questions that satisfy the modern, rational mind, nor do they understand the philosophical quest for the truth. They use the *qur'ān* primarily as a tool for moralistic and ritualistic exhortations to bring the masses in line with their views. The *qur'ān* needs to be studied by an enlightened, educated, and intellectually open readership. This is the last and most important principle of *ta'wīl*.

AL-INZĀL AND AL-TANZĪL

The study of the two terms *al-inzāl* and *al-tanzīl* will lead to a correct understanding of Allah's revelation. Our study is based on the principles of interpretation outlined above and on the crucial premise

that we do not accept the traditional notion of synonymity between the two terms. We reject the idea that both describe the process of the Qur'an's 'coming down' indiscriminately as revelation to the Prophet Muḥammad (ṣ). We believe, instead, that both terms support our thesis of the division of the text into many variant sections that differ in theme and status, at the centre of which is the division between verses of prophethood and verses of messengerhood, which, according to our analysis, have been revealed in different ways. References to both words in *the Book* will demonstrate the considerable extent to which the second form of the verb *nazzala* (in *al-tanzīl*) differs semantically from the fourth form *anzala* (in *al-inzāl*).

Verses that use anzala (noun: inzāl):

...and We sent down³⁵ [*anzalnā*] iron... (Al-Ḥadīd 57:25)
 O you children of Adam! We have bestowed [*anzalnā*] raiment upon you to cover your shame, as well as to be an adornment to you... (Al-A'rāf 7:26)
 We have sent it down [*anzalnāhu*] as an Arabic qur'an...(Yūsuf 12:2)
 We have indeed revealed this [*anzalnāhu*] (message) in the night of power. (Al-Qadr 97:1)
 ...and sent down [*anzalnā*] to you manna and quails... (Al-Baqara 2:57)
 ...and We send down [*anzalnā*] pure water from the sky. (Al-Furqān 25:48)
 ...and We have sent down [*anzalnā*] unto you (also) the message; that you may explain clearly to men what is sent for them, and that they may give thought. (Al-Naḥl 16:44)

Verses that use 'nazzala' (noun: tanzīl):

It is We who have sent down³⁶ [*nazzalnā*] the qur'an to you by stages. (Al-Insān 76:23)
 The revelation of the book [*tanzīl al-kitāb*] is from God the exalted in power, full of wisdom. (Al-Jāthiyya 45:2)

³⁵ All the translations that were consulted keep the spatial connotation of 'coming down' [from heaven] which is, as it will become clear, not connotated in MS's use of the word. The best translation of the term *inzāl* would be: 'transformation of revelation so that it enters human consciousness' and of *tanzīl*: 'delivery of revelation so that it penetrates the human mind'.

³⁶ Since the two terms are treated as synonyms, translators do not indicate a semantic difference. Therefore, one needs constantly to reread these verses in light of the new definitions provided by MS and pay attention to whether the verse mentions the verb *nazzala* or *anzala*.

A revelation [*tanẓīl^{um}*] from (God), most gracious, most merciful. (Fuṣṣilat 41:2)

A revelation [*tanẓīl^{um}*] from the Lord of the worlds. (Al-Wāqī‘a 56:80)
...and We sent down [*nazzalnā*] to you manna and quails. (Tā-Hā’ 20:80)

And We send down [*nazzalnā*] from the sky rain charted with blessing... (Qāf 50:9)

We notice that at times the two terms seem to interchange in the text: when it states that ‘manna and quails were sent down’ the text employs both *nazzala* (20:88) and *anzala* (2:57). Since a synonymous use must be excluded here, a different reason should be considered. A clue to this can be found in the use of the verb *balagha*, which, in a similar way as *nazzala* and *anzala*, implies processes of communication. The following verses use either *ballagha* (2nd form) or *ablagha* (4th form):

The apostle’s duty is but to proclaim [*al-balāgh*] (the message)... (Al-Mā’ida 5:99)

O apostle! Proclaim [*balligh*] the (message) which has been sent [*anzala*] to you from your Lord... (Al-Mā’ida 5:67)

So Shu‘aib left them, saying: “O my people! I did indeed convey to you [*ablaghtukum*] the messages for which I was sent by my Lord: I gave you good counsel...” (Al-A‘rāf 7:93)

If *ballagha* (2nd form) is used, a message is delivered whose actual reception by an intended addressee remains uncertain; if, however, *ablagha* (4th form) is used, a conscious reception is implied. A bulletin announcement of the state treasury, for example, issued in order to explain the new tax allowances for married couples, is delivered (like *al-balāgh* in verse 5:99) without the need for feedback from citizens telling the Chancellor that they have received and understood his announcements. If, however, a full recognition by the addressees is intended, the term *iblagh* (as in 7:93) is used. As for Muḥammad’s (ṣ) role, the use of the imperative *balligh*, ‘proclaim!’ (2nd form, as in 5:67), indicates that a straightforward (mechanical) proclamation of the revelation was all that was required of him. The text would have used the term *ablagh*, ‘proclaim’³⁷ (4th form, as in 7:93), if the intention

³⁷ YA and—as it was to be expected—all the other translators render 2nd form *ballagha* and 4th form *ablagha* synonymously in the sense of ‘transport’, a move from one place to another, AA: ‘deliver (2nd)/ delivered’ (4th); AB: ‘transmit / transmit’; MP: ‘convey / deliver’; AhA: ‘convey or deliver / convey’; AH: ‘deliver or proclaim / deliver’; deliver or proclaim / deliver.

had been to deliver the revelation in such a way that full comprehension by everyone was secured. Prophets other than Muḥammad (ṣ) had indeed been asked to do exactly this, since in their messages God's punishment was announced to everyone who did not pay heed to the prophet's words. And since God would not punish anyone who had not consciously become aware of His revelation, prophets were required to disseminate God's word to literally everyone. Therefore, whenever the text mentions prophets such as Shu'ayb, Ṣāliḥ, or Hūd, the verb *ablagha* (4th form) is used:

So Salih left them, saying: "O my people! I did indeed convey to you [*ablaghtukum*] the message for which I was sent by my Lord..." (Al-A'rāf 7:79)³⁸

I [Hud] (at least) have conveyed the message [*ablaghtukum*] with which I was sent to you... (Hūd 11:57)

"That He may know that they have (truly) brought and [made perceived]³⁹ [*ablaghū*] the messages of their Lord..." (Al-Jinn 72:28)

This in stark contrast to the much broader mission of Muḥammad (ṣ) who had been asked to proclaim Allah's last revelation to all humankind. In his time, surely Muḥammad (ṣ) did not have the means to reach everyone on earth. Hence, his role was limited to proclaim Allah's message without the need to reach everyone (acoustically) and without the need to receive confirmation that he had been heard:

O apostle! Proclaim [*balligh*] the (message) which has been sent to you [*unzila ilayk*] from your Lord. If you did not, you would not have fulfilled and proclaimed His mission. And God will defend you from men (who mean mischief)... (Al-Mā'ida 5:67)

If we apply the above considerations to the two terms of *al-tanzīl* and *al-inzāl*, we may deduce that *al-tanzīl* (2nd form) refers to the process of communication that occurs outside the human mind. *Al-inzāl* (4th form), in contrast, describes the process of recognition inside the human mind. The difference is that in *al-tanzīl* ideas are exchanged unrecognized by the human brain, whereas in *al-inzāl* these ideas are transformed into information that is perceived and understood.

³⁸ Almost identical: 'So Shu'ayb left them, saying: "O my people! I did indeed convey to you [*ablaghtukum*] the messages for which I was sent by my Lord: I gave you good counsel..."' (Al-A'rāf 7:93).

³⁹ YA, MF, AH, AhA, AA: 'delivered'; MP: 'conveyed'; AB: 'transmitted'.

The following example from everyday life will illustrate this point.

Phase 1: *al-jaʿl*
(Creation of information signals)

Football match in Brazil



The live action is being filmed by cameras and sent out into the world;
sound and pictures are being transformed into waves

Phase 2: *al-tanzīl*
(Transport)

Waves are transporting sound and pictures from Brazil into the world



This transport occurs in the air and completely unnoticed by the human mind

Phase 3: *al-inzāl*
(Transformation into perceivable information)

The process by which the TV aerials receive the waves
and transform them into sounds and pictures



The result is a form of pictures and sounds that is
perceivable by the human senses

Phase 4: *al-idrāk*
(Perception)

Viewers in China can follow the football match in Brazil through their senses.
The football match enters the viewers' knowledge.

This example shows that it is possible to distinguish between ways of communication that happen objectively and outside human perception (the transfer of sound and pictures via waves from Brazil to

China), or that occur explicitly for the sensory perception of the human mind (the reconversion of the waves back into acoustic and visual signals for the reception of TV viewers). The term *al-tanzīl* is assigned to this process of objective, nonhuman communication (reception by human beings is uncertain, impossible, or unintended), while the term *al-inzāl* refers to the process of changing unperceivable signals outside the human mind to signals that can be perceived.

In the case of the televised football match, *al-tanzīl* occurred first and *al-inzāl* second. If, however, a sports reporter took photographs of the match in Brazil and then sent these pictures to China to have them displayed at the National Sports Show, the process of *al-inzāl* (taking pictures) would have preceded *al-tanzīl* (transport of pictures to China). Sometimes, *al-inzāl* happens without an accompanying *al-tanzīl* (e.g., if the pictures had been displayed immediately in Brazil),⁴⁰ but in all instances, *al-inzāl* and *al-tanzīl* communicate something that exists in reality (e.g., the football players, the ball, the referee, the spectators, etc.) and that exists before the process of communication has been initiated.

Al-inzāl and al-tanzīl of the al-qur'ān

The processes of *al-inzāl* and *al-tanzīl* in communicating the *qur'ān* to humankind require that the *qur'ān* exists prior to its communication (like the football players in the example above). Since the *qur'ān* contains the objective sources of reality, its revelation to Muḥammad (ṣ) occurred in a conclusive, unalterable manner, regardless of any circumstances of revelation (hence, the *asbāb al-nuzūl* do not apply to the *qur'ān*). Its revelation was inevitable, whether someone required this information or not. Allah even urged people not to ask questions in this respect before the *qur'ān* was revealed:

⁴⁰ *Al-inzāl* without *al-tanzīl*: this is, MS maintains, why for example when it states that 'manna and quails were sent down', the text employs either *nazzala* (20:80) or *anzala* (2:57). In both verses the children of Israel are addressed and asked to 'eat from the good things', but while in the first instance (*nazzalnā*) in 20:80 the verse ends with the statement that 'manna and quails were sent down', in the second instance (*anzalnā*) in 2:57 the verse continues to say 'eat of the good things We have provided for you' which indicates that 'manna and quails' have become perceptible to human beings and are registered as food to be eaten, whereas in 20:80 this last step of perception through *inzāl* is not indicated.

Ask not questions about things which, if made plain to you, may cause you trouble. But if you ask about things when the *qur'an* is being revealed, they will be made plain to you... (Al-Mā'ida 5:101)

We have agreed that the *qur'an*'s preexistence, before its *inzāl* and *tanzīl*, could not have been in the form of an Arabic text. This is because if it had been an Arabic text before it was revealed, Allah would be an Arabic native speaker. This, of course, is an absurd idea. What really happened was that Allah changed the *qur'an* from something else *into* an Arabic text, that is, He changed the text's 'becoming' (*al-ṣayrūra*), and the following verses attest to this truth:

We have made it a *qur'an* in Arabic, that you may be able to understand (and learn wisdom). (Al-Zukhruf 43:3)

Therefore, rather than being an Arabic text the *qur'an* was objective reality before its revelation, embodying general, absolute, and eternal laws of the universe, unaltered since the creation of the world. Allah revealed it for the first time in human history as (an Arabic) text, that is, He developed its 'becoming' so that it was, by way of *al-inzāl*, perceivable by the human mind:

We have sent it down as an Arabic *qur'an* in order that you may learn wisdom. (Yūsuf 12:2)

According to this sequence, *al-inzāl* is the process of transforming (*al-jā'l*) the absolute laws of life and nature which had been stored primordially in a 'tablet preserved' (*lawḥ mahfūz*) and in a 'record clear' (*imām mubīn*), or which were derived directly from Allah's knowledge (*'ilm Allāh*), into the linguistic form of the Arabic language so that these laws, which previously existed outside the human mind, could now be perceived, heard, and seen. *Al-tanzīl*, in contrast, represents the subsequent objective transfer of the content of *al-kitāb*, via the messenger angel Jibrīl, into Muhammad's brain, from where he delivered it *verbatim* to the people of Mecca and Medina. Whereas *al-inzāl* occurred in one single impulse during the *laylat al-qadr* ('We have indeed revealed this [*al-qur'an*] in the night of power', Al-Qadr 97:1), *al-tanzīl* took twenty-three years to be completed. The reason for this long process of revelation in installments was that Allah wanted to strengthen the hearts of the believers gradually: ('Those who reject faith say: "Why is not the *qur'an* revealed to him all at once? Thus (is it revealed), that We may strengthen your heart thereby, and We have rehearsed it to you in slow, well-arranged stages, gradually', Al-Furqān 25:32).

In describing the revelation of the *qur'ān*, the text uses the term *al-inzāl* (*anzalnāhu qur'ān^{an} 'arabīy^{an}*), in its 4th verb form, not in the 2nd form, that is, it does not say: *nazzalnāhu qur'ān^{an} 'arabīy^{an}*. If it had been an objective transfer (*al-tanzīl*) of an Arabic *qur'ān* without *al-inzāl*, without a prior process of transformation *into* Arabic, it would imply that Arabic is a nonhuman language, since its existence would be absolute, self-sufficient, and transcendent. That is, Arabic would objectively exist, whether in fact used by human beings or not. Applied to the example of TV transmissions, such a notion of *al-tanzīl* without *al-inzāl* would allow the possibility that waves, beams, and light particles are 'Arabic', since what is being objectively transferred would be immediately perceptible to the Arabic readers/listeners. But who has ever heard of Arabic waves or Arabic molecules?

The *qur'ān* was revealed orally. It would have been possible to reveal it in written form (as was done with Moses' 'tablets'),⁴¹ but its *dhikr*, its format of remembrance, was in oral format which did not allow the unbelievers to touch Allah's revelation 'with their hands' and deride its true identity:

If We had sent unto you a written (message) on parchment [*fi qirṭāsⁱⁿ*], so that they could touch it with their hands, the unbelievers would have been sure to say: "This is nothing but obvious magic!" (Al-An'ām 6:7)

This implies that today when we touch a copy of the *qur'ān*, we do not actually touch the *qur'ān* itself (the latter was revealed in one impulse during the night of power and transformed into—oral—Arabic). Instead, we have in front of us a copy of the *qur'ān*, a parchment (*qirṭās*) which we can 'touch with our hands'. Thus, what we touch is ink on paper, not the *qur'ān* itself.

Should then those 'who are impure' be allowed to touch the *qur'ān* or not?

That this is indeed a *qur'ān* most honourable, * In a book well-guarded, * Which none shall [*sīc*] touch but those who are clean [*al-muṭahharūn*] * a revelation [*tanzīl*] from the Lord of the worlds. (Al-Wāqī'a 56:77-80)

⁴¹ 'When the anger of Moses was appeased, he took up the tablets; in the writing thereon was guidance and mercy for such as fear their Lord' (Al-A'rāf 7:154).

These verses state that the *qur'ān* is in a concealed book (*kitāb makhnūn*).⁴² It also refers to it as 'tanzi'l from the Lord of the worlds', implying that after the original *qur'ān* had been hidden, it was first translated into Arabic and then transferred by Jibrīl—orally, not in writing—to Muḥammad (ṣ). Those 'who are clean to touch it' (*al-muṭahharūn*) are in fact angels processing *al-tanzīl*, since no human, ritually pure or impure, could ever touch the *original qur'ān*.⁴³ It was a grave mistake of the traditional exegetes to interpret the above verse of Sūrat al-Wāqī'a within the context of ritual purity:

If you are in a state of ceremonial impurity, bath your whole body [*fa-uṭahharū*]... (Al-Mā'ida 5:6)

They ask you concerning women's courses. Say: They are a hurt and a pollution. So keep away from women in their courses, and do not approach them until they are clean [*yathurnu*]. But when they have purified themselves [*ataḥharu*], you may approach them in any manner, time, or place ordained for you by God. For God loves those who turn to Him constantly and He loves those who keep themselves pure and clean [*al-muṭahharīn*]. (Al-Baqara 2:222)

The error occurred when exegetes treated the term 'those who are clean' (*al-muṭahharūn*), as in 56:79, as synonymous to 'those who are ritually pure' (*al-muṭahharīn*), as in 2:222 (note that the former is derived from the 2nd verb form, the latter from the 5th verb form; moreover, whereas the latter connotes the practice of ablution before prayer performed by the believers, the former is the act of purification by Allah which cannot be performed by the believers). But while those 'who are ritually pure' can indeed perform the prayer since they have done the ritual ablution, they nevertheless are still unable to touch the original *qur'ān* because they are not angels. And while those 'who are ritually impure' can indeed not perform the prayer since this is prohibited by 4:43 and 5:6, they are nevertheless allowed to touch a copy (!) of the *qur'ān* and recite it whenever they want. Ritual impurity and touching the *qur'ān* are simply two different things, conflated together by unscrupulous *tafsīr* exegetes.

⁴² YA translates *makhnūn* as 'well-guarded', which does not fit MS's rendering. AH is not much closer: 'a protected record', nor AB: 'a well protected Book'; but AA: 'a hidden Book'; MP: 'a Book kept hidden'; AhA: 'the well-kept Book', and MF: 'a hidden Book' exactly render the phrase as MS sees it.

⁴³ See Sūrat 'Abasa 80:11–16.

Al-inzāl and al-tanzīl of the umm al-kitāb

Allah blots out and confirms what He pleases; and with Him is the mother of the book [*umm al-kitāb*]. (Al-Ra'd 13:39, MF)⁴⁴

Two important things are stated in verse 39 of Sūrat al-Ra'd: a) matters of the mother of the book (*umm al-kitāb*) are either 'blotted out or confirmed', and this contains an acknowledgement of possible alterations, and b) the mother of the book is distinct from the *qur'ān* because the *umm al-kitāb* is 'with Him', that is, in the immediate vicinity of God. From this we deduce that the *umm al-kitāb* is not inscribed in the 'tablet preserved' (*lawḥ mahfūz*) and not stored in the 'record clear' (*imām mubīn*); hence, everything contained in the *umm al-kitāb*, that is, ritual prescriptions and specific rules of social behaviour, are not absolute laws. If the fast in Ramadan, for example, had been inscribed in the 'tablet preserved', it would have become a word of God (*kalām Allāh*). And if it had been stored in the *imām mubīn*, it would have become an objective fact of nature, that is, the truth, and people would instinctively begin to fast, whether they wanted to or not. Fasting, as any other ritual and social behaviour, would become a universal human attitude that recognizes neither modification nor deviation. But this is simply not the case. We know that Allah said:

We have assigned a law and a path to each of you. If God had so willed, He would have made you one community... (Al-Mā'ida 5:48, AH)

Instead, the *umm al-kitāb* allows human behaviour to change and diversify. It is for this reason that humankind has not become 'a single people'. Since God has prescribed 'a law and a path' (*shar' an wa-manhaj^m*), the content of the *umm al-kitāb* is issued directly from God and responds to 'causes of revelation' (*asbāb al-nuzūl*). If Muḥammad (ṣ), for example, had not frowned upon the beggar 'Abdallāh b. Amm Maktūb, verses 1 to 4 of Sūrat 'Abasa would never have been revealed. The same applies to the messages of previous prophets who brought legislation that was entirely geared towards the historical context of their timeperiod and which had to be

⁴⁴ AH translates: 'God erases or confirms whatever He will, and the source of scripture is with Him.' Even if it does not render MS's definition of *umm al-kitāb*, it acknowledges a theological distinction between the book and its (heavenly) 'source'.

annulled once this period was over. So, for example, a very strict legal code was prescribed for the Jews ‘in recompense for their wilful disobedience: for We are true (in our ordinances)’ (Al-An‘ām 6:146), but once things had improved, Jesus was sent ‘to make lawful to you part of what was (before) forbidden...’ (Āl ‘Imrān 3:50). Later legislation abrogated earlier ones, and through Muḥammad’s (ṣ) messengerhood we hear about instructions (*ta‘līmāt*) that abrogated earlier messengerhoods. This was possible because revelations of the *umm al-kitāb* were not taken from the ‘tablet preserved’ but given directly by Allah, transmitted by Jibrīl, and stored in Muhammad’s brain. It implies that *al-inzāl* and *al-tanzīl* occurred simultaneously, that is, not separately one after the other like in the *qur’ān*, and no prerevelation took place, since the revealed messages were immediately available to Muḥammad (ṣ) in their perceivable (Arabic) version.

As previously pointed out, the *umm al-kitāb* is ‘with Him’: it comes directly from Allah. It would be more precise to say that the concrete location of the *umm al-kitāb* is Allah’s throne. What and where exactly is Allah’s throne? The word ‘throne’ in Arabic (*al-‘arsh*) can either mean literally the ‘chair of a ruler’ or metaphorically the ‘seat of power’. *The Book* uses the term *al-‘arsh* in both meanings.

a) Throne in the sense of ‘chair’:

And he raised his parents high on the throne (of dignity)⁴⁵ [*al-‘arsh*], and they fell down in prostration, (all) before him... (Yūsuf 12:100)

b) Throne in the sense of ‘authority’ or ‘seat of power’:

He it is Who created the heavens and the earth in six days—and His throne was over the waters... (Hūd 11:7)

Your guardian-lord is God, who created the heavens and the earth in six days, and is firmly established on the throne (of authority) [*al-‘arsh*]... (Al-A‘rāf 7:54)

And the angels will be on its sides, and eight will, that day, bear the throne [*‘arsh*] of your Lord above them. (Al-Ḥāqqa 69:17)

⁴⁵ YA does not allow a literal reading of throne here, therefore he puts in parenthesis: (of dignity), implying that Joseph did not really raise his parents on the throne (of Egypt). AH, however, allows this possibility by translating: ‘and took them up to [his] throne’, the insertion excludes the figurative understanding that the parents were made the rulers of Egypt.

(God) most gracious is firmly established on the throne (of authority) [*al-‘arsh*]. (Ṭā-Hā’ 20:5)

Say: If there had been (other) gods with Him, as they say, behold, they would certainly have sought out a way to the Lord of the throne [*al-‘arsh*]! (Al-Isrā’ 17:42)

In verse 7 of Sūrat Hūd it is said that ‘His throne was over the waters’. This does not imply that a chair was literally placed over the oceans. It rather means that before this universe was created with all its planets, galaxies, and stars, the world consisted of just hydrogen, water particles, and Allah’s command ruled ‘over the waters’. Then came the period, as verse 54 of Sūrat Al-A‘rāf says, when God created the heavens and the earth, which became His ‘seat of power’:

He draws the night as a veil over the day, each seeking the other in rapid succession. He created the sun, the moon, and the stars, (all) governed by laws under His command. Is it not His to create and to govern? Blessed be God, the cherisher and sustainer of the worlds! (Al-A‘rāf 7:54)

Finally, Allah’s authority will reign over a new world, the Afterlife, or rather: a new ‘becoming’ of this universe, transformed into a new existence with new laws that will host Allah’s ‘seat of power’. On ‘that day’, eight angels will bear the throne, this being a metaphor for Allah as merciful God on the Day of Judgement (69:17; 20:5). In sum, the word *al-‘arsh* is a generic term for the (metaphorical) place where Allah’s power resides. It is dependent on the material state of the universe but has by no means a concrete spatial connotation. This is also true for verse 42 of Sūrat al-Isrā’ which refers to the (only theoretical) possibility that other gods, if they were ‘with Him’, would have competed with one another to become the one who commands over right and wrong, that is, to become the ‘Lord of the throne’, Allah. It certainly does not mean a race by those gods to a specific chair!

SUMMARY OF TERMINOLOGY

A. *Transformation into perceptible revelation (al-ja‘l):*

a. *al-qur‘ān*

We have made it [*ja‘lnāhu*] a qur’an in Arabic, that you may be able to understand (and learn wisdom). (Al-Zukhruf 43:3)

B. *Process of becoming perceptible revelation (al-inzāl):*

a. *al-qurʾān*

We have sent it down [*anzalnāhu*] as an Arabic qurʾan... (Yūsuf 12:2)

b. *umm al-kitāb*

Thus have We revealed it [*anzalnāhu*] to be a judgement of authority in Arabic... (Al-Raʿd 13:37)

c. *al-kitāb*

Praise be to God, who has sent [*anzala*] to His servant the book [*al-kitāb*]... (Al-Kahf 18:1)

Note that the last verse refers to the *inzāl* of the entire book which includes the *qurʾān*, the *umm al-kitāb*, the explanation of the book (*tafṣīl al-kitāb*), and the seven oft-recited (*sabʿ al-mathānī*).

C. *Transmission of revelation (al-tanzīl):*

a. *al-qurʾān*

It is We who have sent down [*nazzalnā*] the qurʾan to you by stages. (Al-Insān 76:23)

b. *umm al-kitāb* together with *tafṣīl al-kitāb* and *sabʿ al-mathānī*

The revelation of this book [*tanzīl al-kitāb*] is from God, the exalted in power, full of wisdom. (Al-Zumar 39:1)

The revelation of this book [*tanzīl al-kitāb*] is from God, exalted in power, full of knowledge. (Ghāfir 40:2)

The revelation of the book [*tanzīl al-kitāb*] is from God the exalted in power, full of wisdom. (Al-Jāthiyya 45:2)

As for the seven oft-recited we hear about their *inzāl* in verse 1 of Sūrat al-Kahf (together with the whole *Book*, see above), but their *tanzīl* (as an individual, separate revelation) is stated in the following verse:

God has revealed (from time to time) [*nazzala*] the most beautiful message in the form of a book, consistent with itself, (yet) repeating (its teaching in various aspects)... (Al-Zumar 39:23)

Notes:

- The *qurʾān* was subject to both *jaʿl* and *inzāl*, and the process of *tanzīl* occurred separately (over a period of twenty-three years);

- The *umm al-kitāb* and *tafsīl al-kitāb* and *sabʿ al-mathānī* were revealed in a simultaneous process of *inzāl* and *tanzīl* (over a period of twenty-three years), *jaʿl* was not needed;
- The book as a whole (*al-kitāb*) was revealed over a period of twenty-three years; no specific verse is needed to express the *tanzīl* of the *umm al-kitāb*; all verses only refer to the *tanzīl* of the whole book (see above under C.). The reason why the *tanzīl* is specifically mentioned for the *qurʿān* is that such explicitness emphasizes the *qurʿān*'s special nature and distinguishes it from the other parts of the book.

THE OBJECTIVITY OF THE *QURʿĀN*

We define objectivity as a state of existence that has its cause outside the human mind. The sun's existence, for example, is objective because it exists whether we recognize it or not. Since the sun's existence is objective (part of objective reality) it is also real or true—one might say that the sun embodies the truth (*al-ḥaqq*). The fact that we have to die is an objective fact, whether we recognize it or not. We do not say: 'Death is allowed or forbidden'. We say: 'Death is real'. Death is the truth. The force of gravitation, the end of this world, the Day of Resurrection—these are real, objective facts which occur whether we like it or not. We will die even if we deny the existence of death. We will fall down from the roof even if we deny that the force of gravitation exists. And we will be resurrected from death even if we reject such a possibility. These things will occur objectively: their cause is outside the human mind.

In contrast, we define subjectivity as existence that depends on the state of affairs inside the human mind. The entire field of human behaviour is subjective because it is influenced by what we think and feel. Prayers, fasts, pilgrimages, charity work, games of chance, loans on interests, bad or good governance, and such, the entire sphere of social, political, religious, aesthetic, economic, and other activities does not exist objectively but depends on how we think about it. Whereas the subjective sphere of human behaviour cannot exist without the objective reality, the opposite is not the case. Even if, to take an extreme example, all humankind had been eradicated, by a nuclear inferno, it would not dramatically affect the universal laws of existence and the movements of planets and the expansion of the galaxies. The truth exists whatever we make of it.

As pointed out earlier, the *qur'ān* represents this objective, absolute reality that exists outside the human mind. The study of this reality can only be done within the parameters of objective, scientific research, such as in physics, chemistry, biology, astronomy, in addition to metaphysics, which is the epitome of objectivity. Humanities and social sciences, for example, religious studies, law, sociology, the political and educational sciences, and psychology, cannot produce anything substantial or beneficial in our endeavour to explore the *qur'ān*.

In contrast with the objective *qur'ān*, the *umm al-kitāb* expresses subjectivity. Allah's command, for example, to treat parents with respect cannot be carried out independently of the human mind. If we do not attend to Allah's command, respect for our parents disappears because we have decided not to treat them respectfully. If we decide not to pray, to fast, or go on a pilgrimage, these rituals will simply not happen. 'His word (*qauluhu*) is the truth...', Al-An'ām 6:73, but nowhere in the *umm al-kitāb* is Allah's word (*qaul*) attached to a command, as for example: 'He said (*qāl*^a): do fast...' or 'He said (*qāl*^a): do pray...'. Why? Because if He had said so, prayer and fasting would be parts of the objective, absolute truth, and we would pray and fast objectively, that is, automatically, whether we want it to or not, just like the process of digestion starts when we eat or like our pulse increases when we are excited.

If the *qur'ān* represents the objective reality of the universe, and if the *umm al-kitāb* embodies the subjective behaviour of humankind, it follows that the *qur'ān* exists independent of the *umm al-kitāb* and that it serves to confirm the *umm al-kitāb*'s subjectivity. Let us explore this relationship a little further by looking at the term 'spirit' (*al-rūh*) in Allah's *Book*:

[Prophet], they ask you about the spirit [*al-rūh*]. Say: 'The spirit is part of my Lord's domain [*amr rabbī*]. You have only been given a little knowledge.' (Al-Isrā' 17:85, AH)

Traditional exegetes thought that 'spirit' in this verse stands for 'secret of life'. We cannot accept this interpretation because it reflects a misreading that was quite common in early *tafsīr*. Let us look at verses that contain the term 'soul' (*al-nafs*):

Nor can a soul [*li-nafs*] die except by God's leave [*bi-ithn Allāh*], the term being fixed as by writing... (Āl 'Imrān 3:145)

It is God that takes the souls (of men) [*al-nafs*] at death... (Al-Zumar 39:42)

“[But] you, soul [*al-nafs*] at peace: * return to your Lord well pleased and well pleasing.” (Al-Fajr 89:27–28, AH)

If you could only see the wicked in their death agonies, as the angels stretch out their hands [to them], saying, ‘Give up your souls [*anfusakum*]...’ (Al-An‘ām 6:93, AH)

We notice that souls die and souls return to God after a period ‘fixed as by writing’ (*kitāb^{am} mu‘ajjal^{am}*). Angels will come to the wicked and ask them to give up their souls. None of this ever applies to the spirit (*al-rūḥ*). Life and death cannot affect the spirit. In no way can spirit mean ‘secret of life’, as this would assume synonymity between ‘soul’ and ‘spirit’, and this is unacceptable.

The verses about Allah’s creation of humankind give us a clue as to how to interpret ‘spirit’. They tell us that Adam was chosen by Allah (‘God did choose Adam...’, Āl ‘Imrān 3:33) to become the ‘father of the human race’; and, indeed, with him human beings were born who differed from animals, plants, and other creatures. The way Allah chose Adam was to ‘breathe spirit (*al-rūḥ*) into him’ (‘and breathed into him of My spirit (*min rūḥī*)...’, Al-Ḥijr 15:29).⁴⁶ Equipped with Allah’s spirit, human beings were blessed with two things that other aspects of creation did not have: knowledge and legislation (‘And He taught Adam the names of all things...’ [that is to distinguish the sounds and shapes of everything in nature], Al-Baqara 2:31). It qualified human beings to become God’s vicegerents on earth (‘I will [let come forth] a vicegerent (*khalīfa*) on earth’, Al-Baqara 2:30) and to build airplanes, submarines, computers, digital cameras, and so forth; also to create nation-states, governments, and civil society. The ‘spirit of God’ (memory) enabled nations to write their history self-reflectively and use historiography to enhance humankind’s historical consciousness. By giving human beings knowledge and legislation, Allah initiated a qualitative jump in history: creatures turned into human beings through the acquisition of God’s spirit.

The following verses show that the spirit came ‘by God’s command’ (*amr Allāh*):

...He casts the spirit by His command [*min amriḥi*] upon whomever of His servants He wishes, to warn of the Day of the Encounter. (Ghāfir 40:15, MF)

⁴⁶ See also verse 72 of Sūrat Ṣād.

He sends down the angels with the spirit by His command [*min amrihi*] upon whom He pleases of His servants... (Al-Naḥl 16:2, MF)

So We have revealed a spirit to you [Prophet] by Our command [*min amrinā*]: you knew neither the Scripture nor the faith... (Al-Shūrā 42:52, AH)

[Prophet], they ask you about the spirit [*al-rūḥ*]. Say: 'The spirit is part of my Lord's domain [*amr rabbī*]. You have only been given a little knowledge.' (Al-Isrā' 17:85, AH)

Therein come down the angels and the spirit by God's permission [*bi-idhn rabbihim*], on every errand [*min kull amr^m*]. (Al-Qadr 97:4)

We note that the 'spirit', unlike the 'soul', does not possess any corporality. Allah gave us the spirit from Himself, not from objective reality or the material world of the universe. The *umm al-kitāb* comes directly from God. The rules, injunctions, and commandments of the *umm al-kitāb* are Allah's spirit. They have no corporal identity but are expressed as human behaviour. They do not exist on their own but are exemplified in our daily social and moral conduct. If the human race disappeared, so would Allah's spirit in the form of the *umm al-kitāb* because it can only be manifest in relation to humans' conscious activities and their efforts to comprehend it.

The spirit is therefore the common denominator between human beings and God. It embodies human capacity to think and legislate on an ever broader epistemological and humanist level. We may thus define *al-rūḥ* as the 'secret of human progress'. When Allah 'breathed His spirit' into Adam it caused the angels to prostrate themselves in front of human beings, it liberated humans to enjoy their role as God's vicegerents on earth freely, and allowed them to determine their affairs independently. God knows best—because His knowledge coincides completely with objective reality—but human beings constantly learn to know more and they will come closer to His knowledge.

THE REALMS OF GOD'S DIVINITY AND SOVEREIGNTY

Why does the text of *the Book* designate different terms for 'Allah'? In some instances He is called *rabb* (sovereign or lord), in others *ilāh* (god).⁴⁷ What is the difference between the two terms?

⁴⁷ 'Praise belongs to God, Lord of the Worlds' (Al-Fātiḥa 1:2, AH).

1. Allah as Sovereign (*rabb*):

(He is) Lord [*rabb*] of the two Easts and Lord of the two Wests.
(Al-Raḥmān 55:17)

The term *rabb* in Arabic denotes a form of supremacy as it conveys the notion of a master or lord, even ruler or king, who possesses high status and prestige. We say in Arabic that someone is the ‘master of the house’, which signifies a position of power over the dependents of his family. Applied to the term *rabb* or lord in *the Book*, we infer that this stands for the concept of Allah’s sovereignty (*al-rubūbiyya*), that is, His lordship over the objective reality of existence outside human consciousness. It connotes a relationship of Allah with all of His creation, which is a relationship of dominance, power, and possession. This relationship is objective, absolute, and unalterable. In studying the laws of nature, the cosmos, and history we become aware of the realm of Allah’s sovereignty which governs the universe independent of the human mind. In this capacity, Allah is the Lord of all creatures, be they believers or unbelievers, Arabs or non-Arabs, learned or ignorant, humans or animals. Allah transferred this sovereignty to humanity when he installed Adam as His vicegerent on earth,⁴⁸ indicating that a thorough study of His sovereignty, of objective reality, will enable humankind to rule over His creation, the earth and the skies, the plants and the animals—in His manner. When, for example, humankind learned how to master the force of gravitation they took possession of the moon and Mars, fulfilling His word:

Do you not see that God [Allāh] has made subject to you (men) all that is on the earth, and the ships that sail through the sea by His command? He withholds the sky (rain) from falling on the earth except by His leave: for God [Allāh] is most kind and most merciful to man. (Al-Ḥajj 22:65)

Do you not see that God [Allāh] has subjected to your (use) all things in the heavens and on earth, and has made his bounties flow to you in exceeding measure, (both) seen and unseen? Yet there are among men those who dispute about God [Allāh], without knowledge and without guidance, and without a book to enlighten them! (Luqmān 31:20)

⁴⁸ ‘I will create a vicegerent on earth’ (Al-Baqara 2:30).

And He [Allāh] has subjected to you, as from Him, all that is in the heavens and on earth. Behold, in that are signs indeed for those who reflect. (Al-Jāthiyya 45:13)

The concept of God's vicegerency on earth is inclusive: it transfers power to both believers and unbelievers. It requires good and responsible governance over the earth's resources by everybody regardless of their beliefs. It is a universal task for all humankind, unaffected by religious affiliations.

2. Allah as Divine God (*ilāh*):

Know, therefore, that there is no god but God [*Allāh*]... (Muḥammad 47:19)

But your God [*ilāhukum*] is one God [*ilāh^{un} wāhid^{un}*]... (Al-Ḥajj 22:34)

In contrast, the concept of Allah's divinity (*al-ulūhiyya*), derived from the term 'God' (*ilāh*), refers to Allah's demand to follow His rules and commandments in return for having bestowed upon humankind the freedom of vicegerency. It is less inclusive as it only requests 'those who understand' to witness His unity and to follow His rules:

He [Allāh] has commanded that you worship none but Him: that is the right religion, but most men understand not. (Yūsuf 12:40)

Note that this verse acknowledges that most men are ignorant about 'the right religion' and do *not* worship Him (*ulūhiyya*). In contrast, His sovereignty (*rubūbiyya*) is all-inclusive, nobody *cannot not* worship Him:

"O my two companions of the prison! (I ask you): are many lords differing among themselves better, or the one God [Allāh], supreme and irresistible?" (Yūsuf 12:39)

In sum, Allah's sovereignty pertains to a relationship of power and domination that is unchangeable and essentially irresistible. It can neither be undermined nor limited; it is a matter-of-fact substance of reality. Allah's divinity, however, is the realm of voluntary worship by 'those who understand'. It is a matter of choice, since one can choose to opt out or opt in; there is no coercion in matters of worship. As for the relationship between the two realms, undeniably Allah's sovereignty always assumes priority over His divinity, since the latter is dependent on a variable; that is, the existence of rational

people. There is no divinity without ‘those who understand’. Hence, no verse in the book refers to ‘the God of the worlds’ or ‘the God of the heavens and earth’, but only to ‘the *Lord* of the worlds’ and ‘the *Lord* of the heavens and earth’.

Likewise, no verse requires believers to witness that ‘there is no lord (*rabb*) but Allah’ but, as in the *shahāda*, that ‘there is no god (*ilāh*) but God’. This is because Allah is their Lord, whether they witness it or not. No testimony is required because its truth transcends all human testimony. Allah is the Lord of both the believers *and* the unbelievers, He nourishes them all, He gives all humankind rain, light, and food, and all His laws of nature apply equally to everyone:

Of the bounties of your Lord [*rabbuka*] We bestow freely on all. These as well as those: the bounties of your Lord are not closed (to anyone). (Al-Isrā’ 17:20)

Allah’s rules and commandments are stated in the *umm al-kitāb*, Muḥammad’s (§) messengerhood. We infer from this that the *umm al-kitāb* belongs to the book of divinity (*kitāb al-ulūhiyya*). The universal laws of nature, cosmos, and history are contained in the *qur’ān*, the realm that exists outside the human mind. Hence, the *qur’ān* belongs to the book of sovereignty (*kitāb al-rubūbiyya*).⁴⁹

DETERMINISM IN *QUR’ĀN* AND *UMM AL-KITĀB*

In this final section an important distinction will be made between the two Arabic terms *al-qadar* and *al-qaḍā’*. In traditional theology the two terms were normally regarded as synonyms, both indiscriminately expressing the notion of ‘predestination’, which humans have to accept submissively since God’s predestination of all things on earth is unfathomable. We propose to revise the alleged synonymity between the two terms and redefine them as follows: the term that expresses the notion of Allah’s ‘predestination’ is only *al-qadar*, whereas *al-qaḍā’* refers to decisions that are taken, or ‘determined’,

⁴⁹ MS adds here that historically, the stories of the *qur’ān* tell us how people have interacted with objective reality (the realm of sovereignty) by studying the prophet-hoods and how they coped with the rules of divinity by following the rules of messengerhoods. These stories are invaluable historical material and need to be studied in much detail.

by human beings. While the former characterizes God's laws in the objective reality of the universe, the latter symbolises the existence of free will in human activities in this world. *Al-qadar* belongs to *al-qur'ān*, whereas *al-qaḍā'* belongs to the *umm al-kitāb*.

Let us first explore the notion of determinism in the *qur'ān*. We established that the *qur'ān* contains the objective, absolute laws of nature, the cosmos and history; explains the manifestations of the natural world; and narrates the events of human history as they had occurred in the past. *The Book* defines the *qur'ān* as the 'truth', in the sense that death is true, the sun is true, day and night are true, and so on. These things are objective because neither human knowledge nor human activities can affect or change them. Their course is 'predestined' by the eternal laws of the universe. The same is true for events in history: once they have happened they cannot be undone—they are real; they are true; or, better, they are determined. This is the realm of *al-qadar*.

In contradistinction, we defined *umm al-kitāb* as the part of *the Book* that contains the legal rules of human behaviour. In response to these rules, human beings can decide between acceptance and rejection, between submission and rebellion, between approval and disapproval. Allah has granted human beings a choice which they can exercise in fulfilling His demand to 'do good and avoid evil'. We also pointed out that the fulfilment of Allah's rules requires 'understanding' of the rules as an absolute precondition. Rules have to be comprehensible, so that both the man on the street and the country's intellectual elite are able to follow them. Rules should not possess 'ambiguity' (*tashābuh*) but be clear, unambiguous, and precise. Once these rules have been made clear the people are able to either accept or reject them. Hence, knowledge and acceptance are the prerequisites for following the rules of the *umm al-kitāb*. In other words, these rules are not unconditioned or objective, but conditioned insofar as they require acceptance in order to be implemented and subjective because their execution is subject to men's consciousness and decision-making. This is the realm of *al-qaḍā'*.

Two verses from *Sūrat al-Nisā'* illustrate the distinction we have made:

Wherever you are, death will find you out, even if you are in towers built up strong and high! If some good befalls them, they say, "This is from Allah", but if evil, they say, "This is from you" (O Prophet). Say:

“All things are from Allah.” But what has come to these people that they fail to understand a single fact. (Al-Nisā’ 4:78)

Whatever good, (O man!) happens to you, is from Allah, but whatever evil happens to you, is from yourself. And we have sent you as a messenger to (instruct) mankind. And enough is Allah for a witness. (Al-Nisā’ 4:79)

The first verse, by stating that ‘wherever you are, death will find you out’, makes it clear that truth is absolute and independent from human acts, be they for or against it. Death will ‘find people out, wherever they are’. ‘What has come to these people that they fail to understand a single fact (*hadīth^{am}*)’, asks the verse. Note the term *hadīth* here, a term that we defined as relating to *al-qur’ān*. And indeed, the first verse does not talk about good and evil in human behaviour but about good and evil in objective reality, the existence of life and death, of angels and the devil, which all have their origin in Allah. ‘Say: “All things are from Allah.”’ This verse talks about *al-qadar*.

The second verse, however, talks about good and evil in human behaviour. Whereas in objective reality angels (symbolising good) and the devil (evil) are both essential parts of the truth, and no preference exists for either of the two, angels are supposed to compete with the devil in what humans do. In saying, ‘Whatever good, (O man!) happens to you, is from Allah, but whatever evil happens to you, is from yourself’, the verse acknowledges: a) a distinction between ‘what is from Allah’ and ‘what is from human beings’, and b) an autonomy in human acts. These acts of human behaviour are thought to be regulated by the rules of the *umm al-kitāb* that are Muḥammad’s (ﷺ) messengerhood. Muḥammad (ﷺ) was ordered by God to give people instructions about His rules. ‘And we have sent you as a messenger to (instruct) humankind.’ This verse talks about *al-qadā’*.

The following verse will give us an indication as to why it is so significant to distinguish between the *al-qadar* and *al-qadā’*:

Thy Lord has decreed [*qadā’*] that you worship none but Him, and that you be kind to parents. Whether one or both of them attain old age in your life, say not to them a word of contempt, nor repel them, but address them in terms of honour. (Al-Isrā’ 17:23)

This is clearly an instruction that falls into the category of *umm al-kitāb*, as people have a choice whether to follow it and treat their

parents respectfully or reject it and do the opposite. It is the realm of ‘worship none but Him’ by ‘those who understand’ to which the ethical rule (‘be kind to parents’) is attached. It would be a mistake to regard this verse as part of the *qur’ān* because then the ethical demand would turn into an objective fact whether one subjectively intended to do it or not. ‘To be kind to parents’ would turn into an objective law of human behaviour which exists absolutely and independently of what human beings actually do. Even if people began to abuse their parents, disobey them, or starve them to death, it would still count as ‘being kind to parents’ because, objectively, people cannot but ‘be kind to parents’ regardless of their subjective intentions. In analogy, if ‘to worship none but Him’ became objective law, it would not matter whether someone subjectively worships idols, pagan gods, or political despots such as Pharaoh, because all of these would count, objectively, as worship of Him. This is the big error that we find in Ibn ‘Arabī’s *Fuṣūṣ al-Ḥikam* where the author announced a ‘unity of worship’, implying that since God had decreed (*qaḍā*) to ‘worship none but Him’, humans are predestined to do exactly that (in whatever manner and regardless of their individual intentions). In Ibn ‘Arabī’s notion of the unity of worship, free will to accept or reject a ‘worship of Him’ does not exist. The rules of Islam became an inescapable fate—heedless of what someone actually intended to believe or practise—a determined destiny that releases people from being responsible and in charge of their religious and ethical deeds. Because of Ibn ‘Arabī’s huge influence the verb *qaḍā* was seen as synonymous with *qadara*, and this has had a disastrous effect on the Arab-Muslim mind.

Finally, let us look again at the verses that we cited at the beginning of this chapter:

That is indeed a qur’an most honourable, in a book well-guarded,
which none shall touch but those who are clean. (Al-Wāqī‘a 56:
77–79)

These verses have been the subject of another fatal confusion between matters of *al-qurān* and the rules of *umm al-kitāb*. The verb *la yamassuhu* was not understood in its indicative form (they do not touch) but rather as an imperative (they shall not touch). What was a descriptive narrative about the angels who did not touch the *qur’ān*, became a proscriptive rule and a ban for the ritually impure not to touch *the Book*. A statement of the *qur’ān* turned into a statement of the *umm*

al-kitāb, and something from the realm of *al-qadar* was transformed into something of *al-qadā'*. As a consequence, menstruating women, women in childbirth, and people of impurity are today not allowed to touch a copy of the *qur'ān*, only ink on white paper (!), which is, to say the least, simply outrageous.

SUMMARY

	<i>al-qur'ān</i>	<i>umm al-kitāb</i>
Hermeneutical quality of verses	ambiguous	definite
Content	The truth of absolute reality that allows humans' relative knowledge of it; it separates truth from falsehood	Rules of human behaviour; it separates things that are allowed from things that are absolute taboos
Context of revelation	No causes of revelation	Responds to historical circumstances
Possibility of abrogation	No	Yes
Origin	'Clear Record' and 'Tablet preserved'	Allah's throne: a direct command from Him
<i>Inzāl</i> and <i>Tanzīl</i>	Separate processes; <i>al-inzāl</i> and <i>al-ja'l</i> precede <i>al-tanzīl</i>	Simultaneous processes without preceding transformation (<i>al-ja'l</i>)
Prophethood or Messengerhood	Prophethood (includes the 'explanation of the book' and the 'seven oft-recited')	Messengerhood
Sovereignty or Divinity	God's sovereignty: it does not allow humans' approval or disapproval	God's divinity: the area of His rules, instructions, and commandments
<i>al-qadar</i> or <i>al-qadā'</i>	<i>al-qadar</i> : Allah's predestination of universal, objective, absolute laws of nature, the cosmos and society; historical events are determined after their occurrence	<i>al-qadā'</i> : the legal, ethical, and religious codes of human behaviour; human beings have free will and choose between acceptance and refusal
Inimitability	The <i>qur'ān</i> is inimitable due to its quality of 'ambiguity' and being subject to historical/philosophical interpretations (<i>al-ta'wīl</i>)	The <i>umm al-kitāb</i> is not inimitable, but it is subject to legal, ethical, and religious interpretations (<i>al-tafsīr</i>)

The Revelation of the Book

The Book (<i>al-kiitāb</i>)	
Muḥammad's Prophethood (<i>al-nubūwa</i>)	
Muḥammad's Messengerhood (<i>al-risāla</i>)	
Definite Verses (<i>āyāt muḥkamāt</i>)	Explanatory Verses neither definite nor ambivalent (<i>tafsīl al-kiitāb</i>)
The Seven Often-Recited (<i>sab' al-mathānī</i>)	Ambiguous Verses (<i>āyāt mutashābihāt</i>)
The Clear Record (<i>imām mubīn</i>)	The Majestic <i>qur'ān</i> (<i>al-qur'ān al-'aẓīm</i>)
The Clear Book (<i>kitāb mubīn</i>)	The Signs of God (<i>āyāt Allāh</i>)
= the changeable part of prophethood	The Glorious <i>qur'ān</i> (<i>al-qur'ān al-majīd</i>) = the fixed part of prophethood on the Tablet Preserved (<i>lawḥ mahfūz</i>) The Words of God (<i>kalimāt Allāh</i>)

<p><u>Content:</u> Legislation; practical instructions; personal life situations of Muhammad (ﷺ); general/universal ethical guidance in the form of the ten commandments; specific moral guidance for Muhammad (ﷺ)</p>	<p><u>Revelation:</u> – directly revealed from Allah; – from the ‘throne’, the seat of His power; simultaneous <i>inzāl</i> and <i>tanzīl</i>; – no transformation necessary</p>	<p><u>Revelation:</u> – directly revealed from Allah; – from the ‘throne’, the seat of His power; simultaneous <i>inzāl</i> and <i>tanzīl</i>; – no transformation necessary</p>	<p><u>Revelation:</u> – directly revealed from Allah; – simultaneous <i>inzāl</i> and <i>tanzīl</i>; – no transformation necessary</p>
<p><u>Content:</u> Keys to the understanding of the invisible world; sounds of the human voice; do not represent lexemes of any specific human language</p>	<p><u>Revelation:</u> – directly revealed from Allah; – from the ‘throne’, the seat of His power; simultaneous <i>inzāl</i> and <i>tanzīl</i>; – no transformation necessary</p>	<p><u>Revelation:</u> – directly revealed from Allah; – from the ‘throne’, the seat of His power; simultaneous <i>inzāl</i> and <i>tanzīl</i>; – no transformation necessary</p>	<p><u>Revelation:</u> – directly revealed from Allah; – simultaneous <i>inzāl</i> and <i>tanzīl</i>; – no transformation necessary</p>
<p><u>Content:</u> Most complete method of narrating the course of human history and the evolution of knowledge and legislation</p>	<p><u>Revelation:</u> – from a ‘clear record’ [<i>inām mubīn</i>], the changeable part of the <i>qur’ān</i> part of the ‘clear book’ (<i>al-kitāb al-mubīn</i>) – <i>inzāl</i> and <i>tanzīl</i> occurred separately with preceding transformation</p>	<p><u>Revelation:</u> – not eternally predetermined; correspond to human knowledge and behaviour; – takes place in the spheres of all sciences except philosophy and historiography from a ‘clear book’ (<i>kitāb mubīn</i>), another changeable part of the <i>qur’ān</i></p>	<p><u>Revelation:</u> – takes place in the sphere of philosophy (the mother of all sciences) from the ‘tablet preserved’, the fixed part of the <i>qur’ān</i>; constitutes the ‘glorious <i>qur’ān</i>’ (<i>al-qur’ān al-majīd</i>); <i>inzāl</i> and <i>tanzīl</i> occurred separately with preceding transformation</p>
<p><u>Content:</u> The material existence and its general laws; objective, absolute, universal laws that govern the cosmos, nature, and society (= <i>kalimat Allāh</i>)</p>	<p><u>Revelation:</u> – not eternally predetermined; correspond to human knowledge and behaviour; – takes place in the spheres of all sciences except philosophy and historiography from a ‘clear book’ (<i>kitāb mubīn</i>), another changeable part of the <i>qur’ān</i></p>	<p><u>Revelation:</u> – not eternally predetermined; correspond to human knowledge and behaviour; – takes place in the spheres of all sciences except philosophy and historiography from a ‘clear book’ (<i>kitāb mubīn</i>), another changeable part of the <i>qur’ān</i></p>	<p><u>Revelation:</u> – takes place in the sphere of philosophy (the mother of all sciences) from the ‘tablet preserved’, the fixed part of the <i>qur’ān</i>; constitutes the ‘glorious <i>qur’ān</i>’ (<i>al-qur’ān al-majīd</i>); <i>inzāl</i> and <i>tanzīl</i> occurred separately with preceding transformation</p>
<p><u>Content:</u> Keys to the understanding of the definite and ambivalent verses, of the processes of <i>inzāl</i> and <i>tanzīl</i>, and of the content of the Book.</p>	<p><u>Revelation:</u> – directly revealed from Allah; – simultaneous <i>inzāl</i> and <i>tanzīl</i>; – no transformation necessary</p>	<p><u>Revelation:</u> – directly revealed from Allah; – simultaneous <i>inzāl</i> and <i>tanzīl</i>; – no transformation necessary</p>	<p><u>Revelation:</u> – directly revealed from Allah; – simultaneous <i>inzāl</i> and <i>tanzīl</i>; – no transformation necessary</p>
<p><u>Content:</u> Legislation; practical instructions; personal life situations of Muhammad (ﷺ); general/universal ethical guidance in the form of the ten commandments; specific moral guidance for Muhammad (ﷺ)</p>	<p><u>Revelation:</u> – directly revealed from Allah; – from the ‘throne’, the seat of His power; simultaneous <i>inzāl</i> and <i>tanzīl</i>; – no transformation necessary</p>	<p><u>Revelation:</u> – directly revealed from Allah; – from the ‘throne’, the seat of His power; simultaneous <i>inzāl</i> and <i>tanzīl</i>; – no transformation necessary</p>	<p><u>Revelation:</u> – directly revealed from Allah; – simultaneous <i>inzāl</i> and <i>tanzīl</i>; – no transformation necessary</p>

CHAPTER FOUR

THE THEORY OF LIMITS

This chapter explains the existence of limits in Muḥammad's (ﷺ) message. It also shows that Islamic legislation must be based on the principles of *ijtihād* that govern a controlled renewal and flexible adaptation of legal rules to changing historical circumstances. It offers an alternative view to the current attempts to regard *sharī'a* law as an eternally fixed body of rigid rulings which allows neither additions nor modifications, and whose strict rules must be followed by every Muslim to the letter. Our alternative reading of Muḥammad's (ﷺ) message allows us to reinterpret the rules of *sharī'a* law as constantly evolving and, at the same time, to accept the *sunna* of the Prophet (ﷺ) as a model in applying Allah's laws flexibly to the ever-changing circumstances in a variety of different cultures and economic systems. We will start by explaining what we mean by 'change of Islamic legislation' and why we still adhere to the belief in the 'eternal validity' of Muḥammad's (ﷺ) message. We will then introduce the concepts of 'straightness' and 'curvature' as they apply to *sharī'a* law and specify the upper and lower limits of Islamic legislation. A detailed application of our theory of limits to the area of Islamic inheritance and family law will follow in the next chapter.

THE NEED OF CHANGE IN ISLAMIC LEGISLATION

Let us start by revisiting the distinction between *al-islām* and *al-īmān*: to believe in Allah's existence and the Last Day are the quintessential elements of *al-islām*, culminating in the creed that 'there is no god but God'. Being the root and stem of its three main sub-branches—ethics, law, and rituals—*al-islām* also contains the area of *sharī'a* law which is, as we defined in chapter 1, the area of *al-īmān*, of Muḥammad's (ﷺ) messengerhood (since *al-islām* is the generic type of the particular *al-īmān*). Followers of *al-īmān* believe that 'Muḥammad is God's Messenger' and are, thus, Muslim-Believers (*al-mu'minūn*). As law and legislation are subrooted in *al-islām* and as *al-islām* is eternally valid, Muḥammad's message is also eternally valid. The

question is, of course, how does this square with our notion of an ever-changing legislation and its flexible adaptation to human development?

We need to recall the historical truth that the more knowledge and expertise human societies accumulate and advance technologically, the more intense will they feel the impact of social, cultural, and economic change. And the more human societies change the more flexible and adaptable must be the law to accommodate its rules to the changing parameters of people's daily life. Think of the time when car manufacturers improved their assembly lines so that cars could be mass produced—this not only changed the way people travelled, commuted, and went about their daily routines, it also required new legislation that regulated entirely new areas concerned with traffic control, the issuing of driving licences, and prosecution of driving offences. Or think of the legal consequences when it became possible for several nations in the world to produce nuclear weapons in the 1960s and 1970s; international law had to be adapted to this new technological advance, and the United Nations had to adjust their legislation accordingly. Or, when mobile phones became affordable consumer goods for all in the 1990s, new legislation had to regulate whether it was legal to use mobile phones at work, during public events, or at the steering wheel while driving a car. These few examples are enough to show the link between technological progress and the need to follow suit with new legislation. They also provide an illustration of the dynamics between prophethood and messengerhood during the time of the prophetic epoch, that is, before the death of Prophet Muḥammad (ﷺ).

We know that there were more prophets than messengers in the history of humankind. The many, different prophethoods represented the constant accumulation of knowledge over long periods of time. What was then required was a messenger, ending the historical chain of prophets, who would bring new developments in line with official legislation by introducing new codes of behaviour. However, today we have been told *not* to wait until a new messenger arrives and issues a new message, because—and this is final—Muḥammad (ﷺ) was the last messenger. How can we, citizens of the twenty-first century, an era of fast developments and epistemological-technological progress, deal with a message that was revealed to people in the seventh century?

The answer lies in the fact that *the Book* did not stipulate the *sharīʿa* in the form of a codified law that is eternally unchangeable. Instead, Allah set the limits for the law whose upper and lower boundaries encompass the scope of legislation that human societies are allowed to explore freely. For the first time in the history of humankind, the messenger, Muḥammad (ṣ), did not introduce fixed regulations that accurately reflected the achieved accumulation of knowledge and technological progress of his time. Instead, he conveyed, in terms of its civilisational qualities, a highly advanced form of legislation that stood in sharp contrast to the existing abysmal economic situation and primitive tribalism of Arabian society. It was clear from the beginning that some verses of the new legislation were impossible to implement there and then because of the primitive backwardness of Arabian tribes. We hear that:

The desert Arabs are the most stubborn of all peoples in their disbelief and hypocrisy. They are the least likely to recognize the limits [*ḥudūd*] that God has sent down to His Messenger. God is all knowing and all wise. (Al-Tawba 9:97, AH)

This acknowledgement of the Arab's incapability to fully recognise the impact of the new law implies that the needed recognition could be achievable in more advanced societies. This is why the possibility of advanced recognition has been built into the text of *the Book*, because accumulation of knowledge never ends, technological development never stops, and legislation will never remain the same. We are today in a much better position to understand the legislative verses of the divine message because of the advances that human and natural sciences have achieved.

And we can confidently say that we have surpassed the Prophet's companions in doing so, with the exception, of course, of the area of rituals. This is the only part of Muḥammad (ṣ) message that the companions knew best because they saw how Muḥammad (ṣ) performed them. It is the only area of law where innovations are illegitimate. The Messenger (ṣ) said, 'whoever brings up new things in this matter of ours, is to be rejected';¹ and 'every innovation is deviation and every deviation is in the Hell fire';² and *the Book* says: 'The

¹ Al-Bukhārī, *Ṣaḥīḥ*, vol. 2, 959 (ḥadīth no. 2550).

² Aḥmad b. Shuʿayb Al-Nasaʿī, *Sunan al-kubrā liʿl-Nasaʿī* (Beirut: Dār al-Kutub al-ʿIlmiyya, 1991), vol. 1, 550 (ḥadīth no. 1786).

Messenger has said: “Lord, my people treat this qur’ān as something to be shunned” (Al-Furqān 25:30; AH).

In order to understand the legal message of *the Book* and the dynamics between its eternal validity and historical temporality, it is necessary to introduce two contradictory yet complementary concepts that form the basis of our theory of limits. These are ‘straightness’ (*al-istiḳāma*) and ‘curvature’ (*al-ḥanīfyya*): they represent the internal dialectics of human life between the constant acquisition of new knowledge, leading to social and economic changes, on the one hand, and on the other, the introduction of new legislation as a proactive response to these changes and developments. We believe that the two concepts of ‘straightness’ and ‘curvature’ allow the full recognition of such dialectical dynamics without which no true contemporary understanding of Islamic law can ever be achieved.

Let us first look at the verses in which the terms occur.

‘Straightness’

Show us the straight way [*al-ṣirāṭ al-mustaḳīm*]. (Al-Fātiḥa, 1:6)

Say: “Verily, my Lord has guided me to a way that is straight [*ṣirāṭ mustaḳīm*—a religion of right—the path (trod) by Abraham the true in faith, and he (certainly) joined not gods with God.” (Al-An‘ām 6:161) Verily, this is my way, leading straight [*ṣirāṭ mustaḳīm^m*]: follow it; follow not (other) paths, they will scatter you about from His (great) path: thus does He command you, that you may be righteous. (Al-An‘ām 6:153)

And We guided them to the straight way [*al-ṣirāṭ al-mustaḳīm*]. (Al-Ṣāffāt 37:118)

We find in these verses the concept of ‘straightness’ in the form of the adjective *mustaḳīm*. Both noun and adjective are derived from the Arabic root *q-w-m* which can mean two things: 1) a collective body of men, that is, ‘crowd’, which basically functions like the plural *imra*’ (men), or 2) a reference to either *intaṣaba* (to erect/set up/right) or ‘*azama* (to determine/resolve/firmly intend). The concept of ‘straightness’ is derived from the root meaning of *intaṣaba* and means ‘to put something right that has strayed’, and the qur’anic notion of *al-islām* as the ‘correct or true religion’ (*al-dīn al-qayyīm*) is also defined by the second meaning of ‘*azama* (strength);³ hence the notion of ‘straight’

³ It is not quite clear from where this second meaning is derived; ‘*azama* means ‘majesty’, ‘exaltedness’, and since it is an attribute of God it is not used to describe a

also connotes the meaning of ‘strong and mighty’ (*qawwī*). This double meaning of ‘putting straight’ and ‘being strong’, which already indicates the dialectical nature of ‘straightness’ and ‘curvature’—the true strength of the Islamic religion—can be found in the following verses:

[*Al-rijāl*] are the protectors and maintainers [*qawwāmūn*] of [*al-nisā*]...⁴
(Al-Nisā’ 4:34)

God! There is no god but He, the living, the self-subsisting [*al-qayyūm*], eternal... (Al-Baqara 2:255)

‘Curvature’

As for the term ‘curvature’, this occurs in *the Book* primarily in the form of the noun *ḥanīf* (sing.) or *ḥunafā*’ (pl.), referring a) to those who are ‘true in their faith’ and b) to the religion the faithful adhere to. We hear from *the Book*:

So [Prophet] as a man of pure faith, stand firm and true in your devotion to the religion [*li’l-dīn ḥanīf^{am}*]. This is the natural disposition [*fiṭra*] God instilled in mankind—there is no altering God’s creation—and this is the right religion [*al-dīn al-qayyim*], though most people do not realize it. (Al-Rūm 30:30, AH)

And they have been commanded no more than this: To worship God, offering Him sincere devotion, being true (in faith) [*al-dīn ḥunafā*’]; to establish regular prayer; and to practise regular charity; and that is the religion right and straight [*dīn al-qayyima*]. (Al-Bayyina 98:5)

Being true in faith to God [*ḥunafā’ li-llāh*], and never assigning partners to Him... (Al-Ḥajj 22:31)

Who can be better in religion than one who submits his whole self to God, does good, and follows the way of Abraham the true in faith [*ḥanīf^{am}*]? For God did take Abraham for a friend. (Al-Nisā’ 4:125)⁵

human being. Lane (Book I) gives as a second meaning ‘the thick part of the forearm; the half next to the elbow, of the forearm, in which is the [main] muscle’. It seems that MS concurs with this ‘second meaning’ when he defines ‘*azama* as strength.

⁴ AH: ‘who take good care’; AA: ‘who are the managers of the affairs’; MP: ‘who are in charge’; AhA: ‘who are the support’; AB: ‘who have charge of’; MS defines the *qawwāmūn* as ‘those in charge’ or ‘those with power and competence’. Likewise, Lane (Suppl.) describes *qawwām* (*al-amr*) as someone who manages and orders a thing or an affair, whereby it subsists; also as someone who has the power to withstand s. th.; but MS does not support the conventional understanding—and that of all translators—that *al-rijāl* means ‘men’ and *al-nisā*’ means ‘women’. See chapter 5 for a detailed explanation.

⁵ See also: ‘And further (thus): “set your face towards religion with true piety [*li’l-dīn ḥanīf^{am}*], and never in any wise be of the unbelievers”’ (Yūnus 10:105); ‘Abra-

However, etymologically the noun *hanīf* is derived from the Arabic root *h-n-f* which means ‘to drift’ or ‘to bend’ and almost always implies an aspect of incorrectness or distortion. If, for example, someone walks with a twisted ankle or a crippled foot one would use adjectives derived from *h-n-f* (e.g., *aḥnaf*) in order to indicate a foot distortion. Furthermore, related root words such as *kh-n-f* or *j-n-f*, which only differ from *h-n-f* by a different first radical, connote similar kinds of distortion or deviation, for example, *khanafa*, is to speak with a nasal twang, while *janafa* indicates a distorted sense of justice or unbalanced judgement, as indicated in *the Book*:

But if anyone fears partiality or wrong-doing [*janaf^{am}*] on the part of the testator... (Al-Baqara 2:182)

In our reading of Sūrat Al-An‘ām, verse 79, the quality of being ‘curved’ or ‘bent’ (*hanīf*) is a natural quality as it is intrinsic to human nature in the material, objective world. The verse reads as follows:

Lo! I have turned my face toward Him who created [*fatara*] the heavens and the earth, as one by nature [*hanīf^{am}*],⁶ and I am not of the idolaters. (Al-An‘ām 6:79; MP)

The term *hanīf* occurs here in the form of a *ḥāl*-accusative, *hanīf^{am}*, and designates the state or quality of the act to which the previous subclause refers, that is, to God’s creation of the heavens and the earth.⁷ This implies that nature has been created in a nonlinear

ham was indeed a model, devoutly obedient to God, (and) true in faith [*hanīf^{am}*], and he joined not gods with God’ (Al-Nahl 16:120); ‘So We have taught you the inspired (message), “Follow the ways of Abraham the true in faith [*hanīf^{am}*], and he joined not gods with God”’ (Al-Nahl 16:123); ‘Abraham was not a Jew nor yet a Christian; but he was true in faith [*hanīf^{am}*], and bowed his will to God’s (which is Islam), and he joined not gods with God’ (Āl ‘Imrān 3:67); ‘Say: “God speaks the truth: follow the religion of Abraham, the sane in faith [*hanīf^{am}*]; he was not of the pagans”’ (Āl ‘Imrān 3:95).

⁶ MP’s translation of *hanīf* as ‘upright’ does not reflect MS’s intended ‘non-linear’, nor do AB: ‘a pure natural believer’; AhA: ‘I have chosen one way’; AA: ‘a man of pure faith’; AH: ‘a true believer’; YA ‘*never* [shall I give partners to God]’. Lane (Book I) defines *hanīf* as ‘inclining to a right state or tendency’, also ‘inclining, from any false religion, to the true religion’, but in a more general sense ‘inclining, from one religion, to another’. It seems that MS intends to capture this moment of fluctuation, shift (from one end to another), and inconsistency that lies in such ‘inclining from one to another’ when he defines *hanīf*.

⁷ Alternative rendering: ‘I have turned my face as a true believer towards Him who created the heavens and the earth. I am not one of the polytheists’ [AH adds: ‘*hanīf^{am}*, here, refers to I (Ibrahim) not the created heavens and earth’].

fashion, and that all things in the universe, from the smallest electrons to the biggest galaxies, move in curves. And since there is no natural ‘straightness’ in God’s creation, human beings, in their innate natural disposition (*al-fiṭra*, notice the same root as the verb *faṭara* in verse 79) are also characterised by curvature and a lack of straightness. But in their ‘curvedness’ they are in total harmony with the material, objective reality around them as this is marked by the same law of natural nonlinearity.

If the entire universe is characterised by curvature, nonlinear movement, and change, straightness will be necessary in order to implement some sort of equilibrium and constancy. Human beings need Allah as their guide to show them the ‘straight path’ (*al-ṣirāṭ al-mustaqīm*) because of this necessity for controlling and restraining their natural inclination to constant permutations. Essentially, humans do not need God’s guidance to follow their *ḥanāfiyya* disposition—they instinctively ‘bend towards’ non-linearity and change—hence, no verse in *the Book* tells man how to seek curvature. Instead, we hear ‘this is the natural disposition (*fiṭrat Allāh*) God instilled in humankind—there is no altering God’s creation—and this is the right religion...’ (Al-Rūm 30:30; AH) and, thus, we hear instead ‘show us the straight way (*al-ṣirāṭ al-mustaqīm*)’ (Al-Fātiḥa 1:6), *not* ‘show us curvature’.

Even if straightness is provided by God and curvature is a feature of human nature, this does not mean that God’s aim is to entirely replace curvature by straightness. This would destroy the disposition He created for humankind. It does mean that curvature and straightness stand together in a dialectical relationship whereby stability and change are intrinsically intertwined. This dialectical opposition between curvature and straightness allows for a limitless number of movements which human legislation can take so that Islamic law remains adaptable to all times and places until the coming of the Last Hour. It means that God’s provision of straightness allows humankind to know the utmost limits of human behaviour which humankind is not allowed to transgress. But within these extreme limits, as stated in the *umm al-kitāb*, human beings are allowed to move freely and adjust their legislation according to the needs and circumstances of their times.

The following examples will help us to understand how intrinsic and natural the concept of upper and lower limits is for all of us in our daily life:

1. People live in locations in this earth which are defined by an average altitude between two extremes. We do not live on top of the highest mountains (the upper limit would be Mount Everest in the Himalayas) nor on land that is situated much below sea level (the Jordan Valley near the Dead Sea is the lowest limit). Only a tiny minority dare to occupy the extreme regions of this earth (e.g., mountaineers and adventurers), while the majority prefer to live in the middle between the outermost limits.
2. Daylight varies throughout the year according to season and time of the year. In Damascus, for example, the longest day of the year is fourteen hours and twenty-six minutes, while the shortest day is only nine hours and fifty minutes long. The other days of the year are in between these two extremes.
3. The human eye can only see colours that are visible within the spectrum of light. It cannot recognise the colours that are above violet or below red.
4. The human ear can only hear vibrations of sounds that are between the range of twenty to twenty-thousand Hertz. Body temperature, heart rate, frequency of breathing through inhaling and exhaling, the movement of our limbs, and such—all these function naturally between two extremes, and if these limits were transgressed, the body would cease to function properly.
5. The amount of blood sugar in our veins varies between 70 and 120 mg. Any amount in between the limits is normal, even if it is exactly either 70 or 120 mg, but this would trigger some tests and closer supervision. Most of us will have a healthy blood sugar level between the two extremes, as we do in relation to cholesterol, blood corpuscles, fat, and other elements of the blood.
6. Daytime temperatures also vary between two extremes. We may, for example, have a case where the highest temperature ever measured in a city is 46°C, while the lowest temperature is -5°C. Most days of the year, however, do not reach these extreme temperatures and the average is somewhere between the two. The same applies to the measurement of wind speed, air humidity, rainfall, or the height of waves on the sea.
7. In order to prevent dehydration the human body needs a minimum amount of liquid per day, but there is no strict upper limit

- for this. The amount needed differs according to air temperature, humidity, human activity, and other external factors.
8. The minimum speed required to overcome gravitation forces is 11 km/s, while there is no limit for the maximum speed. However, if a spaceship reached the speed of light, the spaceship would turn itself into light.
 9. The fastest possible way to travel is at the speed of light. No higher speed has ever been recorded. The minimum speed, however, is not zero m/h, because this would be an absolute standstill. Only when a body moves will it qualify as having speed.
 10. The minimum requirement for organic life is the existence of water (i.e., humidity) and oxygen.
 11. The minimum amount of subshells circling an atomic nucleus is one, and the maximum amount is seven. Hydrogen, for example, has only one subshell, while others have seven, such as radium. Therefore, the number of circling subshells always varies between one and seven.

These examples are sufficient to demonstrate how nature and society function between upper and lower limits, adherence to which is vital for the preservation of life.

The first person in the history of Islam who recognised the significance of the *ḥanīfiyya* disposition of change and nonlinearity was Abraham. He, followed by other prophets and messengers after him, came to believe that nothing in nature and society should be forced to become fixed and stable, since this would mean turning something into ‘straightness’, a quality that only God alone can possess. To pretend ‘straightness’ for something that is naturally ‘curved’ is to violate Allah’s unity and commit *shirk Allāh*. That is why in verse 161 of Sūrat Al-An‘ām the *tauḥīd* of Abraham’s faith is contrasted to the *shirk* of the unbelievers:

Say: “Verily, my Lord has guided me to a way that is straight [*ṣirāṭ mustaqīm*]—a religion of right—the path (trod) by Abraham, the true in faith [*ḥanīf^{an}*], [↔] and he (certainly) joined not gods with God.” (Al-An‘ām 6:161)

In light of this verse, we say that Abraham’s faith consisted of his belief in the *ḥanīfiyya* disposition of nature (curvature and change) and in the existence of Allah’s straightness in the form of limits between which the ‘curved progression of nature’ occurs. It was

because of this belief and Abraham's insistence on the unity of Allah's sovereignty (*al-rubūbiyya*) that *the Book* told us to see him as a role model to follow:

Abraham was truly an example: devoutly obedient to God and true in faith... (Al-Naḥl 16:120; AH)

In line with this perception of nature, the following examples show that curvature between the limits of straightness is also realised within the realm of human behaviour and social, that is, legally regulated, interaction:

1. The clearest sign of the existence of limits within a society are the actual borders of a country. These borders define the extent to which national laws apply and within which social, cultural, and economic relations are regulated. Between these borders a multitude of possible variations are permissible; in terms of how and where people settle down, the regional areas they live in, go to work, change their place of residence, spend their spare time, educate their children, and such. If someone wants to escape these societal patterns of life and work, in order to avoid breaking the law, he or she will have to cross the border and live under a different jurisdiction, by other norms, and within new borders.
2. The lawgiver in a society stipulates the maximum number of hours a human being is required to work without being able to claim overtime payment from his or her employer. Similarly, in every workplace there exists a notion of the minimum number of hours that an employee must work before the manager steps in and issues an official warning or even initiates a cut in wages because of negligence or absenteeism.
3. We are faced with hundreds of traffic signs on the roads that prescribe the maximum or minimum speed limit allowed or requested in order to secure a smooth flow of traffic. If someone exceeds the maximum speed limit or ignores the minimum speed limit, the traffic police will act and, together with city officials, prosecute the person for having broken the law.
4. If a toddler burns his fingers on a hot stove he has, despite the fact that he was told by his parents not to go near the stove, crossed a limit and is punished for it (burnt fingers). He has also had a moving, new experience (pain). This is because of our innate curiosity

that sometimes causes a deviation from the rules and ignites some (curved) movements by sheer impulse.

These examples illustrate that human behaviour needs to be restrained by legal order. This is the reason why Allah sent messengers to humankind who brought legislation in order to put lawless societies back on (the straight) track. Before it was Muḥammad's (ﷺ) turn to bring a new message, Allah decided to send messengers who, each in his own society, enforced concrete punishments that were expressly stipulated for each individual crime. It was a type of direct, explicit legislation that ended with Muḥammad's (ﷺ) messengerhood which marked the beginning of a new legal concept: *lex liminalis*,⁸ law by which humans legislate between the legal limits that *the Book* provides.⁹

⁸ The term 'liminal' only seems diametrically opposite to the anthropological concept of 'liminal' as Arnold van Gennep and Victor Turner defined it. While it is true that for Turner liminality is a transitional state between two phases (during rites of passage) in which individuals were 'betwixt and between', i.e., neither staying any longer in the society that they previously belonged to nor yet entering into the society they will be part of in the future, and while this transitional state is characterised by an inversion of normative patterns of social hierarchy, the state of liminality in MS's concept is a state of legislative effort by which the normative patterns of society are constantly sought after and, if necessary, reinforced. And yet, MS's concept of liminality also acknowledges a form of legal ambiguity, openness, and indeterminacy (*al-tashābuh!*) by which a certain degree of deviation (*hanīfiyyah!*) from the straight path set down by God is actually quintessential and only human. Moreover, as it is for Turner that during the state of liminality as sense of the ideal state of social existence is formed or anticipated (*communitas*), so is MS's human society a permanently liminal experience that eventually leads to an ever-deeper realization (or apprehension) of divine knowledge, i.e., the totality of objective reality, which is as utopian as Turner's notion of *communitas*. Because of this latter resemblance the term *lex liminalis* was chosen as it seems to us most appropriate to describe MS's law of limits.

⁹ The term 'legal limits' has been created to highlight MS's significant departure from the traditional, legal understanding of *ḥadd* / *ḥudūd* which he interprets more in the literal sense of (geometrical) 'limits'. As a legal *terminus technicus*, *ḥudūd* refers to the canonical punishments that are fixed (or limited) by a clear and decisive text in the Qur'an and/or the Sunna, with regard to which a judge does not possess any discretion. The Ḥanafī school describes the *ḥudūd* punishments as 'the right of Allah', while the other schools see them as 'the right of human beings' as well. Whereas the Ḥanafī school restricts the *ḥudūd* to five crimes (illicit sexual intercourse, theft, banditry, consumption of alcohol, false accusation of illicit sexual intercourse), the Mālikī and Shāfi'ī schools also include homicide, apostasy, rebellion, and sodomy. Since the punishments for these crimes are already fixed, it has been the main concern of the *fuqahā'* to establish what exactly constitutes theft, adultery, robbery, etc. Like MS, they regard the *ḥudūd* punishments as the upper limit, the maximum punishment that must not be exceeded, and for which it is possible to negotiate mitigating circumstances (see al-Zuhaylī, *al-Fiqh al-islāmī*, vol. 5, 5–12; R. Peters, *Crime and Punishment*

Muḥammad's (ṣ) message not only launched a new type of human legislation but, by allowing change and nonlinearity, it also best reflected the nature of humans' *hanīfic* predisposition. As such it essentially reflects the religion of *al-islām* that fully corresponds to the innate propensity of all people on this earth, even if they are not (yet) aware of it.¹⁰ We sincerely believe that, sooner or later, most people will realise their natural inclination to this type of legislation, following the model of Abraham who was leaning towards his *hanīfic* 'rectitude of conduct' even before he received divine revelations:

Long ago We bestowed right judgement on Abraham and We knew him well. (Al-Anbiyā' 21:51, AH)

Abraham's insights into the cosmological truth of *hanīfic* law were passed on directly to Muḥammad (ṣ), since *the Book* tells us that *lex liminalis* was not part of the Christian and Jewish legal systems:

Abraham was not a Jew nor yet a Christian; but he was true in faith, and bowed his will to God's (which is Islam), and he joined not gods with God. (Āl 'Imrān 3:67)

We hear, for example, that when the Jews were told to sacrifice a heifer, they asked what specific kind of heifer they were supposed to slaughter. And we hear how God provided every detailed answer to every question (i.e., not a single detail of the law was left open to be

in Islamic Law (Cambridge: CUP, 2005), 19–30; 53–68). MS, however, differs from *fiqh* a) by denying that fixing the *hudūd* is beyond the intellect of the human mind and because of which he therefore allows human reason to exercise *ijtihād* on them, and b) by expanding the field of *hudūd* legislation to include the entire field of Islamic law and not just adultery, theft, robbery, etc., i.e., the area of penal law for which the term was solely used in classical *fiqh* theories. MS's much wider understanding of *hudūd* as 'God's boundaries' in all aspects of social, public, and private life is indeed much closer to the qur'anic text than its conceptualization in Islamic jurisprudence. (See *Encyclopaedia of the Qur'an*, s.v. "Boundaries and Precepts." (R. Kimber), 252–53).

¹⁰ This includes, says MS, legislation all over the world that is based on the existence of limits even if legislators are not aware that they notionally fulfil the guidelines set out in *the Book*. A good example is the prohibition of the death penalty in many countries of the world. Another example is the common practice of many banks not to charge interest of more than 100 percent of the given loan money (guidelines for this will be explained below in this chapter). Finally, there is the practice of many orphanages not to accept new admissions beyond the age of two. In all of these cases the practice is entirely *Islamic* even if it is not called or known by this attribute.

filled by human legislation).¹¹ In questions of penal law, we are told that the punitive logic of their *lex talionis* required them to immediately punish a crime by maximum force and a like-for-like mentality that induced indiscriminate punishment:

We ordained therein for them: "Life for life, eye for eye, nose or nose, ear for ear, tooth for tooth, and wounds equal for equal." (Al-Mā'ida 5:45)

In contrast, Islamic legislation tries to avoid punishments being indiscriminately enforced and instead considers mitigation as absolutely vital. In the case of theft, for example, the amputation of the thief's hand must be only regarded as the last resort if other forms of punishment have proved ineffective or if the type of theft was very serious. If, for instance, only a slice of bread has been stolen and if this was not done out of sheer menace but because of desperate hunger, to cut off a person's hand—as if he had stolen somebody's possessions out of greed and pure self-indulgence—is a violation of the flexible and moderate character of Islamic law. Yes, we accept that Muḥammad (ṣ) had indeed ordered the amputation of the hands of thieves in Medina, but we should not forget that the second caliph 'Umar b. al-Khaṭṭāb (r) ruled against the Prophet's example and pardoned a number of thieves.¹² In doing this, the caliph certainly did not abolish the *ḥadd* penalty for theft once and for all. What he did was to exercise his right to judge each case individually. If a theft did not

¹¹ 'And remember Moses said to his people: "God commands that you sacrifice a heifer." They said: "Are you making a laughing-stock of us?" He said: "God save me from being an ignorant (fool)!" They said: "Beseech on our behalf your Lord to make plain to us what (heifer) it is!" He said; "He says: The heifer should be neither too old nor too young, but of middling age. Now do what you are commanded!" They said: "Beseech on our behalf your Lord to make plain to us her colour." He said: "He says: A fawn-coloured heifer, pure and rich in tone, the admiration of beholders!" They said: "Beseech on our behalf your Lord to make plain to us what she is; to us are all heifers alike. We wish indeed for guidance, if God wills." He said: "He says: A heifer not trained to till the soil or water the fields; sound and without blemish." They said: "Now have you brought the truth." Then they offered her in sacrifice, but not with good-will' (Al-Baqara 2:67–71).

¹² This goes back to a story narrated by al-Qurṭubī according to which 'Umar pardoned a servant who had stolen 'from the property of his master and from the property of someone of the *bayt al-māl*'. The reason 'Umar gave was that the servant had (even if only nominally) a share in the master's property (*lahu fīhī naṣīb*^m). No discussion, according to the sources, was reported from his companions (see Abū 'Abdallāh Muḥammad b. Aḥmad al-Anṣārī al-Qurṭubī, *al-Jāmi'* *li-ahkām al-qur'ān* (Cairo, n.p., 1952), 2nd ed., vol. 6, 169).

occur to him sufficiently grave or sufficiently proved, he did not apply the maximum penalty.¹³ Because of this inbuilt flexibility of Islamic law, ‘Umar, opting for a different form of penalty, did not violate the divine ruling on theft. What he did was to simply move with his (human) legislation between the upper limit of punishment for theft (amputation of the right hand) and its lower limit (full pardon). And we should add that what ‘Umar did as caliph in seventh-century Arabia has today become common practice in legal systems around the whole world. This makes our argument even stronger that the aspect of limits is a natural element in all human legislation. And while ‘Umar acted on impulse in judging cases of theft differently, we today can benefit from the findings of mathematical statistics and the scientific theories of limits that provide much more sophisticated means for pursuing a further diversification of Islamic legislation. We no longer need the help of our honourable scholars who would only continue their search for the umpteenth justification for amputation. Instead, we will use modern theories that can lead us to new horizons in the formulation of Islamic law.

THE THEORY OF LIMITS IN ISLAMIC LEGISLATION

The theory of limits is based on the notion of a flexible system of (contingent) law that replaces legislation containing rigid regulations and certain penalties that allow no mitigation and are thought to be once-and-for-all fixed. Taking up again an analogy with the measurement of blood sugar in the blood, we propose a system that allows

¹³ In traditional Ḥanafī law the following conditions have to be fulfilled before a punishment for theft can be carried out: a) the thief at the time of the crime is mentally sound; b) he/she has reached the age of puberty; c) he/she has stolen something not less than the worth of a *niṣāb* that is one *dīnār* or ten *dirhams* (i.e., the equivalent of ca. 4.373 grams of gold); d) he/she has stolen something securely held; e) he/she did not steal under coercion; f) he/she did not steal as a result of (mental) confusion; g) the stolen item was wholly owned by someone else; h) there exists a confession of theft or the testimony of two witnesses. If these conditions are fulfilled, the thief’s right hand is to be amputated. If a convicted thief stole for a second time, his/her left foot is to be amputated; and if a third time, he/she is to be imprisoned until he/she repents (see ‘Abd al-Ghanī al-Maydānī, *Lubāb fī sharḥ al-kitāb* (Beirut: Dār al-Kitāb al-‘Arabī, n.d.), vol. 1, 336–41). In contrast to this, MS allows more mitigating circumstances and he allows, in addition, the introduction of a completely different set of punishments (even if all eight conditions have been met in the case of theft), whereby the amputation of the hand or foot is avoided at all costs.

much tolerance in what is perceived to be normal, that is, we tolerate blood sugar levels within the range of 70 to 120 mg because we believe that if we insisted on a strict limit of just 70 mg as the only acceptable level of blood sugar we would seriously risk the health of millions of people. Doctors all over the world know that 70 mg is just the lower limit and that blood sugar levels of up to 120 mg (the upper limit) can be tolerated.

The legal verses of *the Book* provide us with the legislative framework within which we may adopt the new laws required by social change. A framework of legislation does not contain, as many believe, certain penalties which turn into ‘sources of law’, but just their outposts or, to use a football term, their sidelines. In some legal cases one may not even come near such sidelines, in others it is permitted to touch the line without fully stepping over it. Analogous to a football match, Islamic law allows movement over the entire football field. Sidelines only indicate the limits within which the game can be played while still allowing millions of different ways to play the game and of applying different tactics and strategies. Islamic law after Muḥammad’s (ﷺ) messengerhood requires legislation within the limits of Allah, allowing an unlimited number of different legislations according to the needs of society. That is why Muḥammad’s (ﷺ) messengerhood is called ‘mother of the book’ (*umm al-kitāb*) and not just ‘book’—as Moses’ and Jesus’ messengerhoods were called—because it allows millions of ‘books’ of legislations to be derived from it. And as the ‘mother of the book’ abrogated the previous books of Moses and Jesus, so will future legislations (‘books’) subsequently abrogate each other (not, of course, within weeks or months as some of our critics have insinuated).

Limits of Legislation

5. Lower limit

Lower limits are provided in:

A. The verses of marriage:

And marry not women whom your fathers married, except what is past: It was shameful and odious—an abominable custom indeed. (Al-Nisā’ 4:22)

Prohibited to you (for marriage) are: your mothers, daughters, sisters, father's sisters, mother's sisters, brother's daughters, sister's daughters, foster-mothers (who gave you suck), foster-sisters, your wives' mothers, your step-daughters under your guardianship, born of your wives to whom you have gone in—no prohibition if you have not gone in—(those who have been) wives of your sons proceeding from your loins, and two sisters in wedlock at one and the same time, except for what is past; for God is oft-forgiving, most merciful. (Al-Nisā' 4:23)

In these two verses of Sūrat al-Nisā' Allah has issued a rule that provides a lower limit prohibiting certain marriage types. Nobody is permitted to transgress this lower limit. Under no circumstances is an *ijtihād* acceptable that, for whatever cultural or political demands, aims at allowing a Muslim-Believer to marry his mother, daughter, maternal or paternal aunt, and the like. However, since the lower limit stands alone in the text, one may add further restrictions. For example, if medical tests indicate that children from couples who are cousins show higher risks of developing genetic disorders, the legislator is required to respond and to extend the list of prohibited marriage partners to the children of maternal or paternal aunts (note that this prohibition can never be an absolute taboo, because this is God's prerogative).

Such an extension would not violate Allah's limits, because, in stipulating possible marital arrangements, He did not provide an upper limit. The only condition is that clear scientific proof must be provided before any new legislation can be introduced. This means that a call for *ijtihād* must be based on scientific evidence, and not on analogy. Analogies compare newly arising legal problems with previous legal cases or with a consensus of jurists who lived in the past, such as the *salaf* forefathers. Such analogical reasoning is, by definition, retrospective and regressive. It prevents Islamic legislation from being truly *hanīfīc*, that is, changeable, progressive, and adaptive to new scientific discoveries. God has assured us that *mujtahids* who, in their endeavour to be as scientific and analytical as possible, make mistakes, still deserve Allah's reward for their efforts, and that *mujtahids* whose decisions are right will be given a double reward.

B. The food taboos:

Forbidden unto you (for food) are carrion and blood and swineflesh, and that which has been dedicated unto any other than Allah, and the strangled, and the dead through beating, and the dead through falling

from a height, and that which has been killed by (the goring of) horns, and the devoured of wild beasts, saving that which you make lawful (by the death-stroke), and that which has been immolated unto idols. And (forbidden is it) that you swear by the divining arrows. This is an abomination. This day are those who disbelieve in despair of (ever harming) your religion. So fear them not, fear Me! This day have I perfected your religion for you and completed My favour unto you, and have chosen for you as religion al-Islam. Whoso is forced by hunger, not by will, to sin: (for him) lo! Allah is forgiving, merciful. (Al-Mā'ida 5:3)

Verse 3 of Sūrat al-Mā'ida lists 'carrion and blood and swineflesh' as prohibited food as well as food that has been 'dedicated unto any other than Allah'. This constitutes the lower limit for those who want to legislate what is illegal to eat. A different category is meat of 'the strangled, and the dead through beating, and the dead through falling from a height, and that which has been killed by (the goring of) horns, and the devoured of wild beasts'. Food from this kind of meat cannot be regarded as an absolute taboo, because, if one manages to slaughter it correctly by an 'invocation of God's name', it becomes *ḥalāl* food and, hence, edible:¹⁴

Say: "I find not in the message received by me by inspiration any (meat) forbidden to be eaten by one who wishes to eat it, unless it be dead meat, or blood poured forth, or the flesh of swine, for it is an abomination, or what is impious (meat), on which a name has been invoked, other than God's". But (even so), if a person is forced by necessity, without wilful disobedience, nor transgressing due limits, your Lord is oft-forgiving, most merciful. (Al-An'ām 6:145)

Why should you not eat of (meats) on which God's name has been pronounced, when He has explained to you in detail what is forbidden to you, except under compulsion of necessity? But many do mislead

¹⁴ Ḥanafī law provides a very similar ruling but supplies a much more complex lists of lawful and unlawful food that MS wants to avoid by referring to an exhaustively clear lower limit of food taboos. Ḥanafī jurists distinguish between meat from animals that live in the sea and those that live on land, and then between a) bloodless animals, b) animals that bleed if slaughtered, and c) animals that do not bleed; and finally with regards to category b) between domestic and wild animals. Everything from the sea except fish is unlawful, so are bloodless, blood-static (except locusts), and wild animals. Consumption of animals that live from impure substances are also unlawful unless they were fed with lawful substances before they were slaughtered. These categories and distinctions are not all qur'anic and hence have for MS no legal significance (see 'Alā' al-Dīm al-Kāsānī, *al-Badā'ī' al-ṣanā'ī' fi'l-tartīb al-sharā'ī'*, vol. 5, 35–62).

(men) by their appetites unchecked by knowledge. Thy Lord knows best those who transgress. (Al-An‘ām 6:119)

These two verses of Sūrat al-An‘ām state that under duress one is allowed to eat food that is normally forbidden. A transgression of Allah’s lower limit is hence permitted provided that we did not invent the reason that forced us to eat forbidden food. Such an exemption from the normal rule, however, does not exist with regard to marital arrangements. Under no circumstances is one permitted to cross the lower limit, not even in exceptional circumstances. Even if marriage outside one’s own family has become virtually impossible because of a dramatic shortage of unmarried women/men, it would still be illegal to marry close relatives.

Note that 5:3, which states Allah’s lower limit in terms of food taboos, is immediately followed by the announcement that:

This day have I perfected your religion for you and completed My favour unto you, and have chosen for you as religion *al-islām*. (Al-Mā’ida 5:3)

This implies that 5:3 is Allah’s last revelation as far as His legislation of limits is concerned. It is chronologically, therefore, the last verse of Muḥammad’s (ﷺ) messengerhood and thus of the *umm al-kitāb*. And yet, it is not the last verse of the entire *Book* as far as the whole *al-muṣḥaf* is concerned because it also includes the verses of *al-qur’ān*.

C. The regulations concerning debt:

O you who believe! When you deal with each other, in transactions involving future obligations in a fixed period of time, reduce them to writing. Let a scribe write down faithfully as between the parties: let not the scribe refuse to write as God has taught him, so let him write. Let him who incurs the liability dictate, but let him fear His Lord, and not diminish aught of what he owes. If the party liable is mentally deficient, or weak, or unable himself to dictate, let his guardian dictate faithfully, and get two witnesses, out of your own men, and if there are not two men, then a man and two women, such as you choose, for witnesses, so that if one of them errs, the other can remind her. The witnesses should not refuse when they are called on (for evidence). Disdain not to reduce to writing (your contract) for a future period, whether it be small or big: it is juster in the sight of God, more suitable as evidence, and more convenient to prevent doubts among yourselves

but if it be a transaction which you carry out on the spot among yourselves, there is no blame on you if you reduce it not to writing. But take witness whenever you make a commercial contract, and let neither scribe nor witness suffer harm. If you do (such harm) it would be wickedness in you. So fear God; for it is God that teaches you. And God is well acquainted with all things. (Al-Baqara 2:282)

If you are on a journey, and cannot find a scribe, a pledge with possession (may serve the purpose). And if one of you deposits a thing on trust with another let the trustee (faithfully) discharge his trust, and let him fear his Lord. Conceal not evidence; for whoever conceals it, his heart is tainted with sin. And God knows all that you do. (Al-Baqara 2:283)

In verses 282–83 of al-Baqara, Allah stipulated the lowest limit for what can be accepted as a valid contract. Since no upper limit has been set further regulations might be added that reflect the changing nature of financial contracts and the ever evolving rules of society's commercial markets.¹⁵ Note that the minimal requirement of 'one man or two women' only refers to an oral contract ('so that if one of them errs, the other can remind her...'). If two women must appear in person to witness the 'signing' (or sealing) of a contract, it is because the contract is only expressed orally, and not in writing. However, if such contract is produced in written form, the testimony of two females is no longer necessary. In this case, the minimum of 'one man or one woman' is all that is required. We reject all sexist interpretations that explain double female testimony as proof of women's inferiority and an indication of their incompetence in commercial affairs.

¹⁵ According to Ḥanafī law there are several regulations that govern the handling of debts and loans in Muslim societies. The most significant regulations are as follows: a) the transaction (of a loan) must be contracted in writing; b) it is compulsory to have the testimony of two men or, in the absence of two men, the testimony of one man and two women; c) the time of the repayment and its potential deferral must be specified; d) the repayment must not be delayed (if possible); e) the repayment should not be made earlier than the specified date. This seems to follow quite closely the injunctions of 2:282–83 and is—according to MS—the lower limit in such financial transactions. However, MS interprets 2:282 as referring to verbally finalized contracts which is against the *fuqahā*'s understanding of a reference to written contracts. According to MS, if the contract is written down, the minimum requirement is the testimony of one man and one woman, not one man and two women.

D. Women's dress:

And say to the believing women that they should lower their gaze and guard their [lower] private parts [*furūjahumā*]; that they should not display their [hidden] beauty [*zīnatahunna*] except what [visibly of her beauty] appear thereof; that they should draw their veils over their [upper] private parts [*juyūbihinna*] and not display their [hidden] beauty [*zīnatahunna*] except to their husbands, their fathers, their husband's fathers, their sons, their husbands' sons, their brothers or their brothers' sons, or their sisters' sons, or [what follows] next in line [*nisā'ihinna*], or the [temporary partner] whom their right hands possess, or male [persons] free of physical needs, or small children who have no sense of the shame of sex; and that they should not strike their feet in order to draw attention to their hidden [beauty] [*zīnatihinna*]. O you believers! Turn you all together towards God, that you may attain bliss. (Al-Nūr 24:31)¹⁶

In stipulating the rules of how women are required to cover their body, *the Book* merely provides us with a lower limit. The reason why only a lower limit is stated and what exactly this implies will be explained in detail in chapter 5. Suffice it to say here that 4:31 allows, under certain circumstances, to transgress the lower limit of 24:31, which is similar to the case of contingent food taboos in Surat al-An'ām. It is however different, as we mentioned above, from the absolute rule that one must not ignore the limits of marital partners as provided in Sūrat al-Baqara.

2. Upper limit

A. The punishment of theft:

As to the thief, male or female, cut off [*sic*]¹⁷ [*fa-aqta'ū*] his or her hands [*aidiyahumā*]: a punishment by way of example [*nakāh^m*], from God, for their crime—God is exalted in power. But if the thief repents after his crime, and amends his conduct, God turns to him in forgiveness; for God is oft-forgiving, most merciful. (Al-Mā'ida 5:38–39)

¹⁶ For a detailed analysis of 24:31, see chapter 5. The rendering of 24:31 has been done by myself [AC] in the light of MS's interpretations thereof. MS deviates considerably from the conventional renderings of this verse so that no available translation can be used.

¹⁷ Like YA, all translators render *fa-aqta'ū aidiyahumā* as 'cut off the hands' (AH; AA; MP, MF; AB), except AhA who writes 'cut his hand' and adds a similar argument as MS: 'in 12:31 [...] [it] means they wounded their hands or stopped peeling fruit, *not* cut off their hands. Hence here, in v. 38, it could mean to stop their [i.e., the thieves'] hands from stealing by adopting a deterrent' (fn. 2, 113).

Common wisdom has it that Islam is a harsh religion that forbids leniency in cases of theft and demands extreme cruelty against any convicted thief. The truth is that the two verses of Sūrat al-Mā'ida reflect the flexible character of Islamic legislation that encourages us to mitigate every single case of theft and thus disproves the unmediated application of harsh penalties. Most civilizations in the world possess legal systems in which a process of mitigation is a normal procedure. Mitigation means that judges move—by way of deciding each case differently and on its own merits—between the limits that Allah has set. It shows that the proposed type of a *lex liminalis* is a universal, human, and civil form of legislation.

The central clue to the existence of a law of limits in verse 38 is given in the accusative noun *nakāl^m*, which translates as 'exemplary punishment' or 'punishment as a deterrent'. Allah has set a condition by which the thief's hand shall be cut off: its aim should be a warning so that the crime will not be repeated. This means that the punishment has a sociopedagogic function; it is not a merciless revenge of a crime. As such, it can only be exercised in the most extreme cases of theft; it is the upper limit of punishments that cannot be transgressed; cutting off the thief's hand is the most extreme form of exemplary punishment (thus, thieves cannot be executed).

The existence of limits in the theft-verse (representing an upper limit and no lower limit) is reflected in the fact that theft was differently punished in early Islam. The *ḥadīths* tell us that even though Muḥammad (ṣ) applied the *ḥadd*-punishment, that is, he 'moved' to the upper limit, 'Umar b. al-Khaṭṭāb, in his capacity as the second caliph, avoided the upper limit and used his *ijtihād* to circumvent the most severe form of punishment. It is indeed the responsibility of each *mujtahid*, following the example of 'Umar, to determine which type of theft is so severe that it requires the cutting off of hands, and what type does not. The fact that verse 38 does not want us to show mercy and compassion indicates that it discusses only the most extreme forms of theft, while for normal types of theft we are required to show mercy. In normal cases of theft the rationale for a punishment is to prevent its repetition, and this can be done in different ways, such that one does not have to come near the upper limit (amputation).

The verb used for 'to cut off' is the Arabic term *q-t-* which, as the dictionary of Ibn al-Fāris shows, has more meanings than the physical amputation of hands. In phrases like 'to cut a corner', 'to

cut a long story short', 'to cut off a relationship, or 'to cut down expenses', the verb 'to cut' is used both literally and metaphorically; and it does not always require a knife or a sword to cut something off. In addition to the root meaning of 'to separate' or 'to set apart', *q-t-ʿ* can also acquire completely different connotations in the Arabic language, for example, 'to sell', 'to save', or 'to suffocate'. The word is so polysemic that it beggars belief how often 'to cut off' is simply understood as 'amputation' (for which, incidentally, the Arabic language has an entirely different term, which is *al-batr*). The common understanding that *q-t-ʿ* means 'to cut off' the left hand of a thief (bizarrely not his right hand!), contradicts the above quoted verse, which clearly uses the plural 'hands': ('his or her hands [*aidiyahumā*']'), indicating that the best way to keep a thief's hands(!) off society is to send him or her to prison. Surely, to cut off both hands of a thief would be a barbarity that not even the most scrupulous *fukahā*' have ever contemplated.

A clear mistake by the jurists was to associate *q-t-ʿ* with a complete amputation of the entire (one) hand. However, other verses of *the Book*, in which *q-t-ʿ* of hands is discussed, prove that alternative readings are possible. In verse 31 of *Sūrat Yūsuf* we hear, for example, of women who accidentally cut their hands after they became ecstatic over the beauty of Joseph's face:

When she heard of their malicious talk, she sent for them [women of the city] and prepared a banquet for them: she gave each of them a knife. And she said (to Joseph), "Come out before them." When they saw him, they did extol him, and (in their amazement) cut their hands [*qatā'na aidiyahunna*]: they said, "God preserve us! No mortal is this! This is none other than a noble angel!" (Yūsuf 12:31)

Note that in this situation the women were already equipped with knives, provided by Potifar's wife, the host of the banquet, which they used in order to peel the fruit served at the buffet. And yet, when, in their amazement, they 'cut their hands' they did not 'cut their hands completely off', but only caused some minor cuts that certainly must have hurt but did not mean a loss of their hands.

Other verses support our thesis that the term *q-t-ʿ* does not necessarily mean the amputation of a part of the body. Verse 49 of *Sūrat al-Shu'arā*', for example, in which Pharaoh is depicted as threatening his court magicians with severe corporal punishment, makes it logically and anatomically inconceivable to understand the term as 'to cut off':

Said (Pharaoh): “You believe in Him before I give you permission? Surely he [Moses] is your leader, who has taught you sorcery! But soon shall you know! “Be sure I will cut off [*sic*]¹⁸ [*la-uqatti‘ann^a*] your hands and your feet on opposite sides, *and* I will cause you all to die on the cross!” (Al-Shu‘arā’ 26:49)

The conjunction ‘and’ used to connect the threat of a cut to their hands *and* death on the cross, indicates that the Pharaoh envisaged both punishments, in succession, for the wicked sorcerers. But a crucifixion *after* an amputation of both hands and feet is practically impossible to execute. Hence, the threat ‘to cut your hands’ (*la-uqatti‘ann^a aidiyakum*), preceding the threat of crucifixion, cannot possibly be interpreted as a threat of amputation. This is different from verse 33 of Sūrat al-Mā’ida in which not ‘and’ but the conjunction ‘or’ is used which, because of possible alternative punishments, allows the verb *q-t-‘* to be understood as ‘to cut off their hands’:

The punishment of those who wage war against God and His Apostle, and strive with might and main for mischief through the land is: execution, *or* crucifixion, *or* the cutting off [*au nuqatti‘a^a*] of hands and feet from opposite sides, *or* exile from the land... (Al-Mā’ida 5:33)

Other verses suggest even more different renderings of *q-t-‘*, such as ‘to cut across’:

Nor could they spend anything (for the cause)—small or great—nor cut across [*yaqta‘ūn^a*] a valley, but the deed is inscribed to their credit... (Al-Tawba 9:121)

Or ‘to sunder’:

Those who break God’s covenant after it is ratified, and who sunder [*yaqta‘ūn^a*] what God has ordered to be joined, and do mischief on earth... (Al-Baqara 2:27)

Or ‘to wipe out’:

Of the wrong-doers the last remnant was cut off [*quti‘a^a*]. Praise be to God, the cherisher of the worlds. (Al-An‘ām 6:45)

Or ‘to break ties’:

¹⁸ All translators without exception (i.e., including AhA) render *la-uqatti‘ann^a* as ‘to cut off’ and do not seem to see a problem in the (technically) impossible sequence of punishment from amputation to crucifixion.

Then, is it to be expected of you, if you were put in authority, that you will do mischief in the land, and break your ties [*tuqaṭṭi'ū*] of kith and kin? (Muḥammad 47:22)

Or 'to divide':

We divided them [*qaṭṭa'anāhum*] into twelve tribes or nations... (Al-A'rāf 7:160)

In light of these semantic variants of *q-t-*, we conclude that the expression 'to cut the thief's hand' cannot be interpreted as 'amputation by knife or sword'. Instead, we must consider alternative forms of punishments, such as imprisonment, which equally deters convicted thieves to 'put their hands' on items that they might steal. Imprisonment also allows society to release fully rehabilitated criminals back into society unharmed, thus fulfilling God's command to forgive and show mercy in the face of a thief's repentance and remorse:

But if the thief repents after his crime, and amends his conduct, God turns to him in forgiveness; for God is oft-forgiving, most merciful. (Al-Mā'ida 5:39)

Unlike a merciless, indiscriminate revenge for theft by corporal punishment, the possibility of imprisonment permits judges to impose different penalties that take the seriousness of each act of theft into consideration. In serious cases, such as stealing intelligence through espionage or embezzling money on the corporate or state level, the judge might interpret this as a serious threat to national security and our economy and impose the maximum sentence (analogous to the penalty for 'corruption in the land', see further below). But if the theft is of a much smaller scale, a lesser sentence will be more appropriate, and convicted criminals could be released from prison on parole if they no longer pose a threat to their community and society as a whole. None of this flexibility is, however, possible if sentences stipulate an indiscriminate amputation of the thief's hand, regardless of how serious the crime is and regardless of the circumstances in which it takes place. It has become the norm in most legal systems today that one should not go to the extreme and cut off the thief's hand. Given that, in referring to a thief, *the Book* always uses the active participle *sāriq* ('the one who steals'), referring to someone who is still actively engaged in criminal activities in contrast to someone who has profoundly repented of his crime, we should seriously recon-

sider our current understanding of theft and adopt a more flexible stance towards it (which, we believe, a well-organised prison system can clearly provide).

B. The punishment for ‘corruption in the land’ and ‘war against God’:

Those who wage war [*yuhāribūn*] against God and His Messenger and strive to spread corruption in the land [*yasʿaun^a fiʿl-ʿarḍ fasād^m*] should be punished by death, crucifixion, the amputation of an alternate hand and foot, or banishment from the land... (Al-Māʿida 5:33)

Except for those who repent before they fall into your power: in that case, know that God is oft-forgiving, most merciful. (Al-Māʿida 5:34)

Clearly, Allah provides us with the most extreme forms of punishment that determine the upper limit of what judges can impose on the enemies of God and His Messenger. But in light of what we said in chapter 1, that we must not criminalise those ‘who cut off their ties with God’, as they enjoy their human right to do so, we cannot interpret the phrase ‘those who wage war against God and His Messenger’ as a reference to atheists and freethinkers, and ‘corruption in the land’ is not a reference to peaceful opposition to despotic regimes or, for that matter, to any political authority. Instead, those who wage war against God are those who disrespect freedom of opinion, freedom of expression, and freedom of religion, while ‘corruption in the land’ is a reference to the corruptive practices in the political administrations of this world, to vandalism and antisocial behaviour by thugs and street gangs, and to the pollution of the environment by irresponsible big business tycoons.

Note, however, that He also provides several options, and it is up to the *mujtahids* to decide, in the concrete historical context, which penalty is the most appropriate for each crime. Note also that in 5:34, following the list of possible punishments in 5:33, God wants to open the ‘gate of forgiveness’ by stressing the possibility of repentance for the sinners ‘before they fall into your power’. Such a condition implies that the sinner’s repentance should occur *before* any arrest or other forms of intimidation (e.g., torture) take place, allowing time and opportunity for forgiveness on the part of those who prosecute the offender. Since there are three types of punishment mentioned in the verse it indicates that God leaves the decision to human legislators, and since imprisonment is currently the most applied form of punishment, we should accept this as the most sensible way to

punish criminals. It is not a sin to stay below the application of the upper limit. Only in the most severe cases of ‘war against God’ and ‘corruption in the lands’ should judges consider the application of the upper limit.

C. Homicide and physical harm:

Nor take life—which God has made sacred—except for just cause. And if anyone is slain wrongfully, we have given his heir authority (to demand *qisās* or to forgive); but let him not exceed bounds in the matter of taking life; for he is helped (by the law). (Al-Isrā’ 17:33)

O you who believe! The law of equality is prescribed to you in cases of murder: the free for the free, the slave for the slave, the woman for the woman. But if any remission is made by the brother of the slain then grant any reasonable demand and compensate him with handsome gratitude; this is a concession and a mercy from your Lord. After this whoever exceeds the limits shall be in grave penalty. (Al-Baqara 2:178)

Once again, *the Book* only mentions the upper limit: the most extreme punishment for taking a human life. Verse 33 of Sūrat al-Isrā’ refers to the punishment of ‘wrongful killing’, defined as an unjust act of unprovoked aggression and disproportionate brutality, but warns ‘not to exceed bounds in this matter’. It is thus forbidden to punish, in addition to the killer, his or her family, clan, and tribe, since excessive, revengeful punishment violates the principle of *lex talionis* and means that those who impose a penalty have overstepped the upper limit. *Mujtahids* will be required to clarify the degree of aggression, brutality, and premeditation that would justify the maximum penalty (death), and to distinguish this type of murder from unintentional killing or killing in self-defence for which life-long imprisonment might be the most appropriate punishment.¹⁹

¹⁹ Only on this last point does MS differ from classical Islamic jurisprudence which does not accept imprisonment as a form of punishment. If someone is killed accidentally (*khaṭa*) or semi-intentionally (*shibh ‘amd*) the killer is liable to pay an increased blood price (*diya mughallaḥa*) and retaliation is thus avoided. But MS upholds the notion of *qisās* or retaliation in the case of intentional killing, and yet he does not specify whether the state authorities or the family of the victim perform the act of retaliation. According to Islamic *fiqh*, *qisās* is carried out by the nearest kin of the victim after the conviction has been officially confirmed. The schools differ as to who among the relatives has the right to demand *qisās*, but they agree that if the victim has no known relatives the state will take over the task of *qisās*. The Mālikī, Shāfi‘ī, and Ḥanbalī schools state that the murderer is to be killed in the same way as he murdered his victim, while the Ḥanafī school allows in principal only execution

We notice again the possibility of repentance that is built into verse 178 of *Sūrat al-Baqara*: ‘but if any remission is made by the brother of the slain, then grant any reasonable demand, and compensate him with handsome gratitude’. As for the crime of killing a person by mistake, several different punitive actions are possible, depending on the social, ethnic, and geographical identity of the victim. Verse 92 of *Sūrat al-Nisā’* mentions a lower limit, consisting of ‘a fast for two consecutive months’ or the ‘freeing of a slave’, but one may free more than just one slave (or the equivalent of money through personal accident insurance policies):

Never should a believer kill a believer; but (if it so happens) by mistake, (compensation is due): If one (so) kills a believer, it is ordained that he should free a believing slave, and pay compensation to the deceased’s family, unless they remit it freely. If the deceased belonged to a people at war with you, and he was a believer, the freeing of a believing slave (is enough). If he belonged to a people with whom you have treaty of mutual alliance, compensation should be paid to his family, and a believing slave be freed. For those who find this beyond their means, (is prescribed) a fast for two months running: by way of repentance to God: for God has all knowledge and all wisdom. (*Al-Nisā’* 4:92)

Two types of penalties should be distinguished: the first is with regard to the family of the victim, to which the convicted killer must pay a certain amount of ‘blood money’. The second is with regard to the killer himself, whose atonement must consist of freeing a slave or, if he or she cannot afford this, of fasting for two consecutive months. Note that ‘freeing a slave’ has a wider meaning and does not just mean slavery in the conventional sense. It encompasses all forms of (modern) slavery. If a convicted killer liberates someone from the bondage of his or her financial debts, this would be accepted as a modern equivalent to ‘freeing a slave’. This idea is supported by verse 60 of *Sūrat al-Tawba*, which identifies ‘those in slavery’ as those who receive charity (*al-sadaqa*),²⁰ and verse 177 of *Sūrat al-Baqara* which mentions financial help for the ‘enslaved’ even

by the sword—but for other types of punishment they acknowledge the possibility of *ta’zīr*, i.e., discretionary considerations by the executive officials and judges. See al-Zuhaylī, *al-Fiqh al-islāmī*, vol. 7, 494–532; Peters, *Crime and Punishment*, 38–53.

²⁰ ‘Alms [*sadaqāt*] are for the [...] [financially enslaved] [*fi ’l-riqāb*] [...]. (Thus is it) ordained by God, and God is full of knowledge and wisdom’ (*Al-Tawba* 9:60). Translators maintain ‘slaves’ in their rendering of *riqāb*, but MP widens its meaning to: ‘to free the captives’ (but not for 2:177 where he keeps ‘slaves’), also AhA: ‘redeeming slaves (and captives).

before it mentions the duties of prayer and *zakāh*.²¹ In sum, the lower limit of atonement is freeing at least one ‘financially enslaved person’. If one can afford it, one should release more than one. If one cannot afford to free even one, a two-month fast is the absolute minimum for the reparation of the crime.

D. Public homosexual activities (*al-fahsha*)

I. Female homosexuality in public:

If any of your women are guilty of lewdness (*al-fāhisha*),²² take the evidence of four (reliable) witnesses from amongst you against them. And if they testify confine them to houses until death do claim them, or God ordain for them some (other) way. (Al-Nisā’ 4:15)

The upper limit for punishing homosexual activities between two women in public is their confinement to the house. Their crime is not the homosexual activity as such but the illicit performance of a sexual intercourse in public. *The Book* is silent about homosexual relationships in people’s private sphere. However, homosexual intercourse in public will be prosecuted, for which the verse demands four (reliable) witnesses ‘from amongst you’ (masculine plural), that is from the general passer-by. No penalty can be inflicted if a witness is from their own kind: the text clearly says *minkum*, not *minhunna* (from among the homosexual women). This implies that, for example, a public ‘coming out’ of a woman who confesses to be lesbian would not count as proper testimony. In any case, since homosexual feelings and desires are not sinful but the public act of intercourse is, lesbian women can enter into a romantic relationship as long as they avoid sexual acts in public. Even if they are caught in public,

²¹ ‘It is not righteousness that you turn your faces towards East or West. But it is righteousness to believe in God and the Last Day, and the angels, and the Book, and the messengers; to spend of your substance [‘*atā al-māl*’], out of love for Him, for [...] the ransom of [the financially enslaved] [‘*fī ’l-riqāb*’]; to be steadfast in prayer, and practice regular charity [‘*zakāh*’]; to fulfil the contracts which you have made; and to be firm and patient, in pain (or suffering) and adversity, and throughout all periods of panic. Such are the people of truth, the God-fearing’ (Al-Baqara 2:177).

²² MS understands the Arabic word *al-fāhisha* in this context not as ‘lewdness’ in the sense of any illicit heterosexual relations (adultery or fornication) but as an illicit public homosexual intercourse between either two women (4:15) or two men (4:16). This allows him to see no contradiction with the other verses (and what they contain of punishments) that deal with ‘abomination’ in a heterosexual context.

the verse mentions an alternative punishment to confinement to the house: ‘or God ordain for them some (other) way’. It should be considered that Allah calls here for a much lighter form of punishment. Who are we to think that we can afford to ignore a hint from God for more lenience in such serious matters!

II. Male homosexuality in public:

If two men among you are guilty [of it], punish them both. If they repent and amend leave them alone; for God is oft-returning, most merciful. (Al-Nisā’ 4:16)

In the case of homosexual intercourse between two males in public, punishment can be immediately inflicted without the need to call for witnesses. And yet, we should not forget that we can forgive the sinner because God has suggested this possibility in the very same verse. If, however, the path of forgiveness is blocked (because homosexual activities continue publicly) we should not hesitate to inflict punishments that cause pain. Strictly speaking, all kinds of pain, short of death, are allowed because this constitutes the upper limit of punishment for male homosexual intercourse in public.²³ Homosexual

²³ The harshness of MS’s verdict on repeated public homosexual activity reflects the severity by which homosexuality is treated in Islamic *fiqh*. In the Mālikī, Shāfi‘ī, and Ḥanbalī schools homosexual intercourse is equated to illicit sexual intercourse (*al-zinā*) and is, therefore, punished by death through stoning (Mālikī) or the sword (Shāfi‘ī and Ḥanbalī). According to the Ḥanafī school, punishment is determined by *ta‘zīr* or discretionary (corrective) chastisement because the treatment of the punishment for homosexuality lacks, unlike *zinā*, a clear *naṣṣ*. The most frequently prescribed punishment by Ḥanafī jurists is flogging or imprisonment, but they acknowledge the possibility of the death penalty if the ‘offence’ is repeated (see al-Jazīrī, *al-Fiqh ‘alā ’l-madhāhib al-arba‘a*, vol. 5, 63; Peters, *Crime and Punishment*, 61–62). MS demands punishments ‘short of death’ which means that he follows the position of the Ḥanafī school in the case of nonrepentance and the continuation of homosexual practices. As for female homosexuality, it is a great offence according to all four schools. There is however, a consensus among the *fuqahā’* that the rule of *ḥadd* is not applied to lesbianism, so that the punishment is given according to *ta‘zīr*, because full sexual intercourse (with penetration) does not take place between two women (see al-Jazīrī, *al-Fiqh*, vol. 5, 63). MS follows this logic of ‘lighter punishment’ and proposes corrective *ta‘zīr* measures of chastising lesbian ‘offenders’. MS stays more or less within the remits of classical *fiqh* but restricts punishments for homosexuality to acts of sexual intercourse in public. His more liberal interpretation allows homosexual couples a loving relationship without feeling guilty as long as they do not act it out in public. In this respect, public homosexual intercourse is not better or worse than public heterosexual intercourse which is equally illicit. What matters is not the sexual orientation of people but the undermining of the public order through

relationships in private are of no concern for Muslim legislators as long as they are based on consensual activities that avoid bestiality, debauchery, and orgylike excesses.

3. *Conjoined upper and lower limits*

This third type, conjoined upper and lower limits, is exemplified in the law of inheritance, which will be explored in detail in the next chapter. The main aim will be to demonstrate that Islamic inheritance law does not just prescribe one formula for distributing the inheritance but consists of several different options that depend on the number, sex, and the nature of the relationship between those who survive the deceased, for example, whether one has to consider the existence of parents, grandparents, and grandchildren or not. It will also be shown that the inheritance law which has been traditionally applied has had enormous repercussions on the manner in which the political system has functioned, basically since the seventh century. A reform of these inheritance procedures will therefore have a direct impact on the way state and government operate in the Arab-Muslim world.

4. *Meeting of upper and lower limits at one point*

– Unchasteness (*zinā*):

The woman and the man guilty of adultery or fornication: flog each of them with a hundred stripes; let not compassion move you in their case, in a matter prescribed by God, if you believe in God and the Last Day: and let a party of the believers witness their punishment. (Al-Nūr 24:2)

Let no man guilty of adultery or fornication marry but a woman similarly guilty, or an unbeliever: nor let any but such a man or an unbeliever marry such a woman: to the believers such a thing is forbidden. (Al-Nūr 24:3)

This fourth type refers to injunctions whose punitive measures are unambiguous. They exhibit absolute norms of how to punish for a crime. In the case of *zinā* (illicit sexual relations in either fornication or adultery), for example, to ‘flog each of them with a hundred stripes’ is a fixed penalty that combines both upper and lower limits. It should neither be less nor more than one hundred stripes, and no

sexual obscenities. This queer-friendly interpretation offers a possibility to homosexual Muslims to reconcile their sexuality to their faith.

compassion shall ‘move you in their case’. The other instance in which it is not permitted to even come near the prescribed limit (‘do not come near’, 2:187) is Allah’s command to stop eating and drinking during Ramadan as soon as ‘the white thread of dawn becomes distinct from the black’. This has been regarded as so important that a special call from the minaret warns people not to overstep this time limit; if they do their fast will become invalid and this will incur God’s punishment.

Allah does not, however, impose such extreme penalties unconditionally. We hear in verses 4 to 10 of Sūrat al-Nūr that no less than *four* witnesses are required to support the allegation of adultery. We also hear that ‘the curse of God’ will be evoked if these allegations turn out to be unfounded:

And those who launch a charge against chaste women, and produce not four witnesses (to support their allegations), flog them with eighty stripes and reject their evidence ever after; for such men are wicked transgressors. Unless they repent thereafter and mend (their conduct); for God is oft-forgiving, most merciful. And for those who launch a charge against their spouses, and have (in support) no evidence but their own, their solitary evidence (can be received) if they bear witness four times (with an oath) by God that they are solemnly telling the truth. And the fifth (oath) (should be) that they solemnly invoke the curse of God on themselves if they tell a lie. But it would avert the punishment from the wife, if she bears witness four times (with an oath) by God that (her husband) is telling a lie. And the fifth (oath) should be that she solemnly invokes the wrath of God on herself if (her accuser) is telling the truth. If it were not for God’s grace and mercy on you, and that God is oft-returning, full of wisdom—(you would be ruined indeed). (Al-Nūr 24:4–10)

It is remarkable to read how strictly Allah regulates the witnessing of unchaste activities. In requiring four truthful witnesses or a sacred oath from either husband or wife, Allah’s sense of justice is supreme: If God had not made it very hard to accuse someone of adultery we would see hundreds of baseless accusations on a daily basis, wild insinuations made purely out of menace, jealousy, envy, or feelings of frustration and disappointment by being rejected by the accused. Without Allah’s binding conditions for any accusation of adultery, men and women would simply be too frightened to be seen together, girls and boys would be too scared to talk and sit with the opposite sex, and the possibility of platonic friendship between men and women would be too risky to even contemplate. In His justice, Allah

not only imposed a very harsh penalty, leaving no room for either mitigation or mercy, He also provided a system of ‘double-checks’ that aims at counterbalancing the harshness of the imposed penalties and at preventing abuse by overzealous bigots.²⁴

5. *Lower and upper limits remain untouched by curvature*

The fifth type contains the movement of curvature between the lower and upper limits by which neither of the two are touched. This movement of curvature is, for example, present in sexual relations between men and women. Beginning with a point above the lower limit, where men and women do not yet have any physical contact, the curvature moves upward in the direction of the upper limit and stops close to committing *zinā*. The lower limit (no relationship) and the upper limit (*zinā*) remain untouched by this relationship. If, however, a couple is legally married, it is permitted to cross the upper limit since their (licit) sexual intercourse will not count as *zinā* (here: adultery). Thus type four will not apply here. In this case, to step over the upper limit is justified, similar to the case of (pardonable) killing in self-defence or manslaughter through culpable negligence. Types 4 and 5 are therefore interrelated because if, for example, a nonmarried couple is sexually active, their curvature illegitimately touches the upper limit, that is, *zinā* (here: fornication), while the sexual intercourse of a married couple does not count as *zinā* but as a legitimate touching of the upper limit as in type five.

²⁴ According to Ḥanafī law, both man and woman must be held accountable for the offence of *zinā* if they meet the following criteria: a) that they had illicit sexual intercourse (with penetration), outside a marital relationship, and b) that they either confessed this act four times on four different occasions, or four witnesses testified against them by providing specific details about the intercourse. As for its punishment, if the offender is a *muḥṣan/a*, i.e., if he or she is a free adult who has previously enjoyed legitimate sexual relations in matrimony, he/she would be punished by death (stoning). If he/she is not a *muḥṣan/a* the punishment is one hundred lashes applied to the whole body except for the face and the private parts (see Ibn Mawdūd al-Mūṣilī, *al-Ikhtiyār li-taʿlīl al-mukhtār*, vol. 2, 311–16). It is obvious that MS does not accept the death penalty since it cannot be supported by any textual evidence from the Qurʾān (it is based on a *ḥadīth* that changed flogging into stoning, even though the *ḥadīth* only mentions the stoning of the married female adulterer. See Peters, *Crime and Punishment*, 60).

6. *Curvature movement between a positive upper limit and a negative lower limit*

The sixth type represents the curvature movement between a positive upper limit and a negative lower limit. We often see this with financial transactions: if interest is levied the lower limit is reached; if, however, alms tax (*zakāh*) is paid the curvature moves towards the upper limit. In between, there is a level of payment that can be defined as point zero. An example of this neutral stage (neither positive nor negative) is an interest-free loan. Hence, fiscal transactions in a given society move, by responding to the economic and social needs, between the two extremes of a) payments of taxes and charity money to b) giving loans with interest, while a middle position is reached if c) interest-free loans are provided.

If we take the root meaning of *r-b-w*, the Arabic term for ‘interest’, we notice that it means ‘growth or increase’, an expansion of wealth by ‘adding up’ or ‘piling up’. In words such as *rabiyya* or *rubwa* (‘hill’), derived from the same root, we discover similar semantic connotations. Let us look at verses that mention the term *al-ribā*:

Those who devour usury [*al-ribā*] will not stand except as stand one whom the evil one by his touch has driven to madness. That is because they say: “Trade is like usury [*al-ribā*],” but God has permitted trade and forbidden usury [*al-ribā*]. Those who, after receiving direction from their Lord, desist shall be pardoned for the past. Their case is for God (to judge), but those who repeat (the offence) are companions of the Fire: they will abide therein (for ever). (Al-Baqara 2:275)

God will deprive usury [*al-ribā*] of all blessing, but will give increase for deeds of charity; for He loves not creatures ungrateful and wicked. (Al-Baqara 2:276)

O you who believe! Fear God and give up what remains of your demand for usury [*al-ribā*], if you are indeed believers. (Al-Baqara 2:278)

If the debtor is in a difficulty, grant him time till it is easy for him to repay. But if you remit it by way of charity, that is best for you if you only knew. (Al-Baqara 2:280)

O you who believe! Devour not usury [*al-ribā*], doubled and multiplied; but fear God that you may (really) prosper. (Āl ‘Imrān 3:130)

That which you lay out for increase [*al-ribā*] through the property of (other) people, will have no increase with God. But that which you lay out for charity, seeking the countenance of God, (will increase): it is these who will get a recompense multiplied. (Al-Rūm 30:39)

O you who believe! Eat not up your property among yourselves in vanities. But let there be amongst you traffic and trade by mutual

good-will. Nor kill (or destroy) yourselves; for verily God has been to you most merciful! (Al-Nisā' 4:29)²⁵

From this list of verses we are able to discern four different types of 'interest':

A. Interest on *ṣadaqa*

God will deprive usury of all blessing, but will give increase for deeds of charity; for He loves not creatures ungrateful and wicked. (Al-Baqara 2:276)

B. Interest on *zakāh*

That which you lay out for increase through the property of (other) people, will have no increase with God. But that which you lay out for charity, seeking the countenance of God, (will increase): it is these who will get a recompense multiplied. (Al-Rūm 30:39)

C. An upper limit for acceptable interest

O you who believe! Devour not usury, doubled and multiplied; but fear God that you may (really) prosper. (Āl 'Imrān 3:130)

D. A point zero

If you do it not, take notice of war from God and His apostle. But if you turn back you shall have your capital sums. Deal not unjustly and you shall not be dealt with unjustly. (Al-Baqara 2:279)

Based on verses from *the Book* we propose a flexible banking system which can incorporate, if need be, interest on loans provided that the limits set by Allah are observed, but which can also prevent interest being charged at an exorbitant rate (usury). Our proposal is based on the belief that *the Book* does not categorically and unconditionally prohibit the charging of interest, and we do not follow either Muḥammad's (ṣ) or 'Umar b. al-Khaṭṭāb's conclusive veto against it.²⁶ Instead, we maintain that the three possible ways of money

²⁵ Ambros summarises the use of *ribā* as follows: 'lit. "increase", is used in eight places, with reference to the practice of lending money (or possibly other goods) with an increased charge, in at least three different ways: 1. "the practice in question itself" (2:275, 2nd & 3rd occ.s), 2. "(unlawful) gain from this practice" (2:275, 1st occ., 2:276, 3:130, 4:161), 3. "money that is lent" (30:39), while in the last place (2:278) the word appears to mean "contract stipulating the payment of interest" or possibly "outstanding payment of interest" (note the spelling in 30:39 *r-b-*' indet., in the other places articulated: *'rbiw*" (Ambros, *Dictionary*, 107–8).

²⁶ In the Ḥanafī *fiqh* literature *ribā* is commonly described as of two kinds: a) *ribā al-nasī'a*, also defined as credit, and b) *ribā al-faḍl* or surplus *ribā*. The first kind, *ribā al-nasī'a*, refers to a transaction of goods by which one party receives a higher amount in return for accepting the delay of payment by the other party. The second kind, *ribā al-faḍl*, refers to an exchange of similar goods between two parties in which one

transfer within a society correspond to the movement, suggested above, between an upper and a lower limit.

1. *Zakāh*:

This is a special type of charity since it is defined as an alms tax for the benefit of the poor and handicapped who are adherents of Muḥammad (ṣ): Muslim-Believers. It corresponds to the absolute minimum of money transfer, a lower limit of *ṣadaqa* (fixed as 2.5 percent of supraincome) that cannot be reduced.

2. *Sadaqa*:

This is a general type of charity, called *ṣadaqat al-islām*, whose recipients are the poor and handicapped, whether they believe in Muḥammad's (ṣ) message or not. There exists no upper limit and each contribution is voluntary. The lower limit of *ṣadaqa* is the payment of *zakāh*. There are therefore two different kinds of *ṣadaqa*:

I. General *ṣadaqa* for everyone:

It is not righteousness that you turn your faces towards East or West. But it is righteousness to believe in God and the Last Day, and the angels, and the Book, and the messengers; to spend of your substance [*'atā al-māl*], out of love for Him, for your [*dhawī 'l-qurba*], for the [*yatāmī*], for the [*al-masākīn*], for the [*ibn al-sabīl*], for those who are [*al-sa'itīm*], and for those [*fi'l-riqāb*]; to be steadfast in prayer, and practice regular charity [*zakāh*]; to fulfil the contracts which you have made; and to be firm and patient, in pain (or suffering) and adversity, and throughout all periods of panic. Such are the people of truth, the God-fearing. (Al-Baqara 2:177)

party receives an unfair gain in the six forbidden commodities: gold, silver, barley, salt, wheat, and dates. For both kinds of *ribā* the legal ruling is *hurma*, impermissibility, which rendered the transaction as *fāsīd*, corrupt or incomplete. However, the example is often quoted of the *ṣahāba* who believed that only the second type is impermissible as it was explicitly forbidden by the Qur'an, while the first type was only mentioned in the Sunna. Al-Zuḥaylī believes that this opinion has been challenged by the majority of *fuqahā'* and that a consensus has been established according to which all types of *ribā* are forbidden (see al-Zuḥaylī, *al-Fiqh al-islāmī*, vol. 5, 353–71). MS aims at bypassing this uncompromising disapproval of financial gain through *ribā* and proposes a more flexible position whereby financial gains are controlled, reassessed, and, if necessary, capped by state regulations (more in line with the existing banking system).

II. Specific *ṣadaqa* for the Muslim-Believers (paid as *zakāh*):

Alms [*ṣadaqāt*] are for the [*fuqarā'*] and the [*masākīn*], and those who are [*al-‘āmitīn ‘alaihā*]; for those who are [*al-mu‘allafā qulūbuhum*]; for those [*fi’l-riqāb*] and [*al-ghārimīn*]; [*fi ṣabīl Allāh*]; and for the [*ibn al-ṣabīl*]. (Thus is it) ordained by God, and God is full of knowledge and wisdom. (Al-Tawba 9:60)

In verse 177 of Sūrat al-Baqara we hear about six types of people who are recipients of charity money: 1) *dhawū ‘l-qurba*: friends and acquaintances who are not blood related (because blood relatives would be *ūlū ‘l-qurba*);²⁷ 2) *al-yatāmī*: orphans; 3) *al-masākīn*: handicapped people, those whose body functions are paralysed or ‘still’ (*sakana*); 4) *ibn al-ṣabīl*: people on a journey who are stranded because of mishaps such as robbery or a car accident; 5) *al-sā’itīn*: people in need as a result of natural disasters such as floods, earthquakes, famines, or hurricanes; 6) *fi’l-riqāb*: those, as defined earlier, who are indebted without a chance to pay off their debts.

If we read the verse farther down we see that ‘regular alms-tax’ (*zakāh*) is mentioned separately, and we know why, because this is a special tax of the Muslim-Believers and an exclusive pillar of *al-īmān*. Charity money, as mentioned first in the verse, is, however, part of *al-islām* and given to people in need, needless of their religious affiliation. Verse 60 of Sūrat al-Tawba even mentions eight types of recipients: 1) *al-fuqarā'*: the poor, 2) *al-masākīn*: the handicapped,²⁸ 3) *al-‘āmitīn ‘alaihā*: those who administer the *zakāh* tax, 4) *al-mu‘allafā qulūbuhum*: people whose work has a positive impact on public life, 5) *fi’l-riqāb*: the financially enslaved, 6) *al-ghārimūn*: people in debt and imprisoned because of their insolvency, 7) *fi ṣabīl Allāh*: donations ‘in

²⁷ MS’s definitions of the Arabic terms are not given by any of the consulted translations. A typical rendering [by YA] would be: “It is righteousness that you turn your faces towards East or West; but it is righteousness to believe in God and the Last Day, and the angels, and the Book, and the messengers; to spend of your substance, out of love for Him, for your kin, for orphans, for the needy, for the wayfarer, for those who ask, and for the ransom of slaves; to be steadfast in prayer, and practice regular charity; to fulfil the contracts which you have made; and to be firm and patient, in pain (or suffering) and adversity, and throughout all periods of panic. Such are the people of truth, the God-fearing’ (Al-Baqara 2:177).

²⁸ Same as previous footnote; YA renders this verse as follows: ‘Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to truth); for those in bondage and in debt; in the cause of God; and for the wayfarer: (thus is it) ordained by God, and God is full of knowledge and wisdom’ (Al-Tawba 9:60).

God's way' to sponsor the foundation of universities, schools, hospitals, and 8) *ibn al-sabīl*: travellers in need of assistance.

These eight types of recipients are entitled to charity from within *al-īmān*, that is, they are the recipients of *zakāh*, the lowest type or minimal amount of *ṣadaqa*. Three types of recipients are mentioned in both *sūras*: a) travellers in need of help, b) the handicapped, and c) the financially enslaved, implying that these people are entitled to charity regardless of their religious affiliation.

In contrast, three types in the first *sūra* are not mentioned in the second *sūra* and will therefore not receive money through *zakāt al-īmān*: a) orphans, b) acquaintances, and c) people in need because of natural catastrophes. That leaves us with five types of recipients who receive alms by virtue of their religious affiliation to Muḥammad (ṣ) and *al-īmān*: a) the poor, b) the *zakāh* administrators, c) people who improve public life, d) people imprisoned because of their debts, and e) those who sponsor institutions of public health and education.

3. Loans:

Zakāh and *ṣadaqāt* are for those who cannot repay their debts. We cannot expect any return for what we donate to them. Others, however, can repay their debts but without having accrued interest. They would receive an interest-free loan which defines a financial transaction being at point zero:

If you do it not, take notice of war from God and His apostle. But if you turn back you shall have your capital sums [*ru's amwālikum*]. Deal not unjustly and you shall not be dealt with unjustly. (Al-Baqara 2:279)

If people are wealthy enough to repay the borrowed money with interest (e.g., people working in industry, agriculture, the financial and service sectors, and such, in short the great majority of society), one should not, as verse 130 of *Sūrat Āl 'Imrān* demands, asks for more than 100 percent interest of the original loan, that is, at maximum twice the borrowed sum, regardless of how long it takes to repay the debts:

O you who believe! Devour not usury, doubled and multiplied; but fear God that you may (really) prosper. (Āl 'Imrān 3:130)

Finally, why does verse 275 contain the following clause?

...but God has permitted trade and forbidden usury (Al-Baqara 2:275)

The answer is given in verse 276 that immediately follows:

God will deprive usury of all blessing, but will give increase for deeds of charity; for He loves not creatures ungrateful and wicked. (Al-Baqara 2:276)

We understand that 2:276 prohibits the payment of interest on money given in charity but allows recipients of charity to earn income through trade. In 2:275, Allah thus 'permitted trade' for recipients of charity but forbade charging interest on the money they receive through charity. In other words, while profit through trade is allowed, profit through charity is forbidden. It must not be understood, as can frequently be heard, that, through 2:275, Allah has allowed all types of trade while forbidden all types of interest. Such an unqualified statement would imply that, before Allah's revelation concerning trade and interests all trade was forbidden and all types of interest were allowed which would, of course, be historically untrue and economically absurd. Instead, Allah wanted to clarify the position of the recipients of charity.

If He had not allowed people to trade with profit we would be in a grotesque situation in which every businessman ought to check whether his trade partners are entitled to charity or not; if so, the partnership would have to cease immediately. In order to avoid such chaotic and counterproductive trade arrangements and to separate trade from charity, verse 2:275 was revealed. This had a huge impact on society since it allowed welfare organisations, hospitals, charity banks, mental institutions, old people's homes, and such to receive charity money regardless of their commercial and financial activities. If we look at the existing fiscal arrangements in most countries of the world we see how it corresponds best to the human disposition (*al-fitra*).

We conclude this chapter by discussing the main differences between our proposed theory of limits and conventional *fiqh* jurisprudence:

1. We do not treat the legal verses of *the Book* as codified law but as signposts or ethical-legal markers that Allah asked human beings not to overstep. Traditional *fiqh* jurisprudence has regarded the

- legal verses as absolute law which allowed neither mitigation nor adaptation to changing social and cultural circumstances. Our theory of limits aims to regain the flexibility and elasticity in human legislation that was originally built into the divine text but which was removed by an overly rigid system of *fiqh* jurisprudence.
2. We re-emphasise the high degree of universality in Islamic legislation that is implicit in Allah's revelation. Traditional jurisprudence has sacrificed this universality in favour of very narrow cultural and nationalist agendas that reflect particular political interests more than they do the universal ethical message of *the Book*. We propose to disentangle Islamic legislation from the narrow cultural perspective of seventh-century Arabia and to replace it with a universal perspective which allows cultural diversity beyond the specific legal parameters on the ancient Arabian Peninsula.
 3. We treat the *sunna* of Muḥammad (ṣ) as a model of good legal practice in the theory of limits, not as the ultimate specification and binding exemplification of Islamic law. Traditional jurists imprisoned the universal message of *al-islām* too rigidly by their legal injunctions derived from Muḥammad's (ṣ) *sunna*, thereby mixing *al-islām* with the more specific and much narrower concept of *al-īmān*. We suggest to regard the *sunna* as an exemplary method of how to cope with the challenges and legal conflicts that Muḥammad (ṣ) faced in his time and of how to emulate his methods and apply them with our methodology (*minhāj*) to a system of law by which we are able to face the challenges of our modern times.
 4. We dispense with 'analogy' (*qiyās*) as a source of law as a consequence of our quest for universality in Islamic legislation. Traditional jurisprudence is inhibited by this method which has locked generations of jurists firmly inside the legal and intellectual horizon of seventh-century Arabia. The theory of limits functions perfectly well without analogies, which allows *mujtahids* to be firmly rooted in their contemporary context and to substitute comparisons to early Islam with references to the latest results of scientific research. This also allows them to correlate Islamic legislation with the epistemological progress in the sciences.²⁹

²⁹ In brief, *qiyās* in Islamic *fiqh* means judicial analogy and is a juristic tool that legal scholars use when they are dealing with issues for which there is no specific provision in the Qur'an or the Sunna. It is technically defined as the extension of an original legal precedent to a subsidiary case by virtue of an effective *'illa*, or cause common to both. Not all judicial analogies today take their original legal precedent

5. We base the theory of limits on the belief that Muḥammad's (ﷺ) message (*al-risāla*) is the last message sent by Allah to human beings. No other new revelation will ever replace Muḥammad's (ﷺ) message, unlike previous revelations that were meant to be replaced entirely. For this reason Muḥammad's (ﷺ) message was not formulated as a final expression of law but in a way that permits a further evolution of law for millions of years until the coming of the Last Day. Unforgivably, traditional jurisprudence has regarded Muḥammad's (ﷺ) message in exactly the same way as previous messengerhoods and treated its law as absolute, certain, and definitive. This is a fatal mistake because it has regretfully negated the real essence of Muḥammad's (ﷺ) message as the last and final revelation which is, by legal and historical logic, at odds with absoluteness and comprehensiveness.
6. We take seriously the changes in cultural and social patterns of human behaviour and adopt them with our theory of limits. We compare human legislation with a football field where players are allowed to move freely and to use the entire space available. Traditional jurists have been so frightened of unexpected moves and unpredictable developments that they interpreted the rules of the game in such a rigid way that players were only allowed to move *on* the sidelines of the field which, inevitably, led to a complete paralysis of the game. Put in legal terms, we would allow flexibility in moving across the entire field of legislation, encouraging creative moves that lead to great sociocultural diversity in regulating marriage, divorce, inheritance, theft, murder, adultery, polygamy, dress codes, and so on, provided that legislators and *mujtahids* always stay strictly within the limits that Allah has laid out in *the Book*.
7. We distinguish between three branches (*furū'*) of Muḥammad's (ﷺ) message, of which only one allows the practice of *ijtihād*. *Ijtihād* will never be allowed in the sphere of rituals, since alterations will be rejected as harmful and illegitimate innovations (*bid'a*). The same is true for ethics and moral ideals, since the divine condemnation

from the early period of Islam, but it is the case—as MS says—that the *fuqahā'* aim to legitimize their legal rulings by at least one supportive statement (that resembles in cause or reason their current ruling) from the Sunna or other early authoritative texts of their legal school. For MS, such reassurance by rulings of the past is an obstacle to the formulation of a system of law that is firmly rooted in the contemporary, modern, period.

of hatred, greed, dishonesty, gluttony, and such must never be modified or changed. In the third branch, that is, the legal sphere, the legislative verses of command (do!) and prohibition (do not!) permit the exercise of *ijtihād*. However, traditional *fiqh* jurisprudence, obsessed with an almost pathological quest for ritual accuracy, has ignored the ethical sphere, blocked *ijtihād* in new legislation, and instead dealt with the smallest and most insignificant details of ritual behaviour. Our theory of limits puts the priorities right and allows *ijtihād* for all legal verses, whether explicit *naṣṣ* texts or not, and retrieves the ethical underpinning of Islamic law that it once undoubtedly had.

8. Finally, we believe that the theory of limits functions without the need to resort to abrogations. In our view, the abrogation of legal verses within one and the same messengerhood never took place. If verses were abrogated then this was only between subsequent messengerhoods, for example, between Moses and Muḥammad, as explained earlier. This implies that a new messengerhood could either amend or completely annul an earlier messengerhood or, if no legal provision was given, introduce an entirely new rule. Traditional *fiqh* has, on the contrary, been based on the acceptance of abrogation *within* messengerhoods, assuming wrongly that the following two verses support their false views:

None of our revelations do We abrogate or cause to be forgotten, but We substitute something better or similar... (Al-Baqara 2:106)

When We substitute one revelation for another...; and God knows best what He reveals (in stages)... (Al-Naḥl 16:101)

We believe that both verses refer only to the abrogation of divine messages (as a whole), not individual sentences of the divine text. This is based on our belief that Allah would not issue contradictive legislation *within* one and the same messengerhood, whatever the historical situation. We believe in a succession of messages that are naturally replaced by a new revelation. Thus we see ourselves today in a wholly new postprophetic age in which, although formed and shaped by previous messengerhoods, we have matured to such a degree that we can be left alone to sort out legal problems without further divine messages. As we have shown, Allah has urged us unambiguously not to wait for new revelations but to rely on reason in using what we have already been given.

CHAPTER FIVE

WOMEN AND ISLAMIC LAW

Since the age of Islamic reformism in the nineteenth century numerous attempts have been made to improve the position of women in Islam by reformulating *sharī'a* law in the light of social change and modern developments. And yet, to our knowledge, not a single study has tried to propose legal reforms by exploring the dialectical relationship between 'straightness' and 'curvature' in human legislation and by studying this relationship in consideration of the human natural disposition, *al-fiṭra*. We propose therefore to start our investigation into the possibilities of legal reform with the notion of Allah's limits, which not only stipulates boundaries (straightness) but also allows human legislation the freedom to move and change (curvature).

We can see three major reasons why previous attempts to radically reevaluate the situation of women in the Arab-Muslim world have failed:

In their study of the 'mother of the book' (*umm al-kitāb*), jurists have failed to distinguish between verses that stipulate Allah's limits and verses that are purely informative and legally nonbinding (suggesting only good practice). Also, in their study of Muḥammad's *sunna* they confused compulsory with optional categories of law. In more general terms they simply overlooked the existence of limits in Islamic legislation. In defence of medieval scholarship we might say that their understanding of *ḥudūd Allāh* was bound to be rather primitive and that their scholarship could not significantly improve before the introduction of Isaac Newton's revolutionary theories, which gave Allah's limits a solid mathematical underpinning. It was only after the introduction of Newton's theory of 'limits'¹ that

¹ MS alludes here to Newton's groundbreaking solutions to inherently difficult problems in analytical geometry by drawing tangents to curves (differentiation) and by having defined areas bounded by curves (integration), which are both elementary for MS's approach to solving the problems of Islamic inheritance law. The specific mathematical reference here is to Newton's method of approximation that is iterative and that employs a differential expression which is the derivative $f'(x)$ of the

forthcoming generations of scientists were able to study phenomena in nature and link them to the limits that Allah has set for human societies. However, current Muslim scholarship cannot resort to this excuse. After centuries of progress in the natural and social sciences, we are now able to apply the legal impositions of what is 'straight' and what is 'curved' in line with what is inherent in nature and the disposition of human beings, thus allowing us to embark on a truly contemporary and enlightened assessment of the situation of women, based on our rereading of *the Book*.

1. Feminists have failed to envisage a struggle for the liberation and emancipation of women that goes beyond the time of Muḥammad's life. In their attempt to prove that Islam is not misogynous, Islamic feminists have too often focused solely on how Muḥammad's mission has liberated women in ancient Arabia, while more or less ignoring the plight of Muslim women ever since. By doing so they have unintentionally suggested that the liberation of women achieved under Muḥammad was the optimum of emancipation possible. And since during Muḥammad's time women were not working as judges and preachers and since they did not occupy high political positions, this was seen as the maximum amount of women's liberation that we, today, are not allowed to further extend. This ignores, of course, the fact that the position of women in Arabian society was, just like slavery which initially had to be endorsed, something that did not allow radical changes or, to put it in evolutionary terms, something that did not allow a sudden 'combustion of entire time periods'. Just as a sudden abolition of slavery would have destroyed the social fabric and the prevalent means of production in ancient Arabian society, a radical repositioning of women's roles would have undermined the social stability that Muḥammad (ṣ) so desperately wanted to achieve with his new state.² The society which Muḥammad (ṣ) created was Islam's first but not only model—Islam's first fruit, so to speak.

function, a kind of a fluxion that is based on a theory of limits. See P. Kitcher, "Fluxions, Limits, and Infinite Littleness: A Study of Newton's Presentation of the Calculus," *Isis* 64, no. 221 (1973), 33–49, and N. Kollerstrom, "Newton's Method of Approximation: An Enduring Myth," *British Journal for History of Science* 25 (1992), 347–54.

² The slave trade in Islam was banned for the first time in 1847 for the region of the Persian Gulf, and in 1887 the authorities of the Ottoman Empire signed with Great Britain a convention against it. The last Muslim countries to outlaw slavery were Qatar (1952), Saudi Arabia (1962), and Mauritania (1980). Even though slavery

Muḥammad's (ṣ) political and legal decisions were deliberately positioned between Allah's limits and constantly adapted to the spirit of his time: at times he enforced Allah's limits vigorously, and at other times he allowed old conventions to continue if their practices did not violate Allah's law. Such conventions, however, prevented women from doing what they would do today because it severely limited the opportunities of women to fulfil public roles. In some areas, however, for example as advisors to political leaders, in community administration, or during military campaigns, the remarkable public positions of 'Ā'isha or Khawla bint al-Azwar³ demonstrate that the new religion inherited a structural imbalance but did not exclude women from public affairs *per se* (i.e., only because they were women). One should not forget that the first martyr for the sake of Islam was Sumayya, a woman.⁴

And yet, we must not think that women's emancipation ended with Muḥammad's (ṣ) reform of ancient Arabian society. What is needed today is to understand his messengerhood and the verses of the 'mother of the book' in their dual capacity to both absorb the prevalent historical conditions of Muḥammad's (ṣ) time *and* encompass subsequent developments that allow much greater

is now not practiced any longer in the Arab and Muslim world, Islamic *fiqh* 'only' strongly discourages the practice of slavery but does not, because it cannot formally abolish an explicitly condoned practice in the Qur'an, declare it as obsolete. Hence, the notion of slavery still exists in principle (see al-Zuḥaylī, *al-Fiqh al-Islāmī*, vol. 3, 359–61; vol. 8, 67–69. See also William Clarence-Smith, *Islam and the Abolition of Slavery* (New York: OUP, 2006)).

³ A female companion of the Prophet who died in the year 655. She came from the famous tribe of the Banū Asad and was known for her elegant poetry and her skills in warfare. She was among the Muslim women who were taken as prisoners of war during the Battle of Yarmūk where she led a campaign to fight for their freedom. She also impressed the caliph 'Umar b. al-Khaṭṭāb and the Muslim commander Khālid b. Walīd with her bravery when she came to Syria to free her brother Dīrār who was held captive by the Byzantine army (see Abū 'Abd Allāh al-Wāqidi, *Futūḥ al-Shām* (Beirut: Dār al-Kutub al-'Ilmiyya, 1997), 42–48; 208).

⁴ Sumayya bint al-Khayyāṭ, a female Abyssinian slave of Abū Ḥuzayfa b. al-Mughīra who had converted to Islam in the early period of Muḥammad's mission. She died as a result of brutal torture by Abū Jahl and was subsequently considered the first female martyr in Islam, although strictly speaking in a (traditional) Sunni Islamic context, martyrs are primarily those who fight unbelievers for the advancement of Islam in a military confrontation and who sacrifice their lives for this. As a consequence, Muslim exegetes count those fighters who fell at Uhud (625) as the first martyrs (see *Encyclopaedia of the Qur'an*, s.v. "Martyrs." (W. Raven), 281–87). MS vehemently contests this definition of martyrdom (see chapter 6), that is why he considers Sumayya as the *true* first martyr of Islam.

emancipation. Muḥammad's (s) reforms were only one small (albeit not insignificant) part of a much wider scheme of women's liberation.

2. Exegetes have failed to correctly identify the meaning of the Arabic term *al-nisā'*, which has often been too narrowly understood to mean 'women'. The importance of redefining this term is immediately apparent when we look at the following two verses:

Fair in the eyes of men [*sic*] [*li'l-nās*] is the love of things they covet: women [*sic*] [*al-nisā'*]⁵ and sons; heaped-up hoards of gold and silver; horses branded (for blood and excellence); and (wealth of) cattle and well-tilled land. Such are the possessions of this world's life, but in nearness to God is the best of the goals (to return to). (Āl 'Imrān 3:14)

Your wives [*sic*] [*nisā'ukum*]⁶ are as a tilth unto you. So approach your tilth when or how you will, but do some good act for your souls beforehand; and fear God. And know that you are to meet Him (in the Hereafter), and give (these) good tidings to those who believe. (Al-Baqara 2:223)

If we still insist, as generations of exegetes did,⁷ that *al-nisā'* can only mean 'women' or 'wives' we have entered, hermeneutically and intellectually, a cul-de-sac that cuts us off from a progressive

⁵ Like YA other translators render the Arabic *al-nās* and *al-nisā'* as referring to men (*al-nās*) and women (*al-nisā'*), even though *al-nās* is gender neutral and includes men and women, AH: 'the love of desirable things is made alluring for *men—women*, children...'; AA: 'Decked out fair to *men* is the love of lusts—*women*, children...'. Other translators render *al-nās* in a more generic sense as 'mankind' (although still gendered—it should be humankind!) or 'people', but still translate *al-nisā'* as 'women'; AB: 'To *mankind* the love of worldly appetites is painted in glowing colours: *women* and children'; MF: 'attractive to *mankind* is made the pleasures of *women*'; AhA: 'Enamoured are the *people* of the lust of (earthly) pleasures, of *women* and of children'; MP: 'Beautified for *mankind* is love of the joys (that come) from *women* and offspring'. This rendition of [gender biased] *mankind* (loves) *women* is for MS still not satisfactory since it: a) allows us to regard women as a commodity, not more than 'heaped-up hoards of gold and silver, and b) it is theologically inconsistent since mankind's (at least generically comprising both men and women) love of women sanctions women's love of women and this is not explicitly sanctioned by *the Book*.

⁶ Like YA, AH renders *al-nisā'* straightforwardly as 'wives', implying that the verse addresses the (sexual) relationship of a (heterosexual) marriage, 'your wives are your fields'. The others keep *al-nisā'* generically as 'women', MF, AA: 'your women are a tillage for you'; AhA: 'women are like fields for you'; MP: 'your women are a tilth for you'; AB: 'your women are fertile fields for you', but both renderings are for MS still inherently misogynist in the way they project women as objects or commodities for satiating men's lust.

⁷ The translators of the Qur'an are no exception to this, as we can see in the examples given in the two previous footnotes.

flow of history. In both verses (3:14 and 2:223), if *nisā'* is rendered as 'women', they can only be seen as no more than a commodity for men ('the possessions of this world's life') or a piece of land to be tilled ('when or how you will'). A first step to avoiding such misogynist renderings is to accept the fact that, in speaking of 'women' and 'men', Allah uses different terms when He refers to them as: a) biological beings, either male or female, or b) when He refers to them as cultural beings who possess morality, consciousness, and the ability to rationally reflect on their social and cultural environment. Examples are as follows:

That He did create in pairs—male [*al-dhakar*] and female [*al-unthā*]. (Al-Najm 53:45)

And of every thing We have created pairs [*zawjain*]: that you may receive instruction. (Al-Dhāriyyāt 51:49)

O mankind [*sic*]⁸! [*Yā aiyuhā al-nās*] We created you from a single (pair) of a male [*al-dhakar*] and a female [*al-unthā*], and made you into nations and tribes, that you may know each other—not that you may despise (each other). Verily the most honoured of you in the sight of God is (he who is) the most righteous of you... (Al-Ḥujurāt 49:13)

We have honoured the sons [*sic*][*baniya*] of Adam... (Al-Isrā' 17:70)

In the first and second verse Allah speaks about His creation in pairs which include not only men and women but everything that is either male or female, and that includes animals and plants that unlike humans do not possess the capacity to think and reflect. Biologically, women share their sex with other female creatures, by receiving the semen of the male species, by becoming fertilised by the male sperm, by giving birth after a period of pregnancy, and by nursing their progeny. Men are of the opposite sex which they share with any other male creature on the earth. They are the biological partners (*zawj*) of females with whom they form a relationship of natural correspondence for the purpose of procreation.

In the third and fourth verse, Allah does not speak about males and females but about humans (men and women) who, by having Allah's spirit breathed into them, are able to think rationally and

⁸ 'Mankind' is, unlike the nongendered Arabic term *al-nās*, a gendered term. That is why 'humankind' much better translates the gender neutrality of the Arabic original.

act consciously. In all those instances in which Allah addresses humans as rational beings the *qurʿān* starts with the exclamatory ‘O humankind!’, implying that no distinction is made between males and females. In other words, Allah ‘honoured both sons and daughters of Adam’,⁹ regardless of their biological status, on the basis of the ‘good deeds’ they perform for the benefit of all humankind. Provided that the right historical circumstances are given, we believe that women are as capable as men to occupy leading positions in state and society. It is our endeavour to completely revise the notion that men are inherently superior to women because women lack rationality or because they are spiritually inferior to men.

TOWARD A CONTEMPORARY UNDERSTANDING OF *FIQH* FOR WOMEN

Our aim is to correct these three failures of traditional jurisprudence and to present a truly contemporary understanding of *fiqh* jurisprudence for women, based on the notion of a *lex liminalis* in Islamic legislation and on the belief that the legislative verses of *the Book* are valid for all time and in all places, allowing both flexibility and elasticity vis-à-vis the development of history and the demands of human society. In contrast to the legal codex that Moses brought to his people, which contained more than 600 concrete laws or legal injunctions, the legal verses of *the Book* contains less than a tenth of this number. The reason for this sudden reduction in the number of legislative verses is, as explained in chapters 2 and 4, the change in the nature of Muḥammad’s (ṣ) messengerhood: from a legal system where all laws are specific and punishments certain, to a legal system which only provides a universally applicable legal framework in the form of upper and lower limits (*straightness*), between which legislators formulate (diverse) particular laws (*curvature*). This new legal system works like a field whose borders provide the outer boundaries between which human legislation takes place. In some instances, laws may not even touch these boundaries (cf. 2:187),¹⁰ in other instances

⁹ MS says ‘sons *and* daughters of Adam’, in contrast to YA’s rendering of *baniya adam* as only ‘sons of Adam’; also AB ‘the sons of Adam’, but others have kept it, as MS, more gender neutral, MF, AhA, MP, AA, AH: ‘the Children of Adam’.

¹⁰ These are the bounds set by God, so do not go near them [*la taqrabūhā*]... (Al-Baqara 2:187, AH).

boundaries may be touched but not transgressed (cf. 24:31). And when *the Book* states that ‘these are the limits (imposed by) Allah...’ (Al-Nisā’ 4:13) and warns people not to ‘disobey Allah and His messenger and transgress His limits...’ (Al-Nisā’ 4:14) it is clear that His intention is to declare the limit-based character also of Allah’s law of succession—stated in the preceding verses: ‘God (thus) directs you as regards your children’s (inheritance): to the male, a portion equal to that of two females...’, and such. (Al-Nisā’ 4:11–12).

We will observe three fundamental principles in determining a law that moves between the boundaries of God:

1. The legal instrument of analogy (*qiyās*) must only be employed if comparisons are based on what is empirically manifest (*shāhid*) and not, as traditional jurists claim, on what is hidden (*ghā’ib*): that which has its root in the past and cannot be proven empirically. Acceptable empirical data are, for example, statistics about *current* birth rates, the percentages of women *currently* employed, or the distribution of wealth and the per capita income of a society’s *current* population. These data constitute the external criteria (of credibility) from which textual analogies are drawn.
2. Internal credibility is achieved through analogies and comparisons between textual passages of *the Book* based on the dialectical notion that underneath the thematic unity of verses and *sūras* an ideational polarity of mutual opposition and duality exists.
3. The verses of *the Book* are never repetitive or, worse, redundant. The divine text does not allow synonymy between words. In cases of textual ambiguity or grammatical inconsistency, it is always a word’s semantic meaning that explains and determines a word’s occurrence in the text (and not style, rhyme, or other rhetorical considerations).
4. We believe that *ijtihād* must be performed in all legal areas and that every *ijtihād* should tackle the explicit legal text passages (*naṣṣ*) that *the Book* provides, following our maxima that ‘there is no *ijtihād* outside a *naṣṣ* text’.

With the help of these principles we will now reenter the legislative arena and explore issues such as inheritance, polygamy, guardianship, dress codes for women, and other issues of family law.

BEQUEST AND INHERITANCE LAWS

The traditional law of succession has its roots in the cultural and political milieu of the first two to three centuries of Islamic history. It has been characterised by a dominance of male centred perspectives which created a patriarchal inheritance law and which fuelled the spirit of tribalism and clan-ideology that controlled the way wealth was distributed among the different sections of Arab-Muslim society. Laws of inheritance were formulated by deliberately conflating the strict demarcation between family and state, leading to a situation where political succession (of dynastic rule) was secured by formulating inheritance laws that maintained the political interests of the ruling families (as was the case with the Umayyads, Abbasids, Shi'ites, Zubayrites, and others respectively).

Intellectually, inheritance laws were issued purely on the basis of the four arithmetic operations which, given the complexity of the matter, were highly insufficient and produced very crude and oversimplified solutions. All this happened before Descartes (1596–1650) laid down the foundations of analytical geometry and introduced a pioneering synthesis between ‘erupted digital quantities’ and ‘non-digital quantities’. This means that Islamic inheritance law became unfortunately finalised before the introduction of analytical geometry and the concept of mathematical ‘derivatives’, which was brought to perfection by the genius of Isaac Newton (1642–1726). Today, we can use the insights gained from further developments in the geometrical sciences, benefit from Newton’s and Descartes’ theories, and reorganize the distribution of wealth by inheritance laws. We should not repeat the unbelievable mistakes of earlier *fiqh* and formulate a law of succession purely on the basis of a single *ḥadīth* or, as has been often the case, overrule the injunctions of *the Book* by an unconvincing reference to several weak and unauthentic *ḥadīths*.

In doing this, we have to tackle the tendency in current jurisprudence to ignore the priority of bequest stipulations over inheritance rules, as explicitly stated by *the Book*.¹¹ We need to combat the

¹¹ MS adds in a footnote: ‘Testimony has been prescribed in several verses of the Book, and in verse 180 of Sūrat al-Baqara it is enforced in a similar authoritative manner as the command to pray and to fast. “*It is prescribed*, when death approaches any of you, if he leave any goods that he make a bequest to parents and next of kin, according to reasonable usage—this is due from the God-fearing.” In contrast, verses of inheritance are only three, as in Sūrat al-Nisā’ 11–13. Moreover, in four different

jurisdictional practice of abrogating clear *qur'anic* rules by the citation of *hadiths* that were brought into circulation by parties who profited from military expeditions and the resulting booty. We need to question the widespread belief that 'no testament shall invalidate an heir's right' which, basically, disrespects a proper bequest and unfairly prioritises strict inheritance rules.

In addition, we have to correct the profound misunderstanding of the verse 'if only (mature) women (*nisā^{zm}*), *more than two* (*fawq ihnatain*)...' (Al-Nisā' 4:11), which is still interpreted as '...if only daughters, two or more...' ¹² which is, clearly, not the same. We need to tackle the erroneous understanding of 'child' (*walad*) as 'son' (*ibn*) and also the belief that only the existence of a male heir changes the patterns of inheritance, while the existence of a female heir changes nothing—and this in spite of the verse: 'God (thus) directs you as regards your children's (inheritance): to the male, a portion equal to that of two female' (al-Nisā' 4:11).

Finally, we need to deal with the widespread exclusion of orphaned grandchildren from inheriting from their grandparents—in spite of the fact that this is explicitly mentioned in the verses of inheritance, while other people, for example, uncles and aunts, are included as inheritors who are not mentioned in the text. We will have to introduce different sets of allocations for everyone who is qualified for inheritance and we will do this by departing from basic arithmetical operations because they only result in either surpluses, a convoluted system of returns and redistributions, or shortages which provoke long legal battles by those who feel cheated.

Considering the massive exegetical problems which the *fuqahā'* tend to either ignore or belittle, and the current attempts to implement a uniform Islamic law of succession, the subject of inheritance must be seen as a very sensitive topic: the distribution of wealth from the one generation to the next. We have carried out a thorough

passages, Allah clearly prioritizes the attention to bequests over the payment of inheritance; one of them reads as follows: "[In all cases, the distribution comes] *after the payment of any bequests or debts...*" (Al-Nisā' 4:11). This quotation needs no further explanation!

¹² This rendering of YA is shared by AH: 'daughters, two or more', but the Arabic term is *nisā'* (women), not *banāt* (daughters), and also the other translators accept that *fawq ihnatain* means 'more than or above two', AB: 'if there are more than two daughters', and that *al-nisā'* does not specifically connote only 'daughters', AA: 'if they be women above two'; MP: 'women more than two'; AhA: 'women only, and of them more than two'; MF: 'if there be more than two females'.

rereading of all relevant verses of *the Book* through the prism of our theory of limits. We have started our study by distinguishing between the general nature of inheritance rules and the specific nature of bequests, by which we aim to reverse current practice and restore Allah's preference for bequests over inheritance rules.

THE DIFFERENCE BETWEEN SPECIFIED AND UNSPECIFIED SHARES
(*AL-HAZZ WA'L-NASHIB*)

Let us first explore the difference between the two Arabic terms for 'share', *al-hazz* and *al-nashib*. The first term, *al-hazz*, refers to shares whose exact amount is not specified but only defined in a very general manner, whereas the second term, *al-nashib*, usually connotes shares of an exactly identifiable quantity. If parliament, for example, passes a law whose aim is to improve life in general we would expect the benefits of this new law to be distributed to all social classes in society, even though one class, group, or region may profit from it more than others. A new law to improve pedestrians' access to local shops on High Streets, for example, may give some shopkeepers, whose shops are close to the new crossings and traffic lights, greater benefits than others whose shops lay at a greater distance from the new crossings and are therefore less accessible. But since the new law was introduced to improve access to local shops *in general*, not for the benefit of any particular, individual shops, it is bound to create bigger and smaller shares of benefit. These shares, whose exact amount can not be pre-calculated, are known as 'unspecified shares' (*al-hazz*).

If, in contrast, a house owner plans to extend his house or to improve its access by building a ramp for his daughter's wheelchair or by having a new back door installed to be used by his son's family who lives next door, the benefits gained will be distributed in shares that the owner of the house has precisely calculated; that is why they are predetermined. These shares are called 'specified shares' (*al-nashib*) which should never be confused with the first category of 'unspecified shares' (*al-hazz*). The term *al-nashib* is used to designate profit shares in business, shares held by shareholders of big companies or the tax contributions paid into the treasury (*niṣāb al-zakāh*). These are all shares known and specified in each individual case by those who are involved in the financial transactions. In the case of unspecified

shares, however, the individual has neither the power nor the authority to change the amount payable; it is 'beyond his or her reach'.

If we apply this to the question of bequests and inheritance, it would be correct to say that the latter is unspecified whereas the former is specified. On the one hand, Allah ordered a system of distribution of wealth that is universally applicable to everyone worldwide and where the individual share is given in *the Book* in very general terms (e.g., one-half or one-third of the legacy). On the other hand, Allah also prescribed bequests by which people can determine the distribution of their wealth individually, and by which they can specify the exact amount of individual shares. Whereas bequests are based on individual circumstances, the laws of inheritance are defined by much more abstract criteria for which, we propose, the application of analytical geometry, mathematical analysis, and set theory—in addition to basic arithmetics—is absolutely vital.

We will see that *the Book* contains rather rigorous legal injunctions by which Allah defined the distribution of inheritance according to blood relationship and degrees of kinship. For bequests, however, no such connection to kinship is prescribed. It is up to the testator to determine the beneficiaries of his or her legacy, be they close relatives or unrelated acquaintances, welfare institutions, charity organisations, cultural projects, or others. After reading the relevant verses in *the Book*, it is apparent that a greater number of people may benefit from bequests than from inheritance laws. Inheritance laws only consider those eligible who are next of kin within an extended family while bequests are not and therefore reach more people in society.

Bequest

A bequest regulates the distribution of money or property according to the will of a testator who will define the amount of each share to be bequeathed (quantity) as well as the method of distribution (quality). A great variety of different people and institutions which do not belong to the family of the testator may receive bequests, and for this reason bequests have more weight in *the Book* than inheritance laws. Since bequests are not confined by fixed rules, testators enjoy great flexibility, thus may distribute their wealth evenly or unevenly and consider heirs to whom they feel personally obliged. Bequests therefore reflect the personal circumstances of the testator accurately. The outcome is often an uneven, or asymmetrical distribution of

wealth, and each bequest will differ considerably from one to the next since objective reality is as complex as the human relationships we establish during our lifetimes.

Inheritance laws, in contrast, are meant to achieve a more balanced, symmetric distribution of money and property. Each share is calculated according to the relationship of the heir to the deceased (father, mother, child, husband, wife, brother, sister, and such). While imbalance characterises inheritance through bequests, balanced distribution is a characteristic of general inheritance laws. Balance or imbalance, symmetry or asymmetry—this polarity or duality expresses the dialectical relationship between bequests and inheritance laws. Imbalance reflects the diversity, curvature, and plurality of human relationships in human society, while balance reflects Allah’s will (and His order of straightness). But since unbalanced distribution of wealth mirrors the unbalanced relationships of our daily lives much better, *the Book* gives bequest rules a more prominent place than inheritance laws. We hear:

It is prescribed, when death approaches any of you, if he leave any goods that he make a bequest [*al-waṣīyya*] to parents and next of kin [*li’l-wālidain wa’l-aqrabīn*], according to reasonable usage—this is due from the God-fearing. (Al-Baqara 2:180)

This verse starts with the same formula (‘it is prescribed’) that Allah, only three verses further down of Sūrat Al-Baqara, uses in a similarly authoritative way to command the duty of prayer and fasting:

O you who believe! Fasting is prescribed to you as it was prescribed to those before you, that you may (learn) self-restraint. (Al-Baqara 2:183)

When you pass (congregational) prayers, celebrate God’s praises, standing, sitting down, or lying down on your sides; but when you are free from danger, set up regular prayers: for such prayers are enjoined on believers at stated times. (Al-Nisā’ 4:103)

There is the same prescriptive tone in His injunction to fast and pray as in His injunction to make a bequest. The only difference is that the command to fast and pray is only addressed to the Muslim-Believers (*mu’minūn*), that is, to the followers of Muḥammad (s), whereas bequests are the duty of ‘God-fearing’ Muslim-Assenters all over the world.

The above verse of bequest also lists the potential beneficiaries of a testator’s will. It uses the Arabic term *li’l-wālidain wa’l-aqrabīn* which,

unfortunately, for far too long has been broadly understood as ‘to parents and next of kin’. But what kind of parents is meant here, the biological parents, that is, the ‘birth-givers’, or the foster parents, who have raised a child without being the child’s biological parents? And who exactly is ‘next of kin’? The Arabic language distinguishes between *wālid* (father and ‘birth-giver’, that is, ‘who begets a child’) and *ab* (father and caregiver/nurturer, but not ‘birth-giver’), also between *wālidā* (mother and ‘birth-giver’, ‘who brings forth a child’) and *umm* (mother and caregiver, but not ‘birth-giver’). The dual term *wālidān* refers to the biological parents and the term *abawān* refers to the caregiver-parents. If the biological parents have also raised their children, they are considered as both *wālidān* and *abawān*. Seen from a child’s perspective, every child will have biological parents, and every child that is fed, raised and schooled will have caregiver-parents, but biological and caregiver parents are not always identical.

She [Mary] said: “O my Lord! How shall I have a son [*walad*] when no man has touched me?”... (Āl ‘Imrān 3:47)

The wife of Pharaoh said: “(Here is) joy of the eye, for me and for you: slay him not. It may be that he will be use to us, or we may adopt him as a son [*walad^m*].” And they perceived not (what they were doing)! (Al-Qaṣaṣ 28:9)

The distinction between natural parents and caregiver-parents is recognised in both verses. As Mary was ‘not touched by a man’ she could not become a *wālidā*, that is, the biological mother of Jesus.¹³ And since Pharaoh and his wife were not Joseph’s biological parents (*wālidān*) they hoped to adopt him and become his caregiver-parents (*abawān*).

In the verse of bequest the given terms are, as we have said, *li’l-wālidain wa’l-aqrabīn*. Since *li’l-wālidain* means ‘to the biological parents’, how does the verse refer to the caregiver-parents and others who feed, raise, and school the child, for example, the wet nurse or the dry nurse or relatives who have fostered the child for a certain

¹³ How does the verse indicate this by employing *walad*—child? That is, how does this imply the existence of the nonbiological mother Mary (*umm*)? MS adds that the verses about Jesus and Mary show that, when the boy Jesus was about to be conceived by Mary, his mother is referred to in the text as *wālidā* (because she was then under the impression that she would be the *biological* mother of Jesus), but when Jesus was an adult and all the details of his perception were made clear to Mary, the verses refer to Jesus as *Ibn Maryam*, implying that she was his *umm*, not his *wālidā*.

period? The verse refers to them by the term *wa'l-aqrabīn*, which connotes six different groups:

1. caregiver-father (*al-ab*) and caregiver-mother (*al-umm*)¹⁴;
2. ascendants—to whatever degree above;
3. husband (if the deceased was a married woman) or wife (if the deceased was a married man);
4. children and grandchildren of the deceased, and any descendant—to whatever degree below;
5. brothers and sisters;
6. agnate uncles and aunts, and cognate uncles and aunts.

Together with the natural parents, these are the groups of primary beneficiaries to whom a testator may bequeath his wealth according to verse 180 of *Sūrat al-Baqara*. However, the following verse extends this circle considerably:

But if at the time of division other relatives, or orphans or [*al-masākīn*], are present, feed them out of the (property), and speak to them words of kindness and justice. (*Al-Nisā'* 4:8)

Verse 4:8 adds another group of potential addressees: 'orphans or [the handicapped]',¹⁵ which are not considered by any verse of inheritance law. The verse does not specify whether one should bequeath money to orphans or people in need individually or collectively by giving money to charitable bodies, such as orphanages, refugee camps, shelter homes for asylum seekers, or red cross/red crescent organisations.

Another, fourth group is added in verse 4:9:

Let those (disposing of an estate) have the same fear in their minds as they would have for their own if they had left a helpless family [*dhu-riyyat^{an} di'āf^{an}*] behind: let them fear God, and speak words of appropriate (comfort). (*Al-Nisā'* 4:9)

¹⁴ MS added a comment that a caregiver-mother is the main type of a nonbiological mother; other types are, for example, a surrogate mother or a wet nurse; caregiver-mothers are foster mothers who have either adopted their children or cared for them during their childhood (without formally adopting them). In this role she will inherit from her children, not the child's biological mother.

¹⁵ See chapter 4: MS defines *masākīn* not as poor but as handicapped people, i.e., those whose bodily functions are paralyzed or 'still' (*sakana*).

The phrase *dhuriyyat*^{an} *di'āf*^{an} is a broad term to denote a wide range of 'helpless' people, for example disabled children, chronically ill wives, unmarried daughters who live, in comparison to their much happier married sisters, a miserable life. The point is that *the Book's* designation of people who receive bequests is as open and varied as the testator wants it to be. It is entirely up to the person who writes a will to allot a bigger share for a handicapped daughter and a smaller share for the other children. In other instances a (divorced) parent might be given the sole rights over the deceased's immoveable property, while the other parent receives the moveable property or no share at all. Bequests are simply more flexible and less restrictive because the laws of inheritance do not apply here. Inheritance laws would not allow such personal preferences since they regulate the distribution of the deceased's money and property according to fixed formulas that ignore the personal circumstances of both the deceased and the inheritors. Also, inheritance laws are gendered laws, they operate on the basis of a distinction between male and female inheritors, a distinction that is entirely irrelevant in verses dealing with bequests.¹⁶

It is a religious duty (*fard*) to draw up a last will 'whether the property be small or large' (4:7). It is an individual duty (*fard 'ayn*) to fulfil 'when death approaches you' (2:180). It is a sacred obligation that no one is allowed to change or abrogate: 'If anyone changes the bequest after hearing it, the guilt shall be on those who make the change. For God hears and knows (all things)' (Al-Baqara 2:181). If mistakes are made, for example, if someone bequeaths all the money to the Royal Society for the Prevention of Cruelty to Animals despite the fact that one should have considered existing children, brothers, and sisters, it means that this person has indeed overlooked Allah's command to consider *al-wālidain wa'l-aqrabīn*. But in this case the following verse will apply, advising people, if faced with such errors, to apply mercy and forgiveness:

But if anyone fears partiality or wrong-doing on the part of the testator, and makes peace between (the parties concerned), there is no wrong in him: for God is oft-forgiving, most merciful. (Al-Baqara 2:182)

¹⁶ 'From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large—a determinate share' (Al-Nisā' 4:7).

After the death of the testator, the bequest must not be changed otherwise it will incur God's wrath. If the testator is still alive, one might protest and demand a higher share, but if the testator insists on it, nothing can be done about it. The courts cannot interfere in this.

Inheritance Laws

The technical term 'inheritance' (*al-irṭh*) refers to the process of dividing the money and property of the deceased among the successors. This occurs either by drawing up a testament in which every share is individually determined (see above) or, if no such testament exists, by following the regulations of the inheritance verses as stipulated by *the Book*. Preference should always be given to the will of a testament. If a testament exists, it will be incumbent on everyone to adhere to it literally: 'the distribution in all cases (ʿs) *after the payment of legacies and debts...*' (Al-Nisā' 4:11). If, however, someone has neglected this duty and has not written a will, Allah will act on the deceased's behalf through His stipulations of a general testimony that regulates the shares of each heir. It is incumbent on everyone to painstakingly adhere to them, both with respect to the given number of heirs and the amount of individual shares.

Three verses of Sūrat al-Nisā' specify how the inheritance is to be distributed:

Allah commands you, with respect to your children, that the male shall inherit the equivalent of the share of two females. If there be more than two females, then they should receive two-thirds of what he leaves; but if there is only one female, she is entitled to one-half. To each of his parents, one-sixth of what he leaves, if he has any children; but if he has no children, then his parents will inherit him, the mother receiving one-third. But if he has any brothers, then his mother receives one-sixth, after any will he had made or any debt he had incurred [is taken care of]. Your fathers and sons—you know not who of them is of greater advantage to you. This is a law from Allah; Allah surely is All-Knowing, Forbearing. (Al-Nisā' 4:11, MF)

In what your wives leave, your share is a half, if they leave no child; but if they leave a child, you get a fourth; after payment of legacies and debts. In what you leave, their share is a fourth, if you leave no child; but if you leave a child, they get an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in question, has left neither ascendants nor descendants, but has left a brother

or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused (to any one). Thus is it ordained by God; and God is all-knowing, most forbearing. (Al-Nisā' 4:12)

Those are the limits set by God [*hudūd Allāh*]: those who obey God and His apostle will be admitted to gardens with rivers flowing beneath, to abide therein (for ever) and that will be the supreme achievement. (Al-Nisā' 4:13)

Let us first establish who is addressed here (subject) and to whom inheritance shall be given (object). This is similar to the identification of subject and object in any other verse of *the Book*. For example, in the sentence 'We have enjoined on man (*al-insān*) kindness to parents (*bi-wālidaihi*)...' (Al-'Ankabūt 29:8 and Al-Aḥqāf 46:15), the subject of Allah's enjoinder is 'man' who is told to be kind, and the object of man's kindness is his 'parents'. The subject of the verses of inheritance is 'humankind' (*al-nās*), who are ordered to show 'reverence [to their] Guardian-Lord...' (Al-Nisā' 4:1), and verse 4:11 states their object: 'God (thus) directs you as regards your children's (inheritance) (*aulādikum*)...?'

Note that the text does not say 'your own children's' (*abnā'ikum*) but just 'your children's' (*aulādikum*), while further down in the same verse the text says '*abnā'ukum*': 'You know not whether your parents [*abā'ukum*] or your (own) children [*abnā'ukum*] are nearest to you in benefit...'. The difference is significant, since '*aulad*' is the plural of 'child' which, both in Arabic and English, is not engendered as it can be either male or female. As a neuter term (a feminine form of *walad* does not exist) it has universal application since it basically connotes 'every child that is born' on the earth.

Thus, the verse 'God (thus) directs you as regards your children's (inheritance) (*aulādikum*)...' expresses Allah's concern for the 'children of this earth' and His honouring of all humankind. He even swears an oath on them in Sūrat al-Balad: '(I swear) by parent (*wālidⁱⁿ*) and offspring (*wa-mā walada*),' (90:3, AH), and God also uses the term for a self-reference: 'He begot no one (*lam yalid*) nor was He begotten (*wa-lam yūlad*) (Al-Ikhlāṣ 112:3). In other words, by specifying the object of Allah's inheritance laws as 'your children' verse 4:11 makes it clear that the rest of the inheritance verses are meant to cover every possible case of inheritance applicable to all humankind, that is, for everyone who, unlike God, 'has begotten and was begotten'

and has, therefore, father, mother, son, daughter, husband, or wife.

The first injunction after the introduction in 4:11 states: ‘to the male, a portion equal to that of two females’. This is the first law of inheritance. It indicates that the portion a male heir inherits is calculated on the basis of the portion that the female heirs inherit, as if Allah has urged us to define the portion of the female inheritors first and only then to deduce from it an equal amount for male inheritors. Mathematically, it is only logical that the equivalent number to sum A cannot be accurately established if sum A is not properly defined in the first place. Thus, only if sum A (female shares) is properly described can one work out an equivalent sum B (male shares).

The second injunction in 4:11 states: a) ‘if only daughters, more than two, their share is two-thirds of the inheritance’; and b) ‘if only one, her share is a half’. These are the second and third laws of inheritance. The two injunctions of verse 4:11 contain the essence of inheritance laws in *the Book*; other injunctions, given later in the verse, are just variations on these and are calculated on the basis of the three laws. They constitute Allah’s limits as testified by the conclusion in 4:13, which says, ‘those are limits set by God...’. Within these limits (the first two injunctions) we hear about the distribution of inheritance to several other inheritors, for example, children, grandchildren, husband, wife, brother, and sister, but we hear nothing about uncles and aunts as potential inheritors. This implies that within the limits of Allah uncles and aunts do not receive any share of the inheritance.

As it is our aim to give inheritance law a sound mathematical foundation we apply the following formula: the value of the ordinate (y) equals the value of the variable (x) by a multiplying factor t (parameter), thus, $y=t(x)$. If (x) represents the value of variable t and (y) the value of the ordinate, then the value of (y) changes by an increase or decrease of variable (x). Applied to inheritance law we define (y) as the value of male shares and (x) as the value of female shares because the female shares (x) are the basis of the calculation, and if (x) changes so does the value of (y), the male shares. This reverses the traditional understanding of the first injunction entirely: ‘to the male, a portion equal to that of two females’, which used to be interpreted as ‘to the male twice the portion of that of females’. Even if this looks like playing with words, the traditional interpretation

had turned the originally intended basis of calculation on its head since it assumed that male shares are the variable (x) that determines the value of the ordinate (y), the female shares. In this equation, male inheritors always get twice the amount of female share, regardless of the actual number of female inheritors (1, 2, 3, 4, 5 ... to infinity!) and regardless of the amount of shares calculated on the basis of the number of females in the family. This is, of course, unacceptable and violates Allah's proposition in this verse. We need to remind ourselves that Allah's legislation reflects the conditions of objective reality that universally exist for all humankind. And if it is said that 'to the male, a portion equal to that of two females', it is not just a purely hypothetical, abstract scenario but also an adequate reflection of a concrete social condition. In this case, if 'to the male, a portion equal to that of two females' should apply we need to have a situation where the number of female inheritors is twice the number of male inheritors, as illustrated by a few examples in this table:

two females	one male
four females	two males
six females	three males

How will this change if there is more than twice the number of females compared to the number of male inheritors, that is, if the ratio is for example, 3:1; 4:1; 6:2 or 12:4? In these instances the second injunction comes into play, which states: 'if there be more than two females, then they should receive two-thirds of what he leaves'.¹⁷ This confirms again, first, that Allah always calculates female shares first, which might increase or decrease, and, second, that the male share is not always twice the amount of the female share. If, for example, these are four inheritors (one male + three females), the male share is 33.333 percent, while the female share(s) are 66.666 percent, and divided by three this equals 22.222 percent each. And if there are six inheritors (one male + 5 females), the male share is again 33.333 percent, but the female share(s) change to

¹⁷ The best translation in MS's sense would be: 'If there are more than two females (in the family), their share is...', as observed by MF: 'If there be more than two females, then they should receive...' and AA: 'And if they be women above two, then for them...'

66.666 percent divided by five equals 13.333 percent. Hence, only in one specific situation, when the number of males is half the number of females, do male inheritors receive twice the amount of female shares. This clearly contradicts the traditional position of the *fuqahā'* who claim that males always receive twice the amount of female shares.

If there is only one female in the family who inherits, the second part of the second injunction applies: 'if only one, her share is a half'. In this case, the female share is 50 percent and the male share is 50 percent. This last possibility means that *the Book* has covered all three possible inheritance constellations (there is not, either mathematically or empirically, a fourth one possible):

1. 'if there is one female (heir)' → the male (heir) receives *half* of her share;
2. 'if there are two female (heirs)' → the male (heir) receives *double* the amount of one female share;
3. 'if there are more than two female (heirs)' → the male (heir) receives *one-third* and the female heirs receive *two-thirds* regardless of their number (three to infinity).

The Book does not deal with situations where only male or only female inheritors exist. In this case, if there are *either* 1–∞ males *or* 1–∞ females, the shares will be equally distributed among all heirs. This can be done by simple arithmetical operations—and without the help of divine instructions. *The Book* is only concerned with the more complicated situation of male-female inheritance (mother–father); (sister–brother); (widowed wife–widowed husband), and such. Where the text mentions only one sex, for example, 'females' in verse 4:11, it always presupposes the existence of 'males' who live with the family. Likewise, although 4:11 only mentions the deceased's 'mother', it does assume the existence of the deceased's 'father'.

The Book's major concern is social justice in society. Equality is not absolute and does not imply that every individual will get exactly the same share of the inherited property. Justice is achieved on a more collective level insofar as inheritance is equally distributed among the two sexes, even if, in some instances, one individual female share is smaller than an individual male share. But on the whole, and only this really achieves peace in society, the two sexes receive the same amount of the disposable inheritance.

The Limits of God

As explained earlier, *the Book* draws Allah's limits in verses 11–13 of Surat al-Nisā' and concludes the section on inheritance by explicitly referring to these verses as 'limits set by God' (4:13). This is a powerful reminder of the fact that those who keep these limits are rewarded with life in Paradise, whereas those who break them will go to Hell. Let us therefore recapitulate what these limits are:

1. *The first limit:*

'to the male, a portion equal to that of two females': This limit applies to those cases where the survivors of the deceased are two females and one male and, by analogy, to all other cases where the number of females is twice the number of males (if one male + two females → then one-half to him, the other half to them (=) if two males + four females → then one-half to the two males, the other half to the four females, and so on). This limit is expressed by the formula:

$$\frac{F}{M} = 2 \quad (F = \text{number of female heirs; } M = \text{number of male heirs})$$

2. *The second limit:*

'If there be more than two females, then they should receive two-thirds of what he (the deceased) leaves...' [MF]: This limit applies to all cases where the number of females is more than twice the number of males. If there are one male and three females, then the one male receives a third and the three females receive two-thirds. The actual amount of the male share depends on the number of female shares ($3-\infty$), (e.g., if two males + five females → then one-third is shared in equal portions by the two males, and two-thirds are shared equally among the five females; if three males + seven females → then one-third to the males and two-thirds to the females, etc.). This limit is described by almost the same formula as above:

$$\frac{F}{M} > 2 \quad (F = \text{number of female heirs; } M = \text{number of male heirs})$$

In any case, male shares are *not* twice that of female shares (one-third is always smaller than two-thirds). Hence, it is different

from the first case where individual male shares are always bigger than the individual female shares. But the first case is rather exceptional since it applies only to those rare situations where the female heirs outnumber [twice] the male heirs.

3. *The third limit:*

‘if only one, her share is a half’: This limit applies to all cases where the number of male inheritors exactly equals the number of female inheritors (if one male + one female → then half to each; if two males + two females → then a quarter to each, etc.). This limit is expressed by the formula:

$$\frac{F}{M} = 1 \quad (F = \text{number of female heirs; } M = \text{number of male heirs})$$

Once more, the male shares are *not* twice the amount of the female shares as in case 1/limit 1. The mistake of traditional jurisprudence was to apply case 1/limit 1 to *all* possible cases of inheritance, thereby conflating three different limits into one and spuriously overruling the two other limits by the first one. Our model proposes keeping the three limits apart and applying them separately to the case in which they can provide the best and fairest solution.

The text reminds us that ‘those are the limits set by God!’ We will see that the remaining verses (11–13) provide the upper and lower boundaries of these limits. The following sections will demonstrate, with the help of analytical geometry and mathematical theories, that the exact amount of portions can be precisely calculated and allocated and that we do not have to put up with the quantitative or qualitative ambiguity of the traditional models of inheritance law.

The General Law of Inheritance

Moving from digital quantities to nondigital quantities in calculating inheritance shares, six situations can be formulated:

Case (A): there is more than one heir; they are male and female (three males and one female):

	<i>female</i>	<i>male</i>
	1*	1
	0	1
	<u>0</u>	<u>1</u>
Total:	1	3

Applied limit: ‘if only one, her share is a half’ (3)*

Rule: 50 percent for females; 50 percent for males (a third each); absolute equality (in total) between male and female shares; yet, individually: one male share is a third of one female share, while the number of females is only one-third of the number of males—or if put the other way around: one female share is three times the amount of the individual male share, while the number of males is three times larger than the number of females. This means that the ratio of female to male shares (individually) is in exact inverse proportion to the ratio between female-male numbers (3:1 → 1:3)

Case (B): there is more than one heir; they are male and female (three males and two females)

	<i>female</i>	<i>male</i>
	1*	1
	1*	1
	<u>0</u>	<u>1</u>
Total:	2	3

Applied limit: ‘if only one, her share is a half’ (3)*

Rule: 50 percent for females (one-third each); 50 percent for males (one-third each); absolute equality (in total) between male and female shares; the ratio of female to male individual shares (3:2) is in exact inverse proportion to the ratio between female-male numbers (2:3).

Case (C): there is more than one heir; they are male and female (three males and three females)

	<i>female</i>	<i>male</i>
	1	1
	1	1
	<u>1</u>	<u>1</u>
Total:	3	3

Applied limit: the number of female heirs matches (in each row) the number of male heirs:

$$\frac{F}{M} = 1 \quad (F = \text{number of female heirs; } M = \text{number of male heirs})$$

Rule: 50 percent for females (one-third each); 50 percent for males (one-third each); absolute equality (in total) between male and female shares; the ratio of female to male individual shares (3:3) is the exact ratio of female-male numbers (3:3), in total: 1:1 (each female *and* male share is exactly the same).

Case (D): there is more than one heir; they are male and female (three males and four females)

	<i>female</i>	<i>male</i>
	1*	1
	1*	1
	<u>2°</u>	<u>1</u>
Total:	4	3

Applied limit: ‘if only one, her share is a half’ (3)* and ‘to the male, a portion equal to that of two females’ (1)°

Rule: 50 percent for females (a quarter each); 50 percent for males (a third each); absolute equality (in total) between male and female shares; the ratio of female to male individual shares (3:4) is in exact inverse proportion to the ratio of female to male numbers (4:3), since an individual female share is only 75 percent of the individual male share, while the number of males makes up 75 percent of the number of females.

Case (E): there is more than one heir; they are male and female (three males and five females)

	<i>female</i>	<i>male</i>
	1*	1
	2°	1
	<u>2°</u>	<u>1</u>
Total:	5	3

Applied limits: ‘if only one, her share is a half’ (3)* and ‘to the male, a portion equal to that of two females’ (1)°

Rule: 50 percent for females (one-fifth each); 50 percent for males (one-third each); absolute equality (in total) between male and female shares; the ratio of female to male individual shares ($3:5 = 1.666$) is in exact inverse proportion to the ratio of female to male numbers ($5:3 = 1.666$), since an individual female share is only 60 percent of the individual male share, while the number of males makes up 60 percent of the number of females.

Case (F): there is more than one heir; they are male and female (three males and six females)

	<i>female</i>	<i>male</i>
	2°	1
	2°	1
	<u>2°</u>	<u>1</u>
Total:	6	3

Applied limit: ‘to the male, a portion equal to that of two females’
(1)^o

Rule: 50 percent for females (one-sixth each); 50 percent for males (one-third each); absolute equality (in total) between male and female shares; but since the number of female heirs is twice the number of male heirs, their individual share is only half the amount of the individual male share or, put differently, since the number of male heirs is only half the number of female heirs ($3:6 = \frac{1}{2}$), males receive individually (and only then!) twice the amount of the individual female share ($6:3 = 2$).

The Distribution of Inheritance

So far we have calculated inheritance shares on the basis of the generic distinction between male and female heirs. Our next step will be to consider other subdivisions. For this purpose we need to go from digital quantities to nondigital quantities which can be found in analytical geometry. If we take our findings from the last section, where we concluded that the ratio of male to female shares is in exact inverse proportion to the ratio of the male to female number of heirs, and express this in geometrical terms we get the following formula:

If it is said that $X = \frac{F}{M}$ (F = number of female heirs; M = number of male heirs), and $Y = \frac{D2}{D1}$ (D1 = share of the male heirs; D2 = share of the female heirs), and if the ratio of male-female shares is the inverse/reverse ratio of the male-female number of inheritors, then it follows that: $Y = \frac{1}{X}$

This last equation describes the geometrical figure of a hyperbola. It is based on the application of only two limits of Allah (1 + 3). We can only achieve a hyperbola if the ratio between male and female numbers is greater than zero and smaller than 2 or if it equals 2:

$$0 < \frac{F}{M} \leq 2$$

If we apply the second of Allah's limits which says: 'If there be more than two females (*nīsāʾ*^{an}), then they should receive two-thirds of what he (the deceased) leaves...', we would first have to define the Arabic term *nīsāʾ*. The usage of this term in the text is particularly odd since one would expect to see the proper term for 'female' which is *ināth*. So why does the verse use *nīsāʾ*? *Nīsāʾ* is the plural of *imraʾa* and means 'women'. It connotes mature women, not girls. This is significant because even though every woman is obviously female, not every female is a woman who has reached her puberty. By using the term *nīsāʾ*, and not *ināth*, the condition of the verse is that female heirs must have reached puberty (one should read: 'If there be adult women [*nīsāʾ*^{an}] more than two ...'). This is different from the first injunction. Since every creature is either male or female ('that He did create in pairs—male and female' [Al-Najm 53:45]), we were able to conclude that Allah's first limit (1) 'to the male (*dhakar*), a portion equal to that of two females (*unthayain*)' implied a distribution of shares to male and female heirs regardless of their status of being either a minor or an adult.

Nīsāʾ is, as we have said, the plural of *imraʾa*, 'woman'. By definition it refers to more than two (*ithnatain*), that is, three or more. But why does the text say: 'adult women (*nīsāʾ*^{an}), more than two (*fawq*

ithnatain)...’,¹⁸ if the term *nisā*’ already indicates a number of more than two? Is this a redundant expression? Should it not be ‘if there are women’ or ‘if there are more than two (women)’? Since we believe that there is no redundancy in *the Book*, we are convinced that the expression ‘if there are women, more than two’ points to something extra that neither of the two units (‘women’ and ‘more than two’) possess alone. But what is this extra information? The following two contrasting examples will explain it:

Example 1: if we are faced with a constellation of two males and four female inheritors, the number of women would be ‘more than two (*nisā*)’, but the ratio of 4:2, equalling two, is not ‘over two (*fawq ithnatain*)’. In other words, only the first part of the condition is fulfilled: ‘if there are females (i.e., over two)’, but not its second part: ‘more than two’ (i.e., over two *more* than male inheritors).

Example 2: if, however, we have only one male and three female inheritors, the ratio of 3:1, equalling three, would be over two, which would qualify as ‘over two’ in actual numbers as well as ‘over two’ in comparison with the number of male inheritors. The same applies, for example to three males and 5 females, with a ratio of 5:3, equaling 2.5 which is > 2 , and a number of women of more than two.

Example 2 illustrates that we might attain whole numbers (1, 2, 3...) as well as fractions (2.5) in calculating the number of inheritors. The text certainly allows the existence of fractions when it uses the preposition ‘over’ (*fawq*) but usually implies whole numbers when it uses the relative ‘more than’ (*akthar*). Verse 12 of *Sūrat al-Nisā*’ uses *akthar*: ‘but if more than two (brothers and sisters), they share in a third’, implying that to count here with 1 ½ brothers or 1 ¼ sisters would be impossible. But in using *fawq*: ‘women, more than two’, and not *akthar*, it is possible to calculate the ratio of male and female inheritors so that we might receive whole numbers or fractions.

We now return to the second limit of God in its entirety: ‘If there be more than two females (*nisā^{am}*), then they should receive two-

¹⁸ Some translators ignore the exact syntactic sequence of the Arabic verse ‘if there are women, more than two’ and condense it to: ‘if there are more than two women/daughters/females’, e.g., AB: ‘if there are more than two daughters’; MF: ‘if there be more than two females’, more precise are AA: ‘if they be women above two’; MP: ‘women more than two’; AhA: ‘women only, and of them more than two’.

thirds of what he (the deceased) leaves...’, and explore the different variant options of male-female ratios.

If \Rightarrow

	<i>women</i>	<i>male</i>
	3	1
Rule:	$\frac{2}{3}$	$\frac{1}{3}$

Result: $\frac{66.66\%}{3} = 22.22$ $\frac{33.33\%}{1} = 33.33$

and if \Rightarrow

	<i>women</i>	<i>male</i>
	5	2
Rule:	$\frac{2}{3}$	$\frac{1}{3}$

Result: $\frac{0.666\%}{5} = 0.1333$ $\frac{0.333\%}{2} = 0.1666$

then $\Rightarrow Y = \frac{D2}{D1} \rightarrow \frac{0.1333}{0.1666} = 0.8 = \frac{2 \times 2}{5} =$

$$\frac{\text{number of males multiplied by two}}{\text{number of females}}$$

If we apply nondigital quantities, we get the following equations:

a. For the individual female share:

$$D2 = \frac{2}{3F}$$

b. For the individual male:

$$D1 \frac{1}{3M}$$

c. For the ratio between female and male shares:

$$\frac{2/3F}{1/3M} = \frac{2}{3F} \times \frac{3M}{1} \text{ or } \frac{D2}{D1} = \frac{2M}{F}$$

If the ratio of the male to female number of heirs is:

$$X = \frac{F}{M}$$

and if we equate this with the two limits in inverse proportion, we receive:

$$\frac{1}{X} = \frac{F}{M} \text{ or } \frac{2}{X} \text{ or } \frac{2}{X} = \frac{2M}{F}$$

It follows from this that the male-female ratio of shares is:

$$Y = \frac{2M}{F} = \frac{2}{X}$$

This is entailed in the equation:

$$Y = \frac{2}{X}$$

This equation describes a hyperbolic function. However, it is only valid, a) if all females are mature women, and b) if the ratio of female to male numbers is more than two (*fawq ithnatain*):

$$\frac{F}{M} > 2$$

This is where the hyperbolic ellipsis starts. It starts directly above zero and moves until infinity, but only if the hyperbolic equation is:

$$Y = \frac{1}{X}$$

According to analytical mathematics, the first derivative of this last equation must be described as follows:

$$Y = \frac{1}{X} = X^{-1} \text{ of which is } Y' = \frac{1/2}{x}$$

Finally, if we assume Y' over X equals 1, we get:

$$Y' = \frac{1}{1} = 1 = \alpha\text{-tangent}$$

If the derivative of X equals 1, the alpha-angle (α) of the tangent is 45° . The x-axis (abscissae) is then touched at 1, the point at which F equals M (i.e., if the number of female heirs equals the number of male heirs). This represents the hyperbola's peak (or focus point), and if the tangent has an alpha-angle (α) of 45° , the derivative equals the tangent. Preceding the hyperbola's peak are points on the x-axis that describe the situation where female heirs are outnumbered by male heirs but where their individual share is bigger than the male share. Following the hyperbola's peak are points that describe the reverse situation, that is, where the female heirs outnumber male heirs and where their share is smaller than the male share. The result is a picture of absolute symmetry—to the effect that the extra that female heirs receive (pictured on one side of the hyperbola) is exactly balanced by the extra that male heirs receive collectively as a whole group (pictured on the reverse side of the hyperbola). This rather abstract picture, gained through analytical geometry, is matched by statistics taken from objective reality. According to these statistical data the number of female shares existing in the entire world equals the number of male heirs. The mathematical balance achieved through Allah's limits thus reflects the actual circumstances that we encounter in our daily life.

And yet, what happens if the premise is not $Y = \frac{1}{X}$ but $Y = \frac{2}{X}$?

We attain: $2 \times X^{-1}$ and, as a result:

$$Y = \frac{2/2}{X}; \text{ if } X = 2, \text{ then } Y' = \frac{2}{4} = \frac{1}{2} = \beta; \beta = 30^\circ \text{ which is } X = 2 \text{ of}$$

the hyperbola

In conclusion, we maintain that all possible variants of how to distribute inheritance are covered by the three limits proposed by God and can be calculated accordingly. We also maintain that each case of inheritance can be described geometrically by a hyperbolic curve

(or function) of either $Y = \frac{1}{X}$ or $Y = \frac{2}{X}$. There is no case of inheri-

tance that is not covered by these two formulas. Our calculations are so precise that we will never have a surplus or a shortage of inherited property after the heirs have received their portions. Hence, we will never face the absurd situation where heirs receive less than their legitimate share or where, because of a sudden surplus, the families of aunts and uncles are considered who actually have no legitimate right to inherit anything at all.

Inheritance of Ascendant Members of the Family (al-uṣūl)

So far we have only covered the shares of the descendant heirs (*al-furū'* or 'branches') which were calculated by the parameters of mathematical set theory. This will now be complemented by a discussion of the shares for ascendant members of the family (*al-uṣūl* or 'roots'). In contrast to the identity of a whole set (being either male or female), our calculations are now for elements of those generic sets which can acquire multiple identities. The element 'father', for example, may intersect with several sets, in their order of significance: 1) male 2) mature adult 3) married and 4) guardian of children. The element 'mother' is defined by: 1) female 2) mature adult 3) married 4) guardian of children. Because of the fact that elements such as 'father' or 'mother' are part of a larger set (male, female), the generic cases of inheritance law for male/female heirs can also be applied here. Three constellations are possible:

1. The deceased is survived by parents (whether also by brothers and sisters is here irrelevant): ‘For parents (*li-abawaihi*), a sixth share of the inheritance to each, if the deceased left children...’ (4:11)

Rule: the father receives the same share as the mother (limit law III). The share is given to ‘parents’, whether they are ‘birth-givers’ or ‘caregiver-parents’, as the text uses *li-abawaihi* and not *li-wālidaihi*. One-sixth goes to the father (‘birth-giver’ or ‘caregiver-father’), and one-sixth goes to the mother (‘birth-giver’ or ‘caregiver-mother’). This rule covers the possibility that the deceased is the *adopted* son/daughter of the surviving parents. This reflects national statistics showing that in a situation like this (the deceased is survived by his or her parents *and* children) the number of inheriting fathers equals the number of inheriting mothers.

Share of subset ‘mother’	=	Share of subgroup ‘father’
Number of mothers	=	Number of fathers
Individual share	=	Individual share

2. The deceased had neither children nor brothers and sisters: ‘if no children, and the parents are the (only) heirs, the mother has a third...’ (4:11)

Rule: the father receives two-thirds and the mother one-third (limit law I), after deducting the shares for the husband or wife of the deceased, if there are any. This reflects statistics showing that in a situation like this (the deceased is survived by only his or her parents) the number of inheriting fathers is half the number of inheriting mothers.

Share of subset ‘mother’	=	Share of subgroup ‘father’
Half the number of inheriting mothers	=	Number of inheriting fathers
Twice the individual share	=	Individual share

3. The deceased is survived by brothers and sisters but had no children: 'if the deceased left brothers (or sisters), the mother has a sixth. (The distribution in all cases) after the payment of legacies and debts...' (4:11)

Rule: the father receives five-sixths and the mother one-sixth (limit law II), similar to the case of one male (brother) and ten females (sisters), whereby the brother receives one-third and the ten sisters receive two-thirds. The share of the brother is five times the individual share of his sisters, exactly as in the case above where the father's share is five times the share of the mother. And this is in spite of the fact that the father has not even been mentioned in the verse; it says: 'the mother has a sixth'! This reflects statistics showing that the number of inheriting fathers is only a fifth of the number of inheriting mothers.

Share of subset 'mother'	=	Share of subgroup 'father'
A fifth of the number of inheriting mothers	=	Number of inheriting fathers
Five times the individual share	=	Individual share

Taking the three situations together we can safely claim that the total share of inheritance all over the world is equally divided between surviving fathers and mothers. This is based on our belief that objective reality and its laws are the words of God (*kalimāt Allāh*), that *the Book* is His speech (*kalām*), and that the criterion of truth is within His words (i.e., objective reality). Even if we concede that the distribution of inheritance and the calculation of shares in each individual case is always a complicated procedure (if no bequest exists), it is still a remarkable fact that in all three cases permanent equality between male and female shares is achieved, which reflects God's justice.

The concluding statement in 4:11 is: 'You know not whether your parents (*abā'ukum*) or your children (*abnā'ukum*) are nearest to you in benefit...'. The two groups mentioned here are ascending relatives of the deceased (*abā'ukum*), to whatever degree upwards, and descending relatives (*abnā'ukum*), to whatever degree downwards. In other

words, in both cases the verse does not refer to the nearest ascendants (parents) or descendants (children) of the deceased, but to the grandparents (and above) or to the grandchildren (and below). The use of *abā'u* in this wider (figurative, nonbiological) sense can also be found in “And I follow the ways of my fathers (*abā'ī*): Abraham, Isaac, and Jacob...” (Yūsuf 12:38), implying that two of the three were Joseph’s forefathers not his ‘birth-givers’. The rule here is ‘nearer [in degree excludes] the more distant [in degree]’ (*al-aqrab fa'l-ab'ad*), which means that if, for example, both the father/mother and grandfather/grandmother of the deceased are still alive, the grandparents cannot inherit because of the parent’s existence.

Likewise, if the deceased is survived by a son/daughter and grandson/granddaughter, the existence of the children automatically excludes the grandchildren. If, however, parents or children are already dead, grandparents and grandchildren will inherit because there is no parent or child to exclude them as heirs.¹⁹ The lexical distinction between progeny (*aulād*) and children (*abnā'*) is very significant in this respect. The term ‘progeny’ is much wider and more general than ‘children’. The latter describes direct descendants of the *uṣūl*-generation, whereas the former connotes a variety of relationships and is unspecific about the sex of the descendants. In prescribing the three basic laws of inheritance for the parties of parents, children, spouses, brothers, and sisters, Allah uses the term ‘progeny’ (*aulād*): ‘Allah (thus) directs you as regards to your children’s (*fi aulādikum*) (inheritance)...’ (4:11). This leads us to the meaning of the last sentence of the verse: ‘You know not whether your parents (*abā'ukum*) or your children (*abnā'ukum*) are nearest to you in benefit...’, because it is never certain who will inherit from whom.

¹⁹ The technical term is *ḥajb* (prevention). Syria changed the old rules of inheritance in 1952. According to the new law, grandchildren and grandparents are now entitled to receive their shares even if the parents or children of a deceased are no longer alive. Previously, grandparents/grandchildren were excluded from the inheritance even though those who excluded them when they were alive (i.e., parents or children of the deceased) had already died. The inheritance was then simply distributed elsewhere, while grandparents/grandchildren received nothing at all. Now, the inheritance is distributed as if they were alive but no longer exclude the more distant in line. However, only male inheritors are considered, while women are still excluded from inheriting anything at all. MS wants to change this as well and proposes that both sexes benefit from this change of law.

Is it the daughter who will inherit from her father or is it the father who will inherit from his daughter? Will the grandmother survive her grandson, or will it be the other way around? Each case is unpredictable and will vary from family to family, but statistically and on average it is more likely that sons/daughters inherit from their parents and not the reverse. The general rule (children inherit more often from their parents than vice versa) might, however, not apply in particular cases of inheritance (where parents do inherit from their children). In real life things are more complex and one can never be absolutely sure who exactly inherits from whom and how many heirs will survive the deceased. Particular case-law is unpredictable, inconclusive, and never predetermined. And yet, since the particular is part of the universal, there is no real contradiction between particular case-law and universal law, since the latter absorbs and assimilates the former in formulating its absolute and universally applicable laws.

The Inheritance of Spouses

The first part of the second verse of inheritance is dedicated to spouses:

In what your wives leave, your share is a half, if they leave no child; but if they leave a child, you get a fourth; after payment of legacies and debts. In what you leave, their share is a fourth, if you leave no child; but if you leave a child, they get an eighth; after payment of legacies and debts. (Al-Nisā' 4:12)

It starts by addressing men whose wives have died. Allah permits them half of her inheritance if the couple have no children (male or female, children or grandchildren). If the couple have children, he will receive only a quarter of her inheritance. It then addresses women whose husbands have died. They receive a quarter of his inheritance, but only one-eighth if the couple have children. Undoubtedly, the verse applies limit law I ('to the male, a portion equal to that of two females'), since the childless widowed husband receives one-half, and one-quarter if the couple have children—no specification is given to the sex or number of children. Once again, we should remind ourselves of the need for such regulations only in situations where a bequest does not exist. If, however, a bequest exists, precisely specifying each share, it must be taken as the basis

for allocating the deceased's inheritance. A specific bequest always overrules the general regulations of inheritance law.²⁰

The so-called kalāla inheritance

So far, the verses have covered inheritance cases where the deceased is survived by children or parents. But what happens if the parents have already died and no children exist? This situation is called *al-kalāla*, i.e. a distribution of the inheritance to collateral heirs (those who are not of the direct line of the deceased but come from a side line, e.g. brothers, sisters, uncles, aunts, cousins, etc.). There are two types of *al-kalāla*:

1) If the deceased has one brother and one sister each will receive one-sixth, that is, each sex gets the same amount. If there are several brothers and sisters they all share equally one-third of the inheritance. One-third is the upper limit that brothers and sisters of the deceased can inherit, and their individual share is absolutely identical (limit law III). It also applies if the deceased has a husband (who gets at the lower limit $\frac{1}{2}$ without children, $\frac{1}{4}$ with children) or a wife (who gets at the lower limit $\frac{1}{4}$ without children, $\frac{1}{8}$ with children):

²⁰ In this reversal of priorities MS deliberately departs from traditional Islamic *fiqh*. Even though the importance of a bequest is acknowledged by all schools of law, there is also a consensus that the deceased's will cannot overrule the laws of inheritance. A will is seen as significant only if the deceased was in debt so that his leftover wealth can be used to repay the debts or similar liabilities. According to Hanafi law it is not permitted to write a bequest for someone's legal inheritors (who will be allotted their fixed share). It is also the rule that, after paying off the deceased's debts, a bequest can only amount to a third of the person's wealth (see al-Jaziri, *al-Fiqh 'alā'l-madhāhib al-arba'a*, vol. 3, 134–40). The rules of inheritance law say that the full wealth of the deceased, or of what remains in case debts had to be repaid or one-third had to be bequeathed, is distributed among the inheritors. Hanafi law distinguishes between two primary groups: a) *aṣḥāb al-furūd*, or those who possess the obligatory (shares), i.e., father, mother, grandfather, grandmother, husband, wife, full sister, consanguine sister, uterine brother and uterine sister, and b) *al-'aṣabah*, or the residuary heirs, who consist of three groups, 1) the agnatic heirs, i.e., brother, son, paternal uncle, and nephew, 2) the parallel residuary, i.e., daughter, the son's daughter, sister, and consanguine sister, and 3) the uterine heirs, i.e., those who have kinship with the deceased (see al-Maydāni, *al-Lubāb fī sharḥ al-kitāb*, vol. 1, 419–27). It is obvious that MS not only restored the supremacy of bequest over inheritance laws, he also reformed the inheritance laws to a considerable extent in his effort to make them less complicated, much leaner, and entirely focused on the relatives of the first and second degree. In return, he widened the scope of bequests so that those relatives who are, in this new model, no longer considered as legal inheritors have a greater chance to become beneficiaries of a will.

If the man or woman whose inheritance is in question, has left neither ascendants nor descendants [*al-kalāla*], but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts... (Al-Nisā' 4:12)

2) The second type applies if the deceased is not survived by a husband/wife *and* not by children or parents either. In this case, limit law III is used ('if only one, her share is a half'), but only if the number of brothers and sisters is three or less and if male and female heirs exist (e.g. one brother *and* one sister, or one brother *and* two sisters, or two brothers *and* one sister). In all other cases where the number of brothers and sisters is four and above, and if male and female heirs exist, limit law I will be used ('...to the male, a portion equal to that of two females'). If there are only sisters or only brothers, then each heir gets exactly the same share.

They ask you for a legal decision. Say: God directs (thus) about those who leave no descendants or ascendants as heirs [*al-kalāla*]. If it is a man that dies, leaving a sister but no child, she shall have half the inheritance: If (such a deceased was) a woman, who left no child, her brother takes her inheritance: If there are two sisters, they shall have two-thirds of the inheritance (between them): if there are brothers and sisters, (they share), the male having twice the share of the female. Thus does God make clear to you (His law), lest you err. And God has knowledge of all things. (Al-Nisā' 4:176)

CONCLUSION AND SUMMARY

	<i>Bequest/Testimony</i>	<i>Inheritance laws</i>
General and specific laws	Bequests are the primary source for distributing inheritance. Allah gave priority to bequests over inheritance laws since they reflect the personal and objective circumstances of the testator. Bequests represent a specific law within the realm of the more general laws of inheritance. They achieve specific justice on the personal level of an individual.	Inheritance laws were stipulated by Allah for all people on earth. They represent a universal law of distributing inheritance through a general formula of allocating shares in cases where no bequest/testimony exists, or where there is a surplus, i.e., 'after payment of legacies and debts' (4:12). Their aim is to achieve social justice on a general level (between whole sets), not on an individual level (between each heir).

	<i>Bequest/Testimony</i>	<i>Inheritance laws</i>
Symmetry	Symmetry of distributional shares does not exist.	Symmetry does exist. Inheritors form symmetrical relationships to the deceased (father/mother/son/daughter/brother/sister/husband/wife). Symmetry is one of the universal attributes, while asymmetry is an attribute of the particular sphere. There is a dialectical relationship between symmetry and asymmetry.
Shares of bequests and inheritance	Shares of bequests are called <i>naṣīb</i> . They are individually defined by the testator; hence they are subject to the human will.	Shares of inheritance laws are called <i>ḥaẓẓ</i> . They are primordially defined by divine will and cannot be changed by human will. Verse 4:11 says: ‘this is a law of God...’ [AH].
Obligation or Law	Bequests are ordained by Allah as a religious obligation (<i>taklīf</i>), just as He ordained prayer and fasting.	A law of God (<i>farīda min Allāh</i>)
Persons entitled to receive bequests and to be legal heirs	Testators can bequeath shares to anyone they want, but <i>the Book</i> mentions people to whom it is recommended to allocate shares (e.g., to parents, next of kin, orphans, people in need, the disabled and old). The potential number of people who can receive bequests is much higher than the number of potential heirs who are entitled to inherit by inheritance laws.	Inheritance laws stipulate precisely who is entitled to inherit and who is not. If persons are not mentioned they cannot inherit.
Laws of distribution	No law regulates the distribution of shares. It is entirely up to the testators when and how their inheritance is allotted to the people they mentioned in their bequest. It is a particular and specific form of distribution.	The verses of inheritance follow general, universal laws that are based on calculations that can be analysed by analytical geometry and mathematics (in addition to the basic arithmetic operations). These are fixed laws, defined by Allah, in which each share is meticulously determined. The amount of the total inheritance (100 percent) is neither to be under- or over-used. The practice of surplus or shortage is illegitimate because it would imply that we have not calculated the shares correctly on the basis of the portions that Allah has fixed by His laws and limits.

	<i>Bequest/Testimony</i>	<i>Inheritance laws</i>
Caregiver-parents and birth-givers	Verses of bequests consider caregiver-parents.	Verses of inheritance consider 'birth-givers' and other ascendants (to whatever degree up) under the umbrella of <i>al-abā'</i> , as well as children and other descendants (to whatever degree down) under the umbrella of <i>al-abnā'</i> .
Comments	Testators are entitled to combine shares of bequests with shares of inheritance by stipulating how much can be bequeathed and how much can be inherited. There is therefore nothing that would limit or restrain the freedom of the testators to write their last will as they wish. However, parliament might issue a law that regulates the amount of the inheritance that can be bequeathed. Such laws have no eternal validity. We do not accept the traditional understanding of inheritance that states: 'no bequest [is admitted] to the inheritor'. Bequests can take effect even before the death of the testator.	Inheritance laws were given on the assumption that both male and female heirs exist (mother/father; brother/sister; husband/wife). There are of course cases where only one sex exists, e.g., the deceased is survived by only male children, or only female children, or where there are only brothers but no sisters, or only sisters but no brothers. In all these cases the rule is that every heir of the same sex receives exactly the same share. For this rule no additional revelation was needed, and it is so self-evident that no further <i>fiqh</i> commentary or <i>ḥadīth</i> by a companion of the Prophet (ṣ) or by anyone after them is required.

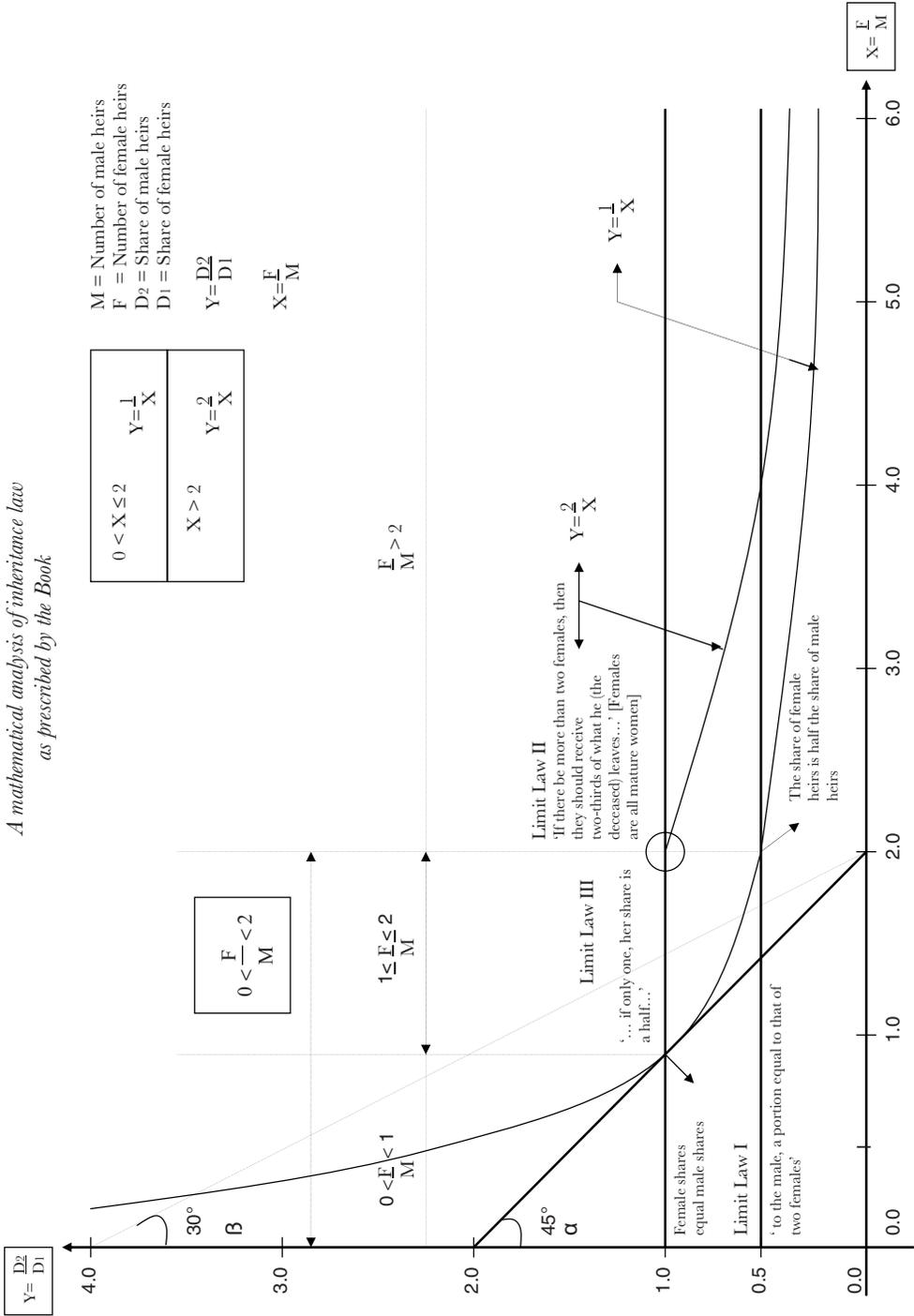
Symbols Used to Calculate the Shares of Inheritance

<i>Category</i>	<i>Symbol</i>
Number of female heirs	F
Number of male heirs	M
Ratio between female and male heirs	$X = \frac{F}{M}$
Share of a male heir	D1
Share of a female heir	D2
Ratio between the share of a female heir and the share of a male heir	$Y = \frac{D2}{D1}$

The Three Limit Laws of Inheritance

<i>Limit</i>	<i>Hyperbolic function</i>	<i>Condition</i>
<p><i>Limit I</i> ‘to the male, a portion equal to that of two females’ $\frac{F}{M} = 2$</p>	<p>The amount of male-female shares is in inverse proportion to the number of male-female heirs: $Y = \frac{1}{X}$ The peak of x is 1</p>	$0 < \frac{F}{M} \leq 2$
<p><i>Limit II</i> ‘If there be more than two females, then they should receive two-thirds of what he (the deceased) leaves...’ $\frac{F}{M} > 2$</p>	<p>The amount of male-female shares is in inverse proportion to the number of male-female heirs: $Y = \frac{2}{X}$ The peak of x is 2.</p>	$\frac{F}{M} > 2$
<p><i>Limit III</i> ‘if only one, her share is a half’ $\frac{F}{M} = 1$</p>	<p>The equation is as follows: $Y = \frac{1}{X}$ The peak of x is 1</p>	$0 < \frac{F}{M} \leq 2$

A mathematical analysis of inheritance law as prescribed by the Book



POLYGYNY

The issue of polygyny²¹ has perhaps been the most controversial topic since reformers of the nineteenth century began to question the plausibility of Islam's traditional marriage law. It is certainly one of the key issues that women in the Arab-Muslim world today face in their struggle for liberation and emancipation. If this issue is ever to be resolved once and for all, Muslim-Believers worldwide must come to terms with the modern age and the problems that come with it. The reform we propose is to understand the verses of polygyny, contained in the *umm al-kitāb*, as *hudūd* verses (pointing to upper and lower limits), which allows us to legislate in accordance with concrete historical conditions in society and to appeal to the most noble and universal aspects of all human beings.

The verse of polygyny, or should we say the verse about its abolition, can be found in *Sūrat al-Nisā'*, the fourth *sūra* and hence right at the beginning of *the Book*. It only consists of one verse, 4:3, and nowhere else in the entire text is polygyny mentioned again. The mistake of traditional exegetes has been to treat this verse consistently detached from its textual context ignoring the preceding verses which discuss how to avoid injustice to orphans. As a result polygyny was legislated for in isolation from the issue of marriages to widowed mothers of orphans and thus in isolation from its divine *ratio legis*.

In order to rectify this mistake, we will give the reader the exact sequence of the first verses of *Sūrat al-Nisā'*. The *sūra* begins with God's call to humankind to show reverence to the 'Guardian-Lord':

O [humankind]! Reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered (like seeds) countless men and women. Reverence God, through whom you demand your mutual (rights), and (reverence) the wombs (that bore you); for God ever watches over you. (*Al-Nisā'* 4:1)

It continues in verse 2 with a call to humankind not to squander the property of orphans but to take good care of it:

²¹ The term polygyny is defined as the practice of having more than one *female* partner (either wife or sexual partner) at the same time. Since the Arabic term *ta'addud al-zawāj* has only been discussed as a concept that pertains to the marriage of more than one *wife*, the more general term polygamy (marriage of more than one male or female partner) has not been used.

To orphans restore their property (when they reach their age), nor substitute (your) worthless things for (their) good ones; and devour not their substance (by mixing it up) with your won. For this is indeed a great sin. (Al-Nisā' 4:2)

Then comes the crucial third verse in which humankind is ordered to allow marriage to two or three or four wives on condition that people fear that they are unable to deal justly with orphans (the condition is underlined):

If you fear that you shall not be able to deal justly [allā tuqṣitū] with the orphans, marry women of your choice [mā ṭāba lakum], two or three or four; but if you fear that you shall not be able to deal justly [allā ta'dilū] (with them), then only one, or (a captive) that your right hands possess [au mā malakat aimānukum], that will be more suitable, to prevent you from [having too great of a burden] [allā ta'ūlū]. (Al-Nisā' 4:3)

Verse 4 follows by ordering the obligation of a bridal gift and asks women to 'take it and enjoy it with right good cheer', while verse 5 forbids people from handing over their property to the feeble-minded, but requires them to 'feed and clothe them, and speak to them words of kindness and justice'.²² After this, verse 6 returns once more to the question of orphans:

Make trial of orphans until they reach the age of marriage... (Al-Nisā' 4:6)

These verses mention the matter of justice several times, using terms such as *qisṭ* and 'adl. Both terms are autoantonyms or contronyms, words that have opposite and self-contradictory meanings. The word *qisṭ*, for example, can mean both 'doing justice' (as in 5:42, 'For God loves those who judge in equity [*al-muqṣitūn*]') and 'doing injustice' (as in 72:15, 'But those who swerve [*al-qāsiṭūn*], they are (but) fuel for Hell-fire'). And 'adl denotes 'equality/balance' on the one hand, and 'inequality/imbalance' on the other. Moreover, there exists a subtle semantic difference between *qisṭ* and 'adl, even if they both mean 'justice/equality': whereas *qisṭ* implies that justice is done by only one side of the involved parties, 'adl connotes a demonstration of justice by all, or at least two sides. The morphological root of the

²² And give the women (on marriage) their dower as a free gift; but if they, of their own good pleasure, remit any part of it to you, take it and enjoy it with right good cheer. * To those weak of understanding, make not over your property, which God has made a means of support for you, but feed and clothe them therewith, and speak to them words of kindness and justice (Al-Nisā' 4:4–5).

mathematical term ‘equation’ (*mu’adala*), indicating an equality between two sides (as in $x=y$), can be found in ‘*adl*, but not in *qist*’.

Orphans, whether male or female, are legal minors (children that have not yet reached puberty), and they are fatherless. In the context of al-Nisā’ they are orphans whose mother is still alive. Verse 6 says: ‘Make trial of orphans until they reach the age of marriage...’ (Al-Nisā’ 4:6), indicating that orphans have not yet reached sexual maturity. And the absence of their father is pointed out in the following verse: ‘As for the wall, it belonged to two youths, orphans, in the town; there was, beneath it, a buried treasure, to which they were entitled—their father *had* been a righteous man...’ (Al-Kahf 18:82), as well as in the two passages that imply the absence of the guardian who normally takes care of children’s property: ‘And come not nigh to the orphan’s property, except to improve it...’ (Al-An‘ām 6:152) and ‘To orphans restore their property (when they reach their age)...’ (4:2).

These verses urge people to take care of orphans’ property as they have become fatherless and are living with their (now widowed) mother. The case that orphans have lost both parents, including their mother, is not covered in the polygyny verse (4:3), because if both parents had died, the question of remarriage would not occur at all, and if they were motherless orphans who stay with their (widowed) father, the father’s steps for a possible remarriage were legally unproblematic and are, therefore, not in any way discussed in the verse.

Allah wants us to be kind to orphans who are minors and who have lost their father, and He wants us to take care of their property until they have reached majority. How are we supposed to do this? If we, for instance, fear that we cannot do justice to all of them equally (‘If you fear that you shall not be able to deal justly (*allā tuqsitū*) with the orphans...’) we may, as the polygyny verse suggests, consider marrying their mothers (‘marry women of your choice’). These men who are addressed here and who are asked to consider marriage to a widowed mother of orphans are men who are already married to one wife and who have children of their own. The verse explicitly says, ‘marry [...] two or three or four’, starting to count with two (not one), thereby excluding men who are single and also those who have no children.

Hence, Allah does not give unconditional permission for polygyny. First, he requests that the second, third, or fourth wives are widowed mothers of fatherless minors. Second, such polygynous marriages are only allowed if there is justifiable fear that one cannot give orphans equal shares. If these two conditions are not met a polygynous marriage cannot be considered legally valid.

Allah's qualification *mā tāba lakum*, which contains His permission to take more than one wife, has been the subject of lengthy debate among exegetes. It has often been understood as a free license for polygyny in the sense of 'marry women of your choice'. It is unthinkable for us that God could have meant that men can have as many wives as it pleases them, and that it was revealed to encourage men's arbitrary selection of whatever woman was available. If Allah had really intended to please men's sexual desires He would have said: 'marry women you want'. Instead, He said *mā tāba lakum*, which means: 'marry such women as seem good to you' [AA].²³

Such expression demands kindness and generosity towards women who have lost their husbands, the provider of the family and the guardian of their children, and who are at the mercy of whatever suitor is willing to take them. 'As seem good to you' calls for men's generosity, an open heart, and their compassion for the plight of the poor women who have to care for their orphaned children. Justice, kindness, and fairness are at the heart of the polygyny verse!

And yet, Allah must have anticipated that this powerful appeal to humanity, as expressed in this verse, might lead to a situation in which some men, in their relentless endeavour to please God, fulfil this obligation and marry widowed women with children without actually having the means to maintain them. This would result in many emotional and economic tensions whereby they are pulled between their own children of their first wife and the adopted orphaned children from their co-wives, resulting in a state of imbalance and injustice.

²³ AA's translation comes closest to MS's intention. YA's rendering 'marry women of your choice' seems to yield an element of arbitrariness (on the side of the marrying men) that MS would not tolerate. Similarly, MF: 'marry such of the women as appeal to you'; MP: 'women who seem good to you'; AH: 'marry whichever [other] women seem good to you', while AB: 'marry other permissible women' and AhA: 'marry women who are lawful for you' [fn. i.e., those who are not al-mahārim] understand *mā tāba lakum* as a legal phrase indicating 'lawful' or 'legitimate'.

This is the reason Allah revealed the second part of the verse in which people are advised about the pitfalls of polygyny and are urged to stay monogamous. Some exegetes thought that this refers to the danger that in a polygynous marriage a husband might not give his several co-wives the same conjugal rights. However, the verse is not about equal sexual satisfaction of co-wives but about equality in terms of social and economic justice. The verse deals, after all, with the issue of orphaned children, not with marital problems, since it discusses the question of how to treat orphans justly (that is, equal to the husband's own children). The verse ends with an admonition to avoid injustice by *not* committing yourself to a polygynous marriage ('to prevent you from [having too great of a burden] [*allā ta'ūlū*]...'), that is from having too many dependents to care for).

The verse of polygyny was intended to solve a crisis in the nascent Islamic community. The Arabian society of the seventh century was exhausted by the many wars that were fought in defence of the new religion, and the streets of Mecca and Medina were full of orphaned children who had lost their fathers on the battlefields. In those difficult years, Allah's revelation of the polygyny verse was a great relief for a society that did not know orphanages or state-sponsored charities for children. The polygyny verse should better be called the *verse of adoption* because it basically aims at regulating the process of adopting orphaned children into existing families. It does not deal with the marital issue of polygyny as such.

The danger is that this verse is read in isolation from the historical circumstances of its revelation and is interpreted as Allah's eternal order to unconditionally marry up to four wives regardless of the social or historical context (e.g., regardless of whether orphaned children exist or not). It would be extremely irresponsible to allow the practice of polygyny in a society in times of peace when there is no significant numerical imbalance between men and women, where the number of widowed women with small children is insignificantly low, and where there are properly functioning systems of adoption and care through orphanages. Some *fuqahā'* have fabricated long lists of reasons why men are allowed to marry more than one wife. They have said, for example, that polygyny could be justified if a woman cannot give birth, or if she is chronically ill, or if she has acquired some sort of physical or mental disability. These reasons are in our opinion totally unacceptable and completely against the essence of Allah's revelation. We need to ask the *fuqahā'*, 'why only women?'

Can men not become sterile, barren, and impotent? Are there not men who are disabled or chronically ill? Why do you not allow women to be polygamous and let them marry a second, third, or fourth co-husband?

Let us reiterate that Allah's main concern was to create justice for orphaned children and to call for mercy for widowed mothers of young children. Polygyny was proposed as a solution to the *social* dilemma of not being able to care justly for orphans. It was not to solve the sexual problems a marital couple might have! And a restriction to monogamy was issued immediately afterwards covering the situation where a father faced the social problem of an unbalanced treatment between his blood children and the children he adopted. Verse 4:127 of the same *sūra* basically reissues the moral appeal of verses 4:2–6:

They ask you for instruction concerning the women; say: 'God does instruct you about them. And (remember) what has been rehearsed unto you in the book, concerning the orphans of women [*yatāmā al-nisā'*] to whom you give not the portions prescribed, and yet whom you desire to marry, as also concerning the children who are weak and oppressed: that you stand firm for justice [*al-qisṭ*] to orphans. There is not a good deed which you do, but God is well-acquainted therewith'. (Al-Nisā' 4:127)

This verse has not escaped the superficial readings of traditional exegetes. Although the verse reiterates the previous call for 'justice to orphans' (*li-yatāmā bi'l-qisṭ*) almost word for word, most commentators do not link this verse with 4:2–6, because of their misreading of 'orphans of women' (*yatāmā al-nisā'*), which they understood to mean 'orphan women'.²⁴ There are several considerations that speak against this interpretation by our honourable scholars. The Arabic *yatāmā al-nisā'* contains a genitive construct (literally 'the orphans of the women') and not an attributive compound of noun and adjective (i.e., women who are orphans, or orphan women). Also, the Arabic term *nisā'* is the plural of *imra'a*, a woman who has reached marital age. Orphans, however, are by definition (4:6) not yet of marital age, thus, to call someone an orphan woman is a contradiction in terms,

²⁴ AH: 'orphan girls' [in your charge]; MF: 'orphan women'; AA: 'orphan women'; MP: 'female orphans'; AhA: 'orphaned women (in your charge)'; AB: 'orphan girls'; clearly, for once, YA, unlike the other translators, captures MS's intention to see here an objective genitive, by saying: 'orphan of women'.

and as nonsensical as to call a male person an ‘orphan man’ (because male orphans are by definition minor boys). In sum, verse 4:127 must be understood in connection with the orphan verses 4:2–6 because both similarly call upon people to stand up for justice to orphans (children!). To interpret 4:127 in the context of orphan women is a mischievous attempt to draw the attention away from the true message of the verse.

The Application of the Theory of Limits

The verse of polygyny contains an upper and lower limit whose exact definition has to be stated in quantitative and/or qualitative terms.

1. *Quantitative limits:*

The purely quantitative calculation is based on the passage ‘marry [...] two or three or four’, starting with the number two, that is, double the number of the first wife. Since a man cannot marry himself or half a woman, we infer that the lower limit of marriage is one and that the upper limit is four. The separate presentation of each number, ‘marry [...] two or three or four’, instead of saying ‘marry up to four’ stresses that we are dealing here with whole numbers, not with fractions, implying a ‘whole’ commitment, not just a ‘fractional’ 0.9, for example. If we prohibited polygyny completely we would still be within Allah’s limits as we would legally (and quantitatively) stand on the lower limit (of one). No verse of *the Book* explicitly prohibits us from doing so. If we allowed polygyny with up to four women, we would move between Allah’s limits towards the upper limit (of four). By focusing on a purely quantitative interpretation of the polygyny verse, traditional Islamic legislation has done exactly this and has allowed polygynous marriages without any qualitative considerations. The only qualification permitted, with regard to the conditional clause ‘but if you fear that you shall not be able to deal justly’, was to demand a balanced treatment of all co-wives. As this condition is difficult to meet, some schools of law came to the conclusion that one wife should be the norm and that only in exceptional circumstances (see above) should polygynous relationships be permitted.²⁵

²⁵ According to all four legal schools, it is permissible for a man in normal circumstances to have up to a maximum of four wives at a time, provided that equality, such as the provision of food and maintenance as well as parity in overnight stays,

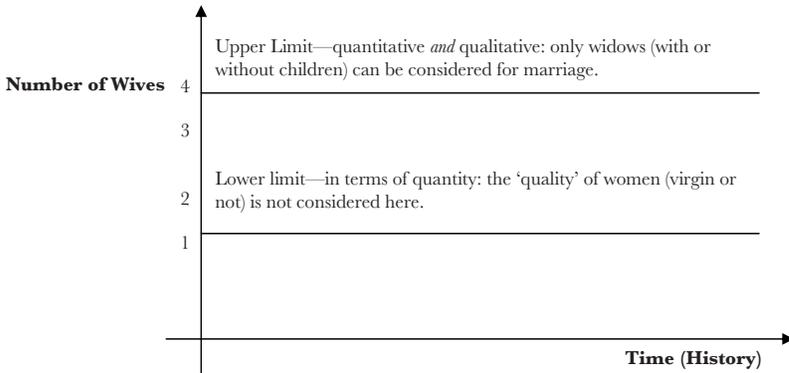
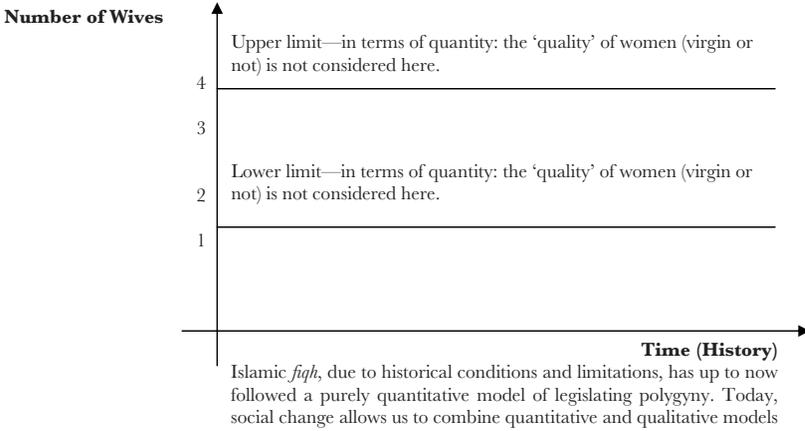
2. *Qualitative limits:*

The qualitative limits are defined by the virginal status of the woman. If she is still a virgin she will be treated differently from a woman who has lost her virginity. And if she has lost her virginity, one will have to qualify whether she is a divorced woman or a widow. This qualitative assessment is needed to link the conditional clause ‘If you fear that you shall not be able to deal justly with the orphans...’ to the response ‘[then] marry women of your choice, two or three or four...’. If we include these qualitative criteria in our analysis of polygyny, we come to the following conclusion: 1) with regards to the first wife, no specification is given: she might be a virgin, a divorcée or a widow; 2) the marriage to co-wives two, three and four is, however, qualified by a reference to ‘justice to orphans’, from which we infer that co-wives two to four must be widowed mothers of orphans, women who have lost their virginity. In this case, the quantitative limits are still between one and four, while the qualitative criteria restrict polygynous relationships to marriages of widows with small children. The marriage contract must include the adoption and financial support of the orphaned children by a man who is already married to a first wife.

The chart below shows that legislators are encouraged to issue polygyny laws in the light of the social and cultural conditions of the time. If in times of war we face, for example, a serious shortage of men and a sudden increase of fatherless children, legislators may consider changing laws that prescribe monogamous relationships and introduce laws that allow polygyny of up to four widows. This may include permission to marry more than two widow-wives who have no children at all. Absolutely forbidden are marriages to widows if the potential husband is not willing to adopt the orphans whom the widow wanted to bring into the new marriage.

can be guaranteed among all wives. The four schools only differ in explaining what exactly constitutes the required equal treatment of all wives, and it is correct to say that Islamic *fiqh* does *not* discuss the virginal, family, or economic status of the future wives, i.e., the *fuqahā'* do not suggest what MS calls a qualitative examination of the wife *in spe*, but only an assessment of the situation of the existing, *current* wife of the polygynous husband or of the situation after he has *already* married a new wife (see al-Jazīrī, *al-Fiqh 'alā'l-madhāhib al-arba'a*, vol. 4, 85; 115–20).

Chart 1: Legislation of polygyny



The Wives of the Prophet (ﷺ)

Some clarifying words are now in order with regards to Muḥammad’s (ﷺ) polygynous marriages (to *more* than four wives) which has caused enormous irritation amongst the critics of Islam in the past. What we need to consider is that Muḥammad’s (ﷺ) mission took place during a transition period between two historical epochs of humankind. History has been in two stages: the ages of human civilizations before Muḥammad’s (ﷺ) mission and after it. The current age (‘after his mission’) will last until the coming of the Last Hour. Even though

Muḥammad's (§) messengerhood introduced the beginning of the second historical epoch ('after his mission'), his own marriages were still arranged according to the traditions and customs of the old epoch ('before his mission'). This is confirmed by the following verse:

There can be no difficulty to the prophet in what God has indicated to him as a duty. It was the practice (approved) of God [*sunnat Allāh*] amongst those of old who have passed away. And the command of God is a decree determined. (Al-Aḥzāb 33:38)

We should avoid judging his polygynous marriages by the standards and norms of the second historical period he helped to initiate. We should not, for example, postulate that to marry more than four wives was a special dispensation for prophets since this presupposes that a restriction on polygyny was *already* in place as a norm at Muḥammad's time, but this clearly was not the case. It follows from this that we are not supposed to imitate Muḥammad's (§) example with regard to his marriages. Note that the above verse explicitly uses the term 'prophet' (*al-nabīy*) and not 'messenger' (*al-rasūl*), and we know that only what Muḥammad (§) did as a messenger is meant to be a role model to be followed by the Muslim-Believers:

You have indeed in the apostle [*rasūl*] of God a beautiful pattern (of conduct)... (Al-Aḥzāb 33:21)

Verse 38 of Sūrat al-Aḥzāb makes the point that Allah had asked His Prophet (§) to do things that were 'practice amongst those of old who have passed away', which is a clear sign for us *not* to follow Muḥammad (§) in that. Two things can be deduced from this:

1. The normative study of the Prophet's (§) marriages is a pointless exercise because it would inevitably mean to assess his polygynous relationships from the perspective of contemporary norms and practices. It would confuse the standards of his pre-mission marital practices with the post-mission marital norms that his messengerhood (and this excludes his marriages!) aimed to introduce.
2. In as much as Muḥammad's (§) polygynous marriages cannot be a model for us to follow, the same is true regarding the behaviour of Muḥammad's (§) wives. Allah says: 'O consorts of the prophet! (*yā nisā' al-nabīy!*) You are not like any of the (other) women...' (Al-Aḥzāb 33:32). This verse addresses only the 'women of the

prophet',²⁶ indicating that no legislation is intended here, just information that is not binding legally (it is just suggested practice).²⁷

Concluding Remarks on Polygyny

We have seen that permission of polygyny is conditional (expressed in the clause 'if you fear...'). Allah gave it, as we pointed out, in order to solve an acute social problem (surplus of women) in the war-torn society of seventh-century Arabia. It is now up to us to either use Allah's permission if, and only if, the condition (fear) is fulfilled and the social circumstances are similar. If the condition and circumstances are *not* given, we must not permit polygyny. This may lead to a situation in which one country will introduce a polygyny law, while another country may abolish it because the country's political and economic situation is entirely different. In both instances, however, legislators have to back up their decision by statistical data, representative surveys of existing marital relationships, and consultation with the population. If legal decisions are taken on the basis of sound empirical evidence, and a country like Syria allows polygamy while Saudi Arabia prohibits it, we will have to accept that the two legislative decisions, even if contradictory, are both sound. Should the social circumstances in these countries change again, polygyny legislation will have to be reconsidered; therefore neither the decision

²⁶ Other translators render *al-nisā'* not as YA by the old formal, legal term 'consort' but straightforwardly as 'wife'; AH, AB, AA: 'Wives of the Prophet'; MF, AhA: 'O wives of the Prophet'; MP: 'O you wives of the Prophet'. The Sīra and Ḥadīth scholars disagree about the exact number of his wives, some count nine as the minimum, others twelve as the maximum. The Ḥanafī school lists eleven wives: 1) Khadija bint Khuwaylid, 2) Sawda bint Zam'a, 3) 'Ā'isha bint Abū Bakr, 4) Ḥaṣṣa bint 'Umar, 5) Zaynab bint Khuzayma, 6) Umm Salima bint Abū Umayya, 7) Zaynab bint Jaḥsh, 8) Juwayriyya bint Ḥārith, 9) Umm Ḥabība bint Abū Sufyān, 10) Ṣafīyya bint Ḥuyāī, and 11) Maymūna bint al-Ḥārith. Māriya al-Qibṭiyya (12) was a slave woman gifted to the Prophet by the king of Egypt. According to the Ḥanafī position she remained a slave (and cannot be counted as a wife), while others argued that the Prophet freed her and formally married her afterwards.

²⁷ MS proposes here a purely historical approach to the Prophet's personal and marital practices, which is, inevitably, turning the traditional *fiqh* position on its head. The legal scholars have generally maintained that there were only very few specific rulings that only applied to the Prophet, one of which is that he was allowed to perform *ṣawm al-wiṣāl* (a continuous fast that ignores the normal break after sunset during Ramadan), and another was the permission to marry more than four wives at a time (see above).

in Syria nor that in Saudi Arabia is forever fixed and eternally valid.

The dilemma of traditional jurisprudence is that the *fuqahā'* never bothered to consult people and ask what they think about polygyny. They have been so occupied with the task to implement Allah's rule on earth, based on their narrow understanding of the concept of *ḥākimiyya*, that they forgot to ask what this rule actually meant for people in their daily life. Far from being a practical solution to real problems, polygyny has become a matter of 'right or wrong' (*ḥarām au ḥalāl*), while they ignore the fact that a *ḥarām* interdiction is all-comprehensive and implies an eternally valid taboo, and that *ḥalāl* allows for changing legislation on the basis of empirical proof, statistical data, and proper parliamentary debate.

As a matter of fact, polygynous relationships are *not* a matter of 'right or wrong'. If a country has ruled that polygyny is forbidden (on the grounds that the state provides enough care for orphaned children and sufficient financial support for widowed mothers of small children), a violation of that law must be sanctioned by social disapproval and prosecuted by the state authorities, but it must not be classified (religiously) as 'adultery' or 'sin'. If a country decides to ban polygyny it does not mean, as some claim, to prohibit what Allah has allowed since God gave us the right to legislate in these matters.

If someone, for example, wants to ban smoking in public places (which Allah allowed), this person will have to provide hard evidence for the harmful effects of smoking on people's health, and on this basis parliament might then decide to ban smoking in pubs, restaurants, and workplaces. Such a ban neither deliberately ignores Allah's permission nor is it eternally fixed (because one might in future develop a kind of tobacco that is not harmful). One has to draw a fine line between absolutely forbidden things (*ḥarām* taboos) and those that are temporarily banned (*mamnū'*). Human legislation can never claim to have stipulated absolute taboos (the prerogative of Allah) because circumstances might change that require new legislation; and those practices (e.g., polygyny, smoking) that used to be permitted might be found to undermine public good, health, and welfare which would necessitate their public ban (although not forever).

We need to understand the status of the prophetic *sunna* in similar ways. During his lifetime, Muḥammad (ṣ) exercised *ijtihād* in matters of Allah's permission (by either ordering or banning what Allah

had permitted), but none of Muḥammad's (ﷺ) decisions have eternal validity. Today, prophetic *sunna* is embodied in the many academic institutions and legislative assemblies that a modern nation-state possesses. Matters of rituals and religious worship are different; they are not part of Muḥammad's (ﷺ) prophetic *sunna* (only of his *sunna* as a messenger) and are therefore dealt with by muftis and their *iftā'* councils.

GUARDIANSHIP OR COMPETENCE AND LEADERSHIP (*AL-QIWĀMA*)

What is frequently forgotten in debates about women in Islam is that *the Book* of Allah does not privilege one sex over the other. Nowhere does it claim superiority for either sex. Numerous verses address both male *and* female believers as well as male *and* female Muslims in an ungendered way, indicating equal status in the eyes of the Lord, and absolute and indiscriminate equality socially and religiously. The following study aims to prove this point against the claim of traditional exegetes, often made solely on the basis of a few isolated verses, that women are inferior to men and that women are 'deficient in reason and religion'. They argue that the verses of inheritance and (male) guardianship support their view that God does indeed differentiate between men and women and that He favours the former over the latter. However, reality has it that the views of medieval scholarship were clouded by an ideology of male dominance and patriarchal hegemony that characterised their entire exegesis and overshadowed their interpretations of the authoritative texts of Islam. Today, in the Islam of the twenty-first century, such forms of sexism and male chauvinism have no credibility any longer, and it is our aim to show that such male-centred interpretations can be fully contradicted by alternative readings which argue for equality and an end to sex discrimination.

Before we analyse the verses of guardianship in detail, we first outline our position on the relationship between men and women. We believe in a relationship of love, kindness, and mutual respect, to the effect that men are like a garment (*libās*) for women and women are like a garment (*libās*) for men. The Arabic term we use here, *libās*, means 'being intertwined' or 'blended together', referring to a symbiosis between your body and the garment you wear. It is taken from verse 187 of Sūrat al-Baqara:

Permitted to you, on the night of the fasts, is the approach to your wives. They are your garments [*libās^{um}*] and you are their garments [*libās^{um}*]... (Al-Baqara 2:187)

A relationship of love, kindness, and mutual respect is a relationship of equality and equivalence (*al-mutakāfi'a*) as to how both partners feel, think, and respond to each other. To talk about women as a kind of commodity for men or, less likely, about men as a commodity for women, is the opposite of what we intend by our concept of equivalence.

Let us now turn to the so-called verse of guardianship:

[*Al-rijāl*] are the [*qawwāmūn*] of [*al-nisā'*], because God has given the one more (strength) than the other, and because they support them from their means... (Al-Nisā' 4:34)

Also, let us listen to *the Book* on the issue of the neglect of responsibility (*al-nushūz*) on the part of the woman, that is, at times when she upholds the duty of *qiwāma*:

If you fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace, God will cause their reconciliation—for God has full knowledge, and is acquainted with all things. (Al-Nisā' 4:35)

Concerning the neglect of responsibility (*al-nushūz*) on the part of the man, that is, when he is holding the *qiwāma*, *the Book* says:

If a [woman] [*imra'a*] fears cruelty or desertion [*nushūz*]²⁸ on her husband's part [*min ba'lihā*], there is no blame on them if they arrange an amicable settlement between themselves; and such settlement is best, even though men's souls are swayed by greed. But if you do good and practise self-restraint, God is well-acquainted with all that you do. (Al-Nisā' 4:128)

Verse 34 of Sūrat al-Nisā' begins with a definition of *al-qiwāma*, which means 'to take care of', 'to be responsible', or 'to be in charge'.²⁹ It implies that if you take care of something you want to improve it. In verse 34, *al-rijāl* take care of *al-nisā'*, that is, the former are responsible for the latter. This has often been understood as 'men

²⁸ MF, AA, AhA: 'aversion'; AH: 'alienation'; AB: 'cruelty or aversion'; MP: 'ill-treatment'.

²⁹ MF, MP, AB: 'to be in charge'; AH: 'to take good care'; YA: 'to guard and protect'; AhA: 'to support'; AA: 'to manage the affairs'. In particular AA's rendering corresponds with MS's interpretation of *al-qawwāmūn*.

take care of women'. For some naïve people it even expresses a biological superiority that is forever engrained in the constitution of the male sex, and since Allah created both sexes in this way they usually jump to the conclusion that Allah wanted women to be essentially deficient in reason and religion and that He preferred men to women ('because God has given the one more (strength) than the other', 4:34). But if Allah had really wanted to make such an essentialist and sexist claim on the basis of people's gender, why did He not say: 'All males [i.e., using a different word than *rijāl*, e.g. *dhukūr*] are the guardian over all females [i.e., again, using a different word, not *nīsā'* but *ināth*]'?

Defining the Term 'Men' (al-rijāl)

Conventional wisdom tells us that 'men' are defined by their masculine sexuality. But if masculinity was the only marker of manhood, the two terms 'male' and 'men' would be synonymous, interchangeable, and, hence, absolutely identical. This, of course, is out of the question since 'men' are not exclusively defined by their sex. The Arabic term 'man' (*rajul*) has the same root as the noun *rijl*, which refers to that part of the body which enables people to move, to walk, or to stand. People are called 'pedestrians' if they walk with their legs and feet (*arjul*), and a woman who walks *per pedes* is called 'a woman going on foot' (*al-rājila*). Many verses in *the Book* use the term *rijāl* in exactly this way: to denote 'movement' regardless of the mover's sex:

- 'If you fear (an enemy), pray on foot (*rijāl^m*), or riding...' (Al-Baqara 2:239). If *rijāl* in this context only meant male sex, it would imply that women never go on foot!
- "“And proclaim the pilgrimage among men: they will come to you on foot (*rijāl^m*)...”” (Al-Hajj 22:27). Again, if *rijāl* meant only male pilgrims, would this not exclude women from making the pilgrimage on foot? Of course, women also perform their pilgrimage on foot. *Rijāl^m* in this context implies that those who perform the *hajj* have to be strong enough to walk long distances; it addresses the stronger and healthier people among the believers (men *and* women).

- ‘By [the *al-rijāl*] whom neither traffic nor merchandise can divert from the remembrance of God, nor from regular prayer...’ (Al-Nūr 24:37). Can only men, in their prayers, not be distracted by traffic and trade? Does this mean, by logical inference, that women are constantly distracted by these things and thus cannot pray properly? Of course not! *Al-rijāl* in this context again includes both male and female believers!
- [*al-rijāl*] are the [*qawwāmūn*] of women [*al-nisāʾ*]. Given the above examples of an ungendered usage of *al-rijāl*, we maintain that the same term, used in 4:34, must refer to both sexes!³⁰

In contrast, other verses of *the Book* do have a gendered meaning; the term *rijāl* refers to male adults and the term *nisāʾ* to female adults, as we can see in the following three examples:

- ...and if there are not two men, then a man [*fa-rajul*] and two women [*imraʾatān*]... (Al-Baqara 2:282)
- ...Had there not been believing men [*rijāl*] and believing women [*nisāʾ*] ... (Al-Fath 48:25)
- Would you really approach men [*al-rijāl*] in your lusts rather than women [*al-nisāʾ*]?... (Al-Naml 27:55)

The point we want to make is that the terms *rajul-rijāl* (sing.-pl.) are semantically not exclusively restricted to denote maleness. The generic sense of the term is ‘to walk’ or ‘to go on foot’ which is in neither case a prerogative of the male sex. As we have seen in the verses quoted above, the context will tell us whether *rajul-rijāl* is used in the generic, ungendered sense of ‘walking’ / ‘going on foot’ or whether its derivative, gendered sense ‘male adult’ is implied. The fact that in public life in the past men did all the walking to earn their living for family and wife (who stayed at home or did *not* walk when on travel), might explain why the generic sense (on foot) is

³⁰ Here, MS’s interpretation of *al-rijāl* is unique; no translator renders *ar-rijāl* different from either ‘men’ (AA, MP, AhA, AB, MF) or ‘husband’ (AH). Lane gives the same derivatives as MS and lists as the only possibility whereby *al-rajul* can connote both sexes as *al-rajulān*, i.e., the dual of sing. *rajul*, ‘sometimes means a man and his wife’ [my emphasis] but adds that ‘predominance being thus attributed to the former’; or *al-rajula*, ‘a woman who is, or affects to be, or makes herself, like a man in some of her qualities, or states, or predicaments’ adding that ‘Ā’isha was called *rajulat al-raʾy*, ‘meaning she was like a man in judgement’. It seems that the term is predominately masculinised and that MS relies here on the gender-neutral meanings of all the other derivatives of *r-j-l* in order to render *al-rijāl* as unisex.

almost always associated with the derivative sense (men). And yet to claim that this is the only sense of the term would mean, as we have seen, to amputate its meaning by half.

Defining the Term ‘Women’ (al-nisā’)

The Arabic term *al-nisā’* is the plural of two different singular terms: first, of *al-mar’a* (woman) and, second, of *al-nasī’* (deferment). The latter term refers to things that are delayed or postponed, for example, we say, ‘the delivery has been postponed’ or ‘Zayd is late’. Verse 9:37 uses *al-nasī’* in this sense: ‘Verily the transposing (of a prohibited month) (*al-nasī’u*) is an addition to unbelief...’ (Al-Tawba 9:37). And a *ḥadīth*, if authentic, states, ‘Whoever likes his provision to be increased and his life to be extended (*yansa’*, i.e., his death postponed), should uphold the ties of kinship.’³¹ The former term, in contrast, refers either to the opposite partner of men (i.e., women, but in the sense of men’s social, nonsexual companion) or to the plural of woman (as a collective term), while, incidentally, the feminine singular *imra’a* (woman) has the same root as the male singular *imru’* (man).

The conventional—and rather primitive—rendering of the creation story wants us to believe that Adam was created before his wife. According to this story, she was formed out of his ribs and thus entered the world after him. Women were thought to be those who ‘come after’, ‘lag behind’ or are ‘delayed’, a misconception to which the following verse was believed to give full support:

O [humankind]! Reverence your Guardian-Lord, who created you from a single person, created, of like nature, his mate... (Al-Nisā’ 4:1)

A more objective (scientific) understanding, however, can prove that at the beginning of creation there was no division into male and female creatures. The first organisms were all single celled. They increased in their number not by copulation and fertilisation but through cell division (mitosis). Only when evolution had reached the stage by which animals and humans reproduced life through procreative intercourse do we witness a (simultaneous) split into a male and female sex. In evolutionary terms, the traditional creation story simply does not make sense. Also, it is a biological fact that male sperms

³¹ Al-Nisābūrī, *Ṣaḥīḥ Muslim*, vol. 8, 8 (ḥadīth no. 8867).

always produce embryos that initially are both male and female (some scientists even claim that they are initially all female). Thus, scientific research on the early stages of embryonic development also contradicts the hypothetical ‘male first, female second’ story.

As said before, the term *nīsā*’ expresses the notion of delay, deferral, or postponement, and can refer to basically everything that might ‘come later’. We propose to understand *nīsā*’ in this sense when we look at 3:14, which uses the term *nīsā*’ when talking about people’s ‘love of things’ and objects ‘eagerly desired’:

Fair in the eyes of men [*zuyyīna li’l-nās*] is the love of things they covet: [*al-nīsā*] and sons; heaped-up hoards of gold and silver; horses branded (for blood and excellence); and (wealth of) cattle and [a bonus in crops of wheat]. Such are the possessions of this world’s life; but in nearness to God is the best of the goals (to return to). (Āl ‘Imrān 3:14)

In this context *nīsā*’ cannot possibly mean ‘women’.³² First, because such a rendering would ignore the fact that the verse speaks about the desires of all people (*al-nās*!), men *and* women, and not just men.³³ Second, it would turn women into commodities and goods of pleasure that are no more than ‘heaped-up hoards of gold and silver’, and on a par with ‘horses, cattle and well-tilled land’. However tempting it must be for some of the *fuqahā*’ and many sexist exegetes to regard women as part of their livestock (ranked as equals with cows, sheep, donkeys, oxen, and mules), we should resist such a ridiculous interpretation of Allah’s speech. Instead, *nīsā*’ here literally means ‘things that arrive last’, that is, goods of the latest fashion. The verse is absolutely accurate in saying that people in general, not

³² All translators consulted think otherwise and translate *al-nīsā*’, like YA, as ‘women’. Ambros lists, as do all other dictionaries, *al-nīsā*’ under the radical root of *n-s-w* (Ambros, *Dictionary*: 267), whereas MS links *al-nīsā*’ to the root of *n-s-*’, hence his interpretation of *nīsā*’ in the sense of *nasī*’, lit. ‘postponed’. However, the link is not as far-fetched as it seems. Lane lists under *n-s-*’ terms such as *nasū*’^{um}, *nusū*’^{um} and *nīsū*’^{um}: ‘a woman who is supposed to be pregnant’, also *nasu*’^{um} or *nusu*’^{um}: ‘in whom pregnancy has appeared’; in the sense of *nasī*’^{um}: ‘a woman whose menstrual discharge is later than its usual time, and who is therefore hoped to be pregnant’. In the last example, the semantic connection between *n-s-*’ and *n-s-w* is clearly evident, and it seems that MS bases his interpretation of *al-nīsā*’ on this.

³³ Some translators render *al-nās* as ‘men’, but MF and others follow MS and say ‘attractive to mankind’ (i.e., men and women) and yet still translate *al-nīsā*’ as ‘women’, leaving it unexplained why the text states that all mankind (including women) lust after women, implying a natural disposition (lesbian-homosexual love) that is theologically very difficult to uphold.

just men (!), want to purchase the most recent models (cars, mobile phones, clothes, CD-players, designer spectacles, etc.). All over the world, people want to follow the latest fashion and look down on things that are ‘last year’. This implies an endless cycle of consumption because what is ‘hot’ in one year is old and ‘out’ in the next, when it will be replaced by the new arrivals, by what ‘follows next’ (*al-nisā*’).

Al-Nisā’ can also refer to people who ‘come next’ or ‘follow behind’, as in the following verse:

And say to the believing women that they should lower their gaze and guard their modesty... [in front of] their women [*sic*] [*au nisā’ihunna*]... (Al-Nūr 24:31)

This verse addresses the ‘believing women’ who should lower their gaze and guard their private parts. It then mentions those relatives in front of whom women are allowed to reveal their *zīna* (explained later), one group being described as *nisā’ihunna*, usually translated as ‘their [i.e. the believing women’s] women’.³⁴ But is it correct to say ‘women’s women’? If we look at the sequence of the people given: ...except their husbands, their fathers, their husbands’ fathers, their sons, their husbands’ sons, their brothers, their brothers’ sons, their sisters’ sons, their *nisā*’... we notice that the verse does not continue to list those ‘who come next’, that is, the sons of the sons, or the sons of the brothers’ sons, or the sons of the sisters’ sons, and so on; and what could have potentially become an endless list is efficiently condensed into the phrase ‘and those who follow next’ (*nisā*’). The same applies to verse 55 of Sūrat al-Aḥzāb, ‘There is no blame (on these ladies if they appear)... [in front of] *nisā’ihunna*... (33:55); the term *nisā*’ here refers again to those male relatives who ‘follow those mentioned before’.

³⁴ AA, MF, MP: ‘or their women’; AH: ‘their womenfolk’; some translators feel uncomfortable translating ‘women in front of their women’ and insert a qualifying attribute, e.g., AB: ‘or other women’, or AhA: ‘or their women attendants or captives’, the latter linking *nisā’ihunna* together with the following *mā malakat aimānuhunna* (captive slaves) which both combined results in ‘women attendants or captives’, i.e., women of inferior class.

The Verse of Guardianship (4:34)

Having defined the crucial terms of *nīsā'* and *rījāl*, we are now in a position to understand the verse of guardianship:

[*Al-rijāl*] are the protectors and maintainers [*qawwāmūn*] of [*al-nisā'*], because God has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are [*qānitāt*], and guard [...] what God would have them guard. As to those women on whose part you fear [...] ill-conduct, admonish them (first). (Next), refuse to share their beds, (and last) beat them (lightly) [*sic*]; but if they return [...], seek not against them means (of annoyance)—for God is most high, great (above you all). (Al-Nisā' 4:34)

We have ruled out the possibility that the first line of this verse can be interpreted as 'Men are the protectors and maintainers of women', because *each* of the two terms *al-rījāl* and *al-nisā'* refer to both men and women in this context. Let us say it again: to assume that *al-rījāl* means 'men' and *al-nisā'* 'women' is a serious mistake because in this verse both terms are not gendered: *al-rījāl* refers to both men and women, and *al-nisā'* means 'those who follow behind'. We need, of course, to identify the middle term that connects *al-rījāl* and *al-nisā'*. We know that the *qawwāmūn* are 'those in charge' or 'those with power and competence'. Many well-meaning feminists have tried to reverse the supposed sexism of the verse and claim that *qawwāmūn* means 'standing in service', implying that men are not the masters but in fact the servants of women. This may sound quite appealing to some but it is frankly very far-fetched. It still suggests that one should keep a division between men and women, even if husbands are now the alleged servants of their wives. It also fundamentally contradicts the next line of the verse, 'God has given to some [the *rījāl*] more than others [the *nīsā'*]' [AH]. Such preference given by God is incompatible with the notion of servitude. Some have claimed that this verse makes it clear that Islam, in contrast with other religions and cultures, does not want gender equality and hence treats men and women differently. We object to this because the verse does not exclusively address 'male believers' (*mu'minūn*) and 'female believers' (*mu'mināt*), the followers of Muḥammad (ṣ), but rather men and women in general. For us this implies that the verse must have a high degree of universality, to the extent that it is as applicable to men and women in Tokyo or São Paulo as it is to men and women

in Cairo, Damascus, or Riyadh. Thus, we are not allowed to claim a higher or different status for the religion of Muḥammad's (ﷺ) followers. If we keep referring only to the context of Mecca and Medina of the seventh century while reading God's revelation, we are bound to lose *the Book's* universal message which is valid in all places and at all times.

The second line, 'God has given to some more than [some] others', is for some exegetes an indication of God's preference of men to women. Since their interpretation of the first line is essentially gendered, they claim that God's preference for men explains why men are in charge of women, since it is, in their view, clearly stated in the first line. This ignores the fact that the text says 'some' and not 'all'. According to the scholars' interpretation it would imply that God prefers 'some' men to 'some' women. The question would then be who these chosen men are, and who are the men whom God does not favour? Also, who are the (other) women God prefers to men? Since we cannot know the answer to these questions, such interpretation must be immediately discarded. What is indeed correct to say is that God has given to some men *and* women more (strength) than to other men *and* women. This view is supported by the following verse:

See how We have bestowed more on some than on others; but verily the Hereafter is more in rank and gradation and more in excellence. (Al-Isrā' 17:21)

Having dismissed the notion that Allah puts men in charge of women, we are now able to provide an ungendered explanation of Allah's preference. Since *al-rijāl* refers to both men *and* women, we believe that high competence, moral strength, determination, education, and strong cultural awareness will always put some men *and* women in charge of others who do not excel in these things at the same level. People are very different in this respect; some men *and* women will always outperform others in their activities; some women are stronger than other women *and* other men; some men are stronger than other women *and* (other) men because 'God has given to some more than others'.

The same applies to financial and economic power. Some people will always have more than others. This is what line 3 says: 'because they [the *qawwāmūn*] support them [the others] *from their means*'. Financial power is not, however, always coupled with cultural

competence. Rich tycoons who own several companies, for example, are often incapable of running their business without the help of more competent and better-qualified people. And yet, because of their financial prowess they will remain in charge (*qiwāma*) and dictate the overall strategies of their companies. Financial and economic power can be found in every level of society, in families, small businesses, political parties, sports clubs, international companies, and so on, and is exercised in most cases heedless of cultural competence.

The point we want to stress is that *qawwāma* is not, as traditional exegesis suggests, only located within the realm of family and between husband and wife. Guardianship is found everywhere where cultural competence and financial power are necessary: in schools, universities, farms, factories, football clubs, ministries, hospitals, nurseries, banks, insurance companies, and estate agencies, that is, basically in all aspects of society. The universal aspect of our notion of guardianship lies in the fact that we find examples of cultural and financial strength everywhere in history, be it in ancient Rome, Palmyra, or Tsarist Russia, and also everywhere on the planet, be it in Egypt, Syria, England, Turkey, India, Pakistan, or Indonesia. This proves how absurd it is to identify guardianship solely with the male sex and conclude from this an essential (and everlasting) superiority of men over women.

Some exegetes have tried to justify their misogynist views by referring to verse 36 of Sūrat Āl ‘Imrān which, in their opinion, reiterates Allah’s preference of boys to girls:

...but when she gave birth, she said, ‘My Lord! I have given birth to a girl’—God knew best what she had given birth to: the male is not like the female [*wa-lāisa ‘l-dhakar ka’l-unthā*]—I name her Mary... (Āl ‘Imrān 3:36, AH)

Halfway through the verse it is said, ‘the male is not like the female’. Opinions differ about whether this is said by ‘Imrān’s wife (who, by a miracle, conceives a child from God) or, in parentheses, by Allah Himself. Either way, it is, we believe, powerful speech that contains a powerful message (regardless of who actually said it). More problematic is that the text is believed to discriminate against girls by stating a clear preference for boys (‘males are different’ is thought to express ‘males are better’). In fact, if the text states a preference at all, it is the other way around! What has been overlooked is the fact

that the text compares boys with girls, and not girls with boys. And if boys are compared to girls and found wanting ('males are different'), preference is, implied by such a negative reading, given to those to whom boys cannot be compared (the girls!). Note that we have mentioned a similar case of God's preference in our discussion of inheritance laws, by which the shares of the male heirs are always determined by the shares of the female heirs.

In the past, life was characterised by hard work and physical labour. This meant that, at least in terms of public presence, men had an advantage over women. Because of such physical superiority and public dominance, *al-rijāl* and *qiwāma* were naturally associated with men. However, things have changed and technological progress has wiped out the advantage that physical labour once had over what used to be considered 'soft' work: education, administration, service, and intellectual and creative activities. Women are now not only active in almost all branches of industry, commerce, and agriculture, they have also taken up leading positions in politics and in the city's boardrooms. Moreover, data from medical and educational research show that we can once and for all discard the myth that women are biologically and intellectually disadvantaged: women live longer than men, suffer less often from heart diseases, and girls do better in almost all school and university exams.

As for guardianship on the level of the family, research has shown that children are happier if both parents do the housework together, if they show kindness and respect to each other, and if at least one parent is willing to put in the hard work, to show a high degree of family commitment, and to provide strong leadership. And yet, not everyone is willing or able to take on the same amount of responsibility because some are naturally better than others in organising family life. In some families there are strong husbands who provide the necessary leadership, in others it will be the wife who takes up this role. And if both have strong personalities and high social and emotional competence, they will, following the principle of equivalence, make their decisions together. We therefore interpret 'guardians' as follows: Those who have strength, competence, and power (male or female) who will provide leadership to 'those who follow them' or 'those who come after them' (*al-nisā'*) in terms of ability and competence (male or female). God gave more to those who

possess *qawwāma* (male or female) than others.³⁵ The gist of our argument is that rather than defining ‘guardianship’ as a characteristic of men, we believe that women can acquire it as well. This is supported by line 4 of our verse:

‘Righteous women [*fa’l-ṣāliḥāt*] are devout [*qānitāt*] and guard what God would have them guard in their husband’s [*siċ*] absence [*hāfiẓāt li’l-ghayb*]...’. [AH]

Righteous women are *not* those who are obedient³⁶ or who pray, fast, and give alms, as many exegetes have it, but those who possess *qiwāma* (this is the theme of the verse after all), that is, those who do competent work and provide leadership. The crucial term is *ṣāliḥāt*, which many, too hastily, have understood as ‘devout and pious women who pray and fast’. But a comparison to Sūrat Al-Anbiyā’ reveals that this is incorrect:

And (remember) Zakariya, when he cried to his Lord: “O my Lord! Leave me not without offspring, though you are the best of inheritors.”
* So We listened to him and We granted him Yaḥyā. We cured [*aṣlahnā*] his wife’s (barrenness) for him... (Al-Anbiyā’ 21:89–90)

The term *ṣāliḥāt* means here that Allah cured (*aṣlahā*) Zakariya’s wife from her barrenness. This surely does not imply that Allah’s cure made her pray and fast! Instead, the passage tells us what righteous women do who possess *qiwāma*, that is, those to whom God has given special skills and the power of leadership: they ‘guard what God would have them guard’, what God has given to them in terms of special gifts and talents. And if they keep and use their talents for the benefit of all, they are ‘righteous women’ (*ṣāliḥāt*).

³⁵ This breaks entirely with the unambiguously gendered definition of *qiwāma* in Islamic *fiqh*. According to the Ḥanafi school of law, *qiwāma* means that the husband is liable to pay the *mahr* (dower) to his wife and that he (and only he!) is responsible for the financial support and maintenance of his wife and his family throughout their marriage (see al-Mūṣilī, *al-Ikhtiyār li’l-tā’l al-mukhtār*, vol. 4, 229).

³⁶ Most translators, though, render this phrase exactly like this, e.g., MP: ‘good women are the obedient’; MF: ‘righteous women are obedient’; AA: ‘righteous women are therefore obedient’; YA: ‘righteous women are devoutly obedient’; AB: ‘Right-acting women are obedient’, and only AH, YA, and AB see the verse as referring to a marital context. AhA expressly wants to avoid the potential (ideological and legal) abuse of such a rendering and qualifies obedience as nonmarital: ‘women who are virtuous are obedient to God’ [fn. only to God]. MS, in addition, wants to exclude the possibility of understanding ‘righteousness’ as obedience (to God) which is expressed purely in outward forms of ritual devotion and as (purely quantitatively) increased piety.

What happens, however, if a woman does not possess these qualities and skills? What if she once had all that characterises good guardianship but lost it by wasting her skills and talents? In this case, a woman becomes what *the Book* calls a *nāshiza*, a woman who, because of her negative behaviour, is unfaithful to her talents and who rebels against her good nature. Having addressed righteous women, verse (4:34) continues by saying, ‘if you fear high-handedness (*nushūz*) from your wives [*sic*]’ [AH]. It basically says that *nushūz* women squander God’s special gifts and do not ‘guard what God would have them guard’. The rest of the verse explains the procedure of dealing with the problem of *nushūz*:

...admonish them (first). (Next), refuse to share their beds, (and last) [*idribūhunna*]; but if they return [...], seek not against them means (of annoyance)—for God is most high, great (above you all). (Al-Nisā’ 4:34)

By exclusively attaching this verse to the realm of marital relationship, some exegetes thought that *nushūz* meant a wife’s refusal to obey her husband’s orders.³⁷ However, marital disobedience is not at all the theme of the verse, which in fact focuses on a description of general leadership and guardianship. Also, *nushūz* connotes a much wider meaning of disapproval and discord than just marital disobedience, which is evident in the following verse:

O you who believe! When you are told to make room in the assemblies, (spread out and) make room: (ample) room will God provide for you. And when you are told to rise up [*unshuzū*], rise up [*unshuzū*]. God will rise up... (Al-Mujādila 58:11)

This is evidence enough to suggest that *nushūz* cannot be rendered as the state of a wife’s recalcitrance or, as some traditionalists suggest, as her refusal to pray, fast, and pay *zakāh*. It is definitely not, as al-Suyūṭī claimed, a form of female disobedience that needs to be disciplined by her husband’s firm hand and, if needed, by corporal punishment. It is closer to the truth, and to the spirit of the whole verse, to say that *nushūz* means the lack of *qiwāma* in a woman. If she

³⁷ The suffix pronoun of *nushūzahunna* refers back to *al-ṣāliḥāt^m qānitāt^m*, so if translators have rendered the latter as referring to a marital context, as did AH, YA, and AB, they must then understand the latter as referring to the *nushūz* of wives, even though the verse explicitly neither states ‘husband’ nor ‘wife’ (this is why MF, MP, AhA, AA regard, similar to MS, *nushūzahunna* as a reference to women in general, wives or not).

has lost her temper and has turned into an unkind, impatient, and pretentious person, she has lost her *qiwāma*. If she has become self-opinionated and high-handed in everything she does, and takes all her decisions autocratically, she has also lost *qiwāma*. This may be paralleled by the loss of *qunūt*, as explained in the previous line, that is, of ‘what God asked her to preserve’, for example, if a wife gossips and reveals marital secrets to other people. The important point to stress is that all women can become guilty of *nushūz* (whether they are married or not), be they sisters who are rude to their brothers, mothers who are mean to their children, or grandmothers who treat their children and grandchildren with disdain and disrespect.

The verse indicates what needs to be done in these circumstances: admonition and warning advice first, then, if the woman is married, a refusal to share her bed. Finally, if these things fail, she should be punished by the withdrawal of her right of guardianship. These three steps of solving the crisis only make sense if we accept that women actually possess *qiwāma*, because if they did not, if *qiwāma*, the provision of strong leadership and financial power, was the sole prerogative of men, the suggested solutions to the problem of *nushūz* would be entirely pointless.

The third step (withdrawal of guardianship) is stated in the Arabic text with the phrase *wa-ʿdribūhunna*. This is conventionally understood to mean ‘to beat them’, either by a slap of the hand, a punch with the fist, or a blow with a stick. What has escaped most traditional exegetes is the fact that the verb *daraba* is so polyvalent that it is ridiculous to reduce its meaning to the physical act of ‘beating’. A few examples will prove this point: *daraba haqn^{am}* means ‘to give an injection’; *daraba fi’l-’ard* means ‘to travel the world’; *daraba darība* means ‘to impose a tax’; *daraba mathal^{am}* means ‘to apply a proverb’; and *daraba mithāl^{am}* means ‘to quote an example’. How on earth could scholars like al-Suyūṭī think that ‘to beat’ or ‘to strike’ is the only possible rendering of the verb *daraba*?

Did they not consult the example of the Prophet (ṣ) who, after he heard that his companions had applied this verse too literally by beating their female slaves, rebuked them saying, ‘Do not beat Allah’s handmaidens’.³⁸ Provided that this *ḥadīth* is sound, did our exegetes really think that Muḥammad (ṣ) would so unashamedly contradict

³⁸ Abū Dāwūd al-Sajjānī, *Sunan Abī Dāwūd* (Beirut: Dār al-Fikr, n.d.), vol. 3, 248 (ḥadīth no. 2146).

Allah's command of 4:34 ('beat them')? In reality, there is no contradiction between the Prophet's (ﷺ) interdiction not to beat women and Allah's verse 4:34, which does not talk of physical punishment at all. To say that *wa-'dribūhunna* literally means 'beat your wives' is a scandalous example of male biased exegesis.³⁹ Because of the fact that male chauvinism was culturally incubated, enacted and tolerated at the time of their writing, traditional exegetes like al-Suyūṭī were bound to make the most misogynist reading of the verse and project their hostility to women onto the text. Little has been done to change this attitude. Some attempts have been made to explain beating as a 'slight touch' on the woman's arm or face or, even more bizarre, as a gentle tap with 'a toothpick'! However hard people have tried to present the beating as less harsh forms of corporal punishment, the tendency to denigrate women as a different kind of house pet which needs to be domesticated and if required, disciplined, did not change.

This goes entirely against the way in which *nushūz* of women is treated in other countries of the world. Men can always take a firm stand against women who haughtily refuse to cooperate with other men *and* women without using violence. And this is exactly what the verse suggests: if women abuse the gifts and talents of *qiwāma*, of which 'Allah has given to them more than others', and if they squander their potential for leadership, their intellectual skills, or their financial resources, one should 1) warn them, 2) reduce contact with them, 3) establish a firm but nonaggressive and nonviolent resistance against their *nushūz*. If all of this fails *the Book* recommends the possibility of arbitration in the verse that follows:

If you fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace, God will cause their reconciliation. For God has full knowledge, and is acquainted with all things. (Al-Nisā' 4:35)

³⁹ MF, AB, AA: 'and beat them'; AH: 'then hit them (fn. with a single blow)'; YA: 'beat them (lightly)'; MP, with a reference to physical violence, says: 'chastise them'; AhA suggests instead a sympathetic act of reconciliation: 'and go to bed with them (when they are willing)'. In a footnote, he refers to al-Raghīb (*al-Mufridāt fī ghariḥ al-qur'ān*) who said that *daraba* metaphorically means to have intercourse, and quotes as proof the phrase *daraba al-fahl al-nāqa*, 'the stud camel covered the she-camel', and concludes that *daraba* cannot be taken here to mean 'to strike them (women)', (78–79). MS's rendering of *wa-'dribūhunna* as a civilized conveyance of discontent and rebuke is perhaps closest to AhA's nonviolent understanding of the phrase.

So far we have only covered the *nushūz* of women. What about the *nushūz* of men? A reference to this can be found in verse 128 of Surat al-Nisā’:

If a wife [*sic*] [*imra’at^{um}*] fears cruelty [*nushūz^{um}*]⁴⁰ or desertion [*i’rād^{ah}*] on her husband’s part [*min ba’lihā*], there is no blame on them if they arrange an amicable settlement between themselves; and such settlement is best; even though men’s souls are swayed by greed. But if you do good and practise self-restraint, God is well-acquainted with all that you do. (Al-Nisā’ 4:128)

The text does not use the sexually charged terms for wife/husband (*zawja/zawj*) but uses the terms *imra’at^{um}* (woman) and *ba’l* (nonconjugal partner).⁴¹ Both terms describe a wider category of relationship than *zawja/zawj*. The term used to describe the object of a woman’s fear is *ba’l* (partner) which is not identical with *zawj*, her conjugal husband. In the context of a family relationship, *al-ba’l* connotes someone who earns a living, who eats, drinks, plays with the children, and has close contacts with each member of the family. If such a *ba’l* marries the woman of the family, he becomes *al-zawj*, her conjugal husband. Every *zawj* husband is legally also a *ba’l*, but not every *ba’l* is a *zawj* (husband with whom she has sexual intercourse). One may describe the *ba’l* relationship between a woman and a man as nonsexual, as a friendship or acquaintance that has no sexual implications. Even between sexually active spouses there might be *ba’l* moments, that is, when they cannot exchange intimacies, for example, in front of their children or in public. Also, a husband who has become too old to have sex, resumes the status of a *ba’l* he had before he married his wife (even though, legally, he remains the

⁴⁰ ‘*Nushūz* relative to women has been commonly referred in English as denoting “disobedience, disloyalty, and rebellion” (relative to a husband) as in 4:34, but when used in relation to men (relative to a wife or wives) it has been translated into English as “cruelty or desertion” as seen in 4:128. The male translators of the standard English versions of the Qur’an have conducted an exegetical act in the very process of translating’. See *Encyclopaedia of the Qur’an*, s.v. “Gender.” (M. Badran), 292—this is a valid point in spite of AB’s ‘cruelty’, see above.

⁴¹ Only YA and AH translate *imra’at^{um}* directly as ‘wife’, while MF, MP, AB, AA, AhA say: ‘woman’ which is only indirectly qualified as wife through ‘...her husband’ (*ba’lihā*). MS’s point is that neither *imra’a* nor *ba’l* refer to the conjugal relationship between a husband (*zawj*) and his wife (*zawja*), implying that their relationship must be differently defined, i.e., in nonsexual marital and nonmarital terms. This rendering of *ba’l* is unique; Lane and Ambros treat it as synonymous with *zawj*.

husband of his wife). The following verse makes it clear that *zawj* refers to those who have licit sexual intercourse with their wives:

And those who guard their [lower] private parts [*li-furūjihim hāfiẓūn*], * except from their wives and what their right hands possess [*azwājihim*]. [For these] they are not blameworthy... (Al-Mu'minūn 23:5–6) [FM]

In contrast, the text uses *ba'l* when it refers to men in front of whom a woman does not need to cover her private parts because no sexual complications are to be feared:

...[they should] not display their [bodily] beauty [*zīnatahunna*]⁴² except to their husbands [*li-bu'ūlatihinna*], their fathers, their husband's fathers [*abā' bu'ūlatihinna*]... (Al-Nūr 24:31)

The verse lists a woman's male relatives to whom she is not prohibited to show her *zīna*: to her brother, her father, her son, the father of her husband, and so forth. In the context of this list a woman's husband, by necessity, assumes the status of a *ba'l* because a *zawj* husband with all his conjugal rights would be allowed to see his wife entirely naked and would not need an explicit (thus, redundant) permission to see other parts of her body! Verse 72 of Surat Hūd gives us an example of how precisely *the Book* distinguishes between *zawj* and *ba'l*; we notice how Abraham, when he had passed his sexually active years, was now called by his wife her *ba'l* husband, not any longer her *zawj* husband:

She said: "Alas for me! Shall I bear a child, seeing I am an old woman, and my husband here [*ba'lī*] is an old man?... (Hūd 11:72)

Another example can be found in 2:228 in which divorced husbands are categorised as *ba'l*, not as *zawj*, since it is clear that they have ceased to have sexual intercourse with their former wives:

Divorced women shall wait concerning themselves for three monthly periods. Nor is it lawful for them to hide what God has created in their wombs, if they have faith in God and the Last Day. And their husbands

⁴² *Zīna* will be explained below as the beauty of a woman that has two dimensions: a) a visible beauty (nose, eyes, mouth, ears, etc.) and a hidden beauty (her private parts called *juyūb* and *furūj*). This description differs from the traditional understanding insofar as *zīna* connotes beauty that primarily consists of ornaments and adornments and only secondarily of the natural beauty of the female body. See 'Alī b. Abī Bakr b. 'Abd al-Jalīl al-Rashdānī al-Marghīnānī, *al-Hidāya* (Cairo: Maṭba'at Muṣṭafā al-Bābī, n.d.), vol. 4, 458.

[*bu'ūlatuhunna*] have the better right to take them back in that period...
(Al-Baqara 2:228)

Divorced husbands may still have close contacts to their divorced wives and their children, they may even continue to be the breadwinner of the family, and in some cases they may even still live in the same house as the rest of the family, but mostly their (sexual) intimacy with their former wives has stopped. The term that uniquely signifies this special relationship between a man and a woman is *ba'l*.

Since the verse in question (4:128) uses the term *ba'l*, not *zawj*, we can now safely say that contrary to popular belief, it does not discuss the sexual relationship between a wife and her husband. Instead it addresses a woman's social relationship with the *ba'l* provider of the family who possesses *qiwāma*. Two things that can put a strain on such a relationship are mentioned:

3. *Nushūz*: a man becomes a despot and a tyrant to his family, which results in (complete) loss of freedom: the woman is not allowed, without his prior consent, to do anything in the household, not even the smallest things of everyday life. Good leadership (*qiwāma*) is thus lost and has turned into bad leadership.
4. *Neglect*: a man does not fulfil his duties: he is absent from work, irresponsibly spends money that he has not earned himself and is—as the Arabs say—'swept around by the winds of the day'.

A woman can respond to this dreadful situation in two ways. She can accept it and regard it as God-given. This is, unfortunately, what most women in the Arab world do, despite the fact that *the Book* encourages them to actively try to seek a way out of the predicament (e.g., 'there is no blame on them if they arrange an amicable settlement between themselves; and such settlement is best...' [Al-Nisā' 4:128]). Or, alternatively, she can refuse to accept it and strongly object to his lack of respect, his despotic attitudes, and his neglect of his family duties. *The Book* instructs women what to do in this situation. It resolutely urges women to be firm in their protest and to seek 'a peaceful settlement, for peace is best' (4:128, AH).

Finally, it is absolutely vital to consider those situations in which an amicable agreement cannot be reached. The text mentions cases when 'men's souls are swayed by greed' (4:128). In this context

‘greed’ must be interpreted as a man’s denial of any wrongdoing on his part. He blames the woman for the breakdown of their relationship while claiming all goodness for himself. In front of an arbiter, who wants to reconcile the two parties, the man admits no fault in his own behaviour, resists all attempts at change, and avoids reflection on the things that have gone wrong in his relationship. Such behaviour makes it extremely difficult, if not totally impossible, to mediate and reconcile the differences.

It is most intriguing to see that our verse ends with Allah’s encouragement to practice self-restraint, and that the next verse (4:129) continues the theme by advising against the practice of polygyny. It is as if polygyny is seen as one of the reasons why men forget their duties and neglect their families.

But if you do good and practise self-restraint, God is well-acquainted with all that you do. (Al-Nisā’ 4:128)

You are never able to be fair and just as between women, even if it is your ardent desire: But turn not away (from a woman) altogether, so as to leave her (as it were) hanging (in the air). If you come to a friendly understanding, and practise self-restraint, God is oft-forgiving, most merciful. (Al-Nisā’ 4:129)

It should be stressed again that the problem of ‘injustice between women’ is not primarily sexual negligence. Injustice is caused by negligence regarding all the other aspects of family life: care for children, support of elderly people in the family, provision of food and clothes, mortgage payments, and so on. This is exactly how the previous verse defined men’s *nushūz* and neglect as the two reasons why men have lost their *qiwāma*.

The use of the conditional phrase ‘but if you do good...’ in 4:128 indicates that Allah accepts that reconciliation is only a possibility and not a foregone conclusion. Many things can go wrong at this stage, and even if it is preferable that a family stay together, it cannot always be achieved by all the will in the world. The next verse 4:130 confirms that at some junctures separation is inevitable:

But if they disagree (and must part), God will provide abundance for all from His all-reaching bounty: for God is He that cares for all and is wise. (Al-Nisā’ 4:130)

Again, the position of women provides the rationale for this verse. If they have been treated badly, if men have been cruel to them or have neglected them, it is *they* who are entitled to ask for a divorce

and request half of their husbands' possessions—and not only the remainder of their bridal gift—as compensation paid to them as divorced women (because of their status as co-partners). We believe that current divorce practices are intolerable. Ironically, our Imams and preachers keep enthusiastically praising the role of women in Islam, presenting them as equal partners of men and as enjoying the same rights as men both in public life and at home. But as soon as divorce procedures are mentioned all such talk of equality suddenly stops, women are no longer equal partners, and it is soon forgotten that they own half the men's property. What is granted to a divorced woman, if she gets anything at all, is just what remains of her dowry,⁴³ even if it is sometimes no more than a ring made of nickel. For a woman to demand a divorce is still seen as an affront, a deviation, a crime that must not be rewarded by any form of financial support. Hence, divorced women very often end up with nothing at all.⁴⁴ We

⁴³ MS refers here to the so-called deferred dowry, *al-mu'akkhkar*, which is held back by the husband until a divorce arises. After a divorce has taken place the husband would (at least theoretically) pay the amount of dowry that was agreed upon at the time of the marriage contract. If the marriage has not been consummated, the wife would still be entitled to half of the agreed *mahr*. If the *mahr* was not stipulated at the time of the contract, the wife would be entitled to *mahr mithlī*, i.e., a dowry typically given for a woman of the same status and class if the marriage was consummated, if not, she would be entitled to *mut'as* or gifts (see al-Mūṣīlī, *al-Ikhtiyār li'l-ta'tīl al-mukhtār*, vol. 3, 127–30). According to MS, these regulations reveal the structural problem of the current *fiqh* law of divorce, because the financial compensation for women is fixed solely on the payment of the dowry which is—given the actual wealth (money and property) that husband and wife shared during their marriage—a rather pitiful share.

⁴⁴ According to Ḥanafī law, the right of divorce has been granted to men only. If a woman wants a divorce but her husband refuses to initiate the legal steps, she can opt for *khul'* by which her husband agrees to release her in return for financial compensation from his wife's family. This arrangement is called *ṭalāq bā'in* or irrevocable divorce (see al-Mūṣīlī, *al-Ikhtiyār li'l-ta'tīl al-mukhtār*, vol. 3, 127–32). If, however, it turns out that it was the husband's faults that led his wife to opt for *khul'*, then the husband would not be allowed to ask for any financial compensation in return (see Abū Bakr b. Mas'ūd al-Kāsānī, *Badā'i' al-ṣanā'i' fī tartīb al-sharā'i'* (Cairo: Maṭba'at al-Jamāliyya, n.d.), vol. 3, 149–50). A different way for a woman to seek divorce is through *fāskh*, i.e. an official annulment of marriage by a court on the grounds that her husband is either impotent or insane, or that he has neglected his duty to maintain her and his family. If these conditions have been stipulated in the marriage contract, their breach will be considered as sufficient reason for a divorce. The woman would then be entitled to get the dowry that was fixed at the time of the contract, if the marriage has been consummated (see Muḥammad b. Muḥammad Amīn Ibn 'Ābidīn, *Ḥāshiyat radd al-Mukhtār* (Beirut: Dār al-Iḥyā' al-Turāth al-'Arabī, n.d.), vol. 13, 130–34). Again, MS criticises the *fiqh* rules as highly inadequate since it is seen as the *norm* that the husband initiates a divorce, while *khul'* and *fāskh* are

believe, however, that women have every right to ask for a divorce if they have been treated badly (*nushūz*) or suffered because of their husbands' negligence (*i'rād*). And we believe that divorced women should get all the rights and provisions that modern family law allows, and that includes her right to stay in the house of her husband (unless she has become guilty of 'open lewdness'), as is prescribed by the first verse of Sūrat al-Ṭalāq:

O Prophet! When you do divorce women, divorce them at their prescribed periods, and count (accurately), their prescribed periods: And fear God your Lord: and turn them not out of their houses [*buyūti-hinna*], nor shall they (themselves) leave, except in case they are guilty of some open lewdness, those are the limits set by God... (Al-Ṭalāq 65:1)

Note that the verse speaks about 'their (the women's) houses', not about 'your (the men's) houses', even though the speech is only addressed to men!

DRESS NORMS FOR WOMEN (*LIBĀS*)

The Issue of Women's Headscarf (ḥijāb)

Muslim women's headscarf, called *al-ḥijāb*, has become almost synonymous with the Islamic dress code for women. However, this contradicts the fact that in *the Book*, in all eight occurrences, *al-ḥijāb* does not refer to a piece of cloth at all. When the text does address questions of dress code it uses other terms, such as *al-thiyāb* (outer garment), *al-jalābīb* (galabia), or *al-khumūr* (veil). Why have exegetes been so obsessed with treating *al-ḥijāb* as a piece of cloth?⁴⁵

regarded as *exceptions* that are—even if theoretically acknowledged in *fiqh*—socially disapproved.

⁴⁵ It is interesting to note that *ḥijāb* has been discussed in *fiqh* literature both as a social category (seclusion) as well as in its sense of a piece of cloth (veil), whereby one might regard the latter as the material marker of the former. In the tradition of the Ḥanafī school, three levels of *ḥijāb* have been discussed: 1) a woman must stay indoors except in cases of necessity; 2) if she leaves the house and goes to public places or other houses of non-*mahārim* relatives, she must dress herself with a long, loose outer garment that, at least, covers her head and is drawn to her bosom; and 3) a woman must observe the rulings of 'awra (explained below in fn. 74, p. 326–27), (see Shafi'ī 'Uthmānī, *Ma'ārif al-qur'ān* (Karachi: Idārat al-Ma'ārif, 2005), vol. 7, 214–20). From this it is clear that *ḥijāb* has been traditionally understood as both seclusion *and* veil, the latter being the visual sign of maintaining a form of seclusion

Arabic dictionaries tell us that the root meaning of *h-j-b* is: ‘to guard’ or ‘to protect’; *hājīb* means ‘gatekeeper’, someone who guards an entrance and keeps out unwanted people; *hijābat al-ka‘ba* was the name for the office of the gatekeeper of the Ka‘ba in Mecca, whose task it was to protect the Ka‘ba by ‘standing between the pilgrims and the sacred shrine’. In sum, everything that ‘comes between two things’ and keeps them apart is called a *hijāb*, as the following examples from *the Book* underline:

The companions of the Garden will call out to the companions of the Fire: “We have indeed found the promises of our Lord to us true; have you also found your Lord’s promises true?” They shall say, “Yes”; but a crier shall proclaim between them: “The curse of God is on the wrong-doers.” (Al-A‘rāf 7:44)

Between them shall be a veil [*hijāb^{am}*], and on the heights will be men who would know every one by his marks; they will call out to the companions of the Garden, “peace on you”: they will not have entered, but they will have an assurance (thereof).* When their eyes shall be turned towards the companions of the Fire, they will say: “Our Lord! Send us not to the company of the wrong-doers.” (Al-A‘rāf 7:46–47)

In the context of these three verses, *al-hijāb* separates the companions of the Garden from the companions of the Fire. We understand that the ‘veil’ mentioned does not prevent the two groups from seeing and hearing each other or, as the following verse shows, from full, open interaction:

The companions of the Fire will call to the companions of the Garden: “Pour down to us water or anything that God does provide for your sustenance.” They will say: “Both these things has God forbidden to those who rejected Him.” (Al-A‘rāf 7:50)

Another verse from *Sūrat al-Isrā’* talks about ‘a veil invisible’ in the hearts of people who are not moved by the recitation of the *qur’ān*:

When you recite the *qur’ān*, We put, between you and those who believe not in the Hereafter, a veil invisible [*hijāb^{am} mastūr^{am}*]. (Al-Isrā’ 17:45)

In this context, *hijāb* is more like a natural disposition or a character trait that Allah has created so that the hearts of the unbelievers cannot recognise the beauty of *the Book’s dhikr*. And yet, they could still

whose enforcement is required both in the private and public spheres (the veil replacing the walls of the house).

see and hear Muḥammad (ﷺ)! These examples show that in *the Book* the term *al-ḥijāb*, in its meaning of ‘veil’, ‘curtain’, or ‘screen’, is primarily employed in its figurative, metaphoric sense, so much so that a literal interpretation as ‘a piece of cloth’ or ‘headscarf’ is completely untenable. We will therefore put *al-ḥijāb* aside and concentrate instead on the term *al-libās* and its association with women’s clothes.

Before we present our analysis let us reiterate the five cornerstones of our methodology:

1. We avoid a synonymous understanding of words in *the Book*. We maintain that there are semantic differences between terms that supposedly are synonyms, such as *thiyāb* (outer garment) and *libās* (raiment); *saw’a* (shame) and *awra* (embarrassment); *ba’l* (nonconjugal husband) and *zawj* (conjugal husband), and so forth.
2. We maintain that the context in which words appear confines the meaning of polysemous words. For example, the term *al-libās* in the following verse, meaning ‘raiment of righteousness’, needs to be understood in a figurative way. The context makes it clear that it does not literally mean ‘shirts’ or ‘trousers’:

O you children of Adam! We have [made you aware of] [*anzalnā ‘alaikum libās^{am}*] how to cover your shame, as well as to be an adornment to you. But the raiment of righteousness [*libās al-taqwā*]^{am}—that is the best. Such are among the signs of God, that they may receive admonition! (Al-A‘rāf 7:26)

3. We stress the need to distinguish between absolute, divine law (*ḥarām-ḥalāl*), which is the prerogative of Allah, and time-bound, contingent law (*amr-nahy; ḥasan-qubḥ*), which is the realm of human legislation (see chapter 2).
4. We remove the mantle of sacrality from the body of medieval scholarship. What these scholars wrote is subject to criticism, correction, and revision because scholars can err and misunderstand. Human beings are fallible; they are forgetful, inattentive, and negligent. We must not give them the aura of infallibility.
5. We only attach sacrality to Allah and His *Book*. Divine sacrality is stored inside the text of *the Book*. It cannot be transferred to anything or anyone outside the text, for whatever reason and on whichever pretext.

The Problem of Original Sin

The imposition of a specific dress code on women has often been justified by references to the story of Adam and Eve and to the original sin of humankind. It is therefore important that we revisit the evidence given for this and then decide whether it withstands close scrutiny. Historians of religion will tell us that not all religious traditions accept the notion of humankind's original sin, and that those which do have various versions of the story that do not necessarily make women responsible for the original sin. The Old Persian religions, such as Zoroastrianism, Manichaeism, and Mazdaism, or the ancient Indian religions, such as Vedanta-Hinduism, Brahmanism, and Buddhism, do not possess any mythological account of the existence of an original sin, nor do they blame women for any sort of *ur-sin*. Nevertheless, many of them regard women as essentially inferior to men in their attempt to achieve sacredness, as a result of which women are asked to put a veil over their mouth and nose so that they cannot poison with their breath the sacred flame that burns for men. Socially, such inferiority has been translated into servitude, such that women have been forced to serve their (male) masters as if they were gods.⁴⁶

Judaism was the first religion which attached the stigma of original sin to the cunning nature of women, and Christianity followed by basically accepting the account of the Old Testament. Centuries later, when Jews and Christians converted to the new religion of Muḥammad's (ṣ) mission, this story sneaked into the collective consciousness of qur'anic exegetes and remained there for centuries, despite the fact that there is no textual evidence for any such misogynist rhetoric in *the Book*. The story can be found in Genesis 1-19,

⁴⁶ For Hinduism, see Arvind Sharma, ed., *Goddesses and women in the Indic religious tradition* (Leiden: Brill, 2005); Mildred W. Pinkham, *The status of women in Hinduism as reflected in the Purānas, Mahābhārata, and the Rāmāyana* (New York: Columbia University Press, 1941); and Lynn E. Gatwood, *Devi and the spouse goddess: Women, sexuality, and marriages in India* (Riverdale: Riverdale Co., 1985), ch. 5 ('Women and Caste Level', 75-107). For Buddhism, see Diana Y. Paul (with Frances Wilson), *Women in Buddhism: Images of the feminine in Mahāyāna tradition* (Berkeley; London: University of California Press, 1985), ch. 1 ('"Temptress," Daughter of Evil', 3-59); and Rita M. Gross, *Buddhism after patriarchy: A feminist history, analysis, and reconstruction of Buddhism* (Albany: State University of New York Press, 1993), ch. 2, section 5 ('Do innate female traits and characteristics exist? Roles and images of women in Indian Mahayana Buddhism', 55-77); I. B. Horner, *Women under primitive Buddhism: Laywomen and almswomen* (London: Routledge, 1930), ch. 2 ('The daughter', 19-34), ch. 3 ('The wife', 35-71).

telling the reader how Eve's disobedience led to God's curse on every living being on earth. The blame which Jewish exegetes threw at Eve because of her sin was extended to include all women on earth. Women were thought to naturally symbolise the disobedient behaviour of their female ancestor, and as a result it was thought best to restrain women by containment, repressive dress codes, and a position of servitude toward the man of the house. The view of men's spiritual vulnerability by a woman's appearance was deeply rooted in folk tradition and official doctrine, creating a culture in which a woman was seen as an ambassador of death. Her heart was portrayed as a hidden trap, her hands as shackles, and her whole body as an image of seduction from which the righteous soul can only seek refuge to God. It was only a question of time that Jewish women were then forced to hide their bodies behind long garments and their faces beneath a veil.⁴⁷

In spite of the more progressive message of the Gospels which contained Jesus' message to all humankind, men *and* women, regardless of sex and ethnicity, apostles and missionaries appeared to have replaced this progressive message in later years with the old hostility towards women. Paul, for example, in his epistle to the Corinthians, says 'I want you to know that the head of a woman is her husband, that the head of a man is Jesus Christ, and that the head of Jesus Christ is God', as a result of which women were sentenced to a life at home since they were denied the freedom to speak up in church (how striking is the similarity to what the *fukahā*' say about '*awra*, 'the feeling of shame'⁴⁸ of a woman's voice). Women were subsequently forced to ask men for permission when they wanted to leave their house, and if they were given permission they had to cover their head and hide their face.⁴⁹

⁴⁷ See Lynne Schreiber, ed., *Hide and seek: Jewish women and hair covering* (Jerusalem: Urim Publications, 2003); Carol L. Meyers, *Discovering Eve: Ancient Israelite women in context* (Oxford: OUP, 1991), ch. 7 ('Household Functions and Female Roles'), 139–64; Beverly Bow and George W. E. Nickelsburg, "Patriarchy with a twist: Men and women in Tobit," in "*Women like this*": *New perspectives on Jewish women in the Greco-Roman world*, ed. Amy-Jill Levine, 127–43 (Atlanta: Scholars Press, 1991).

⁴⁸ The term '*awra*' is explained below. On the prohibition of a woman speaking in church, see Richard Farnworth, *Woman forbidden to speak in the church: The grounds examined, the mystery opened, the truth cleared, and the ignorance both of priests and people discovered* (London: Giles Calvert, 1655).

⁴⁹ See Jorunn Økland, *Women in their place: Paul and the Corinthian discourse of gender and sanctuary space* (London: T&T Clark, 2004); Claudia L. Thompson, "Hairstyles,

If we look at the situation of women in pre-Islamic Arabia we will be surprised to learn that in spite of many rules and regulations, which disadvantaged women, the nomadic Bedouin society allowed women a considerable degree of freedom in choosing and divorcing her husband. It was, for example, sufficient for a woman during her husband's absence to rearrange the entrance of her tent to let the returning man know that his wife had divorced him. During this period of ancient Arabia we can witness the existence of outstanding female personalities, such as the two queens Balqis and Zanubia, the poet al-Khansa', the priest Zarqa' al-Yamama, and the wise woman Jahina. Numerous clans and tribes were named after women, such as the tribes of the Ummiyya, the Ghazziya, and al-Muzayyina. And yet, social practices reflected considerable misogyny, for example, the practice of female infanticide (cf. 'When the female (infant), buried alive, is questioned * for what crime she was killed,' Al-Takwīr 81:8–9).

Let us see how *the Book* covers the question of original sin:

Then began Satan to whisper suggestions to them, bringing openly before their minds all their shame that was hidden from them (before); he said: "Your Lord only forbade you this tree, lest you should become angels or such beings as live for ever." * And he swore to them both, that he was their sincere adviser. * So by deceit he brought about their fall: when they tasted of the tree, their shame became manifest to them, and they began to sew together the leaves of the garden over their bodies... (Al-A'rāf 7:20–22)

But Satan whispered evil to him: he said, "O Adam! Shall I lead you to the tree of eternity and to a kingdom that never decays?" * In the result, they both ate of the tree, and so their nakedness appeared to them: they began to sew together, for their covering, leaves from the Garden... (Ṭā-Hā' 20:120–21)

Five points can be immediately deduced from this account:

1. There is no indication that the original sin was committed by an act of sexual transgression. The body of Adam's wife has absolutely no relevance to the sin.

head-coverings, and St. Paul: Portraits from the Roman Church," *BA* 5 (June 1988): 99–115; Karen Armstrong, *The Gospel according to a woman: Christianity's creation of the sex war in the West* (London: Elm Tree, 1986)—'The result: Eve', 52–87; 'The four faces of Eve', 250–58; for both Judaism and Christianity see Naomi R. Goldenberg, *Changing the gods: Feminism and the end of traditional religions* (Boston: Beacon Press, 1979)—'Rebels of the Bible', 72–84.

2. The name of Adam's wife is not given. Her role in the sin is so insignificant that her name is nowhere mentioned in the entire *Book*. It is certainly not *Hawā'*²—as is so often claimed in the *tafsīr* literature—which is the Arabic version of the name in Hebrew.
3. Adam either commits the original sin alone (sūra 20) or together with his wife (sūras 5 and 2), but in both accounts it was the Devil (*shayṭān*) who, by his whispers, instigated the act of disobedience.
4. A snake or a viper is not mentioned in *the Book*. This differs significantly from the Biblical account where the snake entices Eve to eat from the forbidden fruit.
5. The verses do not mention any item of clothing belonging to Adam and his wife—neither in Paradise nor on earth. It is only said that both become aware of their nakedness and that 'they began to sew together the leaves of the Garden over their bodies...' (7:22).

This last aspect is particularly important since it points out that the original sin of Adam and his wife was accompanied by the discovery of their nakedness. The effort of the two to cover their nakedness (first with the leaves of the Garden, then with clothes) finally results in God's sending down of 'raiment' to the *children* of Adam (human-kind):

O you children of Adam! We have [made you aware of] [*anzalnā 'alaikum libās^m*] how to cover your shame, as well as to be an adornment to you. But the raiment of righteousness—that is the best. Such are among the signs of God, that they may receive admonition! * O you children of Adam! Let not Satan seduce you, in the same manner as He got your parents out of the Garden, stripping them of their raiment, to expose their shame; for he and his tribe watch you from a position where you cannot see them. We made the evil ones friends (only) to those without faith. (Al-A'rāf 7:26–27)

The significance of this sequence of events is that in order to establish women's dress code in Muḥammad's (ﷺ) messengerhood, one has to study in general the clothes that early humankind wore in order to cover their nakedness before one can embark on a more specific study of particular items of clothing, such as the *ḥijāb*, the *jilbāb*, or others.

Being Covered (libās)

The Arabic term *libās* connotes that something or someone is covered. The term can literally mean a garment that covers the whole

body, as in 35:33, or can figuratively refer to a state of confusion because the truth is hidden or ‘covered’ beneath layers of falsehood, as in 2:42. Finally, it can be used as a metaphor for protection, help, and spousal support, as in 2:187:

Gardens of eternity will they enter: therein will they be adorned with bracelets of gold and pearls; and their garments [*libāsuhum*] there will be of silk. (Fāṭir 35:33)

And cover not [*la-talbisū*] truth with falsehood, nor conceal the truth when you know (what it is). (Al-Baqara 2:42)

Permitted to you, on the night of the fasts, is the approach to your wives. They are your garments [*libās^{um}*] and you are their garments [*libās^{um}*]... (Al-Baqara 2:187)

Shame (saw’a)

The term *saw’a* can be understood literally and metaphorically, similar to its antonym *libās*. When Allah asked Moses to press his hand to his side, we are told that it came out white (as if being leprous) but ‘without harm’ (*ghayr sū^{‘im}*), not physically ‘disfigured’ (20:22), but when Allah sent a raven to show Cain how to hide the nakedness of his brother Abel, *saw’a* is metaphorically used as a metonym (5:31). It certainly does not refer to nudity *as such*, but rather to shameful states of exposure, vulnerability, and intimacy. It pertains to the zone of ‘*awra*, i.e. the intimate parts of the body, which people are forbidden to show in public, that is, the pudenda, the sexual organs of men and women, because if they are exposed, it ‘causes harm’, or, as al-Rāzī says, it signals ‘corporal decay’ and ‘mortification’.

“Now draw your hand close to your side: it shall come forth white (and shining), without harm (or stain) [*ghayr sū^{‘im}*]—as another sign...” (Ṭā-Hā’ 20:22)

Then God sent a raven, who scratched the ground, to show him how to hide the shame [*saw’a*] of his brother. (Al-Mā’ida 5:31)

We tend to follow a more symbolic reading of *al-saw’a* and define it as a bad act which would, if publicly exposed and thus discovered, bring shame and dishonour and inflict pain on its perpetrators. Thus we do not understand 20:22, ‘...and so their nakedness (*saw’atuhumā*) appeared to them...’ literally as the uncovering of their private parts, but rather as a reference to their disgraceful act of having disobeyed God’s order. It describes more an act of moral denudation than just bodily nudity. One may object to this by asking, if their nakedness is not meant to be understood literally, why did Adam and his wife

begin to cover their bodies immediately after they discovered their nakedness? The answer is that the text, even though it links the two events together, that is, a) the manifestation of the nakedness and b) ‘sewing together leaves of the garden’, uses the conjunction *wa-* (and), *not* in order to indicate cause and effect (because of their nakedness they collected leaves) but rather to narrate the sequence of events (first nakedness, *then* the collection of leaves). Why can it not be a causative *wa-*? Because we are told, in another verse, that Allah has assured Adam and his wife that they will not ‘go hungry *or naked*, suffer thirst or the sun’s heat’:

...their shame became manifest to them, *and* [*wa-*] they began to sew together the leaves of the garden over their bodies... (Al-A‘rāf 7:20–22)

“There is therein (enough provision) for you not to go hungry or to go naked, * nor to suffer from thirst, nor from the sun’s heat.” (Ṭā-Hā’ 20:118–19)

We understand that Allah placed Adam and his wife in His Garden where both cannot go hungry (fruits of the earth are plenty), or thirsty (water everywhere), or be harmed by the sun’s heat (no shadow required). Hence, Allah does not request saturation (which is permanent), nor does He want them to get dressed (nakedness is normal). Allah does not ask them to still their thirst (it is permanently stilled), nor does He want them to seek shelter in the shade (no heat can harm them). Allah only asks them not to come near the tree. But Allah’s creation consists of fallible human beings who are weak and forgetful, and indeed Adam ended up as a sinner because of his forgetfulness:

We also commanded Adam before you, but he forgot and We found him lacking in constancy. (Ṭā-Hā’20:115, AH)

After Adam disobeyed his Lord and went astray, he was expelled to an open land where hunger and thirst reigned. He discovered the need to dress against the cold and to seek the cooling shade against the sun. They suddenly faced the need to work which was particularly painful for women because in matriarchal societies women worked more and harder than men. And yet, the reason why Adam and his wife ‘began to sew together the leaves of the garden over their bodies’ was not because of the cold but because of a childish impulse to hide their wrongdoings as soon as they realised the gravity of their sin. When they realised this—and note that the emergence

of a consciousness of sin marked, in evolutionary terms, the transition to humans as moral beings—Adam and his wife desperately tried to cover it up with the leaves of the Garden hoping that this would undo it. In doing so they expressed the primitive belief that if something is visibly concealed it will magically disappear. This gesture was certainly not meant to conceal their nakedness because nakedness is only considered to be improper if a particular social context requires people to assess it as socially unacceptable.

But neither in the Garden nor in the Open Land was there a context that made them feel ‘naked’, that is, improperly dressed! If the incident occurred outside Paradise, on earth, it certainly happened during a very early evolutionary stage in which people lived primitively. Humans, known as *Homo erectus*, who were alive at that time would have found nakedness the most natural way of existence. Even if the arrival of Adam and his wife meant the transition from *Homo erectus* to *Homo sapiens*, their nakedness would not have been judged as improper in the surrounding milieu. Therefore, we maintain that the collection of leaves was not meant to cover their nakedness but was rather an attempt to hide and undo their disobedience to God. We should therefore regard Adam as the ‘father of humankind’ (*abū ’l-insān*) only in this figurative (moral) and symbolic (non-biological) sense, not literally as our genetic forefather (and note that *the Book* does not refer to him as father, the ‘birth-giver’, *wālid*, but as *abū*, indicating nonbiological fatherhood).

Although *the Book* corrects the Old Testament’s account of original sin by not putting the blame on Adam’s wife, it is astonishing to see that Muslim exegetes such as al-Ṭabarī have found it appropriate to have recourse to the older version. Not only that; they have also elaborated on the old narrative and changed it to such a degree that its misogynous tone has become the dominant feature of the whole story. The old accusations against Adam’s wife, now called Ḥawā’, were revived: it was she who lured Adam into thinking that he could disobey God; it was she who tempted Adam to go near the tree; it was she who gave in to the temptations of Iblīs, and, even worse, it was she who acted as if she was the Devil. And since Ḥawā’ was wrongly understood to be humankind’s *biological* foremother, all women on earth were indiscriminately seen as sharing genetically Ḥawā’s devilish nature of disobedience and seductiveness and were collectively punished for *her* sin. Suffering for her original sin, women had now to endure the ‘pain’ of menstruation and childbirth. The exegetes completely ignored the fact that *the Book* categorically rejects

collective punishment: ‘no burdened soul will bear the burden of another...’ (35:18, AH). And yet, the same hostility to women can be found in the literature of *Ḥadīth*. One *ḥadīth* makes Muḥammad (ṣ) say, ‘If I were to order someone to bow down before someone else, I would order the wife to bow down before her husband’⁵⁰. Such misogyny is, however, in clear breach of the following verse of *the Book*:

And among His signs is this that He created for you mates from among yourselves, that you may dwell in tranquillity with them, and He has put love and mercy between your (hearts)... (Al-Rūm 30:21)

In another *ḥadīth* Muḥammad (ṣ) is quoted as saying, ‘Women are nakedness. So shut them up in the house’. And: ‘Three things invalidate your prayer: a woman, a donkey, and a black dog’.⁵¹ Finally: ‘A woman asked the Prophet: “What is the husband’s right over his wife?” He said, “[That] she does not give any charity from his house except with his permission, and [that] she does not fast a day except with his permission. If she does that [without his permission], the angels of Allah and the angels of [His] blessing and the angels of [His] wrath would curse her.”’⁵² These sayings are so outrageous and so completely against the spirit of Allah’s *Book* that one wonders which sick mind invented them and put them into the mouth of the Prophet (ṣ). One could quote hundreds of verses that contradict this fabricated misogyny but a few references will be enough to prove the entirely different tone of the *Book*:

O mankind [*sic*]! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other—not that you may despise (each other). Verily the most honoured of you in the sight of God is (he who is) the most righteous of you. And God has full knowledge and is well acquainted (with all things). (Al-Ḥujurāt 49:13)

This verse reminds us that God makes no distinction between males and females when He judges His creation. The only criterion for His praise is whether men and women do ‘good works’ in the world.

⁵⁰ Al-Tirmidhī, *Sunan*, vol. 3, 456 (ḥadīth no. 1159).

⁵¹ Al-Tirmidhī, *Sunan*, vol. 2, 59 (ḥadīth no. 1165); al-Nasa’ī, *al-Sunan al-kubrā*, vol. 1, 271 (ḥadīth no. 826).

⁵² Abū Ya’lī Al-Mūṣillī, *Musnad Abī Ya’lī* (Beirut: Dār al-Ma’rifā, n.d.), (ḥadīth no. 2455); Abū Bakr al-Bayhaqī, *Sunan al-Bayhaqī al-kubrā* (Mecca: Dār al-Bāz, 1994), vol. 7, 292 (ḥadīth no. 14490).

According to *the Book*, righteousness is an ethical category and not biologically inherent in the male sex.

God sets forth, for an example to the unbelievers, the wife of Noah and the wife of Lot... (Al-Taḥrīm 66:10)

And God sets forth, as an example to those who believe, the wife of Pharaoh...and Mary, daughter of Imran... (Al-Taḥrīm 66:11–12)

Both these verses demonstrate that Allah does not define righteousness on the basis of the female sex either. *The Book* gives examples of righteous women (the wife of Pharaoh, Mary) immediately after it mentions the example of disbelieving women (the wives of Noah and Lot)—two good and two bad examples in equal measure! Also, there is not the slightest hint in Allah's verses that women's monthly cycle makes their prayer or fast invalid, or that 'women are deficient in religion'. Religion is bigger than prayer and fast, and Allah is above such petty notions that claim that female menstruation, so vital for the preservation and procreation of the human race, would make women religiously and spiritually inferior.

The truth is that the male chauvinist studies of medieval exegetes and *Ḥadīth* scholars reflect the influences of the social conditions of their times. One influence was the existence of slavery in Arab-Muslim society. It is well-known that in ancient Arabia only free women wore the headscarf in order to distinguish them from bare-headed slave girls. Today, slavery has disappeared, and so has the necessity to differentiate free women from slave girls. Some people argue that what has survived until today is the proper, legal tradition of free women, which should be the norm: women should go veiled. But people forget that the way the dress of a free woman was distinguished from the dress of a slave girl was a historical convention that had no legal basis in Allah's law. Also, it was neither logical nor theologically sound to demand that the slave girl should not wear the *ḥijāb*. Because, if it is true that a woman's body and face cause *fitna* (social and sexual disturbance)⁵³ among men, all women in

⁵³ This is the *fuqahā*'s legal interpretation of the qur'anic term 'temptation' (as in 2:102; 8:28) or 'mental confusion' (6:23). Because of this fear of temptation or unlawful attraction it is regarded as unlawful for men to look at women's 'awra except in cases of necessity. For women, it is unlawful to dress improperly as this can cause *fitna* among men (a desire to have unlawful, extramarital sexual relations). Ḥanafī scholars stress that this interdiction has been made regardless of the factor of temptation and that every woman has to observe the rules of 'awra due to the explicit rulings (see al-Zuhaylī, *al-Fiqh al-islāmī*, vol. 4, 200–204).

society, including slave girls, should have been asked to wear the *ḥijāb*. How can anyone justify a law that puts free women under a veil to avoid sexual arousal, while most attractive slave girls were left unrestricted to wander bareheaded up and down the streets, free to cause *fitna* among men?

Such contradictions prove our point that anyone who fabricates ideas that ‘women cause *fitna* of men’ ultimately reiterates the misogynous renderings of the Paradise story (Eve tempts Adam). They ignore that *the Book* contradicts this account. Medieval Arab society created the milieu in which it was possible to present social conventions as if they were religious norms, creating a fatal confusion between patriarchal culture and religious ethics, a confusion that still exists today. Ideas of ‘honour’ (*sharaf / nakhwa*), ‘dignity’ (*ird*), ‘manhood’ (*mur’a*), and ‘respectability’ (*shahāma*) have no textual basis in *the Book* and yet they are constantly fused into the religious discourse as if they represent the pinnacle of Islamic morals. The same is unfortunately true for the current debate about the *ḥijāb* because, even though there is very little evidence for it in Allah’s revelation, the veil has been portrayed as the ultimate pillar of Islamic dress code, while in reality it is just a cultural convention that people introduced centuries ago.

Women’s Dress Norms for Their Zīna, or Their Hidden Beauty (Private Parts)

The upper and lower limits are contained in Sūrat al-Nūr, beginning with the following verse:

A sura which We have sent down and which We have ordained in it have We sent down clear signs, in order that you may receive admonition. (Al-Nūr 24:1)

For men the norms are stated in verse 30:

Say to the believing men that they should lower their gaze and guard their modesty: that will make for greater purity for them. And God is well acquainted with all that they do. (Al-Nūr 24:30)

The norms for women are stated in verse 31:

And say to the believing women that they should lower their gaze and guard their [lower] private parts [*furūjahunna*]; that they should not display their [hidden] beauty [*zīmatahunna*] except what [visibly of her beauty] appear thereof; that they should draw their veils over their

[upper] private parts [*juyūbihinna*] and not display their [hidden] beauty [*zīnatahunna*] except to their [*bāʿl*] husbands, their fathers, their husband's fathers, their sons, their husband's sons, their brothers or their brothers' sons, or their sisters' sons, or [what follows] next in line [*nīsā'ihinna*], or the [temporary partner] whom their right hands possess, or male [persons] free of physical needs, or small children who have no sense of the shame of sex; and that they should not strike their feet in order to draw attention to their hidden [beauty] [*zīnatihinna*]. And O you believers! Turn you all together towards God, that you may attain bliss. (Al-Nūr 24:31)⁵⁴

It is our aim to analyse each single part (as semantic-syntactic units) of these verses separately. We therefore start with the first line of both verses and continue line by line in parallel before we then concentrate exclusively on 3:31 until this verse reaches its conclusion.

First Line:

Say to the believing men that they should lower their gaze [*yaghuddū min absārihim*] (24:30). And say to the believing women that they should lower their gaze [*yaghduḍna min absārihinna*] (24:31)...

Both verses start with Allah's command, addressed to both men and women, to lower the gaze. It has often been ignored that the text uses the preposition *min* as the partitive 'of'. Because of this oversight, the usual transitive rendering of the verb as 'to cast down their gaze', which omits to acknowledge the existence of *min*, is incorrect. We also notice that the verse does not specify the object that the gazes of the eyes should avoid. It is obvious that *the Book* leaves it to us to decide what this should be—in accordance with existing social norms and moral etiquette. The Arabic term used for 'to cast down' is *ghaḍḍ*

⁵⁴ This is my rendering, based on YA, and in the light of MS's interpretation of the verse. It differs considerably from the conventional understanding of this verse, perhaps best illustrated by the complete quotation from YA's translation:

'And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what (must ordinarily) appear thereof; that they should draw their veils over their bosoms and not display their beauty except to their husbands, their fathers, their husband's fathers, their sons, their husbands' sons, their brothers or their brothers' sons, or their sisters' sons, or their women, or the slaves whom their right hands possess, or male servants free of physical needs, or small children who have no sense of the shame of sex; and that they should not strike their feet in order to draw attention to their hidden ornaments. And O you believers! Turn you all together towards God, that you may attain bliss'.

which, in its root meaning, connotes an act of politeness, that is, the opposite of being rude or impolite. *Al-ghadāda* means softness, tenderness, or mildness, as used in: ‘a tender twig’, that is, a young, succulent branch of a tree compared to an old, dry, and arid limb.

What is the social meaning of being soft and tender? We believe that the verse addresses a social situation of embarrassment and how we can avoid such embarrassment with softness and tenderness. Just imagine the embarrassment when a man changes his clothes while several people, whom he does not know very well, surround him. Still, people cannot help but look at him. This naturally causes a lot of anguish for him. He feels utterly embarrassed and does not want to be seen by anyone, not even by his friends. The same distress can be observed in a woman who does not want to be looked at while changing her clothes, not even by her best friends. This is the social context, we believe, that Allah addresses in these two verses. He orders men and women to avoid staring at one another at those times when our looking could cause anguish and embarrassment. Today, it is seen as ‘good manners’ when people gently ‘cast down’ their eyes, pretending not to see the man or woman who does not wish to be seen. In all cultures this is regarded as good manners and praised as refined and civilised. This sums up our interpretation of this line. We do not think for a minute that ‘to lower your gaze’ means that men should not look at women, or that women, while working in offices, shops, and restaurants, should not look at men.

Second Line:

... and guard their [lower] private parts [*wa-yahfazū furūjahum*]
 ... and guard their [lower] private parts [*wa-yahfaznā furūjahunnā*]

Men and women are asked to guard their *furūj*, which is often inadequately understood as ‘modesty’.⁵⁵ This time, for once, the term’s sexual connotation has been clearly overlooked. In *the Book*, Allah has ordered men and women to protect their private parts (*furūj*), in order to avoid two situations: first, that their nakedness leads to adultery or any other form of illegitimate sexual contact:

⁵⁵ YA: ‘and guard their modesty’; MP: ‘and be modest’.

And those who guard their private parts [*li-furūjihim ḥāfiẓūn*], * except from their wives and what their right hands possess [*azwājihim*]. [For these] they are not blameworthy... (Al-Mu'minūn 23:5–6) [FM]

Second, and no less important, that any nonrelated male can cast a glance at their private parts. This is expressed by the second line in both verses. We notice the use of the noun *abṣār*, sing. *baṣr*, which means 'look' or 'glance' by the movement of the eyes. This is different from 'view' or 'sight', which takes place inside the brain, where things can be 'seen' even if the eyes are closed. We infer that to keep the lower limit of proper men's dress requires men to protect their private parts. This can be fulfilled by wearing underpants or a swim suit as this sufficiently covers a man's genitals and buttocks, or what the *fuqahā*' called his 'thick' '*awra* (*'awra muḡhallaza*).

Verse 30 ends with the assertion that 'God is well acquainted with all that they [men] do'. The term used to express 'do' is *ṣanaʿ*, usually employed to refer to a process of manufacturing things (e.g., '...Forthwith he (starts) constructing [*yaṣnaʿu*] the Ark...', Hūd 11:38), or to a process of education ('...and (this) in order that you may be reared [*wa-li-tuṣnaʿu*] under Mine eye', Ṭā-Hā' 20:39). In 24:30 the term 'doing' is used in this second sense, that is, indicating a process of education, because, by asking men and women to protect their private parts, Allah sends down His instructions in order to teach us good and civilised behaviour. This is done in a nonrepressive and nonobtrusive way since people should learn gradually, and without harsh public sanctions, how to avoid casting glances that might embarrass other people. Members of every social community should learn how to protect their private parts by interaction with their surrounding culture and by responding, flexibly and open-mindedly, to each individual social occasion.

Third Line:

...that they should not display their [hidden] beauty [*zīnatahunna*] except what [visibly of her beauty] appears thereof [*illā mā zahara minhā*];

This line, like the rest of the verse, is different from 24:30 (the instructions to men) because lines 3–11 were revealed so that women could receive additional instructions about their dress code. It will be interesting to learn in detail what the implications of these additional norms for women's lives are. We will analyse verse 31 in conjunction

with *Sūrat al-Nisā'*, which provides additional information about women's *mahārim* (forbidden marriage partners), which is vital for a complete analysis of the verse.

A woman's beauty/ornament, charms, or finery, can be divided into two parts: an outer (visible) part and an inner (invisible) part. Beauty is of three kinds: 1) beauty of things or *material beauty*; something that is added to the basic substance of a thing, for example, special decoration to rooms, hairclips to hair, make-up to the face, and such; these external additions make something more attractive and enhances its basic beauty. Material beauty is described in:

And (He has created) horses, mules, and donkeys, for you to ride and use for show [*wa-zīna*]... (Al-Nahl 16:8)

O children of Adam! Wear your beautiful apparel [*zīnatakum*] at every time and place of prayer... (Al-A'raf 7:31)

2) beauty of places, or *spatial beauty*; this beauty can be seen in the public parks, zoological gardens, or herbaceous borders that one finds in big cities. These gardens and parks are that part of nature that has been cultivated for the benefit and recreation of everyone. People cultivate gardens by planting shrubs, bushes, and trees, or they establish a nature reserve, all for the purpose of a well-controlled interaction with nature, avoiding the excess and devastation that harm the environment. We propose to interpret *zīna*⁵⁶, as described in verse 31, as spatial beauty (the space of the human body), not as material beauty (jewellery, rings, bracelets, etc.), as it was often thought to be.⁵⁷

3) *beauty that combines material and spatial beauty*, as described in:

Say: 'Who has forbidden the beautiful (gifts) of God [*zīnat Allāh*], which He has produced for His servants, and the things, clean and pure (which He has provided) for sustenance?...?' (Al-A'raf 7:32)

(It grows) till the earth is clad with its golden ornaments and is decked out (in beauty) [*wa-'zayyanat*]: the people to whom it belongs think they have all powers of disposal over it... (Yūnus 10:24)

⁵⁶ *Zīna*, not to be confused with *zīnā* (adultery) as discussed in chapter 4.

⁵⁷ YA: 'ornaments'; MF, AhA: 'finery'; AA, MP, AB: 'adornment(s)'; AH: 'charms'.

The last verse states that historical progress and technological development will fill the earth with material *and* spatial beauty. This type of beauty as well as type 1 are not applicable to *zīna* in this context, because *zīna* refers, as we said, to spatial beauty (type 2) which a woman will display with her entire body; it is decidedly not just her make-up or her adornments. *Zīna* refers to her body as a whole.

Fourth Line:

...that they should draw their veils over their [upper] private parts [*wa'l-yadrībna^a bi-khumūrihinna 'alā juyūbihinna*] and not display their [hidden] beauty [*wa-lā yubdīna^a zīnatahunna*]

A woman's body is divided into two parts: a) an exposed (visible) part: the verse says, 'except what (must ordinarily) appear thereof (*illā mā zahara minhā*)'; these outer parts are what can be seen of a female body: the head, back, shoulders, arms, legs, and such, constituting her physical appearance (in public); b) an unexposed (invisible) part: parts of her body that Allah has not exposed to the eyes; a woman's unexposed part is called *juyūb*. The Arabic term *jayb* is derived from *j-y-b* and refers to an opening, a 'cleft, crack or split' that opens up between two sides ('a cleft in the rocks' or 'an opening of a pocket'). A shirt sleeve, for example, has a round opening and extends between two sides. As for the body of a woman there are several parts that are located 'between two sides', for example, the area between, and under her breasts; under her armpits; the area of her vagina and her buttocks. All of these areas are her *juyūb*, and it is these that a believing woman is required to cover. It is incorrect to define *jayb* as merely the woman's bosoms.⁵⁸ The verse uses the term *khumūr* for the cover, but by no stretch of the imagination can it just mean 'veil'. It is derived from *kh-m-r*, 'to cover'. Wine is called *al-khamr* because it 'eclipses/obscures' or 'covers' the brain. *Al-khimār*

⁵⁸ As do YA, MF, AhA, AA: 'their bosoms'; AB: 'their breasts'; MP: 'their chests'; still narrower than MS in its definition is AH: 'they should let their headscarves fall to cover their neckline', who seem to locate *juyūbihinna* above a woman's breasts. Lane defines *jayb* as 'the *ṭawq* or opening at the neck and bosom of a shirt and the like, for instance, of a coat of mail; or the opening of a shirt at the uppermost part of the breast; or the opening in a garment for the head to be put through: or such an opening as a sleeve and a *ṭawq*' (see line *jayb*). It seems that MS follows this definition as well but also transfers such openings of clothes, i.e., shirts and the like (see also 27:12; 28:32) to the 'openings' of the female body.

is not, as convention has it, a piece of cloth to wrap around the head; it is certainly more than that. Generically, it refers to any cover, whether of a woman's head or other parts of her body. That is why Allah orders woman to cover her *juyūb*, those parts of her bodily, spatial beauty (*zīna*) which are naturally hidden (breast, inner thighs, and armpits), but which He made possible to (naturally) be seen—since what can be revealed must originally be hidden ('...whether you show what is in your minds or conceal it...', Al-Baqara 2:284). Those who 'see' a woman's beauty, and who would legally be allowed to do so, are only the sane and rational ('...and so their nakedness appeared to them...', Ṭā-Hā' 20:121). Some people will argue that a woman's face (eyes, ears, mouth, and nose) can also be regarded as private. We do not deny this, but a woman's face belongs to those parts that are *mā zahara*, parts of the body that 'protrude' or, literally, 'stick out' (like the head, feet, and legs), meaning parts that are exposed and not naturally concealed. Moreover, a human face is the most visible part of the body and gives individuals their identity. Allah would never have wanted to put a woman's face, with which she expresses her personality, under a veil. Therefore, the face (mouth, eyes, ears, etc.) does not belong to a woman's 'hidden' *juyūb* but is part of her visible beauty (*zīna*) and does not need to be covered.

Fifth Line:

...except to their [*ba'l*] husbands, their fathers, their husband's fathers, their sons, their husbands' sons, their brothers or their brothers' sons, or their sisters' sons

Allah has explicitly identified the [lower] *juyūb* parts (line 4) as her genitals (*farj*) ('...and guard their private parts'—MF, line 2), which are to be protected from view. We must start from the premise that a woman is, by primitive law, not allowed to show her genitalia to anyone except her *zawj* husband. The *fuqahā'* also call the female genitalia a woman's 'thick' *'awra* (shame), which a slave woman, according to Islamic *fiqh*, may not reveal to any male person and which a free woman, according to *the Book*, may not reveal to her *mahārim* relatives. This explains why in the above list of people to whom a woman is explicitly allowed to show other parts of her [hidden] beauty (*zīna*), only the *ba'l* husband is mentioned and not her *zawj* husband (because he is allowed to see it anyway).

We hear about, a) the *ba'l* husband ('their husbands'), b) father and grandfather ('their fathers'), c) father of the *ba'l* husband and his grandfather ('their husband's fathers'), d) sons ('their sons'), e) sons of the *ba'l* husband ('their husbands' sons'), f) brother ('their brothers') or g) sons of the brother ('their brothers' sons'), or h) sons of the sister ('their sisters' sons'). If we ignore the difference between *ba'l* and *zawj* husbands, that is, if *ba'l* and *zawj* are treated as synonyms—which most exegetes say they are—we would be faced with a contradiction between verse 24:31 and 23:5. It is not logical to allow a woman to show her entire body to her husband (24:31), while at the same time being explicitly allowed not to guard her most intimate private parts in front of the very same person (23:5).⁵⁹ One assumes that a woman who is allowed to reveal her private parts to her husband is naturally also allowed to show him (the rest of) her entire body. One would not need an explicit divine command for it. This contradiction can only be solved if we accept that Allah treats the *zawj* husband differently from the *ba'l* husband. That is why He *did* include the *ba'l* husband among the others in the list to whom a woman can reveal other parts of her body (*z̄na*)⁶⁰ except her genitals (her 'thick' *'awra*, or, her *farj*).

As said above, the *juyūb* parts of a woman are her genitals, buttocks, breasts, and armpits. We also defined what is known as her 'thick' *'awra* (genitals and buttocks) as forbidden to anyone except to her *zawj* husband. As for the *juyūb* part of a woman's breasts, no one disagrees that they are part of her (upper) private parts, or her 'thin' *'awra* (*mukhaffafa*). Most exegetes even go so far as to say that only her breasts are really covered by the term *al-juyūb*. This intolerable reduction of the term to a woman's breasts was a result of the dress code in ancient Arabia. In seventh-century Arabia, Arab Bedouin women dressed themselves in public by basically covering their breasts with a long shawl; while inside their private homes they wore clothes that did not cover that area of their body. Naturally, only a woman's breasts could be revealed when she walked in public. Hence, they were seen as the private parts she must cover. As for the other parts of her *juyūb*, they were essentially covered anyway.

⁵⁹ '[The believers are] those who guard their private parts [*li-furūjihim*] except from their wives [*alā azwājihim*] and what their right hands possess. [For these] they are not blameworthy' (Al-Mu'minūn 23:5–6, MF).

⁶⁰ This is because of the fact that sexual complications are not to be feared from these people.

Some may think that our interpretation of *zīna* allows a woman to appear half-naked in front of anyone listed in verse 31 (with only her genitals covered). This may indeed happen but only by accident, through absent-mindedness or by force, while the *zawj* husband is the only person who is legally entitled to see her lower private parts (her ‘thick’ *awra*). As for a woman’s upper private parts (breasts and armpits), a woman will not be prosecuted if she reveals them in front of the six types of men mentioned in the list. If it happens it is not regarded as *ḥalāl* or *ḥarām*, but she should be criticised as being immodest (even though it is sanctioned by *the Book*).

The maḥārim Relatives and a Woman’s Body

As stated earlier, even though the *ba’l* husband is not formally counted as among a woman’s *maḥārim*, he is treated like a *maḥram* to whom a woman cannot reveal her (lower) private parts. Among those listed in verse 24:31 are seven *maḥārim*: a) the father, b) father of the *zawj* husband, c) son, d) the son of the *zawj* husband, e) brother, f) son of the brother, and g) son of the sister. These seven constitute exactly half of the fourteen *maḥārim* that are mentioned in 4:23. As for the *maḥārim* whom a woman is not allowed to marry but with whom she may stay alone (in a room or a house), but without being allowed—because they are not mentioned in 24:31—to reveal her upper private parts (breasts and armpits), they are: 1) the brother of the father, 2) brother of the mother, 3) foster son, 4) foster brother, 5) husband of the *umm* mother, 6) husband of the daughter (son-in-law), and 7) husband of the sister (brother-in-law). This latter list of *maḥārim* whom she cannot marry and cannot show her body (*zīna*) is surprising and forces us to rethink our understanding of *zīna* as being merely a woman’s make-up, pieces of jewellery, or some sort of hair decoration (that, the *fukahā’* claim, she is not allowed to display and thus must hide beneath a veil)! But *zīna* cannot just mean make-up or jewellery, and such, because a woman appears, for example, in front of her son-in-law (No. 6) exactly as she would appear in front of a complete stranger (because he would be forever a kind of *maḥram* to her). And all the others who are not listed in the *zīna* verse (24:31) would not be allowed to see the hidden *zīna* of her body, this including her uncles, that is, the brothers of her father and of her mother (No. 1 and No. 2). Is it not more likely that *zīna* is nothing else than her *juyūb* private parts, as we explained above? Clearly, it was a mistake by the *fukahā’* to regard a woman’s *zīna* as just material

beauty (decoration and adornment) while, in reality, it is her bodily beauty (visible and hidden). The fault lies in their methodology since they drew an analogy between what is hidden (*ghā'ib*) and what is visible (*shāhid*), and they did not apply the theory of limits.

Sixth Line:

...or [what follows] next in line [*nisā'ihinna*],

It is believed that this sequence permits women to reveal their hidden *zīna* to other believing women. This is incorrect because the Arabic does not say 'except to believing women' (*al-mu'mināt min al-nisā'*). Rather it says *nisā'ihinna* with the third-person feminine plural suffix. This suffix is not that of possession, that is, 'their', in the sense of 'their women', because then it would mean 'women of the women', which is absurd. Also, the personal suffix cannot refer to the wives of the male relatives listed above (son, brother, nephew, etc.) meaning 'except to their (m.) wives', because this would require the third-person masculine plural *hum*, while we have *hinna*. It is nonsense to claim that the text might have substituted for stylistic purposes *hinna* for *hum*, given that the rules of *saḥīḥ* poetry sometimes make grammatical rearrangement necessary. Semantic considerations always override stylistic concerns, so we should not make baseless assumptions about stylistic necessities. We believe that *nisā'* in this context cannot refer to women but rather to male persons, so that the personal pronoun suffix is a true feminine plural 'their' (f.), as in their (the women's) houses or their (the women's) books. And *nisā'* means, as we explained earlier, 'the most recent' or 'those who follow after', in this context meaning those who 'follow next' but who are not explicitly mentioned in the verse, that is, the grandchildren: the sons of the son, the brother's grandchildren, the sister's grandchildren, the husband's grandchildren, and so forth. They are the ones 'who come next' following the persons mentioned in the *zīna* verse; and since they are all relatives of the women, who is the subject of the verse, they are called *their* (the women's) *nisā'*.

If we look at verse 55 of Sūrat al-Aḥzāb, a similar picture emerges:

There is no blame (on these ladies [the prophet's wives] if they appear) before their fathers or their sons, their brothers, or their brother's sons, or their sisters' sons, or their women [*sic*] [*nisā'ihinna*], or the (slaves)

whom their right hands possess. And, (ladies), fear God; for God is witness to all things. (Al-Aḥzāb 33:55)

This time only the wives of the Prophet (ﷺ) are the subject of the verse. Again, as in 24:31, it does not list all *maḥārim* relatives when it allows the Prophet's wives to reveal their bodies. Also, the verse does not mention the *zawj* husband because Muḥammad (ﷺ) as their *zawj* has the right to see them naked anyway. It similarly does not mention the husband's son, because Muḥammad (ﷺ) did not have sons (only daughters). Likewise, it does not mention the husband's father, because Muḥammad (ﷺ) was an orphan. Again, *nisā'ihinna* is used to refer to those 'who come next', that is, Muḥammad's (ﷺ) grandchildren. It is striking that the verse addresses the question of the exposure of the *zīna* of the Prophet's wives in front of men. We know that Allah had decreed that all believing men are to be treated as *maḥārim* relatives who cannot be married:

...and his wives are their mothers... (Al-Aḥzāb 33:6)

Nor is it right for you that you should annoy God's apostle, or that you should marry his widows after him at any time... (Al-Aḥzāb 33:53)

The special instruction for Muḥammad's (ﷺ) wives was that believing men should talk to them from behind a screen (*al-ḥijāb*), in spite of the fact that they would never be allowed to marry them. As for the legal force of this verse, the explicit instruction of Allah that Muḥammad's (ﷺ) wives are not like any other believing women (33:32) makes it incumbent upon women *not* to follow the Prophet's wives in speaking from behind a screen. If a woman ignores God's command and follows the example of the Prophet's wives she should then speak from behind a *ḥijāb* to all male persons, except to her seven *maḥārim* relatives and 'those who come next'. But in so doing she would, unnecessarily and unlawfully, impose upon herself what Allah only preserved for Muḥammad's (ﷺ) wives. What the believing women share with Muḥammad's (ﷺ) wives is Allah's command that they protect their private parts. Women can use whatever clothes are sanctioned by the prevailing customs and dress norms of society.

The following table summarises the previous sections and presents our comparative survey of *sūras* Al-Nisā' (4:23) and Al-Nūr (24:31):

<i>List of mahārim (taboo-)relatives</i>	<i>List of people to whom a woman may reveal her upper private parts (hidden zīna) but must not reveal her lower private parts (farj)</i>
1. Son	1. Son
2. Father	2. Father
3. Brother	3. Brother
4. Brother of the Father	
5. Brother of the Mother	
6. Son of the Brother	4. Son of the Brother
7. Son of the Sister	5. Son of the Sister
8. Foster Son	
9. Foster Brother	
10. Father-in-Law	6. Father of the <i>ba'l</i> husband
11. Husband of the Mother (from a previous marriage)	
12. Husband of the Daughter (Son-in-Law)	
13. Husband of the Sister (Brother-in-Law)	
14. Son of the Husband (from another marriage)	7. Son of the <i>ba'l</i> husband
	8. Added to the seven listed above are also the children and grandchildren who are all covered by the term <i>nisā'ihinna</i> : the descendants to whatever degree downwards.

We stress that we do not suggest that a woman is free to show those parts of her body that are not her lower private parts to all those persons (mentioned in the right-hand column), but if it unintentionally happens it should not be judged as *ḥarām*.⁶¹

Seventh Line:

... or the [temporary partner] whom their right hands possess [*mā malakat aimānuhunna*]

Historically, the phrase 'what their right hands possess' was used to indicate the slaves of the household. This immediately raises the

⁶¹ MS uses here *ḥarām* in the sense of a transgression against something that is 'off-limit' or 'sacrosanct', not in the sense of an absolute taboo, i.e., something that is categorically 'forbidden' (as he defined *ḥarām* in ch. 2).

question of how we today, given that slavery has ceased to exist, should interpret this verse. We know that slave girls dressed differently during the period of the Prophet's companions. For one thing, they did not cover their heads and breasts with a *ḥijāb*. Mālik b. Anas reported that 'Umar's handmaidens 'used to serve us while revealing their hair that would touch their breast'.⁶² Slave girls were seen as free sexual objects, and Muslim men took 70:30 for a long time as a licence to have unrestricted access to them ('Except with their wives and the (captives) whom their right hands possess; for (then) they are not to be blamed', Al-Ma'ārij 70:30). However, this was a one-sided practice since men did not allow their women to treat male slaves in a similar fashion. We hear about a woman called 'Aziba whom the Caliph 'Umar explicitly forbade to have sex with her male house slave. If we insist on saying that the phrase 'what their right hands possess' refers to slaves we risk having to admit that this part of *the Book* is today no longer relevant. This, however, would contradict the axiomatic truth that Muḥammad's (ṣ) message is eternally valid for all times. Therefore, we propose to regard the so-called *miṣyār* marriages, which have become quite popular in recent years,⁶³ as the contemporary equivalent to the premodern master–slave girl relationship. We suggest that today's partners of a *miṣyār* marriage can be described by the phrase 'what their right hands possess'.

Eighth Line:

... or male [persons] free of physical needs [*al-tābi'ūn^a ghayr ūlī 'l-irba min al-rijāl*]

We understand that the verse refers here to those men who have no sexual desires. This does not necessarily include, as some claim, those

⁶² Abū Bakr al-Bayhaqī, *Sunan al-kubrā* (Mecca: Maktabat Dār al-Bāz, 1994), vol. 2, 227 (ḥadīth no. 3038).

⁶³ *Miṣyār* marriages are 'marriages without commitment'. In such marriages, the woman relinquishes the marital rights that are granted to her in a normal marriage, such as the right to a home and to financial support from her husband, and, if he has other wives, the right to an equal part of his time and attention. The Ḥanafī school distinguishes between *miṣyār* marriages (which are considered legal) and the so-called pleasure marriages (*mut'a* in Arabic or *sigheh* in Persian) that are practiced in Shī'a Islam (and which are illegal) because the latter contains a deliberate attempt to seek pure pleasure and to limit the marriage for a specific period of time, while the former does not have this intention (at least not explicitly), see al-Jazīrī, *al-Fiqh 'alā 'l-madhāhib al-arba'a*, vol. 4, 52.

who are mentally or physically disabled. The sexual drive of a disabled person might still exist. More likely, it refers, for example, to a gynaecologist who examines his female patients dispassionately and whose relationship to his patients is similar to the relationship between a mother and her son or a father and his daughter. If a gynaecologist needs to examine a girl's vulva, he will ask the father for permission.⁶⁴ Women in the Arab-Muslim world should know that they are, without any reservations, entitled to see a doctor; and they should be at ease with the physical examination of their body by a female or male doctor. Gynaecologists and other people working in the medical professions (male nurses, anaesthetists, x-ray specialists, dentists, and such), are the modern equivalent to the 'servants free of physical needs' mentioned in 24:31.

Ninth Line:

...or small children who have no sense of the shame of sex [*lam yazharū 'alā 'awrat al-nisā'*]

It will be necessary first to define the term '*awra*, or as al-Tha'ālibī has put it, 'what someone is embarrassed to reveal'.⁶⁵ As explained below, Prophet Muḥammad (ṣ) spoke about '*awra* in very similar terms. It needs to be stressed that the notion of shame does not fall into the categories of either *ḥalāl* or *ḥarām*, because the feeling of shame is a cultural phenomenon. If a bald-headed man does not want to show his baldness to others, he will purchase a wig to cover his head. It is the baldness of his head that creates '*awra* (shame or embarrassment), but only in a cultural context in which baldness is seen as embarrassing, deficient, or ugly. The Prophet (ṣ) said: 'Whoever covered a believer's '*awra* [i.e., kept it secret], Allah covered his [i.e., this person's] '*awra*.'⁶⁶ This means that if somebody wants to hide some specific flaws of his body but notices that someone has already seen parts of it, he will be relieved to find out that this person has kept this to himself and that his flaws were not disclosed to anyone else. This is what is meant by 'overlooking the '*awra* of a believer'. Also, to 'conceal the '*awra*' does not imply, as the following verse

⁶⁴ The author refers here to common practice in countries of the Arab Middle East.

⁶⁵ 'Abd al-Malik b. Muḥammad al-Tha'ālibī, *Kūṭāb fiqh al-luḡa wa-asrār al-'arabiyya* (Beirut: Manshūrāt Dār Maktabat al-Ḥayāh, n.d.), vol. 1, 22.

⁶⁶ Al-Bayhaqī, *Sunan al-ṣaḡhūr*, vol. 7, 326 (ḥadīth no. 2759).

proves, to hide it beneath a piece of cloth. What it really means is to seriously question people's perception of it. We hear in 33:13:

Behold! A party among them said: "You men of Yathrib! You cannot stand (the attack)! Therefore go back!" And a band of them ask for leave of the prophet, saying, "Truly our houses are bare and exposed [*'awrat^{un}*]," though they were not exposed [*bi-'awratⁱⁿ*] they intended nothing but to run away. (Al-Aḥzāb 33:13)

We hear that people believed that their houses were exposed (*'awrat^{un}*) and feared that their enemies would soon discover them. And yet, in reality this was simply not the case, and Allah made them realise their misconception. Back to verse 24:31, *'awra*, means shame, it describes that feeling of unease when a part of the human body or an act of human behaviour is exposed against one's wishes. The feeling of unease is determined by norms that are set by the social milieu and cultural context in which we live. Even though our private parts (*juyūb*) are biologically determined, how we perceive them and how we respond if they are exposed, is culturally determined and always changes.

The verse says, 'children who have no sense of *'awra*', implying that children do not yet know why a person is ashamed of being exposed or seen in an awkward position or wearing insufficient clothes. Up to a certain age, children are 'shameless', they do not understand why a certain flaw of their body should be shameful. They have to be educated and socialised first in order to acquire a sense of shame. Only then will they adjust their behaviour so that shame is avoided. The verse refers to those children who have not yet acquired that knowledge.⁶⁷ Some cultures determine that the *'awra* of a man extends from head to knee and require men to cover this area. That is entirely acceptable as long as it is not perceived to be an eternally valid definition of *'awra*. What is felt as 'shame' varies from culture to culture and will eventually change over time.

Shame is, strictly, not part of either *ḥarām* or *ḥalāl*, because the areas of shame are not explicitly mentioned by Allah's *Book*, which contains God's limits. And since the limits of a woman's *'awra* are

⁶⁷ Traditional *fiqh* interprets this line simply as permission to define a child's *'awra* differently from that of an adult. According to the Ḥanafī school, children up to the age of four do not have to be covered at all, but over the age of four, their genitals and buttocks must be covered. At the age of ten they are considered as grown-ups and have to follow the rulings with regards to an adult person's *'awra*; see al-Jazīrī, *al-Fiqh 'alā'l-madhāhib al-arba'a*, vol. 1, 198.

not given in *the Book*, they are left to human societies to define. It was certainly a purely historical decision to define 'awra exclusively in sexual terms as the lower private parts of a woman: forbidden for men and slave girls in front of a stranger, and for the free woman in front of her *maḥārim* relatives. This latter distinction between slave women and free women is obsolete today, but it is still valid to apply 'awra to only a few of the *maḥārim* relatives of a woman (those mentioned in 24:31). We have shown that it is possible to define 'awra not only in sexual terms.

Tenth Line:

... and that they should not strike [*yaḍribnā*^e] their feet in order to draw attention to their hidden [beauty] [*min zīnātihinna*].

The conventional understanding is that women 'should not strike their feet' to prevent anyone from hearing the noise of their anklets and other jewellery that they wear around the ankles, or to prevent anyone from hearing the click-clack of their heels if they wear high-heeled shoes. We do not believe that this nonsense can ever be true. We have already learned that the Arabic verb *d-r-b* is polysemous, and that one should not always take it literally to mean 'to beat' or 'to strike'. It can mean, for example, 'to travel' the world for the sake of trade, commerce, or study, and to fight in God's way, as we hear in *the Book*:

O you who believe! When you go abroad [*darabtum*] in the cause of God, investigate carefully... (Al-Nisā' 4:94)

When you travel [*darabtum*] through the earth, there is no blame on you if you shorten your prayers... (Al-Nisā' 4:101)

If you are journeying through the earth [*darabtum fi'l-'ard*], and the chance of death befalls you (thus)... (Al-Mā'ida 5:106)

D-r-b also denotes the act of 'forming' or 'shaping'. Humans are given a certain 'shape' by their Creator, a shape that is made in His image, that is, similar to Him; hence the meaning of 'to strike an image', 'to set an illustration' or 'to give an example' in several verses of *the Book*:

We gave you many examples [*darabnā al-amthāl*]. (Ibrāhīm 14:45, AH)

...to each one We set forth parables and examples [*darabnā lahu al-amthāl*] ... (Al-Furqān 25:39)

In this Qur'an, We have set every kind of illustration [*ḍarabnā min kull al-mathāl*] before people... (Al-Rūm 30:58, AH)

Ḍarība means tax, a duty that is 'imposed' (*ḍaraba*) upon people to compensate for their profits and salaries or to reclaim the expenses for public services. The literal meaning 'to beat' can sometimes mean 'to stop' or 'to hinder' in a wider sense; if, for example, I give you a rap on the knuckles I want you to stop doing something bad. An industrial strike (*iḍrāb*) means to stop work and to prevent other people from continuing to work. A hunger strike (*iḍrāb 'an al-ṭā'ām*) means to stop eating food. The verse says, 'and that they should not strike (*yadribanna*) their feet', because Allah requests from women that they prevent anyone from seeing the hidden part of a woman's body ('in order not to draw attention to their hidden *zīna*').

The verse thus talks about the hidden parts of her body, that is, a woman's *juyyūb*. It implies that Allah does not want a woman to work in a job where she needs to 'strike her feet' in such a way that her private parts can be seen. If a woman works as a striptease artist or a pole dancer her private parts will be inevitably revealed. It does not mean that dancing as such is forbidden, because a short exposure of the private parts while dancing is purely accidental. But in doing striptease or prostitution or nude sunbathing on beaches—the rationale here is to be naked.

We now know the limits of Allah. On the whole, His limits only rule out two female occupations: 1) jobs that contain elements of intentional nakedness (striptease, pole dancing, etc.) and 2) prostitution. Any other occupation is allowed for women. She does not need to fear that she is not complying with existing dress norms as long as she does not intentionally show her private parts in public. All other codes of behaviour (at work) are determined by the society in which women live; if a woman does not comply with these rules she will be criticised or even disciplined. Such norms and rules are historical and bound to change, hence they do not fall into the category of *ḥarām/ḥalāl*.

Eleventh Line:

...And O you believers! Turn you all together towards God, that you may attain bliss.

The last line of the verse asks believing men and women to repent. During the course of one's life mistakes are inevitable and only

human. If deviations from the above rules have occurred, Allah in His mercy calls for repentance. He does not issue threats about future punishments.

Given what we said about women's obligatory dress norms (*al-farā'id*), stated in 24:31, we are now in a position to conclude that it is obligatory for a woman to cover her lower private parts (*ju'yūb*, the 'thick' *'awra*) from the eyes of all men, including the *ba'l* husband, except from the *zawj* husband who is entitled to see her, and that she must cover her lower private parts (*farj*) but not her upper private parts (breasts and armpits) in front of those men mentioned in 24:31. Her upper private parts (upper *ju'yūb* or hidden *zīna*) must be covered in front of the other *maḥārim* relatives and any other stranger. This constitutes the lower limit of dress norms. Allah has imposed as a duty (*fard*) on the believing women that they comply with this lower limit; it is the minimum degree of dress regulations on the basis of which a woman knows what is permitted (*masmūh*) and what is prohibited (*mamnū'*). Women know that no concrete form of punishment is stipulated if they transgress this lower limit. It is, however, expected that they will repent.

But what if a woman wants to go a step above the lower limit by covering more of her body? In this case verse 59 of Sūrat al-Aḥzāb helps her to apply the norms that were addressed to Muḥammad's (§) wives and that are not compulsory for all believing women. They were revealed to him (only) as a prophet, which means that they are not legally binding:

O Prophet! Tell your wives and daughters, and the believing women, that they should cast their outer garments [*min jalābībihinna*] over their persons (when abroad): that is most convenient, that they should be known (as such [*sīc*]) [*yu'arafa'*] and [thus] not molested [*yu'dhain'*]. And God is oft-forgiving, most merciful. (Al-Aḥzāb 33:59)

The verse begins by addressing Muḥammad (§) as a prophet. The invocation 'O Prophet!' is always used as a textual marker to indicate the realm of prophethood, which does not contain legislation. It is purely historical as it reflects the atmosphere of Muḥammad's (§) time, alluding to the fact that women were not safe from harassment when they carried out their daily tasks in the streets of Medina. Inevitably, when societies change and public safety for women on the streets is improved, such precautionary measures no longer apply.

The verse talks about the possibility of wearing an outer garment (a *jilbāb*) when women leave the house.⁶⁸ The term *jilbāb* has its root in *j-l-b*, which either means to import things, literally, to carry things from A to B, or to wrap up, conceal, or veil what is visible. This second meaning can be found in the term *julba* (scar): it refers to the process of ‘closing down’: when a wound begins to heal it is scarred over by the skin which protects the wound from further external damage or an infection. *Jilbāb* thus literally means any cover that protects a person’s body from external threats (heat, water, coldness); such a cover is provided by trousers, shirts, cardigans, dressing gowns, anoraks, coats, parkers, and the like. All these things would qualify as proper *jilbābs*.

In any case, this verse is only informative and not legally binding. There are two reasons for its injunction: a) women should be recognizable and b) it should prevent harm. In this verse, women are informed (not ordered) of how to avoid harm by safely covering their body. Harm can come in two ways: from nature and from society. Nature can harm a human body by exposure to cold, heat, humidity, and extreme weather conditions. Common sense dictates that a woman normally wears clothes that protect her body from extreme heat or cold. Society can hurt a woman through ridicule or blame, for example if she is not dressed according to prevailing dress norms. Again, by common sense and properly internalised social rules, a woman normally wears clothes that comply with these norms.

It is often overlooked that the verse links the injunction’s first reason ‘that they should be known’⁶⁹ to the second ‘that they are not being injured’ (MF). This is achieved by the causative preposition *fa-* (thus), and means that women who ‘know’ how to dress properly will *therefore* not be harmed.⁷⁰ However, if there is injury, then only

⁶⁸ ‘When abroad’ as Ali glosses (in parentheses), is far-fetched and not supported by any other translator. MP puts into brackets (when they go out) for ‘to draw their cloaks close around them’; the others do not specify the occasion: MF: ‘to draw their outer garments closer’; AH: ‘to make their outer garments hang low over them’; AA: ‘that they draw their veils close to them’; AhA: ‘to draw their wraps a little over them’; AB: ‘to draw their outer garments closely round themselves’.

⁶⁹ This phrase should be understood in the sense of ‘it should be known to them’.

⁷⁰ Most translators render *fa* in the sense of *wa* (and), linking *yu’rafni^a* and *yu’dhain^a* together syntactically and grammatically as one unit, AH: ‘so as to be recognized and not insulted’; FM: ‘That is more conducive to their being known, and not being injured’; AA: ‘so it is likelier they will be known, and not hurt’; MP: ‘so that they

because of the power of nature or of social sanctions. Further punishments by Allah are not mentioned.

The upper limit defining what a woman should cover of her body is provided by a *ḥadīth*. If authentic, it says, ‘A woman’s ‘*awra* [what she might be ashamed of] is her whole body except her face and her hands’.⁷¹ Leaving the fact aside that this *ḥadīth* is not eternally valid, it still allows a woman to cover more of her body. It still does not, however, allow a woman to cover also her face and her hands, because these constitute a person’s identity.

This leads us to the conclusion that if a woman forgets to cover her upper private parts and only covers her lower private parts (‘thick’ ‘*awra*), she violates Allah’s lower limit (except in front of the *maḥārim* of 24:31). If she goes to the other extreme and chooses to cover her entire body, including her face and hands, she transgresses the upper limit set by Allah’s Messenger (ṣ). Most women in this world (naturally) dress in such a way that they move between Allah’s limit and Muḥammad’s (ṣ) limit. This corresponds to the inherent disposition of human beings and their natural way to dress in public. It is also normal that in some instances women happen to stand close to the outer limits, and occasionally they even transgress them.

Change of Dress Code?

We are now able to draw conclusions about the dress norms before and after the revelations of 24:31 and 33:59:

6. At the time of their revelation, Arab women did not go naked in public.
7. Arab women and men wore the clothes and costumes of the regional Bedouin culture that reflected the level of material production on the Arabian Peninsula. Muḥammad (ṣ) himself was dressed according to the regional culture of Arabia, to the extent that people who arrived in Medina could not distinguish him from

may be recognised and not annoyed’; AB: ‘that they will be recognised and not be harmed’, except AhA who separates the two syntactically: ‘They will thus be recognised and no harm will come to them’.

⁷¹ Abū Muḥammad ‘Abd al-Jalīl b. Mūsā b. ‘Abd al-Jalīl al-Qaṣrī, *Shu‘ab al-īmān* (Cairo: Dār al-Ḥadīth, 1996), Bāb al-Ḥayyā’ (ḥadīth, no. 7796); Ibn ‘Abd al-Barr al-Numayrī, *Al-Istidhkar* (Beirut: Dār al-Kutub al-‘Ilmiyya, 2000), vol. 2, 201; al-Bayhaqī, *Sunan al-kubrā*, vol. 7, 85 (*Kūṭāb al-nikāḥ; Bāb takhṣīṣ al-wajh wa’l-kaffayn*).

other Arabs. ‘They would ask: “Who amongst you is Muhammad?”’⁷²

One feature of this ancient culture was long garments that protected men and women from the heat. Women put a scarf over their heads similar to the way of Bedouin women today. We know that Khadija, Muhammad’s (ﷺ) first wife, dressed in this way—*before* the revelation of 24:31 and 33:59. This proves that a long garment was primarily a regional tradition. With the revelation of verse 24:31, Arab-Muslim women were asked to closely examine their way of dressing. It turned out that, basically, they did not have to change a lot. What was new was the possibility of displaying parts of their upper torso by way of a small neck cut in their blouses; their breasts were covered by their headscarves. No drastic changes were needed because it was clear that the other (lower) private parts were perfectly covered by the kind of regional clothes that women wore at the time.

This is how ‘Ā’isha, the ‘mother of the believing women’, was dressed (*after* the revelation of 24:31 and 33:59), showing no fundamental difference from Khadija’s way of dressing. There was, in particular, no difference in the way both wore a headscarf as protection, Khadija *before* and ‘Ā’isha *after* the revelation of the dress verse, against the heat. The mistake of traditional jurists was to define *jayb* as describing only a woman’s breasts. What led to this mistake was that they confused revelation with local tradition by issuing prescriptive dress codes for all Muslim women on the basis of customary dress norms to which all Arab women adhered in the seventh century (Muslims and Christians alike). The irony is that these supposedly ‘Islamic’ dress codes for believing women are still shared equally by Muslim and Christian Bedouin women, for example in the region of Ḥaurān in southwest Syria. These women are simply following the same regional tradition as they have done for centuries.

We should not forget that 24:31 was revealed in order to issue the minimum dress requirements for all believing women at all times (in the East and the West, in cold and warm climates). Arab-Muslim women today have to rectify the fundamental *mess* they have inherited from *fiqh* jurisprudence. They have to remove that fateful analogy by which jurists drew from something nonempirical

⁷² Al-Bukhārī, *Ṣaḥīḥ*, vol. 1, 35 (ḥadīth no. 63).

(the dress-codes of women, Muslims and Christians, in the seventh-century Arabian Peninsula), and applied it to something empirical (the dress codes of Muslim women all over the world at all times of human history). We have seen that such an analogy is implausible because it is based on the wrong assumption that Arab women were, if we take the jurists' interpretations of 24:31 and 33:59, completely covered from head to toe and had to be given permission to reveal those parts that the two verses supposedly describe. This is, of course, historically wrong. The truth is that *the Book* describes what women should cover (of their *naked* body) and not what to disclose (of their fully covered body).

8. Supposing that a woman wants to embrace Islam and that she is, at the moment, completely naked, what clothes would she wear? The simple answer is that every believing woman, of whatever origin and nationality, needs to follow the dress norms of the society in which she lives. The only restriction is that she needs to observe the lower limit of 24:31. Verse 33:59 is only for her information.
9. The assumption of some *fuqahā'* that a woman's voice is part of her '*awra* is downright nonsense. We hear of women who stood together with Muḥammad (ṣ) on the streets and in the mosques of Medina, and when the Prophet (ṣ) asked them questions they were encouraged to answer without any inhibition or threat of punishment. It is thus incorrect to claim that there is a vocal '*awra* of a woman that is *ḥarām*⁷³ because common social practice worldwide proves this wrong. Most societies unreservedly accept female voices in public concerts, operas and the mass media—and we believe that it is not a sin to encourage women to take part in such activities.

CONCLUDING REMARKS ON WOMEN'S DRESS

One may ask why the traditional *fuqahā'* were not able to discover this by themselves. Was their command of the Arabic language really so bad? Not at all. The truth is that this has nothing to do with poor grasp of grammar, syntax, and rhetoric, but with a mistaken meth-

⁷³ MS refers to the popular belief of *naghmat al-mar'a 'awra*, that 'the melody of a woman is '*awra*' or—as Ibn 'Ābidīn put it—'Do not follow (a woman) in public, because her voice is '*awra*' (see Ibn 'Ābidīn, *Hāshiyat radd al-mukhtār*, vol. 6, 406; and *Encyclopaedia of the Qur'an*, s.v. "Modesty." (Angel Hsu, Shiu-Sian), 403–405).

odology. In their reading of 24:31 and 33:59 they assumed that the Prophet's *ḥadīth* ('a woman's *ʿawra* is her entire body except her face and her hands') is a specification of *the Book* and misread it as an *ḥadīth* abrogating 24:31 and 33:59. We believe, instead, that Muḥammad (ṣ) was simply formulating the upper limit of women's dress requirements. But the jurists were so eager to formulate restrictive practices for women that their male-centred ideologies eventually got the better of their expertise in the Arabic language—with fatal results for all of us today who have to pick up the pieces of their reactionary zeal.

Let us finally summarise the findings of our study:

1. *Dress requirements for men:*

The lower limit means to cover the lower private parts, their genitalia, the so-called thick *ʿawra* according to traditional *fiqh*. Every other part of the body is covered (or remains uncovered) according to the existing cultural dress requirements of the country/region in which they live.

2. *Dress requirements for women:*

There are four stipulations to be considered:

- a. Women are not allowed to appear completely naked except in front of their *zawj* husband—no other person is allowed to be present.
- b. Women are required to cover their lower private parts (= absolute lower limit) in front of those persons mentioned in 24:31, but not their upper private parts. Their *baʿl* husband and half of their *maḥārim* (taboo-)relatives (note: not all of them!) belong to this group.
- c. Women are required to cover their upper private parts (breasts and armpits) in addition to their lower private parts, her thick *ʿawra* (= this constitutes the lower limit for all women). This definition, however, does not cover dresses for special social occasions (parties, opera, concerts, etc.). As for the concept 'from the navel to the knee', we conclude that *fiqh* jurists unashamedly invented this.⁷⁴

⁷⁴ In Islamic *fiqh*, this is traditionally understood as the area of a woman's (or men's) *ʿawra*, i.e., 'the zone of modesty'. It is categorised as, 1) *ʿawra mughallaḥa* (thick *ʿawra*), which consists of the *furūj* private parts (vagina/men's genitals, buttocks and

3. *Headscarf*:

Women and men are not required to cover their head. If they do so they are merely following the local conventions of their place of origin.

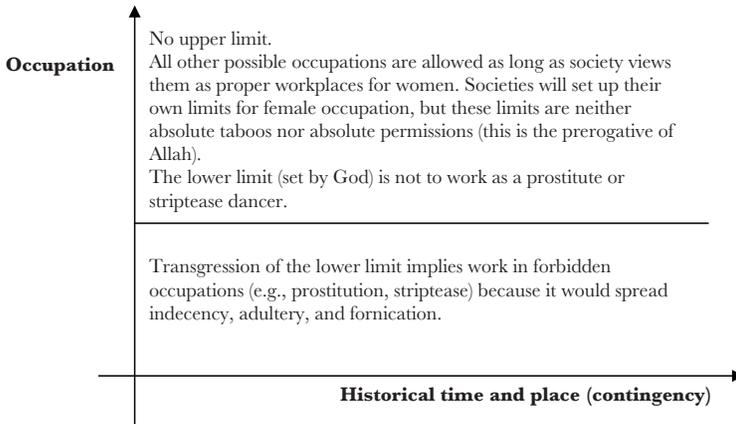
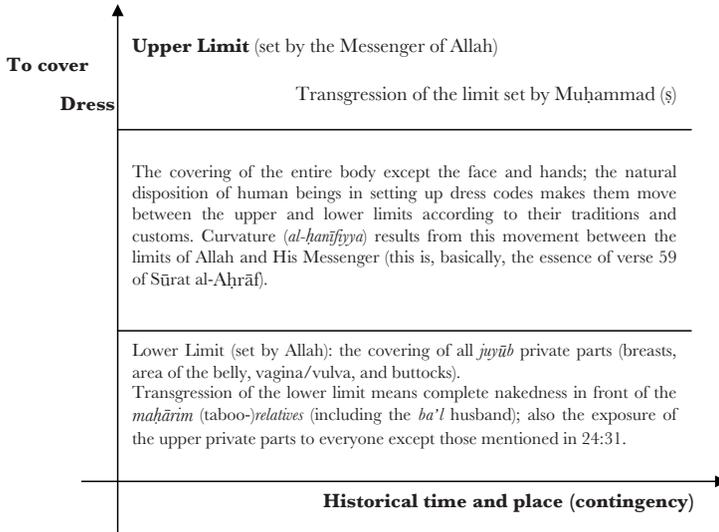
Finally, as the best counterargument against all those traditionalists who claim that women will never enter Paradise, we quote the following two verses:

Whoever works righteousness, man or woman, and has faith, verily, to him will We give a new life, a life that is good and pure and We will bestow on such their reward according to the best of their actions. (Al-Naḥl 16:97)

And they shall hear the cry: "Behold! The garden before you! You have been made its inheritors, for your deeds (of righteousness)." (Al-A'raf 7:43)

anus), and 2) *'awra mukhaffafa* (thin *'awra*) which are other parts of the body that must be covered. The Ḥanafī school makes a distinction between *'awra* that exists, a) during the ritual of prayer (the whole body except the face, hands, and feet), and b) outside the ritual of prayer. As for the latter category, the extent of the *'awra* depends on the following circumstances: 1) in seclusion, it is obligatory for a woman (and a man) to cover the area 'from the navel to the knee', except when there is a need to uncover it; 2) in the presence of the husband, a woman does not need to cover any part of her body; however, it is discouraged to remain naked if it is not necessary; 3) in front of other Muslim women, it is obligatory, to cover the area 'from the navel to the knee'; 4) in front of the *maḥārim* relatives, i.e., unmarried kin (see above), the *'awra* consists of the area 'from the navel to the knee' as well as the stomach and her back; 5) in front of non-*maḥārim* relatives, i.e., marriageable kin (and any other male person), the *'awra* consists of the whole body except the face, hands, and feet; 6) in front of non-Muslim women, the *'awra* is the same as for a non-*mahram* male (see Ibn 'Abidīn, *Ḥāshiyat radd al-Mukhtār*, vol. 1, 140; 405–10; vol. 2, 464; vol. 5, 261; vol. 6, 371; and al-Marghīnānī, *al-Hidāya*, vol. 4, 458–61). This definition makes it clear that in the Ḥanafī school, the face, hands, and feet are not considered as *'awra*. And yet, one point is constantly mentioned in all *fiqh* manuals which is that, because of the fear of *fitna*, it is necessary to cover the face of all women who are not considered 'old' (see Shafī' 'Uthmānī, *Ma'ārif al-qur'ān*, vol. 7, 214–20). MS's decisive break with traditional *fiqh* lies with situations 3, 5, and 6; 3) has become an extension of 4 since *al-nisā'* are not 'women' but 'those who come next in the family line'; 5) and 6) have become readjusted, in that women are now allowed to show their entire bodies in front of non-*maḥārim* strangers/relatives (men or women), including their heads(!), except for their lower and upper private parts. In other words, a woman who in public is dressed in shorts and a T-shirt observes the lower legal limit of the Islamic dress code, unless the cultural norms demand something different (e.g., a business suit at work).

Chart 2: Legislation of women's dress code



CHAPTER SIX

POLITICAL ISLAM

In order to consider the phenomenon of *Political Islam* one has to address a number of burning questions: does freedom of religion exist in Islam; how is apostasy treated; what is the correct way 'to prescribe what is right and to proscribe what is wrong'; what is the proper understanding of *al-jihād* and '*fight*'; how do we express loyalty and to what extent is it possible to harmonise differing personal, religious, and political identities? Since the emergence of *Political Islam*, which has proliferated in the many different streams of the Islamist movement, we have become accustomed to turning to our '*ulamā*' and asking them how we can make sense of this strange mixture of religion and politics. Initially, we thought that Islamism would be explained as a deviation from the '*ulamā*'s sound scholarly tradition, and we expected the scholars to refute the Islamists and their aggressive ambitions to politicise Islam and to Islamise the whole world. How surprised were we when we heard not a word of condemnation from our honourable scholars but instead legal explanations that basically condoned the concoctions of the Islamists. We then realised that the '*ulamā*'s interpretations of apostasy, *al-jihād*, and *al-qitāl* were in fact not too different from the Islamists' positions and that the deviation from the spirit of Allah's *Book* did not just come with the Islamist movement but that it had occurred much earlier in history, namely during the formative period of Islamic scholarship!

To prove this point we have applied a different approach throughout this chapter. Instead of turning only to *the Book* in our analysis, we include *ḥadīth* reports, *tafsīr* commentaries and *ta'rikh* narratives and compare their ideas with those of Allah's *Book*. The benefit of this method is that we are now able to demonstrate that politicised Islam is basically an invention of our honourable scholars who aimed at replacing the spiritual message of *the Book* by a political ideology that pleased the authoritarian rulers of their times and mobilised the masses for unjustified wars and crimes against humanity.

This chapter intends to show how differently *the Book* talks about those topics that became politicised and militarised by traditional scholarship. We will show that struggle and fight in God's way have

nothing to do with martyrdom, missionary activities, and warfare; that Allah does not stipulate any legal punishment for apostasy; that in Islam there *does* exist a concept of freedom of religion; that loyalty to the religion of Islam does not mean an exclusivist identity eliminating all other attachments and loyalties; and that finally Allah wants us to live a peaceful existence of multiple identities. It will become evident how close the ‘*ulamā*’s and the Islamists’ arguments are. Both demand the death penalty for apostasy; both deny freedom of religion; both treat humans as ‘slaves of God’; both use the concepts of *al-jihād* and *al-qitāl* as aggressive tools to justify militancy and violence; and both abuse the qur’anic *al-amr bi’l-mā’rūf wa-nahy ‘an al-munkar* as a strategy to intimidate people, to intrude into their private lives, and to function as a kind of combined thought police and vice squad. It is the aim of this chapter, which has been adapted from our fifth book,¹ that the readers will understand why both groups, the Islamists and ‘*ulamā*’, since their views on these matters fundamentally contradict everything that Allah says in *the Book*, have lost the right to speak in the name of God.

FREEDOM

We begin with the issue of freedom whose proper conceptualisation is absolutely vital for a critique of *Political Islam* and for a reconfiguration of the collective consciousness of Arab Muslims. The current intellectual crisis has been caused by a century-long absence of any viable notion of freedom in the public mind. As a result, in our debates about Islam and religion the issue of freedom counts for very little or is entirely absent. This section intends to contribute to a wider awareness of how important the notion of individual and collective freedom is for a reformulation of Islamic ethics and for the draining of the sources of religious fundamentalism.

Philosophically, the notion of freedom allows human beings the right to act and make decisions without external constraints. It refers to a state of being free or at liberty to exercise a conscious choice between affirmation and negation with regards to all aspects of objective reality. Expressed in the terminology of *the Book*, freedom gives individuals the power to determine their action by moving from

¹ Shahrur, *Tajfif manābi‘ al-irhāb*, 2008.

al-qadar (objective determinism) to *al-qaḍā'* (indeterminism/free will), facilitated by knowledge of the real world. Whereas *al-qadar* pertains to God's laws of the objective reality, *al-qaḍā'* refers to the free will of human beings to choose between confirmation or rejection of God's laws. The achievement of this form of freedom depends upon the individual's ability to acquire knowledge about the laws of nature and society, because without knowledge there is no choice, and where there is no choice, there is no freedom.

Freedom expresses a fundamental dialectic between (absolute) necessity/determination that is embodied in universal social and natural laws on the one side, and on the other, the ability of individuals to act independently of both the dictates of natural laws and social constraints. Freedom is born out of human beings' desire to use objective laws to their own advantage. And this applies even if humans are incapable of doing so, either because of a lack of technology and hence an incapacity to use natural resources or because of sociopolitical factors that suppress individual sovereignty and self-determination. Not everyone who has accumulated knowledge of objective existence will gain freedom from it, but it is undeniable that such knowledge develops at least a feeling for the dialectical tension between objective determination and individual choice.

Choice in this context means the realisation of the dialectics between opposition and unity. It means to realise that in the world of nature, contrast (or opposition) can be resolved by a process of synthesis (or unity). The natural opposition, for example, between a mountain (thesis) and a valley (antithesis), is resolved by the unifying element of 'landscape' that combines the two opposites (synthesis). The opposition between cold and hot is resolved by the uniting element of 'temperature' (and this applies to many other oppositions: deaf ↔ hearing = ear; blind ↔ seeing = eyes; darkness ↔ brightness = light; slow ↔ fast = speed; above ↔ below = height; in front ↔ behind = position; right ↔ left = direction; north ↔ south = directions/points on the compass, etc.) Freedom consists of the ability of individuals to choose their own direction by moving between objectively existing opposites.

Freedom is thus not just an illusion in people's minds. It is a fundamental law that awareness of choice increases when more knowledge is acquired about nature, cosmos, and society. The more people learn about the laws of objective reality the better they are equipped to make informed decisions. In order to decide, for example, whether

to carry out a complicated surgical operation on the heart or not, one has to have thorough knowledge of the way a heart functions, the physiology of organs, the circulation of the blood, and so forth; the more we expand our knowledge in this area and the more we learn about the organ's functions and its structure, the more freedom we possess in deciding whether to proceed with the heart operation or not (= a choice between affirmation and rejection). Herein lies the importance of research institutes in the natural sciences and their pivotal role in studying the constitution and function of the human body, coupled with their duty to teach people their research results, thus enabling individuals to make the right decisions.

What does a culture or civilisation look like that does not acknowledge the concept of freedom (as we have defined it) and how can we explain the absence of freedom in Arab-Muslim societies? We begin to answer this question by stating that freedom has two dimensions: it is personal/individual and collective/social. Personal freedom is manifested in the conscious decision of an individual, for example, to either eat (affirmation) or not to eat (rejection). The limits of such individual freedom are, however, restricted by nature and society. Human beings are by nature also social beings, and society is the collective assembly of individuals, defined by rationality. The individuals of a society are connected with one another by a collective sense of moral responsibility and sociopolitical duty that distinguishes human societies from the world of animals (because although animals assemble in herds and flocks they could never build complex organisations such as nations or states). Whereas the behaviour of animals is predominantly ruled by instinct, in human societies these instincts are curbed by ethical rules and civil contracts, for example, by the so-called *mahram* code that prohibits a man to marry his mother, sister, daughter, and paternal and maternal aunts, curbing the biological, indistinctive drive of his sexuality. Other moral and social duties, such as respect for parents, justice to orphans, a balanced distribution of inheritance, and such, which do not exist in the world of animals, are established norms in human societies in order to foster civility and morality. These civilisational achievements have been acquired over a long period of time during human evolution. In this process, human societies have gradually moved away from the world of animals because now civility and morality regulate the social behaviour of society's citizens and not animalistic urges of instinct and desire.

An awareness of personal freedom is necessary in order to develop an acceptance of the notion of democracy which is the political expression for the existence of individual freedom. Democracy signals the existence of freedom of thought and expression that individuals enjoy in any given society. It also indicates a higher amount of social and moral responsibility among its members, and a healthier atmosphere of care, compassion, and sympathy. If a country wants to achieve such a healthy state of mutual solidarity it has to give democracy an important place in its political life and facilitate it with an authority that is intellectually and morally supported by all members of society.

Such an authority does not exist in the Arab-Muslim world. Democracy is not truly embedded in the political consciousness of Arab Muslims. But we should not forget that we live in a region full of traditional customs and traditions that existed long before Muḥammad's (ﷺ) mission had arrived, that is, long enough to have had a stronger impact on the people's mind (until today) than the message of *the Book*. Before Muḥammad (ﷺ) called for a new social consciousness, ancient Arab society promoted an excessive form of individualism, much more so than any other culture that existed at that time. Arab Bedouin culture nourished a very individualistic concept of freedom. This individualism has ruled in our political consciousness ever since, in spite of Muḥammad's (ﷺ) mission to abolish it. It has caused the absence of democracy in our culture because individualist ideologies suppressed the collective-social consciousness which any form of democratic culture would require. This is manifest in the victory of egotism, a consciousness of 'I', among the Arabs, in terms of political decision-making, and in the absence of a consciousness of 'us'. This, in turn, has generated a culture of political despotism which has become deep-rooted in the Arab-Muslim world. Arab culture consists of societies that are 'built on sand', in the sense that they are built upon millions of individual grains of sand totally isolated and unsupportive of one another. This is in stark contrast to European societies which are based on a widely shared sense of social and moral responsibility, solidarity, and national unity. Democracy has become strongly rooted in their societies which, as a result, show a remarkable degree of wealth, education, and economic strength.

Muḥammad's (ﷺ) mission confronted the existing Bedouin society with the challenge of a new type of centralized state unique in the

history of Arabia. This state was based on *tauḥīd*, representing the first pillar of *al-islām*, complemented by the belief in Muḥammad (ṣ) as Allah's Messenger, representing the first pillar of *al-īmān*. During Muḥammad's (ṣ) lifetime, the distinction was fiercely protected, on the one hand, between *al-islām*, which began with Noah ('a) and which was perfected by Muḥammad (ṣ), and on the other hand, *al-īmān*, embodied in Muḥammad's (ṣ) messengerhood and its instructions for prayer, *zakāt*, fasting, pilgrimage, *shūrā* consultation, and *Jihād* in God's way (see chapter 1).

Soon after the Prophet's (ṣ) death this distinction gradually disappeared, which had disastrous effects on the political culture in the Arab-Muslim world. Through the ill-fated fusion of *al-islām* and *al-īmān*, the central (universal) concepts of *al-islām* remained semantically imprisoned within the culture of seventh-century Arabia as they were kept inside the compound of *al-īmān*. The interpretation of the term 'mosque' (*al-masjid*), for example, is today entirely dominated by the semantic constraints of *al-īmān*, as it is defined as the place where people perform ritual prayers five times a day, celebrate festivals, and listen to sermons from state-employed preachers who recite an oath of allegiance to the ruler of the country. In short, everything that is associated with the *īmānic* term *al-jāmi'*, the communal place of worship for the followers of Muḥammad (ṣ), the Muslim-Believers, and which is under the control of the state authorities. And yet, according to *the Book*, a mosque is an *islāmic* term and refers in general to a place where God is remembered and where one calls upon all Muslim-Assenters to follow Him, that is, a place of universal *al-islām* (referring to no building in particular but to 'places where people assent to God'). Today, we see signs of a very welcome return to the mosque's original function as *the Book* defines it. It had never fully disappeared but it was buried under centuries of exclusive usage for *al-īmān* when mosques were turned into big prayer halls.

Let us reiterate that *the Book* gave Muhammad's followers *al-īmān*, a set of rituals and very specific ceremonies of worship (in a *jāmi'*, not in a mosque). But it also gave humankind *al-islām* that is embodied in the intention to achieve, in a truly universal manner, the highest possible human ideals, a message that began with the *tauḥīd* of Noah ("That you should worship God, fear Him and obey me..." , Nūḥ 71:3), that was continued by the many calls of ancient prophets and messengers, and that was perfected by the noblest of Allah's

messengers (ṣ): ‘Say: “I am but a man like yourselves, (but) the inspiration has come to me, that your god is one God...”’ (Al-Kahf 18:110). *Al-islām* contains the highest forms of morality as exemplified in Noah’s call to respect our parents (“O my Lord! Forgive me, my parents...”, Nūḥ 71:28) and in the noble Messenger’s (ṣ) admonition to pay attention to the smallest details of everyday life (‘O you who believe! When you are told to make room in the assemblies, (spread out and) make room: (ample) room will God provide for you...’, Al-Mujādila 58:11).

As its core value, *al-islām* promotes freedom of worship. It negates slavish submission to a wrathful God. Human beings are free in their worship; obedience or disobedience occurs from their own will. They are God’s affirmers, not His slaves. This is what ‘Umar b. al-Khaṭṭāb (r) meant when, in the famous narration of ‘Amr b. al-‘Āṣ, he said, ‘Why did you enslave people when their mothers had born them free?’² ‘Umar said this in order to promote a strong sense of social justice among his companions, and this at a time when the son of a slave was still considered a slave! His words contain one of the most important human rights, namely the right of individual freedom, because it is a gift from God, like His gift of life and His gift of intellect. No human society can live without it. Individual freedom is the foundation of collective democracy; and democracy is the practice of freedom that is backed up by the most influential civic authorities of a society.

In spite of Muḥammad’s (ṣ) monumental efforts to establish a new political culture in Medina, building upon the few traces of democratic rules that existed in ancient Arabia, most of his achievements were destroyed by the political events that followed his death. Disregarding *the Book’s* injunction, people started to confuse his prophethood with kingship, in spite of the fact that Muḥammad (ṣ) did not create his state as a king or statesman, but only as a prophet. After his death, political-theological measures of the companions filled the (political, not religious!) vacuum that caused a serious internal crisis, as a result of which economic and tribal interests completely took over the political agenda—and history took its ill-starred course in the seventh century. Fatally, the political measures taken

² ‘Alā al-Dīn al-Muttaqī, *Kanz al-‘ummāl fī sunan al-aqwāl wa’l-af‘āl* (Beirut: Mu’assasat ‘Ulūm al-Qur’ān, n.d.), vol. 12, 661 (*Kūtāb al-faḍā’il min qism al-af‘āl; Bāb faḍā’il al-Fārūq*).

by the companions were eventually regarded as the continuation of Muḥammad's prophetic office and entered Arab consciousness as a combined form of *al-islām* and *al-īmān*. But they had nothing to do with either of them. Our most important task today is to separate these political (and purely historical) measures again from Muḥammad's (ﷺ) messengerhood, which in effect demands a separation of religion from politics.

Since political rule of the companions entered our political consciousness as *al-islām*, religion was confused with politics, and after this the political and religious establishment has always found it necessary to promote educational and intellectual methods which suppress critical thinking and freedom of speech. We should remind our political and religious elite that the governance of Muhammad's (ﷺ) companions was purely based on a *realpolitik* which any state, ancient or modern, would be able to pursue (i.e., regardless of any prophetic message). The Arabs were by no means original in anything they did (politically) in the seventh century. Even their concept of a caliphate was completely improvised and based on the companions' need to fill the political vacuum left by the Prophet's (ﷺ) death. The period of the rightly guided caliphs was in fact a transition period between the era of the Prophet (ﷺ) and the era of Arab imperialism (of the Umayyads and Abbasids). Everything that happened in that transition period was based on the political-theological requirements of the day—the companions' decisions were human, fallible, and contingent—with no real connection to the Messenger (ﷺ). With the emergence of the epoch of imperial expansion, which started with the reign of Mu'āwiya b. Abī Sufyān, rulers began to suppress the democratic right of people to participate in politics. As will be shown in this chapter, *Jihād* was transformed into conquest and military raids, while during the period of the Prophet (ﷺ) it had meant a struggle in God's way to secure freedom of choice for all people.

During the formative period of the first three to four centuries, the pillars of religion were reduced to only four (prayer, zakāt, fasting, and pilgrimage). *Shūrā* consultation and fighting (*al-qitāl*) in Allah's way (i.e., freedom of choice) were removed from *al-īmān*, while 'good work' and ethics (moral laws) were removed from *al-islām*. Of course, eliminating these democratic and ethical dimensions from the pillars of religion was entirely in the interest of the individualistic and despotic political culture that dominated the formative period of (historical) Islam. In fact, this removal even bolstered the power

and authority of political tyrants and despots. It created a lack of critical thinking because people thought that as long as they pray, fast, and go on pilgrimage, everything will be all right and Islam will prosper!

The lack of critical awareness created a mind-set that easily accepted the *'ulamā's* newly devised theologies of predestination according to which God predetermines every single human act. The concept of free will and freedom of choice was entirely marginalised. In this way the formerly revolutionary (Islamic) concept of social, collective responsibility was replaced by a political-dynastical practice by which one tyrant removes another tyrant, leading to an endless series of political assassinations and a political culture of force and violence. Until today it has not been fully registered that *al-jihād al-qitā'i* does not mean militant holy war but rather 'legislation' for the purpose of establishing God's word (*kalimat Allāh*) as the highest ideal. The most significant 'word of God' is freedom of choice for all people, regardless of whether they are assenters, heretics, believers, or unbelievers. Any other form of *al-qitāl* (in particular if it means 'killing') does not qualify as a 'fight in God's way', even if it is regarded as legal (e.g., the execution of prisoners in the USA).

In order to change the current situation and mind-set of Arab Muslim-Believers we need to achieve a higher degree of acceptance of democracy in the Arab-Muslim world. We believe that these following four things will achieve this:

1. A *spiritual* covenant, consisting of worship of God by all people and based on freedom of choice between obedience and disobedience—a worship that will be assessed by Allah on the Day of Judgement. *The Book's* eschatological vision of God's judgement acknowledges the existence of free will and the freedom of choice (between faith and heresy) because freedom is a 'word of God' that is given primordially to humankind since God has eternally granted freedom to all of His creation.
2. An *ethical* covenant (the covenant of *al-islām*) which includes all humankind. The protection of Human Rights is a fundamental part of this ethical covenant.
3. A *civil* covenant (in the sense of Rousseau's *Civil Contract*), implying a pledge of citizenship.³

³ Jean-Jacques Rousseau (1712–1778), French philosopher and political theorist, argued in his *Du Contrat Social ou Principes du Droit Politique* (1762) that a state, based on

4. A *political* covenant (or a code of practice for political participation). This consists of a pledge to successfully implement democratic values and procedures in all spheres of political life, from the formation of political parties (so that they cover a wide spectrum of political opinions) to the practice of state censorship (so that it does not stifle political opposition and dissent).

It is a regrettable fact that most people in the Arab-Muslim world have still not learned that freedom of thought, freedom of speech, and freedom of religion can only be achieved if that society is organised by a political system that wholeheartedly embraces democratic principles such as political pluralism, equality before the law, freedom of the press, the right to petition elected officials, civil liberties, judicial independence, separation of powers, and so on. We all have to learn that without these democratic principles a society cannot promote independent, critical thinking, and without intellectual autonomy and critical thinking a society will slide back into the darkness of either tyranny and despotism or complete anarchy. Our plea for more democracy is a plea to prevent the current attitude among Arabs from becoming so entrenched in archaic notions of politics that we can no longer hope for any reform of the political regimes currently in power.

APOSTASY

The notion that apostasy is forbidden and that apostates will be punished by death has often been used by political authorities and the religious establishment to suppress freedom of religion. For centuries the threat of the death penalty has been hanging over the heads of those who dare to question the fundamental doctrines of Islamic scholarship or who want to explore religions other than the one he or she was born into. This section shows that the death penalty is a fiction of Islamic *fiqh* concocted in order to discipline Muslim-Believers and to punish political dissent. Our aim is to reinvigorate

a genuine social contract with its citizens, could give them real freedom in exchange for their obedience to a self-imposed (i.e., self-legislated) law. It seems that Rousseau's idea of a civil society that is united by a general will and that promotes the common interest of people while occasionally clashing with personal interest is shared by MS (see his thoughts on 'freedom' in this chapter).

the very lenient attitude of Allah's *Book* towards apostasy and to leave behind the political, military, and ideological baggage of the past that the *fiqh* concept of apostasy has carried over into modern times.

We start by looking at the Arabic term for apostasy in *the Book*. *Al-ridda* is derived from the three-radical verb *radda* (*r-d-d*) that occurs, in its different cognates, fifty-nine times in the text. Al-Zamakhsharī, in his *Asās al-balāgha*, lists over twenty different semantic meanings for its literal/descriptive usage, and over ten more meanings for its nonliteral, figurative usage.⁴ In general, the verb *radda* (*r-d-d*) touches on a variety of thematic clusters, two of which are of particular interest for our study of apostasy:

1. *radda* meaning: to 'return to', 'restore', or 'turn back to' regarding something lost:

Thus did We restore him [*radadnāhu*] to his mother, that her eye might be comforted, that she might not grieve... (Al-Qaṣaṣ 28:13)

Quite a number of the people of the book wish they could turn you (people) back [*yaruddūnakum*] to infidelity after you have believed... (Al-Baqara 2:109)

Then when they opened their baggage, they found their stock-in-trade had been returned [*raddat*] to them... (Yūsuf 12:65)

2. *radda* meaning: to 'avert', 'prevent', or 'hold back' things:

Nay, it may come to them all of a sudden and confound them: no power will they have then to avert it [*raddahā*], nor will they (then) get respite. (Al-Anbiyā' 21:40)

...if God inflicts harm on you, no one can remove [*rādd^u*] it but Him ... (Yūnus 10:107, AH)

...but if He wills harm on a people, no one can ward it off [*maradd^u*]... (Al-Ra'd 13:11, AH)

'O my people! Enter the holy land which God has assigned unto you, and turn not back [*wa-la tartaddū*] ignominiously, for then will you be overthrown, to your own ruin.' (Al-Mā'ida 5:21)

Two verses in *the Book* specifically address the issue of apostasy:

They ask you concerning fighting in the prohibited month. Say: "Fighting therein is a grave (offence); but graver is it in the sight of God to prevent access to the path of God, to deny Him, to prevent access to

⁴ Jār Allāh Abū Qāsim Maḥmūd b. 'Umar al-Zamakhsharī, *Asās al-balāgha* (Cairo: Maṭba'at Dār al-Kutub, 1972-73), vol. 1, 332-33.

the sacred mosque, and drive out its members.” Tumult and oppression are worse than slaughter. Nor will they cease fighting you until they turn you back from your faith if they can. And if any of you turn back from their faith and die in unbelief, their works will bear no fruit in this life and in the Hereafter... (Al-Baqara 2:117)

O you who believe! If any from among you turn back from his faith, soon will God produce a people whom He will love as they will love Him—lowly with the believers, mighty against the rejecters, fighting in the way of God, and never afraid of the reproaches of such as find fault... (Al-Mā’ida 5:54)

Based on these two verses, we shall define apostasy as any form of human behaviour that expresses a ‘turn back’ from faith. In contrast, belief is a form of human behaviour that expresses a ‘turn towards’ faith. On the Day of Judgement, Allah issues either reward or punishment for human behaviour in this world, which He will assess by weighing people’s acts ‘towards faith’ against their acts ‘back from faith’. (‘On that day will men proceed in companies sorted out, to be shown the deeds that they (had done). * Then shall anyone who has done an atom’s weight of good, see it! * And anyone who has done an atom’s weight of evil, shall see it’, Al-Zalzala 99:6–8). These verses assure us that every human being, by consciously choosing either to turn towards faith or back from it, determines his future destiny and whether he will be rewarded or punished ‘on that day’.

The word apostasy literally means ‘to stand clear’ or ‘to stay away’. The question is away from what? *The Book* says it means to stay away from ‘religion’ (*dīn*), which is defined as a form of universal human behaviour that is characterised by faith in God, His angels, His books, His messengers, the Last Day and doing Good Work. The lower limit of religion is marked by belief in God, the Last Day, and doing Good Work (= the minimum requirement for embracing *al-islām*), and the upper limit of religion consists of the pillars of *al-īmān*, that is, prayer, alms tax, fasting, and pilgrimage. In between the upper and lower limits people decide to follow God’s orders and abstain from what He has forbidden. While the witness that ‘there is no other god but God’ defines the realm of *al-islām*, the witness that ‘Muḥammad is the Messenger of God’ defines the realm of *al-īmān*. In both realms, people are obliged to implement the highest moral ideals and act correctly in their daily conduct. Given these definitions, apostasy means to stay (altogether) away from religion, that is, a transgression of its lower limit, the first *shahāda* (‘there is no

other god but God'), implying the complete abandonment of *al-islām*. It does not, however, mean to leave a religious community. If someone parts from a monotheistic Abrahamic community, such as that of Muḥammad's (ﷺ) followers, of Jews or Christians, or from a non-monotheistic religious community, it is not defined as apostasy. It would only mean to withdraw from membership to a specific religious community, not from a 'religion' *as such*, because there is only one religion and that is *al-islām*.

If apostasy occurs how are we supposed to respond to it? Should we punish apostasy and punish the apostate? Looking up *the Book*, we learn that there are two forms of punishment for apostasy: a) impotence of actions in this world and the Next, and b) a withdrawal of God's love. The first punishment is stated in 2:217: 'And if any of you turn back from their faith and die in unbelief, their works will bear no fruit in this life and in the Hereafter,' and the second in 5:54: 'God will produce a people whom He will love as they will love Him'. These punishments must be treated as the upper limit of penal law, similar to the other so-called *ḥadd/ḥudūd* punishments mentioned in *the Book* (for murder, adultery, theft, false accusation of fornication, etc.). The existence of a punitive boundary implies that there is no absolute and once-and-for all fixed punishment for apostasy, only a description of an upper limit for possible legislation concerning it.

Neither verse suggests punishing the apostate in any specific (corporeal) or personal way. Given the fact that the adoption of faith is a conscious, rational decision taken by intelligent people freely and voluntarily, the absence of any order to act against apostasy should not surprise anyone. After all, apostasy is a personal decision that only needs to be given account for on the Day of Judgement. *The Book* says that those who believe do so for the good of their own soul, and those who disbelieve do so to their own loss:

Say: 'O you men! Now truth has reached you from your Lord! Those who receive guidance, do so for the good of their own souls; those who stray, do so to their own loss: and I am not (set) over you to arrange your affairs.' (Yūnus 10:108)

We showed him the way: whether he be grateful or ungrateful (rests on his will). (Al-Insān 76:3)

Given that these are clear rules by *the Book*, it is surprising to read that the commentaries of the exegetes prescribe unbelievably cruel punishment for apostates. In al-Rāzī's *Mafātīḥ al-ghayb* we read, for example, that an apostate 'should be killed and should be fought

until he is defeated. He does not deserve any support, help or good words from the believers. His wife should separate from him, and he does not deserve inheritance from the believers.⁵ By which verse of *the Book* can they justify such cruelty? We also hear unbelievable stories about the punishment of entire tribes for apostasy during the early period of Islam. In al-Zamakhsharī's *Tafsīr al-kashshāf* we read that 'during the period of the Messenger (ṣ) there were three groups of people who apostacized: 1—the clan of the Banū Mudlaj (the people of al-Aswad al-ʿAnasī), 2—the clan of the Banū Ḥanīfah (the people of Musaylima al-Kadhhdhāb), and 3—the clan of the Banū Asad (the people of Ṭulaiḥah b. Khuwaylid). During the reign of Abū Bakr (r) there were a further seven groups of apostates: 4—the tribe of the Fazārah (the people of ʿUyaynah b. Ḥiṣn), 5—the Ghitfān (the people of Qurrat b. Salima al-Qushayrī), 6—the clan of the Banū Salīm (the people of al-Fujāʿat b. ʿAbd Yālīl), 7—the clan of the Banū Yarbūʿ (the people of Mālīk b. Nuwayrah), 8—some from the clan of the Banū Tamīm (the people of Sijāḥ bint al-Mundhir), 9—the tribe of the Kindah (the people of al-Ashʿath b. Qays), 10—the tribe of the Bīkr b. Wāʿil of al-Baḥrayn (the people of al-Khaṭm b. Zayd); and during the reign of ʿUmar b. al-Khaṭṭāb there was one more group: 11—the Ghassān (the people of Jibillat b. al-Ayham)'.⁶

Zamakhsharī's list is very peculiar for three main reasons. First, it omits, for no given reason, the Banū Amīyya (and hence of ʿAbdallāh b. Saʿd b. Abī Saraḥ and Marwān b. al-Ḥakam who allegedly apostacized), while it includes the people of Ghassān as apostates who, ironically, had never accepted Muḥammad's new message and could therefore not apostatise. Second, it suggests collective *takfīr*, that is, the accusation of unbelief against a whole group because of the apostasy of individual members of this group—which contradicts the rule of *the Book* that 'no laden soul shall bear the burden of another' (35:18, MF). Third, it lists the names of Muḥammad's (ṣ) companions (e.g., al-Ashʿath b. Qays) who should be, by the exegetes' own logic, beyond the accusation of *kufṛ*, given that our noble scholars keep

⁵ Fakhr al-Dīn Muḥammad al-Rāzī, *Mafātīḥ al-ghayb* (n.p., n.d.), 323–25 (tafsīr of 2:217).

⁶ This is a summarised version of Abū'l-Qāsim Maḥmūd al-Zamakhsharī, *Tafsīr al-kashshāf* (Cairo: Sharikat Muṣṭafā al-Bābī al-Ḥalabī, 1966), 620–21 (tafsīr of 4:54).

circulating a *ḥadīth* that calls the believers to follow (all!) of Muḥammad's (ﷺ) companions: 'My companions are like the stars. Whichever [of them] you follow, you obtain guidance.'⁷

It is obvious to everyone that such accounts of apostasy are in clear breach of the rules of *the Book*. Later exegetes such as al-Rāzī and al-Zamakhsharī were victims of a scholarly ethos that, a) regarded the Companions as infallible and b) took their accounts as sacrosanct, resulting in doctrines that mutated 'historical Islam' into 'Islamic history', a form of revisionism through which purely historical narratives turn into sanctified heritage, and heritage into legislation. By the time al-Rāzī and al-Zamakhsharī wrote their commentaries, they could not but accept at face value the texts of the tradition which had acquired an authority that they did not dare to challenge. At the root of this problem lay the earlier *fuqahā's*' search for a passage in *the Book* with the help of which their masters and employers, that is, the despotic rulers of the Umayyad and Abbasid dynasties, could legitimise the liquidation of their political opponents as a preventive measure for the protection of religion. When the *fuqahā'* realised that they could find nothing in *the Book* that served this purpose, they moved on to the prophetic *Sunna* searching for a suitable *ḥadīth*. Yet again, they could not find a rule that demands the killing of an apostate. Finally, they searched the *sīra* biographies of the Prophet (ﷺ) and made a strike. They referred to reports that claim that Muḥammad (ﷺ) had ordered the killing of the clan of the Banū Mudlaj (because of the apostasy of al-Aswad al-'Anasī), the killing of the clan of the Banū Ḥanīfah (because of the apostasy of Musaylima al-Kadhhdhāb), and the killing of the clan of the Banū Asad (because of the apostasy of Ṭulaiḥah b. Khuwaylid). Furthermore, they claimed to have found a *ḥadīth* that quotes the Prophet (ﷺ) saying that 'he who changes his religion, kill him', and finally they managed to portray Abū Bakr and 'Umar as acting only in the tradition of the Prophet's (ﷺ) harsh words on apostasy when they persecuted and punished clans and tribes which had apostacized.

However, their claims can easily be contradicted in several ways, for example:

⁷ Quoted from Ibn 'Abd al-Barr Abū 'Umar al-Numayrī, *Jāmi' bayān al-'ilm wa-fadlīh* (Dammam: Dār Ibn al-Jawzī, 1994), vol. 2, 898 (ḥadīth no. 1684).

1. By a *ḥadīth*, narrated by al-Bukhārī, Abū Dāwūd, al-Nisā'ī, al-Tirmidhī, Ibn Ḥayān, al-Ḥākim, Aḥmad b. Ḥanbal, Abū Ya'ālā, al-Bayhaqī, al-Dāquṭnī, al-Ṭabarānī, Ibn Abī Shaybah, reported from 'Ikrima: "Alī had burnt a group of apostates. This [news] reached Ibn 'Abbās who said, "Had it been me, I [also] would have killed them because of the statement of the Messenger (ṣ): 'he who changes his religion, kill him'. But I would not have burnt them because of the statement of the Messenger (ṣ): 'Do not punish with Allah's punishment.' This [news] reached 'Alī who said: "Ibn 'Abbās has spoken the truth". Abū 'Īsā al-Tirmidhī said: "This *ḥadīth* is *ṣaḥīḥi ḥasan*, and based on this is the practice of the people of knowledge regarding apostates. They [only] differ with regard to [the treatment of a] woman if she apostacizes. One group said: she is to be killed; and this is stated by al-Awzā'ī and Aḥmad; and one group said: she is to be imprisoned and not killed; and this is stated by Sufyān and others from Kūfah."⁸

Also, by a *ḥadīth* narrated by Imām Mālik in his *Muwattā'*, reported by Zayd b. Aslam: "The Prophet (ṣ) said: "He who changes his religion, cut off his head." This is *mursal* according to all narrators. The meaning of the Prophet's (ṣ) statement is, according to our understanding—and Allah is most knowledgeable—that whoever leaves Islam for another [religious community], including the *zanādiqah* [those who have secretly apostacized] and similar others, if they make it [i.e., their apostasy] [publicly] manifest, they will be killed and will not be asked to repent. As for someone who has left Islam for another [religious community] but did not make it [publicly] manifest, he will be asked to repent. If he repents [he should be left alone], otherwise he will be killed. The Prophet (ṣ) [however] did not intend [to include], according to our understanding—and Allah is most knowledgeable—someone who leaves Judaism for Christianity or someone [who leaves] Christianity for Judaism or for any other [religious community]...".⁹

Three things can be deduced from Mālik b. Anas's account: First, the prophetic statement, reported by Zayd b. Aslam, is

⁸ Abū 'Īsā Muḥammad al-Tirmidhī, *Sunan al-Tirmidhī* (Cairo: Muṣṭafā al-Bābī, 1937), vol. 4, 59 (ḥadīth no. 1458).

⁹ Mālik b. Anas al-Aṣbaḥī, *Muwattā' al-Imām Mālik* (Abu Dhabi: Mu'assasat Zāyid b. Sulṭān Āl Nahyān, 2004), vol. 4, 1065, (ḥadīth no. 2727).

graded as (only) *mursal* ('hurried')¹⁰ but is then transmitted as authentic as it is included in the *Muwattā* (note that Imām Muslim objected to the authenticity of this *ḥadīth*). Second, the *ḥadīth* transmits a rule about someone who leaves one religious community for another (i.e., from Muḥammad's community of believers to Christianity, Judaism or others). It does not talk about someone who leaves 'religion' *per se* and turns to unbelief—this in spite of the text's use of the term *dīn*, 'religion'. It is impossible to interpret *dīn* in this *ḥadīth* as 'religion' in the conventional meaning of 'religious community', because then it should also be applied to Jews and Christians who have converted to Islam. Since these converts have also 'changed their religion', they should also be killed according to the *fuqahā*'s logic, which is, of course, utter nonsense. Third, and most important of all, the commentary on the *ḥadīth* states that before anyone is killed for apostasy, his infidelity must be publicly manifested, implying that a renegade must openly declare that he has (completely) abandoned his religion.

From the first *ḥadīth*, narrated by al-Tirmidhī, three things seem immediately obvious: First, the *ḥadīth*, as reported by 'Ikrima from Ibn 'Abbās and 'Alī, has been classified as *ṣaḥīḥ* (sound) and *ḥasan* (good), indicating that it has been accurately transmitted (word for word). Second, the rule about someone who apostacizes ('kill him') is therefore, at least according to the rules of *ḥadīth* sciences, correct. Third, female apostates are exempted from the death penalty—according to the Kufan School—which, however, seems to be at odds with the prophetic statement in which the Prophet (ṣ) used the pronoun 'whoever' (Arab. *man*) which includes both men and women ('kill him or her'). It seems very peculiar that whereas the first *ḥadīth* ('he who changes his religion, kill him') was unanimously classified as sound (*ṣaḥīḥ*) by all *Ḥadīth* scholars, the second *ḥadīth* ('he who changes his religion, cut off his head') was, even though it is almost identical to the first *ḥadīth*, criticised for its weak chain of transmission, and that Imām Muslim rejected it as entirely spurious.

¹⁰ I.e., unreliable, because the link between the successors of the Prophet and the Prophet himself is missing in the chain of narrators; a *ḥadīth mursal* usually begins with 'The Prophet said...'

We believe that *both hadīths* are unreliable/false for the following five reasons:

- a) They contradict the punishment for apostasy as it is given in *the Book* (2:217; 5:54).
- b) They deviate from the spirit of *the Book* and its treatment of disbelief or—as it puts it—any ‘rejection of God’:

Not for you, (but for God), is the decision: whether He turn in mercy to them, or punish them; for they are indeed wrong-doers. (Āl ‘Imrān 3:128)

Invite (all) to the way of your Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious: for your Lord knows best, who have strayed from His path, and who receive guidance. (Al-Naḥl 16:125)

If it had been your Lord’s will, they would all have believed—all who are on earth! Will you then compel mankind, against their will, to believe! (Yūnus 10:99)

Therefore, do give admonition, for you are one to admonish. * You are not one to manage (men’s) affairs. * But if any turn away and reject God, * God will punish him with a mighty punishment. (Al-Ghāshiyā 88:21–24)

- c) They contradict other *hadīths* of the Prophet (ṣ), for example:

Ibn ‘Abbās reports that the Prophet (ṣ) said: ‘I have been ordered to fight people till they say ‘there is no god but Allah’. So, whoever said it has saved his life and wealth from me—and yet, the [final] reckoning is with God.’¹¹

Abū Huraira reports that the Prophet (ṣ) said: ‘None of the Muslims is allowed to [take] another Muslim’s blood, property and honour.’¹²

- a) They were not cited by the companions when they themselves had to deal with apostasy. Ibn ‘Abbās quoted the *hadīth* (‘he who changes his religion, kill him’) in the context of his disapproval of ‘Alī’s punishment of the Zayt, a sect that refused to give up their pagan practices. This happened during ‘Alī’s reign as caliph, more than thirty-five years after the Hijra of the Prophet (ṣ). Significantly, this *hadīth* was not cited by Abū Bakr when he was challenged by ‘Umar for his harsh treatment of apostate tribes twenty years earlier. He only said to ‘Umar:

¹¹ Al-Bukhārī, *Ṣaḥīḥ*, vol. 2, 507 (ḥadīth no. 6935).

¹² Al-Sijistānī, *Sunan*, vol. 13, 45 (ḥadīth no. 4238).

‘By God, I will [definitely] fight those who separate between prayer and *zakāt*. By God, if they refuse [to pay even] a bridle, which they used to pay to the Messenger of God (ﷺ), I will fight them for their refusal.’¹³ If the *ḥadīth* reported by Ibn ‘Abbās had been such an approved and well-known statement of the Prophet (ﷺ), as it is now claimed, Abū Bakr would have surely used it in his reply to ‘Umar in order to justify his persecution of apostate tribes because it would have had much more authority than his own *ijtihād* on this.

- b) The *ḥadīth* has never been applied and turned into common practice (‘kill him’), neither during the time of the Prophet (ﷺ) nor during the reign of the rightly guided caliphs. Those clans, tribes, and individuals, which al-Zamakhsharī lists, were not killed because of the fact that they abandoned religion but because of the political consequences their apostasy had for the safety and welfare of Muḥammad’s community at the time. This will be explained in detail below.
2. All accounts of the first cases of apostasy start in the year ten of the Hijra, after Muḥammad’s farewell pilgrimage. This includes the exegetical works on 2:217 and 5:54, and the treatment of apostasy by scholars of *ḥadīth*, *sīra*, *akhbār*, and *tarājīm*—all of them seem to date the first cases of apostasy to the last year of Muḥammad’s life. Does this mean that before 632 there were no cases of apostasy? Of course there were many! We are told that it was then labelled as ‘hypocrisy’ (*nifāq*), not apostasy. ‘Ā’isha said: ‘the Messenger of Allah (ﷺ) died, and the Arabs apostacized, but it was [still] known as hypocrisy’.¹⁴ Also, al-Zamakhsharī’s list of apostates ends with a group that apostacized during the reign of ‘Umar. Does this mean that after his death in 644 there were no more cases of apostasy? Of course there were, but in the *fiqh* manuals they became categorised under different headings, for example, *ṣiyāl* (assault), *naqḍ al-bay‘a* (breach of the oath of allegiance), *al-khurūj ‘an al-jum‘a* (secession from the community), *al-zandaqa* (heresy, ‘free thought’), *rafd al-ṭā‘a ūlī ‘l-amr* (disobedience and rebellion against those in authority, political dissent), and others.

¹³ Aḥmad b. al-Ḥusayn Al-Bayhaqī, *Sunan al-Saghīr* (Al-Manṣūrah: Dār al-Wafā, 1989), vol. 2, 78 (ḥadīth no. 1279).

¹⁴ Fakhr al-Dīn Muḥammad al-Rāzī, *Maḥāṣil al-ghayb* (n.p., n.d.), vol. 12, 18.

It is evident from this that apostasy has not been treated systematically by the *fuqahā'* and that the lists of apostates circulated by the exegetes are both historically and legally worthless. From the discussion so far we can discern four things: first, apostasy needs to be publicly manifest (openly declared) in order to be punished (Imām Mālik); second, it has to become 'known', that is, officially acknowledged—even though it might be under the name of hypocrisy (*ḥadīth* by 'Ā'isha); third, apostasy was treated as a collective misdeed (al-Zamakhsharī); and fourth, apostasy is reported to have occurred in the shape of (armed) separatist movements which forcefully opposed the authority of the central government. We are told by al-Ṭabarī:

He then turned to Najrān and conquered it in ten days. The people of Madhḥaj supported him. Then he killed Shahr b. Bādhām (one of the Prophet's [appointed] collectors in Yemen after the death of his father). He defeated the (tribes of) al-Anbā' and conquered Ṣan'ā'. Al-Aswad conquered [everything] between Ṣahīd—a desert of the Ḥaḍramawt—and al-Baḥrayn before 'Aden. The Yemen supported him, and his authority started to spread like fire. [By the time] a month had passed, he had seven hundred horsemen in addition to the camel corps. His governor in Madhḥaj was 'Amr b. Ma'd Yukarrib al-Zabīdī... (He [al-'Anasī] had written a letter to those who came to fight him. He wrote: "O you who have come to us! Keep away from us and do not take our land because we deserve it more.")¹⁵

Then al-Ṭabarī tells us about the apostate Ṭulaiḥah b. Khuwaylid:

At the time when 'Abas and Dhubyān and its surroundings until al-Buzākhah were enclosed (i.e., the springs of the Asad clan, where Ṭulaiḥah and his helpers stayed after returning from Sumayrā'), Ṭulaiḥah sent to Judaylah and al-Ghawth [asking them] to join him. So people from Ḥuyayn hurried towards him. The horsemen of the Tay' used to run into the horsemen of the Asad and the Fazārah, but they would not fight. [The horsemen of] the Asad and the Fazārah would say: "No, by God, we will never give alliance to Abū Faṣīl [a derogatory name for Abū Bakr meaning father of the calf of a she-camel]", and [the horsemen of] the Tay' would say: "We testify that

¹⁵ This is a summarised version of Muḥammad b. Jarīr al-Ṭabarī, *Ta'rikh al-Ṭabarī* (Beirut: Dār al-Kutub al-'Ilmiyya, n.d.), vol. 2, 248 (*Bāb dhikr baqqiyyat al-khabar 'an ghiṣfān*).

he will fight you until you call him Abū al-Faḥl al-Akbar [father of the biggest bull, i.e., a person of strong, masculine personality]”....¹⁶

We see that the real issue at stake was the question of loyalty which was measured according to the standards of tribal alliances of ancient Arabia. Apostasy from religion, as such, did not matter to anyone. This also becomes clear when we read the lines of the following poem:

We obeyed the Messenger of Allah when he was among us,
 But what is with Abū Bakr, O servants of God?
 Will he bequeath that [money of *zakāh*] to a [young] camel if it
 survives him?
 By God, that would be a disaster.
 Why did you not return our support during his time?
 And why did you not fear the noise of the young braying camel?¹⁷

These accounts give us a good picture of the tribal culture of ancient Arabia. At its heart lay the question of allegiance, loyalty, tribal solidarity, and the (male-centred) norms of honour and dignity. Tribal warfare was an expression of power politics that aimed at the regulation of the balance of power in the Arabian Peninsula and at the political and military control over the area. The so-called apostasy wars were not fought because someone ‘left religion’ or apostacized from the faith, otherwise everyone who abandoned Islam in those years would have been killed, which was clearly not the case. Reading al-Ṭabarī’s history, one comes across names of people¹⁸ who, because of their alliance to tribes that fought the troops of Abū Bakr’s central government, should also have been killed—at least according to the alleged words of the Prophet (ﷺ), i.e. ‘he who changes his religion, kill him’ and ‘he who changes his religion, cut off his head’—but the fact that they were left alone not only increases our doubts as to the authenticity of these *ḥadīths* but also as to the *fuqahā’s* claims to have correctly read these events.

¹⁶ Al-Ṭabarī, *Ta’rīkh al-Ṭabarī*, vol. 2, 248 (*Bāb dhīkr baqqīyyat al-khabar ‘an ghīṭfān*).

¹⁷ Quoted from Abū Ja’far al-Ṭabarī, *Ta’rīkh al-Ṭabarī* (Beirut: Dār al-Fikr, n.d.), vol. 2, 149; the first four lines of the poem are often cited from Abū’l-Faraj al-Isfahānī, *al-Aghānī* (Beirut: Dār al-Fikr, n.d.), vol. 2, 149.

¹⁸ Among which are: al-Ash’ath b. Qays, al-Zaburqān b. Badr, Jirwal b. Aws (al-Ḥaṭī’a), ‘Awf b. Sinān, ‘Ilqima b. ‘Allātha, ‘Uyayna b. Ḥiṣn, and Zumayl b. Qaṭaba al-Qīnī.

In his *al-Iṣāba fī tamyīz al-ṣaḥāba*, al-‘Asqalānī writes for example about al-Ash‘ath b. Qays:

Al-Ash‘ath b. Qays b. Ma‘d Yukarrib al-Kindī[h], called by the agnomen Abū Muḥammad, had visited the Prophet (ṣ) with seventy camel corps from Kind[ah]. He was one of the kings of Kind[ah] and was chief of the Ḥaḍramawt. Al-Bukhārī and Muslim reported about him in their *Ṣaḥīḥ* [*ḥadīth* collections]. He had apostacized together with others from Kind[ah] and was arrested. When he was brought to Abū Bakr, Abū Bakr freed him and married his sister to him. So, he [al-Ash‘ath] drew his sword, entered the camel market and hamstringed every male and female camel [he came across]. The people shouted: “Al-Ash‘ath has rejected [i.e., apostacized]!”. After he had finished, he threw his sword away and said: “I, by God, did not reject [i.e., apostatise], but this man [i.e., Abū Bakr] has married his sister to me. If we were in our land, the feast would be different than this. O people of Madina! Eat! ... and you camel owners, take their bodies!” He visited al-Yarmūk and al-Qādisiyyah, and [also] Ṣiffīn, together with ‘Alī. He died in the year 42 [Hijra] after ‘Alī was assassinated.¹⁹

And al-‘Asqalānī tells us about ‘Uyayna b. Ḥiṣn:

Uyaynah b. Ḥiṣn b. Ḥuzayfah al-Fazārī, called Abū Mālīk, was among the converts [to the new religion] [*al-mu‘allafat al-qulūb*]. He was one of the Prophet’s companions but his narration [of *ḥadīth*] was not valid. He became a Muslim before the seizure [of Mecca] and took part in the seizure of Mecca, [the battles of] Hunayn and al-Ṭā‘if. He was among those who apostacized during the reign of Abū Bakr. He inclined towards Ṭulayḥah and gave allegiance to him. In him was the harshness of the desert [Bedouins]. Ibrāhīm al-Nakha‘ī said: “‘Uyaynah b. Ḥiṣn came to the Prophet (ṣ), while ‘Ā’isha was with him, and said: ‘Who is this woman sitting next to you?’ He [the Prophet] replied: ‘Ā’isha’. He said: ‘Do I not come to you with a better [woman] than her?’ he meant his [own] woman, Umm al-Banīn.” I read in al-Shāfi‘ī’s *Kitāb al-umm* that ‘Umar b. al-Khaṭṭāb killed ‘Uyayna b. Ḥiṣn due to [his] apostasy, but I did not find anyone else who mentioned that. Instead, ‘Uyaynah lived until ‘Uthmān’s caliphate...²⁰

¹⁹ This is a summarised version of Aḥmad B. Ḥajar al-‘Asqalānī, *al-Iṣāba fī tamyīz al-ṣaḥāba* (Cairo: Maktabat al-Kullīyyat al-Azhariyyah, n.d.), vol. 1, 79.

²⁰ This is also a summarised version from the same source, al-‘Asqalānī, *al-Iṣāba fī tamyīz al-ṣaḥāba*, vol. 7, 195–96.

As for al-Zaburqān b. Badr, we hear nothing about his apostasy in al-‘Asqalānī, but we know that he lived until the reign of al-Mu‘āwiya because of the following account by al-Jāhiz: ‘Al-Zaburqān went to Ziyād b. Abīhi—whose eyesight had weakened—and greeted [him] lightly. Ziyād made him come closer and sit next to him. He said: “O Abū ‘Abbās! The people are laughing about your harshness.” He said: “Even if they laugh, by God, there is no man among them whose wishes I have not fathered due to [my] charm or [my] wisdom.”²¹

Is it possible that Abū Bakr and the other caliphs would have been allowed to kill apostates in the way it is reported—assuming for a moment that the accounts are accurate—purely because these people abandoned a specific belief? Or put differently, how likely is it that their harsh (persecution and decapitation) and often inconsistent (marriage to relatives, release from prison) treatment of apostates could have been possible—and this includes the reported cruelty by Khālīd b. al-Walīd against Mālīk b. Nuwaira and his people²²—if such shameful and disgraceful acts would today be enough to send its perpetrators to the International War Crimes Tribunal in The Hague? Just to make it clear, we are not attempting to set up a court and charge people for their crimes during this part of Islam’s history—similar to the inquisitorial style of caliphs such as ‘Abd al-Malik b. Marwān or Abū Ja‘far al-Manṣūr²³—since

²¹ Abū ‘Uthmān ‘Amr Al-Jāhiz, *al-Bayān wa’l-tabyīn li’l-Jāhiz* (Beirut: Dār al-Kutub al-‘Ilmiyya, 1998), vol. 1, 128.

²² Khālīd b. al-Walīd (d. 21/642), one of the most successful military commanders in the history of the Islamic conquests who defeated with his troops within only ten years after Muḥammad’s death the Byzantine armies in Iraq, Syria, and Jordan. And yet, during the so-called apostasy wars under the caliph Abū Bakr he was accused of having used unnecessary force and cruelty against Mālīk b. Nuwayra and his clan of the Banū Yarbū’, and this because of his selfish desire to marry Ibn Nuwayra’s wife, Layla bint al-Minhal. Faced with these accusations and under pressure from fierce criticism by ‘Umar and Abū Qaṭāda, al-Walīd claimed that his orders had been misunderstood by his guards (thus, indirectly conceding that his killings were wrong); a feeble excuse that was nevertheless accepted by Abū Bakr (‘I will not sheathe a sword that Allah has drawn for His service’), see al-Ṭabarī, *Ta’rīkh*, vol. 2, ‘Prophets and patriarchs’, translated and annotated by William M. Brinner (Albany: State University of New York Press, 1984), 496–502.

²³ ‘Abd al-Malik b. Marwān (25–86/646–705) was the fifth caliph of the Umayyad rule and responsible for its consolidation as a dynastic autocracy that he mercilessly enforced against all attempts of sectarian rebellion (Banū al-Azraq; Banū al-Ash‘ath) or claims of rival caliphates (Ibn Zubayr); Abū Ja‘far ‘Abdallāh b. Muḥammad al-Manṣūr (93–158/712–775) was the second ‘Abbasid caliph who consolidated the new dynasty in the new capital city (Baghdad) with equally brutal force

the Book reminds us that they were ‘a nation which passed away. I shall reap what it has earned, and you shall reap what you have earned. You shall not be questioned about what they were doing’ (Al-Baqara 2:141, MF).

Indeed, we would not be so critical of our early history if that spurious concept of (punishment for) apostasy, which provided the perfect legal pretext for the elimination of political opponents during the Umayyad and Abbasid periods, did not today play such a dominant role in the tactics of Islamist groups and their terror against the political establishment. Ironically, by allowing the killing of political rulers on the basis of (alleged) apostasy, Aiman al-Zawāhirī and other ideologues are using precisely the same weapon of terror as the ancient political regimes did in order to intimidate their opponents. Because of the confusion between religion (disbelief) and politics (secession) from the time of the early ‘wars of apostasy’, apostasy has attained a political dimension and has thus been fixed in the Arab-Muslim mind ever since. And since the *fuqahā* were so involved in power politics during that period, apostasy, with these political overtones, has come to be formulated in Islamic law with exactly that fusion of religion with politics, rendering what happened during the appointment of Abū Bakr as Muḥammad’s (ṣ) successor (eliminating the influence of the *al-Anṣār*) as perfectly legal.²⁴ Once these apostasy wars, and in particular Abū Bakr’s military expedition in the years 10–11 A.H., were defined as ‘fulfilling God’s words’, they became the legal norm of how to deal with (any) apostate (individual or group), so that the possibility of being persecuted as an apostate hung over the political opposition like a sword of Damocles and is today, because the

against rebellion (Abū Muslim in Khurāsān; Kharijites in Transoxania; ‘Alids in Persia) and secessionist movements (Berbers in North Africa) while at the same time establishing the claim of a divinely sanctioned absolute sovereignty of the ruler after the theocratic model of ancient Byzantine monarchs. See Abū’l-Ḥasan al-Mas’ūdī, *The meadows of gold: the Abbasids*, translated and edited by Paul Lunde and Caroline Stone (London: Kegan Paul, 1989).

²⁴ The *al-Anṣār* belonged mostly to the two Medinan tribes of the Aws and Khazraj and are believed to have initially supported ‘Alī and not Abū Bakr in the succession to the Prophet but (either by pressure, intimidation or change of heart) eventually gave their allegiance to Abū Bakr. For an analysis of the rivalry between the *Anṣār* and the *Muhājirūn*, see Maya Yazigi, “Alī, Muḥammad, and the Anṣār: The Issue of Succession,” *Journal of Semitic Studies* 53, no. 2 (2008): 279–303.

Islamists have turned this threat against the rulers themselves, a common feature of our current political life.

Many factors contributed to this amalgamation of apostasy with politics; we name only six:

- a) The tendency to idolise people who are mentioned in the authoritative texts of nascent Islam, to the extent that we are supposed to emulate their every action and act in our times as they did thousands of years ago. As a result of this we are faced with comical situations, such as people insisting on paying their alms during Ramadan in the form of wheat, exactly as their forefathers did, because they do not accept money or any other modern substitute for it. Such excessive veneration of people is close to personality cult, which causes people to invent exaggerated accounts of their idols' lives (similar to what we have seen with the mystics and their almost fanatical veneration of dubious *Ṣūfī* sheikhs).
- b) The completely uncritical attitude towards the early history of Islam, which makes it impossible to assess this period objectively according to the (political, economic, and military) parameters of its time. Instead, the period of the forefathers is seen as sacrosanct and the writings of the founders of the legal schools are regarded as infallible and untouchable, with the terrible consequence that its historic values (e.g., tribalism, paternalism, male chauvinism, and martialism) have now been transported into the modern age and are with us all the time (e.g., in the horrendous repression of women and their rights in marriage, education, and work), and are, in spite of their contingent origins, praised as absolute standards that are universally valid for all times.
- c) The enormous influence of cultural traditions whose power is seen as overriding the authority of Allah's *Book*. As we have seen in chapter 5, this is particularly harmful in the sphere of family law where the *Book's* insistence on bequests is ignored in favour of rigid inheritance laws that are applied in such a way that they maximise the male shares and minimise the female shares to the detriment of all women in the family. This against the clear rule of Allah that 'from what is left by parents and those nearest related there is a share for men and a share

for women, whether the property be small or large—a determinate share' (Al-Nisā' 4:7).

- d) The power of *schoolism* in legal thought, that is, the tradition to force people to attach themselves to a specific school of law and get their legal guidance exclusively from this school, even if it clearly contradicts the guidelines from Allah's *Book*. We once more quote the position of the Ḥanafī school: 'if the views of the Sheikhs [of our school] contradict the views of the Qur'an, we stick to what the Sheikhs said'. Such an attitude of *schoolism* is also prevalent in the current obsession to call one another disbelievers, simply because of the conviction that what is not congruent with our own position must, by definition, be *kufri*, since we see ourselves as holding a monopoly on the truth.
- e) The absence of freedom of speech in our societies and the power of public censorship in cases of nonconformity, both in the present and the past. The fact that news about the arrest of political opponents, as well as their torture and imprisonment, is met by the majority of the population with silence and indifference, while the police would not dare to ask a woman to remove her veil because of the massive public outcry it would cause, is an expression of this culture of conformity in which people cannot say what they think and cannot wear what they want.
- f) The dominance of an ethos of death that attaches little value to life and belittles the attempts by modern medical research to prolong life. Doctors in our societies carelessly treat their patients like guinea pigs in laboratory experiments and do not really fight against unnecessary or accidental loss of life. Instead, if patients die we are at once told that it was God's will, that it was predetermined that the person would die at exactly that moment. Day by day and week by week we hear the preachers from their pulpits scolding us because we love life and fear death, in spite of the fact that love of life and fear of death is a natural disposition that Allah has instilled in all of His creation. But this continuing praise of death has turned many young men into monsters who care little about life and do not think twice about blowing themselves up, killing children, women, and old people—the higher the number of casualties, the greater is their bravery. This praise of death is indeed a sick ideology.

Let us return to the problem of how to correctly define apostasy, and let us explore the following questions: What is apostasy? Who can be called an apostate? Why does *the Book* mention the futility of an apostate's work in this life and the next without stipulating an actual legal punishment for the act of apostasy? Does this imply that God left it to the ruler, the judges, and the prevailing legal system to determine the punishment for apostasy? Is the Prophet's (ﷺ) command to kill an apostate in harmony with the divine intention as stated by *the Book*? Does apostasy mean that someone leaves a community for good? Can apostasy mean a revolt against a political ruler, a government, or a state? Is political apostasy the same as religious apostasy? And, finally, can any punishment for apostasy be justified in the light of our demand for freedom of religion and freedom of speech?

It is vital to answer these questions in order to sort out the mess that the traditional *fuqahā'* have left. It is more than evident that they were unable to conceptually separate political dissent from religious apostasy, as they constantly muddied the water with their religious interpretations and legal classifications of purely political events in the history of Islam. They were never fully able to see the difference between an oath of allegiance to a political ruler or (political) system and the religious witnessing of Allah, the Last Day, and the unity of God. In their work we see how they failed to assess the killing of Sa'īd b. Jubayr by al-Ḥajjāj as a politically motivated murder (because al-Ḥajjāj regarded Ibn Jubayr's disloyalty as a political affront that must be punished by death),²⁵ because they interpreted it as the ruler's legitimate punishment for heresy (and, thus, apostasy). But political apostasy/separatism, which may occur independently from either *al-islām* or *al-īman*, should not be confused with religious apostasy, even though it has become fixed as such in the minds of most Arab-Muslims.

²⁵ Al-Ḥajjāj b. Yūsuf, military commander under the caliph 'Abd al-Malik b. Marwān, defeated the troops of 'Abd Allāh Sa'īd b. al-Zubayr during the siege of Mecca in 692 by which al-Zubayr's sedition from the government in Damascus and his reign as a counter-caliph ended, see al-Ṭabarī, *Ta'rikh al-rusul wa'l-mulūk*, vol. 22 'The Marwānid restoration', translated and annotated by Everett K. Rowson (Albany: State University of New York Press, 1989).

Apostasy from al-islām

We defined the lower and nonnegotiable limit of *al-islām* as a commitment to believe in God, the Last Day, and the good deeds, implementing the moral ideals of ethical perfection that were first laid out by Noah and accomplished by Muḥammad (ṣ). *Al-islām* is the (only) religion of humans' natural disposition that Allah has authorised for humankind. It is the religion that does not allow the increase in the number of absolute taboos, but allows new permissions and prohibitions according to what human societies, parliaments, and civil law courts see fit to introduce. It is the religion that most people in this world adhere to at the moment. And yet, apostasy from *al-islām* occurs, namely on three levels:

A. *The level of religious doctrine:*

Apostasy here means to cut oneself off from Allah by disbelieving in His existence and the Day of Judgement. Apostasy here means heresy, and this includes withdrawing from a monotheistic belief ('there is no god but God') and adopting a polytheistic belief—here, the second *shahāda* ('Muḥammad is God's messenger') does not matter at all. As for religious doctrines, a person enjoys absolute freedom. He can freely decide between *al-islām* and heresy. No one should ever force a person to adopt a specific belief (or disbelief), because the religious belief of a person does not touch, as such, the social collective, and everyone should be free to voice his beliefs in public.

B. *The level of social and ethical practice:*

Apostasy here means to renounce the Good Work and ignore the prescriptions of morality. To transgress the basics of moral law would mean to live a life of flagrant immorality: disrespect of parents, open vandalism, truancy, indecencies, and public calls for more corruption, bribery, exploitation, slander, and defamation. If such a person apostatises from morality, it is the duty of everyone—regardless of their religious affiliation—to restrain him. The fight against immorality all over the world is the realm where Muslim-Believers should work hand in hand with the rest of humankind. Unlike the first level of religious doctrine, it is clear that apostasy from morality—and this includes from human rights—cannot be tolerated since *al-islām* organises the social relations between the different sections of

a society and beyond. Put differently, an apostasy from *al-islām*, which would have disastrous social and moral consequences, must be categorically prohibited by the legislator.

C. *Hence, the level of legislation:*

Apostasy occurs when legislation transgresses the upper and lower limits set by God in *the Book*. Islamic legislation means a civil, human legal system that operates within the limits of Allah. The more civilised a society becomes the closer its laws approach a true legislation of limits, which represent the *ḥanīfiyya* character of *al-islām*. At the moment this is best realised in those states that possess a constitution and a parliamentary system because the more democratic a society is the more *ḥanīfic* it is with respect to its forms of legislation.

Apostasy from al-īmān

We have learned that *al-īmān* combines the first *shahāda* ('there is no god but God') with the second *shahāda* ('Muḥammad is God's messenger'). We identified the people who followed Noah, Abraham, Moses, Jacob, and Jesus as Muslim-Assenters, and the followers of Muḥammad (ṣ) as Muslim-Believers. Some chapters of *the Book* are entirely dedicated to a discussion of issues relating to the Muslim-Believers, such as Sūrat Muḥammad (47) and Sūrat al-Anfāl (8). It follows from here that Judaism and Christianity are, like the *umma* of Muslim-Believers, not religions but spiritual communities, as we are told by *the Book* ('Never will the Jews or the Christians be satisfied with you unless you follow their [socioreligious community] [*millatahum*]²⁶...', Al-Baqara 2:120). A Muslim-Believer who leaves *al-īmān*, that is, apostacizes from following Muḥammad (ṣ) in order

²⁶ Translation by AC, because most translators render *millatahum* as *dīnahum*, i.e., 'their religion'; AH and AhA say 'their way', MP: 'their creed', which still does not capture MS's meaning of *milla* as the socioreligious, institutionalised form of *dīn*, religion. Ambros gives all three meanings: 'creed, religion, religious community' (Ambros, *Dictionary*, 259), and the *EQ* confirms that *milla* denotes 'religion' or 'sect' used for the Muslim communities as well as for communities of non-Muslims, including those prior to Muḥammad, see *Encyclopaedia of the Qur'an*, s.v. "Religious Pluralism." 401. The *EI* states that in the Ottoman period *milla* became the technical term for 'religious group', denoting the internally autonomous religious groups within the Ottoman Empire, such as the Jews, Armenians, Greek Orthodox, etc. This implied a semantic shift away from 'religion' in the sense of religio-moral belief, and it seems that MS uses the term in exclusively this religio-communal sense of 'institutionalised religion', see *Encyclopaedia of Islam*, s.v. "Milla", vol. 7, 61.

to become a Christian or Jew, only moves—according to our understanding—from one monotheistic community to another. He simply ceases to be a Muslim-Believer, but since he still believes in *tauḥīd*—God’s unity—he is still a Muslim-Assenter. *The Book* states:

Say: ‘O people of the Book! Come to common terms as between us and you: That we worship none but God; that we associate no partners with him; that we erect not, from among ourselves, lords and patrons other than God.’ If then they turn back, say: ‘Bear witness that we (at least) are Muslims (bowing to God’s will)’. (Āl ‘Imrān 3:64)

The verse says ‘O people of the Book!’ because Jews and Christians were addressed like this during the time of the Prophet (ṣ)! It also contains the ‘common terms’ shared by them and Muḥammad’s followers: worship none but God, no *shirk* and no idolatry, that is, they all rejected *rubūbiyya* among themselves. It ends with the admission that if they are not happy about this they ‘at least’ should bear witness that he (i.e., Muḥammad) is a prophet and that they (i.e., his followers) are (still) Muslim-Assenters. But why did Muḥammad (ṣ) want Jews and Christians to testify that he and his followers are Muslim-Assenters? Because he believed that Jews and Christians were themselves Muslims and he saw himself as one of them, even though later on he wanted them to join *al-īmān*, while he allowed them to keep their faith in Allah’s *tauḥīd*.

If we look at Muḥammad’s mission from a political angle, it is evident that in addition to his role as a messenger who spread the revelation of his Lord, he was also a prophet who—with the support of his followers—was able to erect a centralized state on the Arabian Peninsula with Yathrib (later Medina) as its capital. His new state included people and tribes from all religious affiliations, including Christians and Jews. Compared to anything that existed before, this was a qualitative jump in the way states were previously formed and administrated. It was only natural that the names of the state’s new political positions reflected the historic situation, for example, the title ‘Leader of the Muslim-Believers’ (*amīr al-mu’minīn*), or ‘Treasury of the Muslim-Assenters’ (*bayt māl al-muslimīn*). While the Emir (Arabic: *amīr*) was the head of state because he led the group of believers who founded the state (hence *amīr al-mu’minīn*), the public treasury administrated the money and property of all citizens regardless of their religious affiliation (hence: *bayt māl al-muslimīn*). The historical sources tell us that in his capacity as a caliph, ‘Alī (r) did not

hesitate to give money to Jews and Christians from his treasury (*bayt māl*) and that after 'Alī's death, Abū Dharr al-Ghifārī opposed the proposal of the new caliph Mu'āwiya to change the name from 'treasury of all Muslims' to 'treasury of God' (*bayt māl Allāh*).²⁷ This reflected the widespread opinion that even though the *amīr al-mu'minīn*, as head of state, is in possession of all legislative and executive powers administered mostly by his fellow Muslim-Believers (hence his title as their leader), the public treasury must not be restricted solely to the concerns of Muslim-Believers but should also consider the financial needs of Jews and Christians. Many modern states show a similar structure of public administration. The prime minister of Great Britain, for example, has been appointed to lead a government because he represents all the political goals and aspirations of the political party that won the last election (mostly either Labour or Conservatives), whereas the chancellor of the exchequer is expected to administer a budget whose money is spent on all sections of the population regardless of their political affiliations.

Before the introduction of a unified national tax system, Jews and Christians were required to pay the so-called *jizya*, a head tax on free nonbelievers who lived under the rule of a Muslim-Believer. This was seen as an equivalent to the tax (*zakāh, ṣadaqāt*) which the Muslim-Believers had to pay. The money the public treasury received in this way was spent in roughly equal terms in return on both Muslim-Believers and Muslim-Assenters. Today, modern tax law requires the state to collect taxes from all citizens equally, and yet it allows both Muslim-Believers and Muslim-Assenters alike to pay voluntary *ṣadaqāt* to religious and charity organisations. This is money they can spend on the specific needs of their respective religious communities (e.g., for prayer rooms, schools, nurseries, interfaith centres, etc.). The modern tax system is hence more dynamic and flexible and has made the old *jizya* head tax entirely redundant. The call for a reintroduction of the *jizya* tax ignores the fact the current

²⁷ Abū Dharr al-Ghifārī (d. 32/653), a companion of the Prophet, a *muhājir* and one of the earliest converts to Islam; famous for his ascetic lifestyle and purist world-views he criticised 'Uthmān's free use of public money from the treasury and, after his forced emigration to Damascus, the luxurious life and free spending of Mu'āwiya I, at this time (around 647) the governor of Syria. For this he was exiled to al-Rabātha, an oasis near Medina where he died, see Wilferd Madelung, *Succession to Muhammad: A Study of the Early Caliphate* (Cambridge: CUP, 1996), 84; W. M. Watt, *Muhammad at Medina* (Oxford: Clarendon Press, 1956), 81.

economic and financial context of our tax system has changed to such a degree that any specific state tax collected from citizens according to their religion would make no sense whatsoever. It ignores the fact that in fiscal reality the religious *sadaqāt* are no longer part of the monthly/annual state income and that non-Muslim-Believers already contribute to state revenues in the form of national income tax, VAT, and other taxes on consumer goods (such as petrol and tobacco, etc.). To call for a return of the old *jizya* tax in the modern world is certainly as anachronistic as it is ignorant of the possibility that ancient terms can acquire new meanings when they have lost their old ones. What *jizya* signifies today is adequately expressed in the general tax laws that modern nation-states apply. A return to the old system would create nothing but bloodshed and national disintegration.

Seen from a modern perspective, the followers of Muḥammad (ṣ) operated on the level of state and government like a political party that was led by the Prophet (ṣ). Institutionally and ideologically, this represented a dramatic change to the political scene on the Arabian Peninsula, which used to be organised around the principles and values of clan culture and tribal solidarity. Because of their early conversion to the new faith, the groups of the *Muhājirīn* and *Anṣār* formed a kind of political avant-garde that also enjoyed more privileges than others in terms of political posts and shares of war booty. It certainly marked a progression to a higher form of political organisation, which, regrettably, was abolished soon after the Prophet (ṣ) died.

The fact that Muḥammad (ṣ) succeeded in establishing a centralized state led, however, to the unfortunate impression that his prophetic mission essentially included his role as a statesman, and that he was both prophet *and* king in one person. And yet, this is both theologically and historically inaccurate, as shown by Muḥammad Saʿīd al-ʿAshmāwī's profound analysis in his book *al-Islām al-siyāsī*.²⁸ In the political Arab-Muslim mind we come across two concepts: first, whoever wants to found a state and become its head, thereby emulating the model of Muḥammad (ṣ), needs to be first a prophet, (i.e., needs to present his political aspirations in religious terms); second, whoever wants to seize leadership of the Muslim-Believers must wait until the founders of the state disappear. Both things have

²⁸ Muḥammad Saʿīd al-ʿAshmāwī, *al-Islām al-siyāsī* (Cairo 1987).

indeed occurred in our history. The prophetic claims of al-Aswad al-ʿAnasī, Musaylimah, and Ṭulaiḥah b. Khuwaylid are examples of the first concept, because their religious rhetoric was in fact a tactical (political) tool to undermine the unity of the community and the authority of the state. Religion was propagated in order to pursue political ‘apostasy’ and to disobey the government. Neither the Prophet (ṣ) nor, after his death, Abū Bakr (r) could afford to tolerate a political schism, hence their orders to fight and kill the secessionist apostates. The occurrence of political opportunism after the seizure of Mecca in 630 is a good example of the second concept. After the Meccan opposition to Muḥammad (ṣ), led by Abū Sufyān and ʿAmr b. al-ʿĀṣ, was defeated (in 630 when the Prophet seized Mecca), the Prophet’s former enemies quickly closed ranks with the Muslim-Believers and, in order to pursue their old goals in the disguise of the new faith, joined the party of the new religion. However, they had to wait until the first generation (i.e., the first rightly guided caliphs) which had established the state had gone, before Muʿāwiya could restore the power and privileges of the old Meccan aristocracy (in 661), which had lost its influence in politics for some thirty years.

Let us repeat that a society cannot afford to tolerate apostasy (in the sense of ‘turning away’) from morality and civility and must introduce legislation that makes such apostasy punishable. If the apostasy is, however, from a religious creed, society must not interfere because it should tolerate freedom of choice on such personal matters. It should never be punished by death. Only in the case of political apostasy, whose aim is to undermine the unity of the nation and its territories as well as the authority of the state and its institutions, is the use of force and the shedding of blood justified. The secessionist wars in the history of the United States are a good example of what we mean by political apostasy. When the states of the South (the separatists), declared their independence in 1860 (under the leadership of Jefferson Davis and General Robert E. Lee) and thus threatened to undermine the territorial integrity of the USA, their secessionism was fought by the Union army under Abraham Lincoln in a long and bloody civil war that cost millions of lives; by the end of the conflict national unity was restored. If any religious community in the United States today, for example the Christian Right, threatened to withdraw from mainstream society in order to establish their own autonomous state which does not accept the

authority of (secular) state law, the federal government in Washington would immediately respond to such a threat by forcefully suppressing any practical step in that direction. The same would be true if some Islamist groups decided to create an autonomous region near Aleppo in an attempt to establish a separatist state inside Syria, independent of any political decision taken in Damascus. The Syrian authorities could respond to such a threat only by force. The separation of Syria from Egypt in 1961 after three years of a political union (1958–1961, in the form of the United Arab Republic), was in fact a form of political apostasy. We know that President Nasser was given all the powers (including military force) to stop Syria's secession but, in the end, shied away from using force and consequently the separation took place. Separatism can never be accepted, except when a nation reclaims territory that has been occupied by a foreign power (Tibet, Palestine) or has been denied territorial sovereignty (Kurdistan, Darfur) and on condition that its claim to an independent state are acknowledged by the United Nations and supported by the majority of countries worldwide.

Given this political history, it is peculiar to see a revival of 'Umar's very narrowly defined view on apostates. He had labelled as apostates those renegade tribes who denied the Medinan central government the right to collect the official *zakāh* tax from them. Those who claim similar things today forget that in spite of their religious pretexts these tribes were motivated by their ultimate goal of becoming financially, and eventually politically, independent from central government. They refused to pay *zakāh* not because they had doctrinal quarrels with an alms tax but rather because they wanted to spend the money on their own region. And yet, it was clear that the tribes' refusal would have resulted in their secession from the central state, something which 'Umar countered through his campaigns against 'apostasy' (the term only reflecting the tribes' religious rhetoric). But whatever the political motivations might have been, 'Umar's definition of apostasy has lost its relevance today because *zakāh* is no longer collected by the state but rather voluntarily paid in order to support either charities and welfare organisations or the poorer relatives of one's own family.

As for religious apostasy, it is shocking to notice a new kind of fanaticism amongst Muslim-Believers when they accuse one another of apostasy; sometimes only on the ground that someone has missed a prayer or has said something provocative or contradicting main-

stream views. People get called apostates only because they dare to challenge the opinion of our noble scholars who deem themselves to be a kind of thought police who control and censor everything people say and do. Such zealousness has nothing to do with either *al-islām* or *al-īmān*. In our eyes, it is an unfortunate return to the medieval inquisition where lists of heretics and apostates were circulated during the reigns of Abū Ja‘far al-Manṣūr and al-Ma‘mūn b. al-Raṣhīd. Under the pretext that they must uphold religious orthodoxy for the will of God they had their (political) opponents’ heads cut off because these people dared to differ on sensitive issues. Under the same pretext today hundreds of innocent elderly people, women, and children are killed simply because they are in the wrong place at the wrong time when a suicide bomber strikes in the name of religious orthodoxy. And still, no one seems to dare a complete revision of the old *fiqh* concept of apostasy that has imported the ancient values of inquisitionist fanaticism into our current times.

Why can we not have, like in France or Canada, the freedom to openly express our religious beliefs (or disbeliefs) without someone being allowed to harm them? Provided that the ethical and social behaviour of apostates does not undermine public order and the general norms of moral decency, why can people not choose the religious creed they want (in particular if they are born into a community they did not choose themselves)? As long as their loyalty to their home nation cannot be questioned, what harm would there be in allowing a Muslim-Believer to leave Muḥammad’s (ﷺ) community and join the followers of Jesus (r)? Given that *the Book* prohibits ‘compulsion in religion’ (2:256), can we force people to stay in a religious community they have not chosen? We are told that ‘if it had been your Lord’s will, they would all have believed—all who are on earth! Will you then compel mankind, against their will, to believe!’ (Yūnus 10:99). People should be permitted to differ in their opinions and practices, and as long as they do not undermine the general consensus on human rights and the highest moral ideals that *the Book* describes, they should be allowed to apostacize. It is vital that they should enjoy the same rights as those who apostacized during the time of the Prophet (ﷺ): they were left entirely unharmed because Muḥammad (ﷺ) strictly adhered to *the Book*’s prescription of religious tolerance.

After the death of the Prophet (ﷺ), his followers became divided into several different political blocs that later turned into different

religious sects. This early split in Muḥammad's (ﷺ) community had initially nothing to do with either the pillars of *al-islām* or *al-īmān*, but it eventually led to a scholarly revisionism by which the pillars of *al-īmān* were given preference over the pillars of *al-islām*.

Having learned the lesson from the political schism of Islam's early history, we propose to establish a new basis on which we can strengthen the human, universal character of *al-islām* which overrides all narrow interests of party politics. The truth of *al-islām* does not lie in being capitalist or socialist or in promoting the manifestos of a Labour Party or a Conservative Party, before anything else, *al-islām* promotes humanity. It does not favour one social class over another and it does not put the views of medieval *fuqahā'*, '*ulamā'*', and the Companions over anyone else. It does not accept the exclusivist notion of an Arab morality, nor does it believe in the existence of a non-Arab morality. There is only one morality, which is the morality of humanity. What appears as Arab or non-Arab are rather customs and traditions that can be overcome, albeit with difficulty and only over a long period of time.

Let us finally come to the frequently discussed clash between tradition and modernity that modernist discourse proposes. For us, it is a clash of two different epistemologies; one based on modern methods of historicism, historical-critical research, and dialectical, philosophical thinking, and one that is based on medieval terminologies which have come to us as empty signifiers that have lost their meaning. The semantic content of these terms that once fitted nicely into the political-historical context in which they were created has become entirely anachronistic in our different, modern context. Unlike modern epistemologies that have their origin in the study of reality, these traditional epistemologies avoid reality by remaining in a past that disappeared a long time ago. This is the terminology of *fiqh*, *kalām*, *tafsīr*, and *ḥadīth*.

“PRESCRIBE WHAT IS RIGHT AND PROSCRIBE WHAT IS WRONG”

In this section we propose to correct the *fuqahā's'* interpretation of *the Book's* injunction 'to prescribe what is right and to proscribe what is wrong' (*al-amr bi'l-ma'rūf wa'l-nahy 'an al-munkar*). In the hands of our honourable jurists, this divine injunction has been turned into a slogan for the justification of dictatorial rule and autocratic

government. We totally disagree with this abuse of the divine word, and we begin our own investigation with the study of the four binary pairs of terms whose complex meanings have been so carelessly treated by the *fuqahā'*:

1. *ḥalāl* ↔ *ḥarām*
2. *amr* ↔ *nahy*
3. *samāh* ↔ *man'*
4. *ḥasan* ↔ *qabīh*

Deplorably, the *fuqahā'* have not paid much attention to how these pairs of terms differ from each other, with the disastrous result that *ḥalāl* is treated as synonymous to *ḥasan* (or *mustaḥsan*), and *samāh* (or *masmūh*) as 'what ought to be prescribed' (*al-ma'mūr bihi*). Similarly, *ḥarām* is seen as just another word for *qabīh* (or *mustaqbīh*) and *man'* (or *mamnū'*), meaning 'what ought to be proscribed' (*al-munhī 'anhu*). This careless conflation of terms made it only logical—by the power of synonymity—to link 'what ought to be prescribed' with things that are *ḥalāl*, *samāh*, and *ḥasan*; and 'what ought to be proscribed' with things that are *ḥarām*, *man'*, and *qabīh*.²⁹

Such indiscriminate use of terms, as we will show, is detrimental to a correct understanding of Allah's injunction 'to prescribe what is right and to proscribe what is wrong'. We will discuss each term of this injunction separately and then finally propose a different understanding of it. Let us first quote the verses that contain the injunction:

Let there arise out of you a band of people inviting to all that is good, *enjoining what is right, and forbidding what is wrong*³⁰: They are the ones to attain felicity. (Āl 'Imrān 3:104)

²⁹ See chapters 2 and 3 where these terms are separately defined. According to MS, *ḥalāl* and *ḥarām* refer to a category of divine commands that enjoy absolute validity and which are not subject to change, while *samāh*, *ḥasan*, *man'*, and *qabīh* are descriptions for rules that are subject to change in human legislation. This distinction is not unknown in Islamic *fiqh* but the novelty lies in the fact that for MS there are only thirteen *muharramāt* (absolute taboos) in total and that they belong exclusively to the area of socio-ethical behaviour, while the entire field of what normally constitutes the *furū' al-fiqh* (including family law, dress codes, penal law, etc.) belongs to the changeable parts, and their rules should not be classified by the terms *ḥarām* or *ḥalāl*.

³⁰ AB: 'enjoin the right and forbid the wrong'; MF: 'bidding the right and forbidding the wrong'; AA: 'bidding to honour, and forbidding dishonour'; MP: 'enjoin

You are the best of peoples, evolved for mankind, *enjoining what is right, forbidding what is wrong*, and believing in God... (Āl 'Imrān 3:110)

They believe in God and the Last Day; *they enjoin what is right, and forbid what is wrong*; and they hasten (in emulation) in (all) good works: they are in the ranks of the righteous. (Āl 'Imrān 3:114)

The hypocrites, men and women, (have an understanding) with each other: *they enjoin evil, and forbid what is just*, and are close with their hands. (Al-Tawba 9:67)

The believers, men and women, are protectors one of another: *they enjoin what is just, and forbid what is evil*; they observe regular prayers, practise regular charity, and obey God and His apostle. (Al-Tawba 9:71)

(They are) those who, if We establish them in the land, establish regular prayer and give regular charity, *enjoin the right and forbid wrong*: with God rests the end (and decision) of (all) affairs. (Al-Ḥajj 22:41)

“O my son! Establish regular prayer, *enjoin what is just, and forbid what is wrong*; and bear with patient constancy whatever betide you; for this is firmness (of purpose) in (the conduct of) affairs. (Luqmān 31:17)

...for *he commands them what is just and forbids them what is evil*; he allows them as lawful what is good (and pure) and prohibits them from what is bad (and impure); He releases them from their heavy burdens and from the yokes that are upon them... (Al-A'rāf 7:157)

The above verses quote the two terms ‘what is right’ and ‘what is wrong’ always in conjunction with each other. Other verses mention them separately, as in the following two examples:

For divorced women maintenance (should be provided) *on a reasonable (scale) [bi'l-mā'rūf]*. This is a duty on the righteous. (Al-Baqara 2:241)

...for prayer restrains from shameful and *unjust deeds [al-munkar]*; and remembrance of God is the greatest (thing in life) without doubt. And God knows the (deeds) that you do. (Al-ʿAnkabūt 29:45)

Right and wrong is one of those pairs of binary opposition that *the Book* uses repeatedly in order to highlight clear and unambiguous contrast: e.g., day and night, heaven and earth, blind and seeing, even and odd, far and near, this world and the Next, Paradise and

what is right and forbid indecency’; AhA: ‘enjoin what is esteemed and forbid what is odious’; AH: ‘urges what is right, and forbids what is wrong’. The translators’ use of the pair ‘to enjoin’—‘to prohibit’ does not reflect MS’s intention to separate the activities of *al-amr* and *al-nahy* from the sphere of (state) legislation. For him *al-amr* and *al-nahy* ought to be seen on the same level as the prescriptions of medicines or the proscriptions (i.e., health advice) of a medical doctor, who cannot enforce what he or she has proscribed and who is not permitted to punish someone who has failed to follow his proscriptions. AH’s rendering as ‘urges what is right’ is perhaps closest to MS’s interpretation.

Hell, knowledge and ignorance, first and last, mortal and immortal, reward and punishment, and so on.

'To Prescribe' (al-amr)

The Arabic noun *al-amr* is derived from the regular verb *amara* which is polysemous. First, it expresses an order to act. The one who issues the order usually enjoys a higher status than the one to whom the order is directed, as in: 'They said: "O Shu'aib! Does your prayer command you (*ta'umuruk*) that we leave off the worship which our fathers practised"...' (Hūd 11:87), or 'God does command you (*ya'umurukum*) to render back your trusts to those to whom they are due; and when you judge between man and man, that you judge with justice...' (Al-Nisā' 4:58). An *amīr*, or military commander, is the one who issues his orders to the officers and soldiers who serve under him. A second meaning for *al-amr* is matter, business, or affair, as in: 'It is no business (*al-amr*) of yours whether Allah...' (Āl 'Imrān 3:128, MF), or '...so pass over (their faults), and ask for (God's) forgiveness for them; and consult them in affairs (*al-amr*)...' (Āl 'Imrān 3:159). *Al-immar* is a pejorative term because it refers to a foolish or wicked act, for example: 'Said Moses: "Have you scuttled it in order to drown those in it? Truly a strange thing (*immar^{am}*) have you done!"' (Al-Kahf 18:71). *Al-amāra* means sign or token, and *al-imāra* is the place (that is, an Emirate) where the Emir (Ar. *al-amīr*) rules over his subjects.

Al-amr, in its many derivatives, occurs 248 times in *the Book*. In its meaning as 'order' it can be both prescriptive ('do it!') and proscriptive ('do not do it'), thus containing internally a binary opposition (prescription ↔ proscription) as well as an external opposition, if understood prescriptively ('do it'): an opposition to the proscriptive term *al-nahy* ('do not do it!'). Such binary oppositions structure human conscious behaviour. Both terms (prescription and proscription), as a pair of contrast, are dialectically linked to another pair of opposition, that is, obedience and disobedience, because obedience and disobedience need prescription and proscription in order to be meaningful, and need choice and deliberation in order to be legally and theologically relevant. It is obvious that if someone receives an order but does not want to fulfil it, his disobedience will vitiate the order. If, however, he fulfils the order, he validates the order and expresses his obedience to the one who gives it. Adam and his wife were given

the choice to either obey or disobey God's proscription not to '...approach this tree...' (Al-Baqara 2:35). Iblīs too had the choice and he also decided to disobey when he refused God's prescription to "...bow down to Adam": They all bowed down except Iblīs. He was one of the *Jinns*, and he broke the command of his Lord...' (Al-Kahf 18:50). We have, however, to acknowledge that there are different categories of orders and that the importance of an order depends on the status, power, and authority of the one who gives it. Clearly, if Allah is the giver of an order, His orders will have a different authority than orders issued by human beings.

'To Proscribe' (al-nahy)

The Arabic noun *al-nahy* is derived from the regular verb *nahā* which basically means 'to reach', that is, to get to a stage where something has been completed or 'has come to an end'. We say 'I informed him', meaning literally (in Arabic): 'I "ended" the news with him' (*anhaitu ilayhi al-khabr*). *Nihāya* means end and implies the limit or utmost degree of something; *nuhan* means intelligence because reason and intellect end foolish talk; *al-nahy* implies an interdiction to say or do something. Its many cognates occur fifty-six times in *the Book*, most of them carrying one of the meanings just explained. Just like *al-amr* it is dialectically linked to obedience and disobedience which require free will in order to be meaningful. '(God) said: "What prevented you from bowing down when I commanded you?" ...' (Al-A'raf 7:12), which unambiguously refers to the existence of a rational mind that can freely think about its decision to obey or disobey. Proscriptions, just like prescriptions, consist of a dialectical process of communication between their sender and their receiver. The side that issues proscriptions can only do so because a receiver exists to whom proscriptions can be addressed. Proscriptions, just like prescriptions, are only meaningful if there is a possibility of obedience and disobedience on the part of the receivers, and the existence of choice between obedience and disobedience is only intelligible if no force is exercised by those who issue the order. We hear from *the Book* that the first thing addressed to humans is a command by God³¹ and that their response to this, that is, their first ever response to the

³¹ 'We said: "O Adam! Dwell you and your wife in the garden; and eat of the bountiful things therein as (where and when) you will; but approach not this tree..."' (Al-Baqara 2:35).

Creator was an act of disobedience(!). By Adam's refusal to obey his Lord, he showed that he enjoyed freedom of choice. In his act of disobedience he appears as someone who has decided on his own accord and under no duress because he decided deliberately to act against God's prohibition to go near the tree.

But freedom of choice is not absolute and does not apply equally to everyone. For a more well-rounded account of disobedience we need to explore other issues of Adam's case, for example:

- Did Adam disobey God's prescription (*amr*) to 'dwell in the Garden' or God's proscription (*nahy*) not to 'come near the tree'?
- Why did God order the angels to bow down in front of Adam by *His word*: 'We said', while the same order to Iblīs was issued by *His command*?³² Is there, then, a difference between God's word (*qaul*) and His command (*amr*)?
- Does the story of Adam imply that there are further differences between angels and *jinn*s in terms of obedience to God's orders?

As for the first question, it is clear from the textual evidence that Adam and his wife did not disobey God's prescription (*amr*) to live in the Garden. If they had done so they would never have found the tree. Thus, they only disobeyed God's proscription (*nahy*). It was the first ever proscription by God directed at human beings, because before that (before human beings could think rationally, as Adam and his wife could) everything was allowed in the Garden. As for the second question, the different treatment of angels and *jinn*s (Iblīs) indeed reveals two different methods by which God issues His commands. A divine word (*qaul*) is a compulsory rule that is irrevocable and irreplaceable, ('We said: "Embark therein, of each kind two, male and female, and your family—except those against whom the word (*al-qaul*) has already gone forth..."', Hūd 11:40). God's word is unchangeable because "the word changes not before Me, and

³² 'We said [*qulnā*] to the angels, "Bow down to Adam": They bowed down except Iblis. He was one of the Jinn, and he broke the command of his Lord [*amr^{ih} rabihī*]...' (Al-Kahf 18:50).

I do not the least injustice to My servants” (Qāf 50:29). His words are irrevocable as they represent objective reality which everyone can touch and hear: (‘It is He who created the heavens and the earth in true (proportions); the day He says, “Be,” behold! it is. His word is the truth’, Al-An‘ām 6:73). God’s irrevocable, compulsory words turn into objective reality, that is, the truth, in which there is no room for choice between obedience and disobedience. God’s words cannot be disobeyed. In contrast to His words (*qaul*), God’s prescriptions (*amr*) can be disobeyed. This is why all verses of messengerhood were issued in the form of prescription or proscription, *not* as God’s words. Verses that contain God’s prescriptions to pray or fast never start with ‘God said:’ (*qāla Allāh*) because this would mean that prayer and fasting are parts of objective reality and that people are compelled to pray or fast whether they wanted to or not.

As for the third question, angels are indeed unlike *jinn*s. Whereas angels are creatures that obey their Lord by nature and would not know how to revolt against His prescriptions (‘... over which are (appointed) angels stern (and) severe, who flinch not (from executing) the commands they receive from God, but do (precisely) what they are commanded’, Al-Taḥrīm 66:6), *jinn*s, by contrast, possess intellect and—just like humans—free will, which allows them to express their willingness to either accept or refuse God’s prescriptions, so that ‘amongst us [*jinn*s] are some that submit their wills (to God), and some that swerve from justice. Now those who submit their wills—they have sought out (the path) of right conduct’ (Al-Jinn 72:14). Iblīs, one of the *jinn*s, chose to disobey God’s order and refused to bow down in front of Adam. The phrase ‘he was one of the *Jinn*s’, was added to explain the fact that ‘he broke the command of his Lord (*amr^m rabihī*)...’ (Al-Kahf 18:50). This is why when Iblīs was told to bow down in front of Adam he did not receive God’s order as His word (*qaul*) but as His prescription (*amr*), which left him with the choice to either follow or disobey it.

As we said earlier, *nahy* (proscription) has often been mixed up with *ḥarām* (absolute taboo). A few explanations are now necessary to clarify our position on this matter:

First, conflation of the two terms must be avoided because the semantic (and legal!) differences are simply too important to ignore. It is evident that every *ḥaram* rule contains a proscription (‘do not do it!’) but not every *nahy* rule expresses an absolute taboo (and is therefore different from a *ḥarām* rule). Second, unlike proscriptions, *the*

Book's *ḥarām* rules are eternally valid. A new *ḥarām* rule can only be introduced by a new revelation from God. For example, to introduce an absolute, eternally valid ban on smoking would require a new message from God. Third, a *ḥarām* rule is the sole prerogative of God and no human being can ever claim to do like Him. In contrast, a prescription can be issued by God, a prophet, *and/or* a human legislator ('Have you seen the man who forbids [*yanhā*] * [Our] servant to pray?' Al-'Alaq 96:9–10, AH). And fourthly, the historical sequence of God's commands and orders requires us to make a sharp distinction between *nahy* and *ḥarām*:

1. First, it began with God's order to Adam and his wife to stay in the Garden ('Dwell!') and to stay clear from the tree ('Do not go near!').
2. Next, during the era of Abraham we hear of God's orders for a sacred space in Mecca ('O our Lord! I have made some of my offspring to dwell in a valley without cultivation, by your sacred house [*baytik al-muḥarram*]... ' Ibrāhīm 14:37). While continuing the theme of human dwellings from the time of Adam, this introduces more complex notions of spatial sacrality (with the concept of a sacred house).
3. This order was later complemented by orders that express temporal sacrality ('The number of months in the sight of God is twelve (in a year)—so ordained by Him the day He created the heavens and the earth—of them four are sacred [*ḥurum^{um}*]... ' Al-Tawba 9:36).
4. In legislation to the Israelites (Jacob), we come across a new concept: the notion of absolutely forbidden food ('All food was lawful to the children of Israel, except what Israel made unlawful for itself, before the law (of Moses) was revealed... ' Āl 'Imrān 3:93).
5. During the time of Moses, God revealed the Ten Commandments in the form of prohibitions (Do not!) which at the time of Muḥammad (ṣ), were upgraded to ten absolute taboos ('Say: "Come, I will rehearse what God has (really) prohibited (*ḥarrama*) you from"... ' Al-An'ām 6:151). The same applies to the law of usury which used to be a simple proscription (*nahy*) to the Israelites³³ and which *the Book* later issued as an absolute taboo (*ḥarām*).³⁴

³³ 'That they took usury, though they were forbidden [*nuhū*]... ' (Al-Nisā' 4:161).

³⁴ 'God has permitted trade and forbidden [*ḥarrama*] usury... ' (Al-Baqara 2:275).

6. Muḥammad's (ṣ) message concluded the epoch of messengerhoods and in this way Allah closed the gate of eternally valid legislation (in the form of absolute taboos) and opened the gate of human/historical legislation (in the form of prescription and proscription, permission and prohibition). This allows doctors to order their lung disease patients not to smoke, and it allows a government to pass a new law that prohibits smoking in public places and to order the police and the legal authorities to enforce it. Once the new law has been accepted (by parliament), the individual citizen is obliged to observe it, but he is free, on a personal level, to dislike the law and to air his discontent, provided that he does not try to impose his opinions on others.

How are we then expected to read the phrase 'if you avoid the grave sins you are proscribed to do' (*in tajtaninū kabā'ir mā tunhaun^a 'anhu*)' in verse 4:31?³⁵ To what extent does this verse reflect the choice of humans to obey or disobey God's proscriptions? Firstly, we notice the conditional conjunction 'if' (*in*) which, as in the following two other verses, introduces a conditional subclause:

If [*in*] a wicked person comes to you with any news, ascertain the truth... (Al-Ḥujurāt 49:6)

Say: "If [*in*] I am astray, I only stray to the loss of my own soul: but if I receive guidance, it is because of the inspiration of my Lord to me..." (Saba' 34:50)

In this capacity it shares its meaning 'if' or 'when' with the particle *idhā* as in:

When [*idhā*] comes the help of God, and victory. (Al-Naṣr 110:1)

When [*idhā*] it is said to them: "Make not mischief on the earth," they say: "Why, we only want to make peace!" (Al-Baqara 2:11)

The difference between *in* and *idhā* is, however, that while *in* states a condition whose fulfilment is uncertain, *idhā* states a condition that is absolute and fulfillable. The use of the particle *in* for 4:31 tells us that the text wants to stress uncertainty because it is not clear whether

³⁵ Translation by MC, because all translators state 'forbidden' which does not reflect the subtle difference between *ḥarām* and *manḥūy* that MS wants to make; typical is YA: 'If you (but) eschew the most heinous of the things which you are forbidden to do, We shall expel out of you all the evil in you, and admit you to a gate of great honour' (Al-Nisā' 4:31).

human beings will commit or avoid such grave sins since this is subject to their free choice. If they choose to obey they will avoid heinous crimes; if, however, they choose to disobey they will commit them.

Secondly, we notice the Arabic term *kabā'ir* for 'grave sins', literally meaning 'great' or 'major' in contrast to 'small' or 'minor' sins (*ṣaghā'ir*). *The Book* refers to major sins three times, and only once to minor sins—by using the term *lamam* :

If you (but) eschew the most heinous of the things [*kabā'ir*] which you are forbidden to do, We shall expel out of you all the evil in you, and admit you to a gate of great honour. (Al-Nisā' 4:31)

Those who avoid great sins [*kabā'ir*] and shameful deeds [*al-ithm wa'l-fawāḥish*], only (falling into) small faults [*lamam*]... (Al-Najm 53:32)

Those who avoid the greater crimes [*kabā'ir*] and shameful deeds [*al-ithm wa'l-fawāḥish*], and, when they are angry even then forgive. (Al-Shūrā 42:37)

These verses introduce a very relevant terminological clarification that is vital for our discussion on prescription versus proscription. The implicit distinction between major and minor sins in 4:31 is supported by 53:32 where 'great sins' are explicitly distinguished from 'shameful deeds' (*al-ithm wa'l-fawāḥish*), as we also find in 42:37. In order to establish their proper meaning against the meaning that these terms have acquired in Islamic *fiqh*, we need to distinguish between four different stages (of interpretation): a) the *qur'ān*, b) the Prophet (ṣ), c) the companions, and d) the second and third generation after the companions, of which only the first two encapsulate the terms' true meaning.

A. Major sins in the *qur'ān*

All heavenly messages in general, and also Muḥammad's (ṣ) message in particular, distinguish between two categories of divine commands: orders (*Gebote*) and prohibitions (*Verbote*). Orders are meant to guide human behaviour to concrete actions by issuing a (positive) command 'Do it!', while prohibitions restrict human behaviour by asking people to avoid certain actions with a (negative) order 'Do not!'. As seen above, prohibited acts are classified as major or minor sins, the prohibition of idolatry being on top of the list of major sins. Commands also come in the categories major and minor: to have faith in the existence of God is a major command (*kabā'ir*), and the

order to be polite to a passer-by on the street is, so to speak, a minor command (*ṣaghā'ir*). Between these major and minor orders lies the command to believe in the Last Day combined with the command to do righteous acts that are beneficial to society. It is one of God's blessings to the believers who receive His orders, that 'He made them love belief and hate unbelief, wickedness, and rebellion' (49:7).³⁶ Unbelief, as we explained earlier, is an openly hostile view of a specific command or a person, hence, unbelief (*kufri*), in this context, is a publicly declared enmity against Muḥammad's (ṣ) message and, according to 4:37, a 'niggardliness that expresses a disbelief in God's bounty and grace'.³⁷ Transgression of God's orders is called *fisq* (pl. *fusūq*); when Iblīs disobeyed God and did not bow down in front of Adam, '...he broke the command (*fa-fasaqa*) of his Lord...' (Al-Kahf 18:50). Transgression of God's prohibition is given the term '*isyān*, which the text uses when it talks about Adam's rebellion against God's prohibition not to come near the tree, '...thus did Adam disobey (*aṣā*) his Lord, and allow himself to be seduced' (Ṭā-Hā 20:121). Another of God's great blessings is to tell those who have disobeyed His prohibitions that if they avoid the major sins (*kabā'ir*) Allah will 'expel out of you all the evil in you, and admit you to a gate of great honour' (Al-Nisā' 4:31). However, such forgiveness is the sole prerogative of God, no human *ijtihād* is allowed here.

Prohibitions in *the Book* are thus divided into two categories: a) major sins (*kabā'ir*) that are fixed and absolutely valid for all time (these are the *ḥarām* taboos), and b) minor sins (*ṣaghā'ir*). But while it is possible to enumerate the prohibitions in *the Book* and qualify which of them is an absolute taboo, it is impossible to do so for the major sins (*kabā'ir*). The simple reason for this is that not all major sins were transgressions of absolute taboos as it depended on the prevailing social conditions whether a major sin was perceived as such. For example, the sins of idolatry, usury, and wine consumption were the gravest major sins during the first thirteen years of Muḥammad's

³⁶ 'And know that among you is God's apostle: were he, in many matters, to follow your (wishes), you would certainly fall into misfortune: But God has endeared the faith to you, and has made it beautiful in your hearts, and He has made hateful to you unbelief, wickedness, and rebellion: such indeed are those who walk in righteousness' (Al-Ḥujurāt 49:7).

³⁷ '(Nor) those who are niggardly or enjoin niggardliness on others, or hide the bounties which God has bestowed on them; for We have prepared, for those who resist faith, a punishment that steeps them in contempt' (Al-Nisā' 4:37).

mission and his confrontation with the standards of Meccan society and the prevailing norms of the tribe of the Quraysh. After the migration to Medina this changed to desertion from military duties (after the ban to kill was lifted), which had not been previously mentioned as a major sin. In another context, during the time of Lot homosexuality was so widely practised that it had become the most serious major sin. Thus, Allah had finally to send a new prophet-messenger with the mission to restore (heterosexual) morality, redirecting Lot's people back to the right path (and when they did not listen, they were destroyed).

It is true that *the Book* reiterates and reevaluates a number of previous prohibitions, and yet nowhere does it categorize them as 'major sins' (*kabā'ir*). If the term *kabā'ir* is mentioned (see above) it is without the definite article, that is, its numbers are kept indefinite because the noun with a definite article would suggest a limit of some kind that *the Book* did not want to specify. Instead, *the Book* says, yes, absolute taboos (*muḥarramāt*) are major sins (*kabā'ir*) but not every major sin is an absolute taboo. The indefinite nature of *kabā'ir* allows us to consider as 'major sins' those things that a society regards as the gravest, most heinous crimes (which may change from epoch to epoch and from society to society), but we are not permitted to add such prohibitions to the list of absolute taboos since these are defined only by God.

B. *The Prophet (ṣ) and major sins*

The evidence that the prophetic understanding of 'major sins', as in most other areas, does not differ significantly from the qur'anic concept is overwhelming. In a *ḥadīth* quoted by al-Rāzī we hear, for example, that Muḥammad (ṣ) considered public defamation of innocent women and false accusation of adultery as one of the most heinous crimes.³⁸ Within the context of his efforts to establish a new society upon the sound basis of good relations within and between families and clans, we see Muḥammad's definition of *kabā'ir* as a logical and necessary consequence of life in seventh-century Arabia. It also corresponds to *the Book's* appeal to root out injustice (*zulm*) as one of the most serious dangers for the sound functioning of a society. Since there was no political injustice and no oppressive usurpation of power in Medina at Muḥammad's (ṣ) time, it was perfectly

³⁸ Fakhr al-Dīn Muḥammad al-Rāzī, *Mafāṭīḥ al-ghayb* (n.p., n.d.), vol. 10, 62.

legitimate to target public defamations as a form of injustice that needed to be wiped out. One should also note that the Prophet (ﷺ) did not use the definite article *al-* when he talked about the *kabā'ir* but left it as undefined, indeterminate and unspecified as he found it in the *qur'ān*. This indicates that when he proposed his understanding of what 'major sins' are, he knew that it was (only) relevant for his own period of time and for his own society and did not rule out the possibility that the perception of such sins might be subject to considerable change.

C. *The companions and major sins*

After Muḥammad's death the efforts to accurately define what constitutes a 'major sin' and an 'absolute taboo' were seriously undermined by the sudden circulation of obscure *ḥadīth* traditions that, for example, issued a bizarre number of *kabā'ir*, ranging from nine to seven hundred, and which were all treated as absolute taboos. We observe the tendency to blend together major and minor sins, and proscriptions and absolute taboos so that clear demarcation lines eventually disappeared and all the different types and classes of orders and prohibitions were perceived equally and indiscriminately as 'what God has prohibited'. Even then it was obvious how weak the chains of transmission back to the Prophet (ﷺ) were.

D. *The generations after the time of the companions*

This situation became aggravated within two generations after the Prophet's (ﷺ) death. We see an explosion of *ḥadīth*s circulated in the different centres of the Empire and which could not possibly all go back to the Prophet (ﷺ). Bear in mind the fact that Muḥammad (ﷺ) received his first revelation at the age of forty and that he died twenty-three years later at the age of sixty-three. He had therefore twenty-three years as a prophet, that is—based on a lunar calendar—195,408 hours, to discuss and debate the matters of the new faith (supposing, for the sake of the argument, that he did not sleep a single minute throughout a twenty-four hour day), in addition to his role as a prophet and messenger who transmitted God's revelation to the people. If we assume that Muḥammad (ﷺ) had roughly 85,000 hours left to fulfil his prophetic role (in his ten years in Medina), and since we have now in front of us a total of 750,000 *ḥadīth*s that were circulated after his death from his Medinan period (of which Imām Aḥmad reported 40,000 in his *Musnad* alone), which

means that the Prophet (ﷺ) must have issued on average nine *ḥadīths* per hour which is, of course, absurd. Because of this very shaky basis for the authenticity of most *ḥadīths* and the likelihood that a considerable number were fabricated during the Umayyad and ‘Abbāsīd periods, we believe it is, a) dishonest to assert the authenticity of the *ḥadīths*, and b) illegitimate to construct a body of texts, called *sunna*, on the basis of such dubious evidence (fabricated *ḥadīths*) and then oblige Muslim-Believers to use it as a binding source of law. We know that legal rulings can only be found in Muḥammad’s (ﷺ) message, not his *sunna*, and that if the *sunna* was to be binding it would mean a good deal of hardship (socially, psychologically, and financially) for most people today, which contradicts *the Book’s* imperative that ‘God intends every facility for you; He does not want to put you to difficulties...’ (Al-Baqara 2:185). And yet, we also know that after Muḥammad’s (ﷺ) death, the community of believers increased more and more, with the Empire becoming diverse and heterogeneous in its composition. Diversity led to tensions and people began to disagree about the correct way of eating, drinking, dressing, and sleeping by quoting the example of the Prophet (ﷺ) to substantiate their own positions and refute others. Every little dispute was transformed into a battle over the right methodology, creating separate schools for every single issue or particular opinion.³⁹ This situation not only resulted in several schisms within the community, best illustrated by the Battle of the Camel and the Battle at Šiffin in 36 A.H., it also led to further confusion over the term *kabā’ir*, which now came to be defined according to the positions of the schools, sectarian conflicts, and dynastic rivalries that more and more obscured the original concept of *the Book*.

Let us therefore return once more to the original source, *the Book*. We said earlier that prohibitions express the negative aspect of divine legislation, and that ‘major sins’ are formulated as prohibitions, some of them in the form of absolute taboos. The difference between (the generic form of) prohibition and absolute taboos (which is one spe-

³⁹ Because of his very realistic view on humans, Muḥammad (ﷺ) had already anticipated that his new message would not overnight change people’s behaviour: ‘When they attain knowledge, people are like treasure-troves; those who, among them, were better [in that] in the *Jāhiliyya* period are also better [in that] in Islam.’ Muḥammad Abū ‘Abdallāh al-Bukhārī, *al-Jāmi‘ al-ṣaḥīḥ* (Beirut: Dār Ibn Kathīr, 1987), vol. 3, 1238, 1288 (ḥadīth nos. 3203, 3303); Muslim Abū’l-Ḥusayn al-Nīsābūrī, *Ṣaḥīḥ* (Beirut: Dār al-Jīl, n.d.), vol. 7, 181 (ḥadīth no. 2526).

cific type of prohibition) is that the former contains rules that are contingent and that give people the choice between obedience and disobedience, while the latter are absolute and eternal, even though the former includes the latter. It also means that ‘major sins’, in contrast to absolute taboos, may increase or decrease in number according to the historical (legal and moral) context. If, for example, in a certain society traffic incidents have reached an alarmingly high number because of the inconsiderate behaviour of drivers, the authorities, equipped with more legislative powers, will change their attitude, and while having viewed inconsiderate driving as a minor offence in the past will now regard it as a major crime and punish it with tougher sentences. This will continue until the new regulations have made an impact and have reduced the number of incidents. In contrast, absolute taboos do not increase or decrease in number and do not change their content. To kill a person or to marry one’s mother or sister remains *ḥarām* everywhere—in London, Damascus, or Mecca, and at all times in history, whether in the seventh, twentieth, or fortieth centuries. *The Book* gives fourteen absolute taboos, of which the first nine are as follows:

- I. To commit idolatry
- II. To be disrespectful to parents
- III. To kill one’s children for fear of poverty
- IV. To come close to shameful deeds (adultery)
- V. To take life unjustified
- VI. To consume the property of orphans
- VII. To give false measure and weight
- VIII. To commit perjury
- IX. To break a vow (this is different from an oath which God has allowed us to expiate; but the vow of a doctor is a pledge to Allah binding the doctor to the cure of his patients: breaking a vow cannot be expiated by a fast of three days or the feeding of ten poor people; unfortunately, many people often confuse an irrevocable vow to Allah with an expiatory oath).

Together with the tenth (religious) command, which is to follow the straight path (6:153), these nine taboos comprise God’s ethical guidance (*al-furqān*), elsewhere called the ‘Ten Commandments’ or the

‘First/Old Testament’.⁴⁰ In addition, the following prohibitions received by Moses were eventually turned into absolute taboos through Muḥammad’s (ﷺ) message:

- X. To marry *mahārīm* relatives (mother/sister/daughter, etc.)
- XI. To eat dead meat (carrion) and pork, and drink blood;
- XII. Usury (‘merely’ a prohibition in Moses’ message);
- XIII. To commit illegitimate sins and transgressions;
- XIV. To say about God what cannot be known.

The first twelve taboos are clear and self-explanatory. The remaining two, however, need further elaboration:

E. The attribute ‘illegitimate’ for a sin implies the existence of a ‘legitimate’ sin—in addition to the subdivision of ‘sin’ (in 42:37 and 53:32) into major and minor sins. But what are legitimate sins? The Arabic term for sin is *ithm*. This term occurs forty-eight times in *the Book*, mostly in the context of, a) to stay behind, to fall back, for example, when we say ‘the she-camel fell back’ (*athamat al-nāqa*), that is, it stays behind the rest of the caravan; or b) to abstain or refrain, as in ‘if one is forced by necessity, without wilful disobedience, nor transgressing due limits, then is he guiltless’⁴¹ (*fa-lā ithm ‘alayhi*)...’ (Al-Baqara 2:173). The sinner in this context is someone who does something that others do not do. The first context expresses a legitimate sin, while the second refers to an illegitimate sin. The horseman who *falls back* with his horse in a race, the student who *falls behind* the rest of the class, the pupil who *stays behind* the group on an excursion; these ‘sins’ are all legitimate. But whoever *holds back* his witness when he should give it, commits an illegitimate sin, because: ‘conceal not evidence; for whoever conceals it, his heart is tainted with sin (*ithm^m*). And God knows all that you do’ (Al-Baqara 2:283). If alcohol is used for the benefit of society,

⁴⁰ The Torah demands: ‘You shall follow the Lord, your God’ (Deuteronomy 13:4) and *the Book* states: ‘Verily, this is My way, leading straight [*sirāṭī mustaqīm^m*]: follow it. Follow not (other) paths—they will scatter you about from His (great) path; thus does He command you, that you may be righteous’ (Al-An‘ām 6:153). See also chapter 1.

⁴¹ Better: ‘not guilty of sin’, similar to MF: ‘will commit no sin’; MP: ‘it is no sin for him’; AB: ‘commits no crime’; AhA: ‘not guilty of sin’; AH: ‘he commits no sin’; AA: ‘no sin shall be on him’.

for example, as an anaesthetic in surgical operations, as was done before the discovery of chloroform, it is classed as a legitimate sin. The same drug can yield both a great sin and great benefit depending on the intention of its use. It is a great sin if alcohol is used for pure pleasure and if it is consumed until the brain is intoxicated so that a person cannot control his tongue any longer. If gossip is used to defame your relatives at home and your colleagues in the workplace, it is classed as slander and a great sin. But if it used as a tool by the secret intelligence services in order to gain advantage over the nation's enemy, it is a legitimate sin.

The Arabic term for 'transgression', *baghy*, is used ninety-six times in *the Book*. In a more literal sense it means to seek hard in order to obtain something desirable, as in: 'To him who does this, seeking (*ibtighāʾan*) the good pleasure of God, We shall soon give a reward of the highest (value)' (Al-Nisā' 4:114); we say 'the woman is a prostitute' (*baghat al-mar'a bighā'an*), meaning literally 'she is out to acquire a man'.⁴² Mostly, the term is used to indicate a violation of moral standards, implying injustice, rudeness, and causing enmity: 'If God were to enlarge the provision for His servants, they would indeed transgress (*la-baghau*) beyond all bounds through the earth; but he sends (it) down in due measure as He pleases...' (Al-Shūrā 42:27). It means the opposite of 'doing good' and is—as *the Book* says—a rebellion against God's command of justice: 'God commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds, and injustice and rebellion (*al-baghy*)...' (Al-Naḥl 16:90). And yet, there are situations where we find legitimate forms of transgression, for example, if we look at the issue of (the actually prohibited act of) seeking oracles from lot-casting. If at the beginning of a football match lots are cast (in order to decide what team plays on which side and who kicks off), it is a legitimate transgression. If, however, lot-casting is practised in matters of trade, marriage, travel, or even in political and military affairs (e.g., to decide on war or peace), it is an illegitimate transgression. We know that deliberate, callous theft is an illegitimate form of taking things away, but paying the price and to take things away after one has paid for them is perfectly legitimate. We believe that in every legal system there are many grey areas where legislation is not (and can never be) clear cut. Between the definite

⁴² Al-Zamakhsharī, *al-Balāgha*, 27.

limits of Allah's law we are faced with an area full of ambiguities. It is as the Prophet (ﷺ) said: 'The lawful is clear and the unlawful is clear, and in between are ambiguities.'⁴³

- F. The prohibition 'to say things about God without knowledge' is based on *the Book's* injunction 7:33.⁴⁴ Widely known examples of things said without knowledge are the content of the *fatwās* by our honourable scholars who have invented an increasing number of absolute taboos (close to a hundred by now), including the (absolute) ban on smoking, adopting children, surrogate motherhoods, listening to music, and singing in public. Even clearer examples are their *fatwās* which, by applying all sorts of legal tricks—applying the strategy of *fraudem legis agere*—allowed dubious monetary institutes to run their business under the name of 'Islamic Banking', which, to our mind, is just a different way of legalising serious financial fraud. *The Book* tells us that the prohibition 'to say things about God without knowledge' was first revealed as a (normal) prohibition but was later, because of its seriousness, upgraded to an absolute taboo:

But say not—for any false thing that your tongues may put forth—'This is lawful, and this is forbidden', so as to ascribe false things to God. For those who ascribe false things to God will never prosper. (Al-Naḥl 16:116)

'What Is Right' (*al-ma'rūf*)

The Arabic term for the phrase 'what is right', *al-ma'rūf*, is derived from the verb '-r-f, whose diverse forms are used seventy-two times in *the Book*. Its first occurrence is in 2:89,⁴⁵ and its last in 83:24.⁴⁶ The most important cognates are *ma'rūf*, 'urf, ta'āruf, ma'rifa, and 'irāfa, each of which will be briefly defined:

⁴³ Abū Bakr al-Bayhaqī, *Sunan al-Bayhaqī al-kubrā* (Mecca: Dār al-Bāz, 1994), vol. 5, 265 (ḥadīth no. 10180).

⁴⁴ '...and saying things about God of which you have no knowledge' (Al-A'rāf 7:33).

⁴⁵ '...when there comes to them that which they (should) have recognised [*mā 'arafū*], they refuse to believe in it but the curse of God is on those without faith' (Al-Baqara 2:89).

⁴⁶ 'You will recognise [*ta'rif*] in their faces the beaming brightness of bliss' (Al-Muṭaffifin 83:24).

- *mā'rūf* has two meanings: a) known, widely accepted, recognised, as in: 'And women shall have rights similar to the rights against them, according to what is equitable⁴⁷ (*bi'l-mā'rūf*) ...' (Al-Baqara 2:228); and b) to do kindness, to render others a service, as in: '...except that you should do kindness⁴⁸ to your friends (*auliyā'ikum mā'rūf^{am}*). This is written in *the Book* (of nature)' (Al-Ahzab 33:6), or: '...yet bear them company in this life with justice (and consideration)⁴⁹ (*mā'rūf^{am}*)...' (Luqmān 31:15).
- '*urf*' has several meanings: a) the opposite of *nukr* (denial, disavowal), that is, beneficence, kindness; b) the highest part, top of something, for example, the comb of a rooster; c) conventional practice, customs, traditions, that is, what has come to be 'widely accepted' (*mā'rūf*); *al-arf* (i.e. with a *fatha*) means fragrance, perfume, as in 'And admit them to the Garden which He has announced for them' (Muḥammad 47:6), that is, the Garden's fragrance was nicely diffused for them;⁵⁰ and *al-'irf* (i.e., with a *kasra*) means—according to al-Zamakhsharī—patience.
- *tā'āruf* means mutual understanding, acquaintance, and peaceful co-existence, both between individuals and between groups, states, and nations. It constitutes the purpose of Allah's creation, as we are told in the following verse:

O [humankind]! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other (not that you may despise each other) [*li-tā'ārifū*]. Verily the most honoured of you in the sight of God is (he who is) the most righteous of you... (Al-Ḥujurāt 49:13)

⁴⁷ MF: 'according to what is just'; AB: 'to be honoured with fairness'; but closer to MS is AH: 'according to what is recognized to be fair', and AhA: 'Women also have recognized rights as men have'; whereas MP: 'of kindness'; AA: 'as obligations' have nothing in common with MS's rendering of *mā'rūf*.

⁴⁸ Similar are MF: 'doing an honourable deed'; AhA: 'be kind'; MP: 'do kindness'; AA: 'act honourably'; AB: 'act correctly'; a bit over the top is AH: 'bestow gifts on your protégés'.

⁴⁹ Similar are MP: 'kindly'; MF, AhA: 'honourably'; AA: 'company honourable'; AB: 'correctly and courteously', while AH: 'according to what is right' translates it in the former sense and close to the phrase *al-amr bi'l-mā'rūf*.

⁵⁰ All consulted translators do not read '*arrafahā lahum* as '*arfuḥā lahum* (i.e., the Garden's fragrance for them), as MS does but, i.e., MF, AA, AB, MP: 'which He has made known to them', AH: 'the Garden He has already made known to them'; AhA: 'which he has acquainted them', all similar to YA: 'which He has announced for them' (as above).

- *māʿrifā* refers to the relationship that is perceived in the human intellect between the different manifestations and properties of this existence, or—in a more philosophical sense—to the relationship between objective reality and human consciousness. Knowledge (*ʿilm*) is what feeds this relationship with data from the external social and objective reality. *The Book* never uses the phrase *māʿrifat Allāh*, only *ʿilm Allāh*, because God’s knowledge does not need to be fed with data since He already knows everything. He does not need, as human do, a theory of knowledge (i.e., a methodology of how to acquire data and to perceive knowledge). Knowledge itself can be either known (*zāhir*) or hidden (*makhfiyy*), for example, when states do not reveal their intelligence to other states it is hidden knowledge, or when God does not lead anybody astray with His knowledge (i.e., by hiding it), only those He wants to.
- *ʿirāfa* means false knowledge such as that of fortune-tellers and divinatory fraudsters, as among *Ṣūfī* groups; some pretend to perform miracles while others claim to receive supernatural knowledge by meditation, contemplation and other ascetic practices. Only very few can be considered true ‘knowers’ (*ʿārifūn*); most of them are just fortune tellers (*ʿirāfūn*). True knowledge, on the one hand, is a deep longing whose subject matter exerts total control over the seeker who is never distracted by anything and who has no desire for wealth, rank, and power. On the other hand, producing false knowledge is perhaps the oldest trade in human history and is done by magicians, shamans, sages, sorcerers, and all the *Hāmāns*⁵¹ of this world. It is a mistake to believe that *ʿirāfa* knowledge died out with the end of the age of idolatry, pagan worship, and ancient tribalism. This form of heathendom only changed its outward appearance; it still exists and trades its old (false) knowledge under new names, wrapped up in a different cloak.

⁵¹ This is a reference to the chief minister of Pharaoh, *Hāmān*, who is mentioned six times in the Qur’an (28:6, 28:8, 28:38, 29:39, 40:24, 40:36) and who has become the embodied symbol of an unjust, oppressive ruler’s ruthless and willing henchman. He finds his end ‘in the waters’ where he drowned with Pharaoh (29:40). See *Encyclopaedia of the Qur’an*, s.v. “*Hāmān*.” (A. H. John), 399–400.

‘What Is Wrong’ (*al-munkar*)

The Arabic term for the phrase ‘what is wrong’, *al-munkar*, is derived from the verb *n-k-r*, whose diverse forms are used thirty-seven times in *the Book*. It first occurs in 3:104⁵², and last in 67:18.⁵³ The most important cognates are *munkar*, *nakīr*, *nukr*, *nukra*, and *inkār*, each of which will be briefly defined:

- *munkar* refers to the opposite of *mā rūf*, that is, to everything that rational beings regard as shameful or repulsive, and everything that a society agrees to eradicate from its traditions or customs. When Lot asked his own people about their bad practices, he enquired about their *munkar* habits: ‘Do you indeed approach men, and cut off the highway, and practise wickedness (*al-munkar*) (even) in your councils?’ (Al-‘Ankabūt 29:29). According to *the Book*, absolute taboos are exactly those shameful, repulsive acts of *munkarāt*.
- *nakīr* has several interconnected meanings: a) difficulty, restraint, restriction, siege; we say ‘the army besieged the city and exerted pressure on it’ (*shaddada ‘alayhā al-nakīr*’); and b) a well-fortified stronghold, as is (metaphorically) used in ‘that day there will be for you no place of refuge nor will there be for you any room for denial (*nakīr*) (of your sins)!’ (Al-Shūrā 42:47); and c) deterrent punishment or rebuke, as in: ‘But I granted respite to the unbelievers, and (only) after that did I punish them: but how (terrible) was my rejection (*nakīr*) (of them)!’ (Al-Ḥajj 22:44).
- *nukr* refers to an extremely ‘foul thing’ that every soul despises and tries to prevent. We hear how ‘Moses said: “Have you slain an innocent person who had slain none? Truly a foul (unheard of) thing (*nukr^{am}*) have you done!”’ (Al-Kahf 18:74). We use the term *nukarā*’ to express hostility to anything feminine; we also say ‘a terrible calamity has befallen them’ (*nazalat bihim maṣība nukarā*’), that is, something of considerable pain.
- *nakira* is a grammatical term used for an indefinite noun, an unknown person, or a nameless human being; people say about

⁵² ‘Let there arise out of you a band of people inviting to all that is good, enjoining what is right [*yanhaun ‘an al-munkar*], and forbidding what is wrong: They are the ones to attain felicity’ (Āl ‘Imrān 3:104).

⁵³ ‘But indeed men before them rejected (My warning): then how (terrible) was My rejection (of them) [*nakīr*]?’ (Al-Mulk 67:18).

such a person that he is ‘neither this nor that’, that is, someone without any individuality in what he does and being incompetent to such a degree that if he offered his help, everybody would be immediately on their guard.

- *inkār* means negation, rejection, and denial. The rejection of grace is a kind of denial, but the negation of one’s own ego is a form of altruism and as such is a laudable act, as we hear in 59:9.⁵⁴

How ‘to Prescribe What Is Right and to Proscribe What Is Wrong’ Today

Before we are able to define the proper meaning of ‘to prescribe what is right and to proscribe what is wrong’ for today, we need to explain two other related aspects:

1. *Harshness (faẓāza)*:
the Book warns that ‘were you severe (*faẓān*) or harsh-hearted (*ghalīz al-qalb*), they would have broken away from about you...’ (Al-‘Imrān 3:159), implying that if someone prescribes what is right and proscribes what is wrong in a harsh-hearted manner, that is, if he talks to people in a rude and patronising way, then people will not listen but rather run away from him. In this context, ‘harsh-hearted’ means dull-witted stupidity; it refers more to the brain than to the heart (the organ that pumps blood through the body). Even though the heart is indeed in people’s breasts, its functioning is controlled by the front part of the cranium that works from behind our foreheads: ‘Truly it is not their eyes that are blind, but their hearts which are in their breasts’ (Al-Ḥajj 22:46).
2. *Compulsion/duress (ikrāh)*:
the Book makes it clear that under duress neither belief nor unbelief can be accepted as authentic or valid: ‘Any one who, after accepting faith in God, utters unbelief, except under compulsion, his heart remaining firm in faith...’ (Al-Naḥl 16:106). *The Book* mentions variations of the term *ikrāh* over forty times, expressing the notion of dislike and detestation, and also of pain and hardship. The notion of dislike is mentioned first in 2:216,

⁵⁴ ‘...but give them preference over themselves, even though poverty was their (own lot). And those saved from the covetousness of their own souls, they are the ones that achieve prosperity’ (Al-Ḥashr 59:9).

a verse that will be further discussed in the section on *al-qitāl*,⁵⁵ and mentioned last in the context of the pagans' detestation of the true religion.⁵⁶ The sense of aversion to accept anything under pressure is expressed in Hūd's speech to his people: 'He said: "My people, think: if I did have a clear sign from my Lord, and He had given me grace of His own, though it was hidden from you, could we force you to accept it against your will (*lahā kārihūn*)?"' (Hūd 11:28, AH). The meaning of pain is stated in: 'We have enjoined on man kindness to his parents: in pain did his mother bear him, and in pain (*kurh^{an}*) did she give him birth...' (Al-Aḥqāf 46:15). The term *ikrāh* means compulsion, duress, and also, as we saw in 11:28, a force against a person's will. The prohibition of *ikrāh* is not only mandatory within the realm of prophethood (and hence the realm of personal responsibility on the Day of Judgement), but also within the realm of messengerhood, as is expressed in many verses of *the Book*⁵⁷ and in numerous *ḥadīths*.⁵⁸ If it is true that a contract of sale or any other business contract is invalid if it is signed under duress, that an oath of allegiance to the ruler is worthless if it is given under compulsion, that a marriage contract is null and void if it is done by force, and if it is true that a statement of belief in God, His angels, His books, and His messengers is false if it is not given wholeheartedly and voluntarily, how can it then be right that people use force and swing a whip when they prescribe what is right and proscribe what is wrong?

⁵⁵ 'Fighting is prescribed for you, and you dislike it [*wa huwa kurh^{an} lakum*]. But it is possible that you dislike a thing which is good for you, and that you love a thing which is bad for you...' (Al-Baqara 2:216).

⁵⁶ 'It is He Who has sent His Apostle with guidance and the religion of truth, that he may proclaim it over all religion, even though the pagans may detest (it) [*kariha*]' (Al-Ṣaff 61:9).

⁵⁷ E.g., 'Let there be no compulsion [*ikrāh*] in religion. Truth stands out clear from error...' (Al-Baqara 2:256); and 'If it had been your Lord's will, they would all have believed—all who are on earth! Will you then compel mankind, against their will, to believe!' (Yūnus 10:99).

⁵⁸ 'Allāh has taken away from my nation [the sins of] mistake, forgetfulness and those [things] they were forced to do.' Muḥammad Al-Qazwīnī, *Sunan b. Mājah* (Beirut: Dār Iḥyā' al-Kutub al-'Arabiyya, 1952), vol. 1, 659 (ḥadīth no. 2045). MS adds in a footnote that 'this *ḥadīth* is clearly in harmony with the spirit of *the Book* (see, for example, 2:256). Why Ḥadīth scholars such as Bukhārī and Muslim did not authenticate this *ḥadīth*, there are certainly many obvious reasons, but space prevents us from going into details here'.

Let us now return to the question of how to define ‘to prescribe what is right and to proscribe what is wrong’. The following three verses will help in this:

Let there arise out of you a band of people inviting to all that is good, [prescribing] what is right, and [proscribing] what is wrong: they are the ones to attain felicity. (Āl ‘Imrān 3:104)

You are the best of peoples, evolved for mankind, [prescribing] what is right, [proscribing] what is wrong, and believing in God... (Āl ‘Imrān 3:110)

They believe in God and the Last Day; they [prescribe] what is right, and [proscribe] what is wrong; and they hasten (in emulation) in (all) good works: they are in the ranks of the righteous. (Āl ‘Imrān 3:114)

We notice that, firstly, the task of ‘prescribing what is right and of proscribing what is wrong’ is coupled with the invitation to ‘all that is good’—it is either mentioned first (3:104) or second (3:114); secondly, the task of ‘prescribing what is right and of proscribing what is wrong’ is also coupled with the condition to believe in God—it is either mentioned first (3:114) or second (3:110); thirdly, the three verses of Āl ‘Imrān mention four interconnected things: a) to call to do good works; b) to prescribe what is right; c) to proscribe what is wrong, and d) to call to believe in God; and finally, these elements are connected by the conjunction *wa-* (and), implying that it is a connection between four inseparable items that cannot be considered in isolation to one another. What connects the four elements is the notion that none of them must be forced upon people; their common denominator is the absence of compulsion. We should also not forget that this is a description of ‘a band of people’ who are praised as ‘the best of people’ enjoying ‘the ranks of the righteous’, the counterimage of those who are idolaters, pagans, and heathens.

We now include three more verses:

The believers, men and women, are protectors one of another: they [prescribe] what is just, and [proscribe] what is evil; they observe regular prayers, practise regular charity, and obey God and His Apostle. (Al-Tawba 9:71)

Those that turn (to God) in repentance; that serve Him, and praise Him; that wander in devotion to the cause of God; that bow down and prostrate themselves in prayer; that [prescribe] good and [proscribe] evil; and observe the limit set by God... (Al-Tawba 9:112)

(They are) those who, if We establish them in the land, establish regular prayer and give regular charity, [prescribe] the right and [pro-

scribe] wrong—with God rests the end (and decision) of (all) affairs.
(Al-Ḥajj 22:41)

These verses attach even more things to the task ‘to prescribe what is right and to proscribe what is wrong’:

- a) to believe in God (as above);
- b) to observe prayers;
- c) to practise charity;
- d) to obey God and His Messenger in what they have ordered and prohibited;
- e) to observe the limits set by God.

We notice that the tasks to observe prayers and to practise charity either precede the task ‘to prescribe what is right and to proscribe what is wrong’ (22:41) or follow it (9:71). Again, we understand that the conjunction *wa-* (and) is meant to connect different things and that it does not imply a hierarchy (of importance). And yet, some of the tasks mentioned are practised purely on a personal level (belief in God, prayer, obedience to God and His Messenger), while others are practised both on a personal and a collective level (to prescribe what is right, to proscribe what is wrong, to practise charity, to observe the limits of God). If they are practised on a collective level, they need to be organised, properly administered, and controlled. But neither on a personal nor on a collective level is it allowed to apply pressure, force, or compulsion.

How the fuqahā’ and ‘ulamā’ Have Misconstrued the Qur’anic Phrase

In order to strengthen their grip on people’s private and public lives, it became necessary for our *hāmānāt* scholars to arrive at a legal pretext that concealed their true intention, which was to gain full control of what the common people felt and thought. Some scholars used the pretext of calling themselves the guardians of religion; others claimed that they were the legitimate heirs of the prophets, a third group claimed to be the friends of God (*auliyāt Allāh*), while a fourth maliciously used their misreading of *the Book* to secure them a special position within the *umma* of the Muslim-Believers. As for the third group, just listen to the preposterous claims of a scholar such as al-Nawawī and his quite inventive way to use the Prophet (ṣ) for his purposes. In his book *al-Tibyān fī ādāb ḥamalāt al-qur’ān*, he says, ‘al-Bukhārī narrated from Abū Hurayra in his *Ṣaḥīḥ* that the Messenger of Allah (ṣ) said:

“The Exalted said: ‘Whoever hurts a friend of mine, I will wage a war against him.’” It is reported from the two revered Imāms, Abū Ḥanīfa and al-Shāfi‘ī (r), who said: “If the scholars (i.e., men of religion) were not friends of Allah, then there would be no friends of Allah.” Imām al-Ḥāfiẓ Ibn ‘Asākir (r) said: “Let it be known, O brother, and Allah accorded us His pleasure and made us fear Him and be conscious of Him—as is His due—that the flesh of the scholars is poisoned. Allah’s habit is well-known that He discloses the secrets of those who find them [i.e., the scholars] defective. Whoever sets his tongue free to abuse them, Allah will try him by the death of his heart before his [real] death. So, those who disobey His command should beware of a trial or severe affliction that will come upon them.”⁵⁹

This is exactly the way—like intellectual terrorism—to instil fear into the hearts of the common people that if they criticise our honourable scholars, God will punish them for it.

As for the fourth group, their favourite trick was to point to 3:104 and claim that Allah had indeed elevated them above everyone else. The verse says: ‘Let there arise out of you a band of people (*la-takum minkum*) inviting to all that is good, enjoining what is right, and forbidding what is wrong: They are the ones to attain felicity’ (Āl ‘Imrān 3:104). Claiming that the phrase ‘a band of people out of you’ is a reference to the class of ‘*ulamā*’, they then argued that the following *ḥadīth*, transmitted and authenticated by all major *ḥadīth* collectors, supports this claim. The version transmitted by Abū Dāwūd says:

‘It is reported from Abū Sa‘īd al-Khudrī who said that Marwān brought out the pulpit on the day of ‘*īd* and started the sermon before the prayer. A man stood up and said: “O Marwān! You have just contravened the *sunna*. You brought out the pulpit the day of ‘*īd*, while he [the Prophet (ṣ)] did not do that, and you started the sermon before the prayer [while he started the prayer first].” Abū Sa‘īd asked; “Who is this man?” They replied, so and so, the son of so and so. He [Abū Sa‘īd] said: “As far as this [man] is concerned, he has fulfilled what is required of him. I heard the Messenger of Allah (ṣ) saying: ‘Whoever sees evil that he is able to change, he should do so first with his hands, and if he is not able [to do so], then with his tongue, and if he is not able [to do so], then with his heart. This is the minimum [degree of] *īmān*.’”⁶⁰

⁵⁹ Yahyā b. al-Sharaf al-Nawawī, *al-Tibyān fī ādāb ḥamalāt al-qur‘ān* (Cairo: al-Maktabat al-Tawfiqiyya, 1976), 29.

⁶⁰ Abū Dāwūd al-Sijistānī, *Sunan Abī Dāwūd* (Beirut: Dār al-Fikr, n.d.), vol. 1, 296 (ḥadīth no. 1140).

In the eyes of our honourable scholars there is no question that God appointed them not only as the guardians of His religion but also as the intermediaries between Him and the people, as the translators of His orders and prohibitions, and as the commentators of His verses and rules. They maintained that the preposition + suffix pronoun *minkum* (out of you) is partitive, dividing the *umma* into those whom Allah appointed ‘to prescribe what is right and to proscribe what is wrong’ and the rest (who were not appointed), while they, of course, embody ‘the band of people’ that Allah chose for this task. The truth is, however, that the preposition *min* is not partitive (out of you) but rather designative (of you), as in the sentence: ‘The emir so-and-so turned his country (*ja‘la min bilādihi*) into a highly civilised nation’, implying a change of his *entire* country—in spite of the use of *min*—and not just parts of it. Moreover, the identification of a privileged group contradicts several important principles: first, it would condemn the majority of the population to passivity, while only a tiny group ‘prescribes what is right and proscribes what is wrong’ which, according to 3:110, contradicts Allah’s more general designation that the entire *umma* are ‘the best of peoples’. Second, it would suggest a certain hierarchy that contradicts the spirit of *the Book*. We know that Allah appointed His noble Prophet (ﷺ) to prescribe what is right,⁶¹ after a long process (over forty years!) of selection during which Muḥammad (ﷺ) lived with his peoples and his family, and during which he proved himself trustworthy to carry out this majestic task. The testing and probing was done in a rigorous manner so that His word could be true: ‘Verily the most honoured of you in the sight of God is (he who is) the most righteous of you...’ (Al-Ḥujurāt 49:13). Given this rigorous process of selection, is it plausible that God chose a group of people even before they were actually born? Can such a selection be sensible when it means that mere membership of this group is enough to gain a privileged position regardless of skill and competence? Is this not similar to the presumptuous (racist) claim that God chose one nation over all others, whereby everyone born into this nation is, by birthright, God-chosen simply because of his ethnicity and not because of his character or good work?

⁶¹ ‘Hold to forgiveness, command what is right, but turn away from the ignorant’ (Al-A‘rāf 7:199).

As for the *ḥadīth*, it clearly contradicts *the Book*, a fact that our honourable scholars tried to circumvent by issuing their famous dictum that ‘the Sunna abrogates the Qur’an’ which is, frankly, a despicable hermeneutical trick. What is even more detestable is that they used this *ḥadīth* to justify violence and force in prescribing what is right and proscribing what is wrong. To correct what is wrong by (only) your tongue and heart became labelled as ‘soft’ or ‘feeble’ and was interpreted as a reflection of having weak belief. And after having turned this upside down, the act of correcting ‘by your hand’, that is, by force and pressure, became the ultimate expression of strong belief. Needless to say that this turns the message of *the Book* completely on its head, which prefers ease over hardship and friendliness over harshness, as the sequence of actions demonstrates in the following verse: ‘As to those women on whose part you fear [...] ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) [criticize them (severely)]⁶²...’ (Al-Nisā’ 4:34). The *ḥadīth* has also often been used by our honourable scholars to give state authorities a free hand to use violence against what they (religiously) perceive as (politically) wrong. But the *ḥadīth* is only concerned with human behaviour on a personal level. The Prophet (ṣ) was far too clever to allow state authorities to interfere with an individual’s faults and errors, as he—quite justifiably so—anticipated that this would turn any democratic rule into despotic rule where the ruling class will be allowed to take the law into their own hands and turn it—under the pretext of ‘forbidding what is wrong’—against their political opponents. He also anticipated that to give political rulers the licence to ‘forbid what is wrong’ would allow them to set up religious tribunals which sentence critics of the regime to death, masked under the pretence that this will eradicate heresy, atheism, and free thinking. And indeed, this is what has happened: the accusation of *takfīr* has given the political and religious establishments freedom to confiscate the property and possessions of so-called convicted ‘apostates’, and by hiding behind a façade of laughable accusations of immorality and licentious lifestyles they have deemed it proper to destroy the honour and dignity of their fiercest opponents. Thus, what the

⁶² See MS’s interpretation of this verse in chapter 5 where he makes it clear that he does not support the common rendering of *wa’dribūhunna* as ‘and beat them’. In his understanding any form of physical force, even of a very small degree, is forbidden in the act of reprimanding women.

Prophet (ﷺ) wanted to prevent has in fact turned out to be a political reality. The use of force and violence by political rulers has become a feature of everyday life. And yet, the sword that our honourable scholars presented to the rulers as a gift turned out to be double-edged, as we explained earlier. While in the past it allowed oppressive regimes to fight their opponents with brutality, it left the political opposition with no choice but to acquire the same brutal mentality in their fight against the political order. Once again, the pretext of ‘forbidding what is wrong’ is used today for purely political reasons, only this time accusations of *kufir* are being turned against the political class itself.

CONCLUSION

To prescribe what is right and to proscribe what is wrong is a divine duty. Allah did not set up fixed rules that can be automatically applied in how to exercise this duty. Instead, He left this to be done according to what is *māʿrūf*, that is, widely recognised and what is perceived as good taste and common sense within any given society. What needs to be prescribed or proscribed is what is shared by most people as accepted norms of good or bad social practice. The condition is that, for the implementation of such norms, violence and force must not be used. Whoever forces people to pray five times a day, and whoever forces women to wear a Saudi-style *ḥijāb*, regardless of the cultural norms of their country, has not properly fulfilled God’s duty because something has been enforced that is not commonly shared or practiced. In an age of mass communication and globalised forms of interaction (global village), we propose six general principles that are indispensable for the fulfilment of God’s duty:

1. freedom of speech: nobody should fear prosecution or punishment for expressing his thoughts and ideas in public (radio, newspapers, television, books, internet, etc.);
2. civil society and nongovernmental organisations: these should be given as much support as possible (be they human rights organisations, societies for the protection of animals, consumer watchdog organisations, professional associations, or environmental campaign groups), but they should not use force and

- violence to impose their ideas of ‘what is right and what is wrong’.
3. confederation of states: their task is to investigate accusations of crimes against humanity, violations of human rights and breaches of international law in a member state; the other members apply international sanctions and diplomatic pressure in order to ‘prescribe what is right’ (i.e., widely accepted and recognised as international norms).
 4. politics as social contract, not God’s rule on earth: individual freedom is constrained by a social contract that exists between a state and its citizens. The individual citizen gives up parts of his personal freedom by observing the existing laws. But the laws of a society (limits) should not be confused with the political rules of the state authorities. There are God’s limits in human legislation, but there is no God’s rule in politics. Political rule is exercised by humans who exercise it within the parameters of a social contract. The concept of God’s rule on earth has no evidence in *the Book* and, if applied to politics, is a recipe for despotism and religious authoritarianism.
 5. separation between *islām* and politics: *Islām* means rituals, legislation between God’s limits, and moral guidance. No political party must therefore carry the adjective ‘Islamic’ in its title, because *islām* is (not politics but rather) a *ḥanīf* religion. Political slogans that carry the name *islām* (e.g., ‘Islam is the solution’) are nonsense because religion cannot solve the economic, social, and political problems of a society, but only the people themselves. More prayers, more fasting, and more pilgrimages will never solve the ills of the community, but rather good, sensible, and moral legislation within the limits that God has set. These limits and the moral ideals of *the Book* are not addressed only to the followers of Muḥammad (ﷺ) but to all humankind.
 6. synthesis between *islām* and society: *islām* as a universal religion and is as valid for the Peoples Republic of China as it is for the Kingdom of Monaco, provided it is kept out of politics. But we say politics, not society. *Islām* must not and cannot be separated from society.

Sadly, after centuries of political misuse and abuse, *islām* has lost its universality. It has been carelessly sacrificed for the ills of power

politics and the political opportunism of our honourable scholars. This book's aim is to recover Islam's lost universality and restore its powerful message as it is laid out clearly in Allāh's *Book*. But only God knows whether we will achieve this aim.

JIHĀD

In this section we tackle the complex problem of how to understand *jihād*. We accept that it is a very sensitive issue and recent events in world politics, in particular after 9/11, have unduly emotionalised the entire debate and severely hampered our understanding. In recent publications on the topic we recognise how easily religious doctrines are mixed up with politics, how legitimate anger about the West's neocolonialist expansionism is expressed in religious terms, and how readily learned scholars conflate the concept of *jihād* with the killing of unbelievers and innocent civilians. We also observe, in response to the threat of terrorism, how authoritarian regimes in the Arab-Muslim world have managed to eradicate any democratic opposition to their autocratic rule, while attempting to appease the Islamist opposition by allowing outdated, medieval ideas of religion to dominate the public debate. In this sensitive debate about *jihād*, we are faced with a dual invasion of our freedom: externally, by the ever more aggressive globalisation of Western capitalism, and internally by the elimination of our civil liberties by oppressive states firmly in the grip of the *mukhābarāt*.

This is not just a recent development, however. The entire history of Islamic *fiqh* is basically characterised by efforts of the '*ulamā*' to define *jihād* with bellicose connotations and to advance reasons for the so-called legitimate killing of the enemies of Islam. Some scholars claim to be innocent because of their ignorance of the subject or try to justify their misunderstandings by saying that they were blindly following the authority of a school of law, while, in fact, they were actively involved in power politics and wanted to please authoritarian rulers by providing them with an expansionist ideology for their imperial ambitions. That Islamist groups today resort to the concept of *jihād* as a cloak of legitimacy to hide their lust for political power and authoritarian rule unashamedly, is also not new in Islamic history. This history of abuse begins with the first civil war and the

killing of the third caliph ‘Uthmān in seventh-century Arabia and finds its culmination in the twentieth century with the dethronement of Reza Shah Pahlavi in Iran and King Farouk in Egypt. It currently ends with the so-called *Jihadist* groups, the militant Taliban in Afghanistan and the al-Qā‘ida networks all over the world. The political history of Islam reveals a frightening habit to use religion for the purpose of usurping political power. The list is indeed very long: Zubayrites, Harurites, Qarmatis, Umayyads, Abbasids, Mamluks, Ottomans, and so on, all used *jihād* as a pretext for their hunger for power. Another feature of this fatal alliance between religion and politics is that the *jihād* doctrine has been misused over centuries to justify an ever-growing expansion of the Islamic empire by declaring military conquests a ‘mission for the spread of Islam’ and by disguising conquests and invasions as ‘openings’ to the religion of Islam. Inevitably, Islam soon became known as the religion of the sword, of violence, terror, oppression, supremacy, hatred, and vengeance, and today’s terror in the name of Islam certainly does not help to eradicate this image of Islam as a martial religion.

It is the aim of this section to contribute to a clarification of the concept of *jihād*. We will first explore a general definition of the term and then outline specific categories that properly define the act of ‘fighting in God’s way’. We will need to clarify whether *jihād* allows the use of force and in which context opposition to injustice can justifiably be called *jihād*. A considerable part of our analysis will be dedicated to a study of issues related to the problem of *jihād*, in particular the thorny question of whether *al-islām* allows martyrdom or not.

The Term jihād

The noun *jihād* is derived from the third verb form *jāhada* and thus has the structure and semantic meaning of words of the *fā‘ala* group, such as *jidāl* (dispute), *qitāl* (fight), and *khiṣām* (argument). *Jihād*, like these three nouns, connotes a struggle between two sides in which one side wants to overcome and triumph over the other (which may be an individual or a whole group). It has often been assumed that *jihād* is derived from the first verb form, *jahada*, and that the long *ā* is accidental and not constitutive for its meaning. This has led to the understanding of *jihād* as a derivative of *juhd* (exertion) and to the

fatal parallel classification of *qitāl* (fight) as *qatl* (killing), culminating in the association of *jihād* with *qatl* (killing) and not with *qitāl* (fight)!

The following two verses show how absurd it is to link *jihād* to killing:

We have enjoined on man kindness to parents: but if they (either of them) strive (to force) you [*jāhadāk*] to join with Me (in worship) anything of which you have no knowledge, obey them not. (Al-‘Ankabūt 29:8)

“But if they strive to make you [*jāhadāk*] join in worship with Me things of which you have no knowledge, obey them not; yet bear them company in this life with justice (and consideration)...” (Luqmān 31:15)

In both verses the possibility is considered that parents may not want their children to worship God. The force they may apply is described by the term *jihād*. This cannot possibly imply the parent’s killing of their children, given that God asks the children ‘not to obey them’, also to ‘bear them company in this life with justice’! We could not find a better definition of this aspect of *jihād* than in the *ḥadīth* in which ‘the Prophet (ṣ) once said to his companions: “You have made a good transition from the lesser *jihād* to the greater *jihād*.” They asked: “What is the greater *jihād*?” He said: “A servant’s struggle against his desires.”⁶³

In spite of this textual evidence, the *fuqahā’* not only successfully associated *jihād* with killing (*qatl*), they also invented an arsenal of arguments that justified armed expeditions, conquests, raids, incursions, and other military activities as essential forms of *jihād*. The main tool and principal method of achieving such a mischievous rendering of the term was *naskh*, abrogation. By using the concept of *naskh*, according to which Allah’s earlier revelations were considered as superseded by later ones, they were able to argue, based on this diachronic logic, that later (human) traditions of the Prophet’s companions overruled the authoritative verses of *the Book* and of the authentic *sunna*. This is so central to the debate about *jihād* that we need to revisit the question of abrogation before we can proceed.

The main argument of the jurists for the existence of abrogation was that some verses of *the Book* seem to contradict one another. One

⁶³ ‘Alā al-Dīn al-Muttaqī, *Kanz al-‘ummāl fī sunan al-aqwā wa’l-af‘āl* (Beirut: Mu’assasat al-Risāla, 1981), vol. 4, 430 (ḥadīth no. 11260).

of their prime examples was the theological discrepancy between the following two verses:

O you who believe! Fear God as He should be feared, and die not except in a state of Islam. (Āl-‘Imrān 3:102)
 So fear God as much as you can; listen and obey and spend in charity for the benefit of your own soul and those saved from the covetousness of their own souls... (Al-Taghābun 64:16)

It confused the exegetes that 3:102 demands fear of God ‘as He should be feared’, that is, with an intensity that is equal to Him, whereas 64:16 only asks to fear God ‘as much as you can’, that is, with an intensity that humans are capable of even if that falls short of how ‘He should be feared’. In order to solve the contradiction it was suggested that 64:16 was abrogated by 3:102 since it did not correspond to the normative expectations of the *fuqahā*’. The exegetes were also confused by the fact that *the Book* apparently contradicts itself by calling for tolerance, nonviolence, and peaceful persuasion in some verses, such as:

Let there be no compulsion in religion... (Al-Baqara 2:256)
 Say, “The truth is from your Lord”: Let him who will believe, and let him who will, reject (it)...” (Al-Kahf 18:29)
 Invite (all) to the way of your Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious: for your Lord knows best, who have strayed from His path, and who receive guidance. (Al-Naḥl 16:125)

While in other verses, *the Book* seems to promote intolerance and legitimate violence against other religions by an aggressive expansionist theology, as for example in the so-called sword verses of Sūrat al-Tawba:

O Prophet! Strive hard against the unbelievers and the hypocrites, and be firm against them. Their abode is Hell—an evil refuge indeed. (Al-Tawba 9:73)
 Fight those who believe not in God, nor the Last Day, nor hold that forbidden which has been forbidden by God and His Apostle, nor acknowledge the religion of truth, (even if they are) of the people of the Book, until they pay the *Jizya* with willing submission, and feel themselves subdued. (Al-Tawba 9:29)
 ...then fight and slay the pagans wherever you find them, and seize them, beleaguer them, and lie in wait for them in every stratagem (of war)... (Al-Tawba 9:5)

We do not deny that abrogation exists within *the Book*. Abrogation occurs in two forms: as annulment (*ibtāl*) and as amendment (*ta'dīl*) of previous legislative verses. *The Book* confirms this:

None of Our revelations do We abrogate or cause to be forgotten, but We substitute something better or similar: do you not know that God has power over all things? (Al-Baqara 2:106)

When We substitute one revelation for another—and God knows best what He reveals (in stages)—they say, “You are but a forger”: but most of them understand not. (Al-Naḥl 16:101)

Most *fuqahā'* base their theory of abrogation on these two verses. However, they have failed to interpret these verses within the context of either preceding or succeeding verses. We believe that 2:106 and 16:101 are specified by 2:105 and 16:102 respectively:

It is never the wish of those without faith among the people of the Book, nor of the pagans, that anything good should come down to you from your Lord. (Al-Baqara 2:105)

Say, the Holy Spirit has brought the revelation from your Lord in truth, in order to strengthen those who believe, and as a guide and glad tidings to Muslims [*li'l-muslimīn*].⁶⁴ (Al-Naḥl 16:102)

We deduce from this that abrogation occurred between messengerhoods (e.g., between the message of Moses and the message of Jesus), but not within one and the same messengerhood. Verse 5:15 confirms this:

O people of the Book! There has come to you our apostle, revealing to you much that you used to hide in the Book, and passing over much (that is now unnecessary)... (Al-Mā'ida 5:15)

Abrogation became necessary because several centuries had passed between the messengerhoods, life changed, and legal adjustments were needed. This certainly was not the case, however, within the time span of only one messengerhood. We hear in 40:78 that people had forgotten the ‘stories’ of previous messengers who came a long time ago, so Allah had to remind them:

⁶⁴ This term must be understood according to MS's wider understanding of the term *al-islām* (see chapter 1). The phrase ‘to Muslims (*li'l-muslimīn*)’ refers thus to those who assent to God and that includes all generations of Muslim-Assenters who lived long before the time of Muḥammad.

We did a foretime send apostles before you: of them there are some whose story We have related to you, and some whose story We have not related to you... (Ghāfir 40:78)

Abrogation occurred because Allah wanted to implement legal rules that either improved existing legislation ('We substitute something better' 2:106) or replaced similar rules ('We substitute something ... similar' 2:106). The underlying principle of abrogating similar rules is Allah's wisdom to express the truth within the changing idioms of the time. For example, the truth of *al-tauhīd* is essential to all messengerhoods, starting with Noah ('a) and ending with Muḥammad (ṣ), but it needed to be explained differently according to the progressing stages of human societies. In addition, old legislation occasionally required updating to bring it in line with new ritual practices even though the essence of the rule did not change. Let us, for example, compare 21:48 with 2:185:

In the past We granted to Moses and Aaron the criterion (for judgment) [*al-furqān*], and a light and a message for those who would do right. (Al-Anbiyā' 21:48)

Ramadan is the (month) in which was sent down the qur'an, as a guide to mankind, also clear (signs for) guidance and judgement (between right and wrong) [*al-furqān*]... (Al-Baqara 2:185)

The similarities between the first message (to Moses and Aaron) and the second (to Muḥammad) are indeed striking: both were revealed in order to bring light and guidance to 'those who would do right', and both contain *al-furqān*, formulated in the form of the Ten Commandments to Moses and as a catalogue of orders to Muḥammad (ṣ).⁶⁵

But God also abrogated legislation when a rule was to be abolished and replaced by a better one. A good example of this type of abrogation is God's decision to lessen the severity of the punishment for adultery. Jewish law demanded the death penalty, while the law of the Gospel prescribed forgiveness and mercy with the adulterers, but Muḥammad's (ṣ) message finally abrogated both the death pen-

⁶⁵ Sūrat al-An'ām 6:151–53. Note that the Ten Commandment revealed to Moses and the commands given to Muḥammad are both forms of 'particular ethics', or *al-furqān al-khāṣṣ*, and that the Ten Commandments (in capital initial letters) of Moses are not identical with the ten commandments (in small initial letters) of 'general ethics' or *al-furqān al-'amm* for all humankind even if some of the individual commandments are indeed overlapping. See also chapter 1.

alty and the granting of complete absolution by introducing a ‘better rule’ which stipulates the penalty of flogging with a hundred stripes:

If a man is found sleeping with another man’s wife, both the man who slept with her and the woman must die. (Deuteronomy 22:22)⁶⁶

If anyone of you is without sin, let him be the first to throw a stone at her. (John 8:7)⁶⁷

The woman and the man guilty of adultery or fornication—flog each of them with a hundred stripes... (Al-Nūr 24:2)

The Book speaks about the notion of successive messengerhoods by precisely defining the role each messenger had to play. We hear, for example, about the mission of Jesus:

“[I [Jesus] have come to you), to attest the law which was before me. And to make lawful to you part of what was (before) forbidden to you...” (Āl ‘Imrān 3:50)

And about Muḥammad’s (ṣ) mission:

“Those who follow the Apostle, the unlettered prophet, whom they find mentioned in their own (scriptures)—in the law [Thora] and the Gospel—for He commands them what is just and forbids them what is evil; He allows them as lawful what is good (and pure) and prohibits them from what is bad (and impure); He releases them from their heavy burdens and from the yokes that are upon them... (Al-A‘rāf 7:157)

This verse stresses the fact that Muḥammad’s (ṣ) role was to ‘release people from the heavy burdens’ of previous rules. This would occur, for example, by abrogating the death penalty for adultery. It beggars belief that the *fuqahā* have ignored all the textual evidence and overruled Allah’s command by shamelessly reintroducing the death penalty for adultery.

A similar evolutionary development of legislation can be observed if we look at the rules on killing. First, we hear about the Law Code of Hammurabi (e.g., paragraphs 196, 197, 200, 229, 230) which basically introduced a *lex talionis* (law of retaliation).⁶⁸ Next, the Torah

⁶⁶ *The Holy Bible*, New International Version (Dunton Green: Hodder and Stoughton, 17th printing, 1991).

⁶⁷ *Ibid.*

⁶⁸ For example, paragraph 196: ‘If a citizen has destroyed the eye of one citizen status, they shall destroy his eye’; paragraph 197: ‘If he has broken the bone of a citizen, his bone shall they break’; paragraph 200: ‘If a citizen has knocked out the

reiterates the *lex talionis* of the Code of Hammurabi (Exodus 21:22–25; Leviticus 24:17ff.; Deuteronomy 19:21) but no longer condones its class distinctions.⁶⁹ This is explicitly endorsed by *the Book* (see 5:44), which at that time was, in legal terms, a huge step forward because it established retributive justice as a strong deterrent against intentional killings:

We ordained therein for them: “Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal.” (Al-Mā’ida 5:45)

It was We who revealed the law (to Moses): therein was guidance and light... (Al-Mā’ida 5:44)

This level of legislation was finally abrogated by Muḥammad’s (§) messengerhood. *The Book* also prohibits homicide but extends this to the killing of all creatures that possess a soul, that is, animals and plants:

Nor take life [*nafs* = soul]—which God has made sacred—except for just cause... (Al-Isrā’ 17:33)

The added concessive subclause ‘except for just cause’ indicates a higher form of legal reasoning because it considers the possibility of justified killings if this follows the principle of utility, for example, the cutting of trees in order to acquire wood, or the slaughtering of animals for food. Any other killing is unlawful and will be prosecuted. Both messengerhoods distinguish between unintentional and intentional homicide. For intentional homicide, both legal systems prescribe the same penalty (death). As for unintentional homicide, the Torah of Moses stipulates that the killer has to flee into one of three cities of Israel to save his life (Deuteronomy 4:41), whereas Muḥammad’s (§) message is more lenient and only stipulates a fast of two successive months for the killer.

Never should a believer kill a believer; but (if it so happens) by mistake, (compensation is due): If one (so) kills a believer, it is ordained that he

tooth of one of equal status, they shall knock out his tooth’; taken from D. Winton Thomas, ed., *Documents from Old Testament Times* (New York: Harper Torchbooks, 1961), 33–34.

⁶⁹ For example, paragraph 199: ‘If he [i.e. a citizen] has destroyed the eye of a slave of a citizen, or has broken the bone of a serf, he shall pay half of his market-value’; or paragraph 201: ‘If he [i.e., a citizen] has knocked out the tooth of a vassal, he shall pay a third of a mina of silver’ (Thomas, *Documents*, 34).

should free a believing slave, and pay compensation to the deceased's family, unless they remit it freely. If the deceased belonged to a people at war with you, and he was a believer, the freeing of a believing slave (is enough). If he belonged to a people with whom you have treaty of mutual alliance, compensation should be paid to his family, and a believing slave be freed. For those who find this beyond their means, (is prescribed) a fast for two months running: by way of repentance to God: for God has all knowledge and all wisdom. (Al-Nisā' 4:92)

We are now able to return to the problem of an apparent contradiction between 2:256 (prohibiting coercion) and 9:5 (permitting coercion). It can now be ruled out that either verse is abrogated because abrogation did not occur within Muḥammad's (§) messengerhood. The key to the solution lies in the distinction between Muḥammad's (§) prophethood and his messengerhood. It has been overlooked that verse 9:5 (permitting coercion) is part of his prophethood (*nubūwa*), whereas verse 2:256 (prohibiting coercion) is part of his messengerhood (*risāla*). This distinction has far-reaching consequences. Thus, whereas the verses of messengerhood have legal significance (insofar as we enjoy the power to exercise legislative *ijtihād* about them), the verses of prophethood are not legislative at all but are purely informative. The verses of Sūrat al-Tawba which give an account of the military expeditions of the early Muslim community—when killing was a historic necessity—do not state universal laws but only 'news': *khavar* news for Muḥammad's contemporaries and *naba'* news for us who live centuries after the events took place.⁷⁰

The Act of Witness

The terms *shahāda* and *shahīd* are derived from the root word *sh-h-d* which appears 160 times in *the Book*. Its first occurrence is in Sūrat al-Baqara (...and call your witnesses [*shuhadā'akum*] or helpers (if there are any) besides God, if your (doubts) are true, 2:23), and it is mentioned for the last time in Sūrat al-Burūj (...and God is witness

⁷⁰ *Khavar* news and *naba'* news are for MS two categories of Muḥammad's prophethood that do not contain legal rules or stories on the basis of which jurists should formulate legal rules, e.g., about human warfare. *Khavar* news refer to events that are or become perceptible to the eyes of those who are present at the time, that is, contemporaries to those involved in such events, while *naba'* news refer to events that can only be indirectly witnessed. In either case they are only 'news', not legal commands. See chapter 2.

[*shahīd^{um}*] to all things, 85:9). None of the 160 occurrences of *sh-h-d* even remotely concern martyrs or martyrdom. It is indeed a mystery how this bizarre meaning could have ever been associated with the act of giving witness. *Al-shahīd* is one of the ninety-nine names of God and describes Him as someone who is permanently present and who is near you so as to see, hear, and listen, as the two following verses confirm:

He is with you wherever you are; He sees all that you do. (Al-Ḥadīd 57:4, AH)

It was We who created man, and We know what dark suggestions his soul makes to him: for We are nearer to him than (his) jugular vein. (Qāf 50:16)

The message is clear: God can only see, hear and listen (be a witness) because He is present, He is with you, He is ‘nearer to you than your jugular vein’. The active participle of *sh-h-d* is *al-shāhid*, one ‘who is witnessing’, from which *al-shahīd* is derived. The dual of *al-shāhid* is *al-shāhidān*, and the dual of *al-shahīd* is *al-shahūdān*. *Al-shāhidūn* is the plural of *al-shāhid*, and *al-shuhadā’* of *al-shahīd*. Both terms describe the act of ‘witnessing’, but they denote two different types of it. The first type of witnessing requires the witness to be physically present when something happens and to directly observe and perceive things with his own senses. The second type does not demand physical presence as it requires the witness to testify according to his (previously) acquired knowledge. The act of witnessing given in the latter is based on empirical evidence, that is, similar to a legal case which is assessed purely on the basis of evidence that the police or lawyers have provided. In telling the story of Joseph’s seduction by Potifar’s wife, *the Book* provides an example of a witness who, even though he was not a member of the household and not even present when the incident happened, was able to testify against Potifar’s wife purely by looking at the state of Joseph’s shirt:

He said: “It was she that sought to seduce me—from my (true) self.” And one of her household saw (this) and bore witness [*shahida shāhid^{um}*], (thus): “If it be that his shirt is rent from the front, then is her tale true, and he is a liar! * “But if it be that his shirt is torn from the back, then is she the liar, and he is telling the truth!” (Yūsuf 12:26–27)

The Book employs *sh-h-d* as follows:

1. As a term for physical presence (at home during Ramadan) *and* eyewitness (of the new moon), characterising witness as both presence and observation:

Ramadan is the (month) in which was sent down the Qur'an, as a guide to mankind, also clear (signs for) guidance and judgement (between right and wrong). So every one of you who is present (at his home) [*fa-man shahida*] during that month should spend it in fasting. But if anyone is ill, or on a journey, the prescribed period (should be made up) by days later... (Al-Baqara 2:185)

2. As a term for physical presence in the form of companionship; when Jesus denied that he had ever asked his disciples to worship both God and Mary,⁷¹ the term 'witness' is used to point to the time when he was alive ('when I was a witness over them during my time with them'). After his death, that is, after his presence with, or witness over them, he refuses to take responsibility for his disciples' action:

"I told them only what You commanded me to: 'Worship God, my Lord and your Lord'; I was a witness [*shahid^{am}*] over them during my time among them. Ever since You took my soul, you alone have been the watcher [*al-raqib*] over them: You are witness [*shahid^{am}*] to all things. (Al-Mā'ida 5:117, AH)

3. As a term for someone who is present at the writing of a commercial contract or an official document and confirms its existence with their testimony, showing that they have seen with their own eyes that the partners of the contract or the author of the document have signed it:

...and get two witnesses [*shahidain*], out of your own men, and if there are not two men, then a man and two women, such as you choose, for witnesses... (Al-Baqara 2:282)

4. As a term for the four witnesses who are present during an act of lewdness; these four (male) witnesses must tell in a court of law what they saw with their own eyes:

⁷¹ And behold! God will say: "O Jesus the son of Mary! Did you say unto men, worship me and my mother as gods in derogation of God?" He will say: "Glory to you! Never could I say what I had no right (to say). Had I said such a thing, you would indeed have known it. You know what is in my heart, though I know not what is in yours. For you know in full all that is hidden." (Al-Mā'ida 5:116)

If any of your women are guilty of lewdness, take the evidence of four (reliable) witnesses from amongst you against them... (Al-Nisā' 4:15)

We learn from these examples that in *the Book* a 'witness' has five characteristics:

- I. A *shahīd* witness (note the long ī) is required to be physically present when something happens. If they give evidence of an event that they themselves did not attend, their status is that of *shāhid* witnesses (long ā).
- II. A *shahīd* witness is by definition alive. If someone is dead their status as a witness ceases (as in the case of Jesus). We have learned in 5:117 that after Jesus' death only Allah alone remained to be the watcher (*al-raqīb*) over his disciples: 'He, eternally, is a witness (*shahīd^m*) to all things'. But when a human being dies, their witness-ship ends.
- III. A *shahīd* witness is more precise and accurate than a *shāhid* witness who does not base his account on direct experience. Even if one were able to completely reconstruct a scene from the past, the account of an eyewitness who was actually present at the scene will always provide more detail and depth.
- IV. According to 2:282, contracts are only valid if they are testified to by a *shahīd* witness. If they are testified to by a *shāhid* witness, the contracts are invalid.
- V. A *shahīd* is not someone who is killed or kills himself on the battlefield but, for example, the journalist who is embedded in a military unit and reports home what he has witnessed at the battlefield. Whether he is killed in action or whether he returns alive does not at all matter to his status as a *shahīd*. Similarly, the peace activist who is thrown into prison, alongside murderers, thieves, and drug dealers, because he protested peacefully against the government's atrocities and numerous violations of human rights—he is also a true *shahīd* (pl. *shuhadā'*) because he dared to 'witness' the truth in the face of an inhuman regime.

It has become clear that it is unjustifiable to associate the qur'anic terms *shahīd* or *shuhadā'* with martyrs or martyrdom. The evidence from *the Book* is supported by the *Ḥadīth* literature. One particular

ḥadīth stands out because it has been transmitted in not less than 139 variations of text (*matn*) and in as many chains of narrations (*isnād*). This *ḥadīth* narrates how Muḥammad (ṣ) responded to his companions' answer to his question: "Who of you is a *shahīd*?" They said: "Whoever was killed in the way of Allāh is a *shahīd*." He [Muḥammad (ṣ)] said: "Verily, the *shuhadā'* of my nation, in that case, are very few." They said: "[If we are not right in our definition of a *shahīd*] Then who are they, O Messenger of Allah?" He said: "Whoever was killed in the way of God is a *shahīd*. And whoever died in the way of God is a *shahīd*. And whoever died [due to the illness of] the stomach is a *shahīd*."⁷² In another *ḥadīth*, Muḥammad's (ṣ) definition is much wider: 'He said: "Whoever was killed in defence of his wealth is a *shahīd*. And whoever was killed in defence of his family is a *shahīd*. And whoever was killed in defence of his religion is a *shahīd*. And whoever was killed in defence of his blood [i.e., life] is a *shahīd*."⁷³ In a third *ḥadīth* the Prophet's (ṣ) views are even more comprehensive: 'He said: "There are five [ways] and whoever died in one of them is a martyr; the one who is killed in the way of God; the one who is drowned in the way of God; the one who suffered [due to the illness of the] stomach in the way of God; the one who suffered [due to] plague in the way of God; and the woman in childbirth in the way of God."⁷⁴ A fourth *ḥadīth* adds: "Whoever departed [went away] in the way of God, and died or was killed is a *shahīd*; whoever breaks his neck by [falling off a] horse or camel is a *shahīd*; whoever is bitten by a poisonous creature, or whoever dies in his bed by any death Allāh wished for him, is indeed a *shahīd*. For him there is Paradise."⁷⁵ Finally, a fifth *ḥadīth* concludes: 'He said: "Whoever was killed [fighting] against oppression is a *shahīd*."⁷⁶

Muḥammad (ṣ) was obviously not happy with the very narrow definition of *shahīd* that his companions gave (he rebuked them by saying, 'Verily, the *shuhadā'* of my nation, in that case, are very few').

⁷² Muslim Abū'l-Ḥusayn al-Nīsābūrī, *Ṣaḥīḥ* (Beirut: Dār al-Jil, n.d.), vol. 6, 51 (ḥadīth no. 5050).

⁷³ Abū Dāwūd al-Sijistānī, *Sunan Abī Dāwūd* (Beirut: Dār al-Kitāb al-'Arabī, n.d.), vol. 4, 391 (ḥadīth no. 4774).

⁷⁴ Abū 'Abd al-Raḥmān al-Nasā'ī, *Sunan al-Nasā'ī* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1991), vol. 6, 344 (ḥadīth no. 4371).

⁷⁵ Al-Sijistānī, *al-Sunan*, vol. 2, 317 (ḥadīth no. 2501).

⁷⁶ Abū 'Abd al-Raḥmān al-Nasā'ī, *al-Sunan al-kubrā* (Beirut: Dār al-Kutub al-'Ilmiyya, 1991), vol. 2, 310.

He corrects them by providing a wider definition that is more compatible with the concept of *the Book*. He also includes, however, the components of death and killing for God in his definition, which is, as we have shown, an innovation that is against the message of *the Book*. We have broadly defined the semantic field in which the term *sh-h-d* is used in *the Book* (presence in the month of Ramadan, guardianship and social presence, eyewitness of the new moon, signing of a contract or official document, and witnessing an act of lewdness), and none of these have any association with death, killing, or martyrdom. We have also distinguished *shāhid* from *shahīd* in that the former witness is not required to attest to something he has seen with his own eyes. Those who, according to the *shahāda*, witness the existence of God are *shāhid* witnesses, not *shahīd* witnesses because God can neither be seen nor heard. When *the Book* says that Allah sent Muḥammad (ṣ) as a witness of God, it uses the term *shāhid* and not *shahīd*.⁷⁷ To deny this and to claim to be a *shahīd* of God would be to anthropomorphise God, because it would imply that we actually see Him with our own eyes—‘Allah, the Highly exalted, is above what they ascribe to him’.⁷⁸

Critics of our definition of *shahīd* may come along and reject it on the grounds that it is too comprehensive. They might object to our notion that basically every single one of us can become a *shahīd*, men and women with no distinction. If we accept the Prophet’s (ṣ) definition but take the component of death away, one might say that most of us will seek knowledge in one way or another, or will provide for home and family, or will suffer one way or another from some kind of disease. Will this be enough to make us *shuhadā*? Our answer to this is that in our definition of *shuhadā* we first of all made sure that we did not depart from the semantic field of *sh-h-d* as it is defined in *the Book*. Given that the plural *shuhadā* is ungendered and connotes witness by men and women, there is no linguistic restriction that would exclude women from being *shuhadā*. This is supported by verse 78 of Sūrat al-Ḥajj in which the verb ‘be’ is similarly gender neutral and includes men and women who can be ‘witnesses for mankind’:

⁷⁷ ‘O prophet! Truly We have sent you as a witness [*shāhid*^m], a bearer of glad tidings, and warner’ (Al-Aḥzāb 33:45).

⁷⁸ Al-An‘ām 6:100.

...that the Apostle may be a witness for you, and you be witnesses [*wa-takunū shuhadā'*] for mankind! ... (Al-Ḥajj 22:78)

Our definition also remains faithful to the *ḥadīths* of the Prophet (ﷺ). It does not include, however, his reference to death ('whoever was killed') since this contradicts *the Book*. As said above, a *shahīd* cannot be dead. He must be alive, present, and see with his own eyes. He witnesses what is evident before his own eyes. A witness of something that is absent (*al-ghā'ib*) is impossible. For us today, Muḥammad's (ﷺ) community is absent insofar as it is not present in the current level of civilisational development and the current modes of production.

The other question is whether someone who *is* killed, for example, in a car accident or by drowning in a river, is to be considered a *shahīd*. Since death itself cannot be taken as the decisive component, we need to define the circumstances of his death and explore the reasons why he was killed. We need to find other criteria that make someone a *shahīd*. We believe that everyone who is killed in an accident is a *shahīd* (a witness of his accident), and that Hell or Paradise (reward or punishment) have nothing to do with it; it will be—as 56:60 says—that death 'has been decreed as our common lot'.⁷⁹ In this sense (of witnessing your own death), all the graves of Muslims and non-Muslims alike become graves of *shuhadā'*. Our understanding of the prophetic *ḥadīths* is that the *shuhadā'* are those who are still alive. What Muḥammad (ﷺ) meant to say is that those who witness a serious illness or those who witness a cruel war are the real *shuhadā'*; since it is impossible to witness either illness or war as a dead person. Death was mentioned in the *ḥadīths* only in order to express the idea that if death comes it abruptly ends the act of giving witness. We understand that those listed as prophets, *ṣidīqūn*, *shuhadā'*, *ṣāliḥūn*, and such, are those who, when still alive, publicly declared their faith and for which they eventually gave their lives. Giving their lives was the price they paid for their open declaration of the *shahāda*, but their death alone did not define them as *shuhadā'*; they did not hurt or kill anybody, they just behaved bravely when they, defenceless and unarmed, faced a mighty opposition. Abū Bakr, for example, did not earn his title of honour, *al-ṣiddīq*, through his death but through his sincerity, righteousness, and bravery, while he was still alive! In fact,

⁷⁹ 'We have decreed death to be your common lot...' (Al-Wāqī'a 56:60).

if someone witnesses the signing of a sales contract and is killed because of his act of witnessing, he will indeed be listed next to the prophets, *ṣidiqūn*, *shuhadā'*, *ṣāliḥūn*, and such, not because—we dare to say—but in spite of his death (because he never wanted to lose his life). Our point of contention is that it is not death as such which is the deciding factor in being a *shahīd*. Peace activists who witness the cruelty of their own government and pledge their *shahāda* are certainly *shuhadā'* regardless of whether they are killed or continue to protest until they die naturally. Our views correspond with social and political reality because those who die for their convictions or are killed because of their 'witness' are few. If death is one aspect of being a true *shahīd*, it would apply to the unarmed, peaceful journalist who is killed by a sniper bullet while reporting the news from a war zone.

What about the suicide bomber who blows himself up in the middle of a busy marketplace, killing hundreds of innocent civilians—is he a *shahīd*? Or are those civilians who are killed during such incidents *shuhadā'*? What about the human rights activist who takes part in a peaceful protest demonstration—is he a *shahīd*? Or are those politicians *shuhadā'* who order a massive crackdown on the protesters, arresting and torturing hundreds of them on the pretext of maintaining public order and national security, while in reality fearing that public protest might reveal their corrupt deals with the army, the police, and the security services? What about the religious zealots who besiege entire villages with their missionary campaigns, using threat and violence to force men and women to adopt their radical religion—are they *shuhadā'*? Is this really *jihād* in the name of Islam and fighting in God's way? Or is this simply aggression against the social order, a violent negation of life that has nothing to do with either *jihād* or the *shahāda*? We know that the *fuqahā'*, corrupted by their alliance with despotic rulers (basically since the reign of the Umayyads until today), cannot bring themselves to categorically remove violence, coercion, and death from their definitions of *jihād* and the *shahāda*. In this way they contradict Allah's *Book* and Allah's Messenger (ﷺ).

Clearly, the defence of a nation's security in the face of outside aggression is an objective necessity and must not be mixed up with the concepts of *jihād* or *shahāda*. The peaceful spread of a religious message by persuasion and good argument is, whether it is done by men or women, a laudable activity if, and only if, it is done in God's

way. Whether someone dies during such a mission should not matter at all. To seek knowledge and to maintain a family are praiseworthy acts if, and only if, it is done in God's way. Whether someone dies during his studies or in his job should not matter at all. Women will be rewarded for enduring menstruation and childbirth, whether they die or not. The activist who fights against tyranny and for democracy and social justice surely deserves Paradise, if, and only if, his protest is done in God's way. Whether he dies during his struggle should not matter. All of these activities, however, are not related to the concept of *shahād*, that is, to witness with your own eyes, nor to *shuhadā'* as proposed by *the Book*:

And if you are in doubt as to what We have revealed from time to time to Our servant, then produce a sura like thereunto; and call your witnesses [*shuhadā'ikum*] or helpers (if there are any) besides God, if your (doubts) are true. (Al-Baqara 2:23)

I called them not to witness [*mā ashhadtuhum*] the creation of the heavens and the earth, nor (even) their own creation: nor is it for helpers such as Me to take as lead (men) astray! (Al-Kahf 18:51)

O you who believe! Stand out firmly for God, as witnesses [*shuhadā'*] to fair dealing... (Al-Mā'ida 5:8)

These three verses support our reading of *the Book*. Not even remotely do they link the act of 'witnessing' to being killed on the battlefield or to dying for Allah's cause. Even if we consider verses that use *al-istishhād*, the *fuqahā's* term for martyrdom, we still cannot see any connection to violent death:

...and get two witnesses [*istashhadū shahūdain*], out of your own men... (Al-Baqara 2:282)

If any of your women are guilty of lewdness, take the evidence of four (reliable) witnesses [*istashhadū*] from amongst you against them... (Al-Nisā' 4:15)

We still need to clarify the meaning of the phrase 'in God's way' (*fī sabīl Allāh*), which is so often used and abused in the context of the debate about *jihād*. Let us first start with the preposition 'in' (*fī*). It can be used in basically three different ways:

1. As a preposition of time and place, meaning 'in', 'at', 'on', 'near', 'by', 'within', 'during', 'among', 'through', and such, either literally or metaphorically, for example, 'Say: "Travel through (*fī*) the earth..."' (Al-'Ankabūt 29:20) uses *fī* literally

within an adverbial clause of place. In ‘so Moses conceived in his mind (*fī nafsihi*) a (sort of) fear’ (Tā-Hā 20:67); even though *fī* means literally ‘in’, the fear in Moses’ head is nevertheless not real. Finally, ‘within a few years...’ (Al-Rūm 30:4) uses *fī* as a preposition of time.

2. As a preposition of cause, meaning ‘because of’ or ‘for’, for example, the *hadīth* says ‘A woman entered Hell because of the cat she imprisoned’,⁸⁰ that is, the woman will be punished *because of* (*fī*) her cruelty to her cat.
3. As a preposition meaning ‘in the company of’ or ‘with’, as in: ‘He will say: “Enter you in the company of (*fī*) the peoples who passed away before you—men and *jinn*s—into the Fire.” (Al-A‘rāf 7:38)

In all three instances, *fī* always points to something that is inside, hidden, or secretly concealed. If we, for example, say ‘I will look into it (*fīhi*)’, it indicates that one is keen to discover or disclose what is still hidden or concealed.

The noun *sabīl*, often translated as ‘cause’, literally means ‘way’, ‘course’, or ‘means’ and is used in a neutral sense, that is, it can be (theologically) a good or a bad path since the term as such is value free. Its actual nature is determined by either the textual context or explicit attributes, for example, ‘way of God’ or ‘way of evil’:

...it took its course [*sabīlahu*] through the sea in a marvellous way!
(Al-Kahf 18:63)

Invite (all) to the way of your Lord [*sabīl rabbika*] with wisdom and beautiful preaching... (Al-Naḥl 16:125)

In the first verse *sabīl* literally means ‘path’, while the second verse uses *sabīl* figuratively as ‘way’, in the sense of manner or method. It says ‘way of the Lord’, that is, His manner, method, or doctrine, referring to the straight path of God. But *sabīl* can also turn into a ‘way of evil’, that is, of deviation, aberration, and deceit, as we hear in the following verse:

Those who believe fight in the cause of God [*fī sabīl Allāh*], and those who reject faith fight in the cause of evil [*fī sabīl al-ṭāghūt*]... (Al-Nisa’ 4:76)

⁸⁰ Al-Nīsābūrī, *Ṣaḥīḥ Muslim*, vol. 8, 98 (ḥadīth no. 7158).

The phrase ‘in God’s way’⁸¹ (*fi sabīl Allāh*) can be found seventy times in *the Book*. It first occurs in 2:190: ‘Fight in the cause of God those who fight you, but do not transgress limits; for God loves not transgressors’, and its last 73:20: ‘...yet others fighting in God’s cause...’. In several instances it connotes a fight, struggle, even military battle. In other instances it refers to a struggle for a family’s *nafaqa* in the form of sustenance, clothing, and shelter. It is often used in connection with the term *jihād*, less often with the command to ‘travel the world’. In all instances, however, it demands doing something ‘in His way’, that is, according to Allah’s way/method/path. It is *not* used to demand a human sacrifice for Allah’s cause. The idea that people should sacrifice their and other people’s lives for a higher, divine aim is *not* found in *the Book*. ‘Fight in God’s way’ cannot mean ‘kill other people’ or ‘sacrifice yourself for God’. Allah is greater than that anyone should kill for Him.

What does ‘in God’s way’ mean? We believe it means that in the struggle for *nafaqa*, for example, one should seek money and property in a legal and ethical way. One should not squander things that are permitted, nor should one be parsimonious and forbid what is allowed; one should neither be excessive nor miserly, and one should abstain from what is forbidden. If one abides by these rules, one indeed lives ‘in God’s way’. However, if these rules are broken, one strays from the way of God (*sabīl Allāh*) and follows on the path of evil (*sabīl al-tāghūt*):

And spend of your substance in the cause of God [*fi sabīl Allāh*], and make not your own hands contribute to (your) destruction; but do good; for God loves those who do good. (Al-Baqara 2:195)

Those who spend their substance in the cause of God [*fi sabīl Allāh*], and follow not up their gifts with reminders of their generosity or with injury; for them their reward is with their Lord... (Al-Baqara 2:262)

Behold, you are those invited to spend (of your substance) in the way of God [*fi sabīl Allāh*]. But among you are some that are niggardly. But any who are niggardly are so at the expense of their own souls... (Muḥammad 47:38)

⁸¹ Most translators render *sabīl* interchangeably either as (the more literal) ‘way’ or as ‘cause’ (in the sense of ‘on behalf of God’), except AA and AhA who consistently write: ‘in the way of God’; AH also renders *fi sabīl Allāh* as ‘for the sake of God’. ‘In God’s way’ is closest to MS’s intention to render *fi sabīl Allāh* as ‘according to God’s way’, which is not captured by ‘in God’s cause’ nor by ‘for the sake of God’.

These verses ask us to spend sustenance ‘in God’s way’ (*fi sabīl Allāh*). This can be done in many ways: one may nourish and feed the dependents of the family; one may give *ṣadaqāt* and support charitable organisations; one may finance a school, or a nursery, or a clinic—all these things cover ‘sustenance in God’s way’. In contrast, however, it is against ‘God’s way’ to establish security services that terrorise the population; it is against ‘God’s way’ to supply paramilitary organisations with rocket-propelled grenades to shoot down civilian airplanes; it is against ‘God’s way’ to provide militant groups with explosives which they detonate as bombs in crowded market places or on trains containing hundreds of commuters during the rush hour, killing innocent people who have not killed anyone and who have never been involved in any military operation.

Let us also look at the term *ḍ-ṛ-b* which has often been misused in the debate about *jihād*. What does *ḍaraba* ‘in God’s way’ really mean? If we take verses of *the Book* as evidence, it simply connotes ‘to travel the world’ and ‘to travel fast’ for the purpose of trade, commerce, study, or research, as it is stated in the following verse:

O you who believe! When [*idhā*] you go abroad in the cause of God [*ḍarabtum fi sabīl Allāh*], investigate carefully, and say not to any one who offers you a salutation: “You are none of a believer!”, coveting the perishable goods of this life... (Al-Nisā’ 4:94)

Three things can be deduced from how the above verse uses *ḍaraba* ‘in God’s way’:

1. The particle *idhā* in 4:94 (if, when) expresses a fulfillable condition ‘when you go abroad in the cause of God’; there is no doubt about the possibility of going abroad and travelling the world. The ‘when’ particle is like the *idhā* in the verse ‘when (*idhā*) the sun (with its spacious light) is folded up...’ (Al-Takwīr 81:1), expressing a condition that is inevitably and naturally fulfilled. This is not the case if we assume the verse to mean ‘killing or going to war in God’s way’, simply because peace is the base condition of life while war is an exception to it. Wars do not happen because they are inevitable, natural, or essential to human life. They are rather accidental and anomalous, destroying the normal rhythm of social life. An interpretation of *ḍ-ṛ-b*

as ‘to kill’ would, therefore, not comply with the need to have a fulfillable condition required by *idhā*.

2. The second part of 4:94 orders the believers not to reject greetings from a nonbeliever by saying, ‘you are not a believer’ [AH]. But exegetes, in forcing a militant interpretation upon the verse and by seeking textual support for the so-called sword verses of Sūrat al-Tawba, claimed to see not the expression of a greeting in *al-salām*, but rather the offering of peace (after a military struggle). We absolutely reject this interpretation because *al-salām* refers to a greeting (‘Peace be with you’) in normal encounters of everyday life, and therefore it is not an offer of peace negotiations or a plea to save one’s life when facing death by a Muslim warrior.⁸² We also think it is more plausible to render the phrase *لست مؤمنا* not as ‘you are not a believer’ (*mu’min^{am}*) but rather as ‘you are not safe or secure’ (*mu’amman^{am}*), because the Arabic term *mu’min^{am}* (believer) can also be read as *mu’amman^{am}* (safe, secure).⁸³ Be that as it may, what we want to stress is that the exegetes’ hawkish reading of the verse can be thoroughly countered by a much more peaceful interpretation.
3. The verse concludes by linking the act of ‘going abroad in God’s way’ with the possibility to do it ‘out of desire for the chance gains in this life’ [AH]. We believe that these ‘chance gains in this life’ entail the pursuit of studies, the participation in conferences, the development of business relations, meeting partners in trade and commerce, even tourism. Traditional exegetes have claimed that this verse speaks negatively about the ‘ephemeral goods of this life’ which are incompatible with the believers’ quest for guidance and faith. But we believe that the Arabic text

⁸² According to one *sabab al-nuzul* a mixture of the two meanings is possible: ‘A Muslim killed someone in battle who had given him the Muslim greeting, thinking that the man was trying to save himself, but the Prophet condemned this’ [AH].

⁸³ MS’s views on this are similar to those of al-Zamakhsharī whom al-Rāzī quotes as having said that the variant of a *qirā’a* is *mu’amman*, with *fatha* above the *mīm*, meaning ‘his security’ (*āmnuhu*) and interprets the phrase as ‘do not say “we cannot give you safety”’, Fakhr al-Dīn Muḥammad al-Rāzī, *Mafātīḥ al-ghayb* (tafsīr of 4:94), and al-Zamakhsharī, *Tafsīr al-kashshāf* (tafsīr of 4:94).

(*‘arad al-ḥayāt al-dunyā*) does not allow such a negative rendering.⁸⁴

We have shown that the phrase *darabtum fī sabīl Allāh* in 4:94 should not be rendered to mean a belligerent ‘fight in God’s way’. We propose as an alternative rendering ‘to travel the world in God’s way’, in which the association with war and violent conflict is entirely eliminated. The adverbial clause ‘in God’s way’ defines how one should go about things, stipulating a condition that must be met if something is done ‘in God’s way’. The most important characteristic of human interaction ‘in God’s way’ is to speak fairly and gently and to invite people with wisdom and eloquent preaching to live a God-centred life:

...speak fair to the people... (Al-Baqara 2:83)

Invite (all) to the way of your Lord [*sabīl rabbika*] with wisdom and beautiful preaching... (Al-Naḥl 16:125)

To ‘travel the world’ means to leave home, while the one who travels is a *muhājir*. Verse 4:100 proves that *hijra* does not connote exile and life as an armed renegade, soldier, or guerrilla fighter because such a dangerous *muhājir* would never find ‘many a refuge, wide and spacious’:

He who forsakes his home (*man yuhājir*) in the cause of God (*fī sabīl Allāh*), finds in the earth many a refuge, wide and spacious... (Al-Nisā’ 4:100)

To ‘travel the world in God’s way’ means to do business peacefully with the rest of the world. The condition is to do it ‘in God’s way’. Owners of global companies must forsake their monopoly over the market if they want to do business *in God’s way*. Salespeople must stop cheating and looking for a quick profit if they want to sell their products *in God’s way*. Producers of groceries and dairy products must stop adulterating their food with unhealthy substances if they want

⁸⁴ Most translators give their rendering a slightly derogative touch, YA thinks that *‘arad al-ḥayāt al-dunyā* are ‘perishable goods of this life’; MF: ‘the fleeting goods’; MP: ‘the chance profits of this life’; AA: ‘the chance goods of the present life’, but MS renders them as goods and things of this life that one may fully enjoy, e.g., cars, mobile phones etc.—which are perishable but not entirely negative and condemnable; perhaps more neutrally in the sense of AB: ‘the goods of this world’ or even, if a bit far-fetched, AhA: ‘the gain of earthly life’.

to provide the supermarkets with products *in God's way*. Joiners, tailors, carpenters, plumbers, painters, and so on, all need to practice their trades diligently and competently without overcharging their customers if they want to do things *in God's way*. Surely, one does not need to be a resistance fighter if one wants to 'travel the world in God's way'!

According to *the Book istishhād* does not mean martyrdom but rather 'to give evidence as an eyewitness' (2:282; 4:15). How is it possible that this term lost its *qur'anic* meaning? We believe that the semantic shift occurred after Muḥammad's (ṣ) death. We know that the Prophet (ṣ) classified *jihād* as either great or small. The greater *jihad*, he said, is the struggle of the soul against its animalistic passions and cravings. The smaller *jihād* is armed defence in the event of external aggression. In the later works of *fiqh*, however, *jihād* becomes a technical term for armed conflict with unbelievers. Unbelievers had to be fought until they accepted Islam, and if they refused, they should be killed. *Jihād*, in this technical sense, was then qualified by the phrase 'fight in God's way' by which it adopted the meaning of 'to kill in God's way in the fight against unbelievers'. *Jihād*, originally expressing the notion of self-defence, was finally linked to the offensive concept of 'conquest' through raids (*ghazwa*). This was then retrospectively applied to Muḥammad's military actions, which were all identified as 'conquests', thus contradicting the historical evidence that they were in fact defensive battles of survival (and this includes the battle of Tabūk).⁸⁵ This identification of *jihād* with conquest is unacceptable. The meaning attached to the terms *conquest* or *invasion* is always pejorative. There are no positive or beneficial conquests. We say, 'Hitler's Germany conquered France during the Second World War', and the word *conquest* gives Germany's war a negative and aggressive connotation. We also say, 'The French fought against the German invasion', by which we attach a positive significance to

⁸⁵ The reason for MS's specific mentioning of the battle of Tabūk (630) under the rubric of defensive warfare is that the Prophet's expedition of a 30,000-strong army from Mecca to the far northwestern town of Tabūk was, in effect, a precautionary move to approach the Byzantine troops that were rumoured to have amassed near the Arab borders in the north. Even though the attack failed to materialize and in spite of the fact that Muḥammad used his advance in order to secure alliances with local tribes that agreed to pay him protection tribute (*al-ḡizya*), the expedition to Tabūk went down in Islamic historiography as a preemptive strike in the face of an imminent attack by the Byzantine army or pro-Byzantine Ghassanid tribes.

the fight of the French (against the invasion). The term *ghazwa* was taken from the vocabulary of *Jāhiliyya* Arabs. They regularly carried out raids into neighbouring tribes, seeking booty by extremely violent means. In flagrant contradiction with the *qur'anic* term *jihād*, the *fuqahā's* revived this aggressive concept of conquest and projected its meaning on the concept of a defensive battle. In order to do so, the jurists had to produce a semantic transformation of a whole list of terms in *the Book*: *shahāda*, *shahīd*, *istishhād*, *shuhadā'*, *daraba*, *fī sabīl Allāh*, and such; by which the true (irenic) meaning was stripped off and a false (belligerent) meaning put on, and hence constructing an Islamic concept of 'conquest' (which in reality was the old tribal notion of an offensive raid). As a result, the *shuhadā'* of *the Book* were turned into soldiers of Islam and a *shahīd* was turned into a fanatical warrior who falls heroically on the battlefield (this in spite of the fact that a *shahīd* needs to be alive and ceases to be a *shahīd* when he dies).

The decline of political culture in the Arab-Muslim world started immediately after Muḥammad's (ṣ) death. It was triggered by the political crisis caused by the caliphate of 'Uthmān b. al-'Affān. His leadership had alienated a growing number of people who eventually demanded his removal from power. 'Uthmān's reluctance to give up power and to hold on to it as long as he could caused the breakdown of political culture which eventually led to 'Uthmān being killed by his opponents. We see in this event the beginning of a fatal development of political corruption: the rulers' fear of assassination by their opponents; the tendency to hold on to power for as long as possible; the frustration of political opposition leading to calls for violent resistance; lack of democracy, plurality, and a will to reform. We can identify five aspects that were decisive for the deterioration of political culture in the Arab-Muslim world and for the emergence of the concept of 'martyrdom' in Islamic thought:

1. *The confusion over the term 'consultation' (al-shūrā):*

...who (conduct) their affairs by mutual consultation; who spend out of what We bestow on them for sustenance. (Al-Shūrā 42:38)

Despite the clear ruling of *the Book* that consultation has to be mutual and consensual, *shūrā* came to be understood as the ruler's prerogative to allow his subjects to voice discontent which he was, however, free to ignore. In contrast to a true

open and democratic system of mutual consultation, as practised by the Prophet (ﷺ) who accepted collective decisions even if they did not reflect his own views, *shūrā* was reduced to a means of identifying potential critics of the regime. If people dared to articulate views that threatened the ruler's position they were eventually silenced by imprisonment and torture.

2. *The emergence of the concept of 'dispatching' / 'sending of' (al-tasyīr):*

This was practiced in two ways, 1) by escorting a group of critics to the ruler's palace where, intimidated and frightened by the presence of fully armed guards, they had to listen to the views of the despot without been given the chance to respond; 2) by sending them ('unescorted') as soldiers to the front where they had to fight, and die, alongside the troops of professional *ghazwa* warriors. For their comfort and psychological assurance, they were made to believe that their fight was a form of *jihād*. This convinced the warriors, who fought bloody wars, that they were in fact *mujāhidīn*. It did not take long for this ideological dilemma to lead to a confusion between *ghazwa* and *jihād*. Historical documents show that this terminological confusion occurred in the transition period between the era of the rightly guided caliphs and the beginning of Umayyad rule. By the time that Islamic *fiqh* emerged, a clear distinction between *ghazwa* and *jihād* had already completely disappeared. The *mujāhidīn* were subsequently defined as 'warriors for the cause of Allah' and *shuhadā'* became the 'martyrs of Islam' who were given a guaranteed entry-ticket to Paradise.

3. *The practice of eviction:*

To force people to leave their houses and send them into exile has become a favourite way to silence critics of the regime.

4. *Manipulation by bribery:*

If the above three methods did not yield the expected results, tactics had to change. After having being kept in abject poverty for a humiliatingly long period of time, critics were suddenly showered with money, goods, and all sorts of privileges. The aim was to corrupt their souls by asking them to join the ranks of the mercenaries who yearned after the booty gained in the most recent raids and who became rich by amassing the plundered goods of foreign peoples. And who would listen to the criticisms of a corrupted soul?

5. *Physical elimination:*

The last and final solution when all other strategies have failed.

Our point of contention is this fatal confusion of power politics and religious doctrine. As a result, a political (!) doctrine of *jihād* emerged that justified the military conquest of foreign cultures. It justified, in religious (!) terms, the sacrifice of soldiers and the political elimination of opponents by declaring the enemy infidels and the fallen soldiers martyrs. The peaceful sermon that wanted to persuade people, in a good and convincing argument, to follow the path of God was abandoned in favour of parading the military might of brutal warriors. *The Book's* call to 'travel the world in God's way' turned into a pretext to 'spread Islam by the sword' which, in fact, was just another ideological pretext for looting and plundering foreign villages and cities. As usual, the prophetic *ḥadīths* were used to replace the peaceful message of *the Book* with a more bellicose rendering that legitimised the political goals of the regimes. Just look at how exegetes interpreted the politically neutral (read: purely soteriological) term 'victory':

Verily We have granted you a manifest victory. (Al-Faṭḥ 48:1)
When comes the help of God, and victory. (Al-Naṣr 110:1)

For no reason whatsoever *fath*, in conjunction with *naṣr* in 110:1, became in both verses Allah's description of Muḥammad's (ṣ) conquest of Mecca in 630. This interpretation ignores the fact that in 48:2–3, the text clearly specifies why the Prophet (ṣ) was granted success or victory;⁸⁶ namely, that he had secured four things from God: a) His forgiveness of sins; b) His grace; c) His guidance to the straight path; and d) His powerful help. Nothing supports the connection made by the exegetes between the conquest of Mecca and Allah's granting of these four things. The error of the exegetes is even more obvious if we look at other verses that use the term *fath*:

In the God is our trust. Our Lord! Decide you [*iftah*] between us and our people in truth, for you are the best to decide. (Al-A'rāf 7:89)

⁸⁶ 'That God may forgive you your faults of the past and those to follow—fulfil His favour to you—and guide you on the straight way. * And that God may help you with powerful help' (Al-Faṭḥ 48:2–3).

If the people of the towns had but believed and feared God, We should indeed have opened out [*la-fataḥnā*] to them (all kinds of) blessings from heaven and earth... (Al-A'rāf 7:96)

Yet you [Prophet] will see the perverse at heart rushing to them for protection, saying, 'We are afraid fortune may turn against us.' But God may well bring about a triumph [*bi'l-faḥ*] or some other event of His own making; then they will rue the secrets they harboured in their hearts. (Al-Mā'idā 5:52, AH)

The first verse employs the imperative *iftaḥ* ('you decide') in the sense of God's command; the second verse uses *fataḥnā* ('we opened out') to refer to God's blessing; while the third uses *faḥ* ('victory')⁸⁷ to suggest the possibility of reconciliation or peacemaking with 'those in whose hearts is a disease'. What on earth made exegetes think that these verses describe military activities and success on the battlefield? We fear that medieval commentators allowed their ideological agenda to hijack the nonbellicose connotations of *the Book*. How else can we explain why they understood *al-fataḥ al-ʿaẓīm* as a reference to a situation of war, that is, to the siege of a town by an army and to the imminent demolition of its walls by the attacking forces, in the following verse?

Say: "Our Lord will gather us together and will in the end decide the matter between us (and you) in truth [*bi'l-ḥaqq*] and justice [*wa-hūwa al-fataḥ al-ʿaẓīm*]..." (Saba' 34:26)

Let us finally explore whether 3:169 really justifies martyrdom in the name of Islam. We will first quote the verse in full and then attach our commentary summarised in five points:

[Prophet], do not think [*la taḥsabanna*] of those who have been killed in God's way [*alladhīn qatīlū fī sabīl Allāh*] as dead. They are alive with their Lord [*ʿinda rabbihim*], well provided for. (Āl 'Imrān 3:169, AH)

1. The verse mentions 'those who have been killed in God's way' (*alladhīn qatīlū fī sabīl Allāh*). Death in God's way can be caused by a multitude of reasons. We believe that it is inexcusable to reduce this only to death on the battlefield. The *ḥadīth* of Muḥammad (ṣ) cites over ten different types of people who are killed in God's way. These types can be applied, if removed from the narrow context of seventh-century Arabia, to almost

⁸⁷ MP, AB, AA, MF: 'victory'; AhA: 'success'; AH: 'triumph'.

all inhabitants of this world. However, in order to be real *shuhadāʾ*, the condition is that they are alive. If they *are* killed and given their lives for the defence of their *shahāda*, they must not have killed anyone for this and should not have purposefully intended to be dead! We heard the condition stated in *the Book* that a *shahīd* is an eyewitness who must be alive. If he dies, his witness ends and after which, as the example of Jesus tells us, God takes over as ‘watcher’ and ‘witness’ (5:117).⁸⁸

2. If we accept a literal reading of 3:169 (‘those who have been killed are still alive with their Lord’), and thus follow the exegetes, we would commit the sin of anthropomorphism. Moreover, we would contradict logic. If we, for example, understand literally that those killed in God’s way are not really dead but live ‘with their Lord’, we would assume that they physically found a place ‘with Him’. Such a reading not only anthropomorphizes God, it also divinises mortal souls, and both of these things are theologically untenable. The notion that these people are only seemingly dead also contradicts the clear evidence of the decay of their bodies in the grave. It is absurd to claim that they possess ‘holy’ bodies which remain fresh and free from any decomposition until the Day of Judgement, when evidence proves the opposite.
3. For a correct interpretation of 3:169 we must avoid the confusion between ‘soul’ and ‘spirit’. It is the soul (*nafs*) that returns to dust, that is, to its original state (‘It is God that takes the souls (of men) at death...’, Al-Zumar 39:47). But the spirit (*rūh*) returns—not necessarily ascends—to God, its Creator, who breathed it into His creatures when they developed into rational human beings who are able to think in abstract terms. Death has, therefore, two meanings: 1) a material, physical meaning that implies decay and decomposition (‘every soul shall have a taste of death...’, Al-Anbiyāʾ 21:35); and 2) the symbolic, figurative meaning of absence or lack of something, for example, of light when ‘death’ means darkness: ‘Is a dead person brought back to life by Us, and given light with which to walk among

⁸⁸ ‘...and I was a witness over them while I dwelt amongst them; when you did take me up you were the watcher over them, and you are a witness to all things’ (Al-Māʾida 5:117).

people, comparable to someone trapped in deep darkness who cannot escape?...’ (Al-An‘ām 6:122, AH). While the first meaning is covered by the term *mawt* (real death), the second meaning is contained in the term *wafā’* (absence).

4. Verse 3:169 starts with an imperative: ‘Think not!’ The Arabic *la taḥsabanna* is derived from the verb *ḥasiba*, used here negatively in the sense of ‘to be deluded’ or ‘to wrongly assume’. In this sense it is used forty-five times in *the Book*, indicating that something is *really* different from how it appears on the surface:

Think not [*lā taḥsabanna*] that God does not heed the deeds of those who do wrong... (Ibrāhīm 14:42)

Does man think [*a-yaḥsab*] that We cannot assemble his bones? (Al-Qiyāma 75:3)

The imperative, ‘Think not!’, in 3:169 is intended to correct a misconception of death. The verbal format *lā taḥsabanna* (3rd pers. sing.), even though formally directed at the Prophet (ﷺ) only, actually addresses all human beings, men and women. With His rebuke, Allah wants to forbid His noble Prophet (ﷺ) from assuming that those killed in God’s way are dead while they are in reality alive (for Him). He wants Muḥammad (ﷺ) to understand that both life and death must not always be understood literally or physically; that someone whom our eyes cannot see and our hands cannot touch could still be (with God, i.e., in His eyes) alive. If life and death were to be physically or biologically understood in 3:169, its message (‘they are alive’) would be a lie because our human senses would contradict it—which is categorically impossible.

In sum, to understand this verse to mean that those who are killed on the battlefield spreading the religion of Islam by the sword are not really dead, since their bodies will not decay and since they and their unharmed bodies will find a space near God, is as ridiculous as it is dangerous. It is a fundamental misreading of every single word of this verse, and exegetes who do so must be accused of anthropomorphism, literalism, and an over-reliance on the military history of nascent Islam. In this section it was our aim to identify the verses that have been illegitimately loaded with the semantics of war and we hope that we have given sufficient evidence for this. In the next section we will study the verses that must be read within the context of killing in Allah’s way.

FIGHT (AL-QITĀL)

The Arabic term *qitāl* consists of four radicals (*q-t-a-l*). It is derived from the four-radical verb *qātala* which belongs to the same verb form (*fāʿla*) as verbs such as *jādala* (to contest), *khāṣama* (to quarrel), *shāraka* (to share) and *bāyaʿa* (to make a contract). The long *ā* in *qitāl* is—as with the long *ā* in *jihād*—not accidental, as some have claimed, but rather essential to the word’s meaning. To ignore the long *ā* in *qitāl* has serious implications and would create even more harm than if it was neglected in the word *al-jihād*. This is because if we took *qātala* as a synonym for *qatala* (the first verb form without a long *ā*), the meaning of ‘to fight’ (*qātala*) would turn into ‘to kill’ (*qatala*), which, as we will explain in this section, would be a serious misunderstanding of the term.

Together with its many verbal cognates, the noun *qitāl* occurs seventy-one times in *the Book*. It is first mentioned in 2:190⁸⁹ and last mentioned in 73:20.⁹⁰ It connotes a violent clash between two opposing sides, either two individuals or two groups of people. If only one side seeks to fight while the other refuses to fight, the resulting collision cannot be called *qitāl*, as we read in the following verse:

“Should you stretch your hand out to kill me [*li-taqtulanī*], I will not stretch my hand out to kill you [*li-aqtulak*]⁹¹; for I fear Allah, Lord of the worlds.” (Al-Māʿida 5:28, MF)

This implies that if one side does not commit itself to a fight and withdraws, while the other side keeps fighting, it becomes a one-sided battle (i.e., *qatala*). A fight is also one-sided if it is initiated by one side (the aggressor) while its opponent is not given a chance to respond. This is the case with suicide missions in Iraq and elsewhere in which innocent, defenceless people are attacked by an unknown, armed aggressor. Such missions are premeditated collective killings in a one-sided fight, because they are planned deliberately to give

⁸⁹ ‘Fight [*qātīlū*] in the cause of God those who fight you, but do not transgress limits; for God loves not transgressors’ (Al-Baqara 2:190).

⁹⁰ ‘He knows that there may be (some) among you in ill-health; others travel through the land, seeking of God’s bounty; yet others fighting [*yūqātīlūn*] in God’s cause...’ (Al-Muzzammil 73:20).

⁹¹ In both instances the verse uses variants of the first verb form (*qatala*), not *qātala*.

the ambushed victims no chance to either defend themselves or to fight back.

The best description of *qitāl* can be found in the following verse:

Fighting is prescribed for you [*kutiba ‘alaikum al-qitāl*], and you dislike it [*wa-huwa kurh^{um} lakum*]. (Al-Baqara 2:216)

This verse states that the obligation to fight is one of the hardest duties to fulfil. The phrase ‘and you dislike it’ means that a human soul will find it naturally very distressing to fight and kill anyone. To fight, therefore, must be seen as a last resort when all other means to solve a conflict have been exhausted. And yet, ‘to fight’ has been prescribed as a duty by Allah, similar to His order to fast⁹² and to exact retribution.⁹³ It is a religious obligation that, like any other obligation, only the rational and sane person may fulfil. Some exegetes have claimed that it is an individual duty to which everyone must comply. Others have claimed that it was only a duty for the Prophet (ﷺ) and his companions and is, therefore, not applicable any longer. The latter view is driven by the fear of admitting that Islam prescribes fighting as a religious duty. The truth is that ‘to fight’ has been glossed as *jihād*, and ‘to fight in God’s way’ has become mixed up with the notion of military conquest. The first error occurred when ‘to fight’ (*al-qitāl*) was defined as the essence of the ill-named ‘smaller *jihād*’ (as it was incorrectly called by the Prophet). The second, more dangerous mistake was made, when ‘smaller *jihād*’ was given an exclusively military connotation: ‘to fight’ (*qitāl*) turned into ‘to kill’ (*qatl*), which was then associated with the military battles for the expansion of the Islamic empire. Once again, this terminological confusion was caused by the exegetes’ failure to distinguish between the verses of messengerhood and prophethood in *the Book*. The exegetes ignored the fact that the stories of Muḥammad’s (ﷺ) military expeditions belong to the verses of prophethood and do not possess legislative authority.

It will be necessary therefore to first point out the difference between *jihād* and ‘to fight’ (*qitāl*). In the previous section we learned that *jihād* comprises many activities that are not in any way militant,

⁹² ‘Fasting is prescribed to you [*kutiba ‘alaykum*]...’ (Al-Baqara 2:183).

⁹³ ‘The law of equality is prescribed to you [*kutiba ‘alaykum*] in cases of murder...’ (Al-Baqara 2:178).

such as the duty to seek knowledge wherever you are, to provide maintenance and sustenance for your family, to suffer the pain of menstruation, to provide guardianship for a woman, to resist the temptations of your carnal soul, to be steadfast in the face of great challenges, and so forth. None of these things involve throwing stones or firing rocket grenades; they can be achieved without resorting to physical violence and are indeed the opposite of armed conflicts. This is in sharp contrast to ‘fight’ in the sense of *qitāl* which, by definition, implies the use of violence to resolve a conflict when all other means have failed. Examples of such fights are given by *the Book*: both fights between individuals⁹⁴ and battles between large armies (e.g., the battles of Badr, Uḥud, Khaybar, and al-Ṭā’if). All these fights are reported as historic events, like the stories about Moses and Noah, and are thus just ‘qur’anic stories’ which do not belong to the verses of messengerhood. This makes it possible to regard Allah’s order ‘to fight’ as an individual duty that is valid at all times and places (‘fighting is prescribed for you, and you dislike it’, 2:216). This is different from the so-called sword verse (‘then fight and slay the pagans wherever you find them’, 9:5) because the command to fight here is historically qualified. Whereas the former verse contains an order to fight that has universal validity, the latter verse gives an order that is applicable only in a very specific historical context and should not be universally applied.

It is astonishing to see how consistently the *fuqahā* have inflicted a military intention on *the Book*’s vocabulary. Dogmatically using the notion of synonymity, they equated *al-faṭḥ* (opening) with *al-ḥarb* (war), *jihād* with fight, and fight with raiding (*ghazwa*). Their ill-conceived theory of abrogation meant that later Medinan verses, such as 9:5, are thought to repeal earlier Meccan verses, as a consequence of which the sword replaced peaceful persuasion in the believers’ ‘fight in God’s way’. This was in addition to the *fuqahā*’s flagrant attempts to totally eradicate the original meanings, for example, when they invented completely new *fiqh* terminology (such as the notion of an ‘offensive *jihād*’) that has increasingly conditioned our understanding of the original terms.⁹⁵ Such innovations, enforced to

⁹⁴ ‘And he entered the city at a time when its people were not watching: and he found there two men fighting [*yaqtatilān*]—one of his own religion, and the other, of his foes’ (Al-Qaṣaṣ 28:15).

⁹⁵ See for example Abī ‘Abd Allāh Muḥammad b. Idrīs al-Shāfi‘ī, *Kitāb al-umm* (Cairo: Dār al-Ṭibā’a al-Munīra bi-Būlāq, n.d.), vol. 4, 168; or Muḥammad b. ‘Alī

eliminate *the Book's* authentic meanings, have often been legitimised by reference to the existence of a consensus (*al-ijmāʿ*) among our honourable scholars—as if that would mean anything! Not that it is wrong to achieve a consensus on matters of *the Book* and to come to an agreement on how to apply it during a specific period of time and in a specific type of society. But it is fundamentally wrong to take an *ijmāʿ* that was achieved by a circle of scholars in one of the early centuries of Islam and propound it as a source of legislation binding for all future generations of Muslims, eternally valid until the Last Hour! Such eternal validity of a *ijmāʿ* gives human beings (e.g., scholars of the ninth to tenth centuries) an immortality that, strictly, can only be attributed to God. It ignores the simple fact that human societies constantly progress and that conditions of life always change. It ignores the fact that new developments will inevitably overturn old consensuses, and that new parties, groups, and movements will emerge that question old certainties and undermine the agreements of the past. This is not to mention the romanticist, utopian bias in the scholars' conception of *ijmāʿ*, because such a comprehensive consensus is notoriously difficult to achieve. Societies possess complex structures of human organisations whose complexities cannot possibly be reduced or eliminated except by despotic, authoritarian force. Open societies have pluralistic, heterogeneous, and multifarious structures, producing myriads of different views and opinions that make it impossible to achieve a communal consensus. What the notion of *ijmāʿ* disguises is the historical truth that the 'consensus of the *umma*' has never amounted to more than the agreement of a few privileged scholars who declare their own views as sacrosanct while dismissing divergent views as 'heretical'. It also ignores the possibility that even an absolute consensus can still be wrong. The fact that in Israel there used to be a national consensus to occupy the territory of Palestine did not make the occupation right or sacrosanct, and the beginning of an internal opposition in Israel to the occupation proves that one-time overwhelming majorities are only temporary and can never be eternally maintained. We must relinquish this romanticist and utopian notion of *ijmāʿ* by acknowledging the historical truth that legislative decisions have always been made by an intellectual elite—whether they represent a majority or

al-Shawkānī, *Kitāb al-sayl wa'l-jarrār* (Beirut: Dār al-Kutub al-'Ilmiyya, 1985), vol. 4, 518–19.

minority—and that it can never attain immortality or infallibility. What might be right and good for one specific historical situation could be disastrous in another, and what has been harmful and regressive in an earlier period might be fruitful and beneficial in a later one, which is best illustrated by the example of the Mu‘tazila.⁹⁶

The act of fighting is, as 2:216 says, an obligation that is part of the human disposition, even though it is naturally disliked by everyone. This instinctive aversion to fight is imprinted (*maktūb*) into human nature, perhaps, similar to the monthly cycle of women as we hear about it in the prophetic *ḥadīth*,⁹⁷ or the survival instinct of human beings (who come to the fore regardless of how we feel about it). The phrase ‘...and you dislike it’ means that fighting is unnatural; it means that humans must be fore against their will to fight (and use violence to kill their opponents).⁹⁸ Nonetheless, the phrase ‘it is prescribed to you’ implies a religious obligation that every human being has to fulfil, like the obligation to fast (‘fasting is prescribed to you...’, 2:183) or the obligation of answering ‘like with like’ in response to murder (‘the law of equality is prescribed to you in case of murder...’, 2:178), and this in spite of the fact that human beings naturally show great aversion to such acts and would instinctively avoid them as much as they could.

The universal nature of ‘fighting is prescribed to you’ contradicts the view that fighting was only an obligation for the Prophet (ṣ) and his companions. Since fighting is a natural disposition (inasmuch as

⁹⁶ The reference here is to the school of the Mu‘tazilites (or better: *ahl al-tawḥīd wa’l-‘adl*—people of divine unity and justice) who with their inquisitorial zeal for religious and intellectual orthodoxy (especially under the caliphs al-Ma’mūn [197–218/813–833] and al-Mu‘taṣim [218–227/833–842]) had brought their views of divine justice, human reason, free will, and moral responsibility into disrepute in the ninth century but which were revitalized in the nineteenth and twentieth centuries and ‘benefited’ the advocates of a modern religious discourse, in particular Muḥammad ‘Abduh (1265–1323/1849–1905), the famous reformer, Azharite scholar, and moral philosopher (author of the *Risālat al-tawḥīd*).

⁹⁷ Muḥammad Abū ‘Abdallāh al-Bukhārī, *al-Jāmi‘ al-Ṣaḥīḥ* (Riyadh: Dār al-Salām, 1999), Kitāb al-ḥayḍ (ḥadīth no. 294).

⁹⁸ ‘O you who believe! You are forbidden to inherit women against their will [*karḥan*]. Nor should you treat them with harshness, that you may take away part of the dower you have given them, except where they have been guilty of open lewdness. On the contrary, live with them on a footing of kindness and equity. If you take a dislike to them [*karīhtumūhunna*] it may be that you dislike [*takraḥū*] a thing, and God brings about through it a great deal of good’ (Al-Nisā’ 4:19).

the dislike of it) it is generally applicable to everyone; and indeed, a dislike of fighting has been observed with people who lived long before Muḥammad (ﷺ) ('He [Muḥammad] said: "Is it not possible, if you were commanded to fight, that you will not fight?"', Al-Baqara 2:246). A dislike for fighting will be part of our constitution until the Last Hour. Such universality does not square with the common view that fighting is only a so-called collective or representative duty (*al-kifāya*) which is fulfilled by only a few people for the benefit of all. The verse says 'it is prescribed to *you* (*lakum*)', implying all of us, because 'to you' does not pertain to a specific group of people but rather includes everyone who lived before or after the Prophet (ﷺ). If the duty to fight was only a collective duty, as some *fuqahā'* have claimed, we should then apply the same thinking to the preceding verse 2:215, that is, a few people should pay charity for the benefit of all—which would be rather absurd.⁹⁹

God made 'aversion to fight' a natural disposition, and that includes 'dislike for killing' and carrying out any other destructive act. And yet His revelation made it incumbent upon every human being to fight if they need to ('Fighting is ordained for you, though you dislike it...', AH). After having explained the conditions for such necessary fights, *the Book* issues several verses with the imperative 'Fight!', calling people to action (even though they dislike it). There is no reason to assume that the command 'Fight!' (Ar. *qātīlū*) is only directed at a select few, since the plural form of the verb *qātīlū* suggests that it is addressed at all humankind. In their deliberate effort to impose a military connotation upon the text, the *fuqahā'* believed that 'Fight!' addresses only a few, that is, the army of the Islamic empire that fought wars on behalf of the entire community. Such interpretations, of course, say more about the historical (medieval and premodern) context of our scholars, in which military castes such as the Mamluks, Turks, and Janissaries held the upper hand and saw their military aggression justified by the *fuqahā'*'s readings of the Qur'an, more than about the actual meaning of verses in *the Book*.

⁹⁹ 'They ask you what they should spend (in charity). Say: Whatever you spend that is good—is for parents and kindred and orphans and those in want and for wayfarers. And whatever you do that is good—God knows it well' (Al-Baqara 2:215).

The Aims and Objectives of Fighting

We know that when *the Book* talks about victory in 48:1 ('Verily We have granted you a manifest victory (*fath^{an}*'), the two verses that follow give four objectives of this victory: to provide for God's, a) forgiveness, b) grace, c) guidance to the straight path, and d) powerful help.¹⁰⁰ We also know that when *the Book* in 49:13 refers to God's creation of humankind into 'male and female, nations and tribes', it also attaches the divine rationale to it 'that you may know each other (not that you may despise (each other))'.¹⁰¹ The same applies to *the Book's* other instructions to fast, pray, do the pilgrimage, believe in God and His Messenger (ṣ), and so forth, which are all introduced along with their purpose (e.g., to show God's mercy, to purify the believers' souls, etc.). It is therefore surprising that God's order to fight (2:216) is given without any explanation of its aims. Surely, it cannot imply that there is no divine rationale for the command. It only means that we have to look elsewhere, and we believe that *the Book* provides these three objectives: 1) so that God's word reigns supreme; 2) so that the earth is protected from destruction; and 3) so that the house of the Lord is preserved against destruction. These objectives can be found in the following three verses:

If you help not (your leader), (it is no matter): for God did indeed help him, when the unbelievers drove him out: he had no more than one companion; they two were in the cave, and he said to his companion, "Have no fear, for God is with us": then God sent down His peace upon him, and strengthened him with forces which you saw not, and humbled to the depths the word of the unbelievers. But the word of God is exalted to the heights [*kalimat Allāh hiya al-'ulyā*]: for God is exalted in might, wise. (Al-Tawba 9:40)

...And did not God check one set of people by means of another [*wa-lau-lā daf^u Allāh al-nās ba'dahum bi-ba'dⁱⁿ*], the earth would indeed be full of mischief. But God is full of bounty to all the worlds. (Al-Baqara 2:251)

¹⁰⁰ 'That God may forgive you your faults of the past and those to follow. Fulfil His favour to you and guide you on the straight way; * and that God may help you with powerful help' (Al-Fath 48:2-3).

¹⁰¹ 'O humankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other (not that you may despise (each other)). Verily the most honoured of you in the sight of God is (he who is) the most righteous of you. And God has full knowledge and is well acquainted (with all things)' (Al-Ḥujurāt 49:13).

...Did not God check one set of people by means of another [*wa-laulā daf^{cu} Allāh al-nās ba'dahum bi-ba'd^m*], they would surely have been pulled down monasteries, churches, synagogues, and mosques, in which the name of God is commemorated in abundant measure ... (Al-Ḥajj 22:40)

First aim: the exaltation of God's word

Since verse 40 of Sūrat al-Tawba has often been used to justify sectarian strife, partisan spirit, and religious chauvinism, we need to have a closer look at it in our discussion of the aims of fighting. The verse discusses three things: first, Muḥammad's (s) and Abū Bakr's (r) flight from Mecca; second, the battle of Badr; and third, the divine rationale that lies behind the violent conflicts of that period. The problem with 9:40 lies in the phrase 'the word of God is exalted to the heights' because exegetes have found it difficult to explain what 'the word of God' (*kalimat Allāh*) means. *Kalima* (word) is a singular noun whose plural can either mean 'speech' (if it is the collective plural *kalām*)¹⁰² or 'existence', that is, the laws of objective reality (if the plural is *kalimāt*).¹⁰³ It certainly cannot refer to the first part of the *shahāda* ('there is no god but God') as many exegetes have believed, because such a rendering would make no sense in the context of many other verses of *the Book*, such as 3:45¹⁰⁴ and 10:33.¹⁰⁵ Instead, the *shahāda* ('there is no god but God') is part of God's speech (*kalām*), as laid out in the *Book*—of which its readers either approve or disapprove—but God's words (*kalimāt*) are the laws of the universe that are there unconditionally—whether people approve or disapprove of them. ("And God by His words (*bi-kalimātihi*) does prove and establish His truth, however much the sinners may hate it!" Yūnus 10:82). If the *shahāda* ('there is no god but God') were one of God's words (*kalimāt*) it would mean that it has become objective reality, implying that we are all monotheists and that we would not find a single idolater or disbeliever in the whole world.

¹⁰² 'If one amongst the pagans asks you for asylum, grant it to him, so that he may hear the word of God [*kalām Allāh*]...' (Al-Tawba 9:6)

¹⁰³ 'The word of your Lord does find its fulfilment in truth and in justice. None can change His words [*li-kalimātihi*]; for He is the one who hears and knows all' (Al-An'ām 6:115).

¹⁰⁴ 'Behold! The angels said: "O Mary! God gives thee glad tidings of a word from Him [*bi-kalimat^m*]: his name will be Christ Jesus, the son of Mary..."' (Āl 'Imrān 3:45).

¹⁰⁵ 'Thus is the word [*kalimat^m*] of your Lord proved true against those who rebel: verily they will not believe' (Yūnus 10:33).

In the context of 9:40 and 2:216 we notice that the ultimate aim of any fight is to establish God's word in the world. The words of God (*kalimāt*) yield all the distinctive marks that God has provided for us, rational human beings, since they represent all the laws of objective reality that nobody can remove or undo. Allah has explained these laws in their totality, and because of this His words have become reality. God has given His words to men and *jinn* who perceive them as the ultimate expression of freedom. Free will, a self-determined quest for a better life, and the choice of religion and ideological conviction are the most important features of the freedom that lies in God's words. By their predisposition to act like free men, people will (naturally) implement justice and equality; and yet in a society where personal freedom and the notion of free will are absent, the intuitive inclination towards justice and equality will be inhumanely blocked. We understand justice as legal fairness in the spirit of verse 4:58,¹⁰⁶ and equality as equality before the law. This equality does not mean absolute equality where everyone possesses the same amount of money or property. Such was the futile dream of communism that is as utopian and unrealistic as it is counterproductive to all the natural urges to work that human beings possess.

Our notion of justice is different from the notion of a just despot—so much cherished in the Arab-Muslim world—a notion which, to say the least, is illusionary and in the realm of politics reflects an inexcusable naivety. *The Book's* position is clear on this since it defines 'fight in God's way' (*al-qitāl fī sabīl Allāh*) as a struggle against tyranny and despotism:

Those who believe fight in the cause of God [*yuqātilūn fī sabīl Allāh*], and those who reject faith fight in the cause of evil [*yuqātilūn fī sabīl al-tāghūt*].¹⁰⁷ So fight you against the friends of Satan; feeble indeed is the cunning of Satan. (Al-Nisā' 4:76)

For a believer, any fight in God's way is a fight against what those who reject faith represent: *al-tāghūt*, the cause of evil, that is, tyranny and despotism. This implies that any other category of fight, if it is not directed against tyranny and despotism, is—by definition—*not* a fight in God's way.

¹⁰⁶ 'And when you judge between man and man, that you judge with justice...' (Al-Nisā' 4:58).

¹⁰⁷ AA: 'in the idols' way'; MP: 'for the cause of idols'; AhA: 'for the powers of evil'; MF: 'on behalf of the Devil'; AB: 'in the way of false gods'; closest to MS's interpretation of *al-tāghūt* is AH: 'for an unjust cause'.

One decisive feature of any fight in God's way is that it does not tolerate any form of compulsion in questions of religion. We hear in *the Book*:

Let there be no compulsion in religion [*lā ikrāh fi'l-dīn*]. Truth stands out clear from error; whoever rejects evil [*fa-man yakfur bi'l-tāghūt*] and believes in God has grasped the most trustworthy hand-hold that never breaks. And God hears and knows all things. (Al-Baqara 2:256)

The verse identifies 'no compulsion in religion' as an essential part of people's faith in God, while at the same time it associates compulsion and force with those who allow tyranny and despotic rule. The Arabic term for tyranny (*al-tāghūt*) expresses, like other nouns of the *fā'ūl* group such as 'cleaver' (*sāṭūr*) or 'counter' (*hāsūb*), the notion of a prolonged and oft-repeated activity; a counter, for example, repeatedly carries out arithmetical operations, a cleaver repeatedly cuts through wood or meat—both things are done more than just once. The same applies to tyranny, which is not just an isolated event in history but a frequent phenomenon of political absolutism throughout the entire human history. And yet, we learn that the ultimate aim of humankind is 'ibādīyya (the worship of God), not 'ubūdīyya (the life of slaves): 'I have only created *Jinns* and men, that they may serve Me' (Al-Dhāriyyāt 51:56). The phrase 'that they may serve Me' means 'that they worship Me', not 'that they may be slaves'! To worship God means to obey Him freely or to disobey Him freely. In contrast to the much-too-narrow understanding of worship by the *fuqahā'* only as performance of rituals (prayer, fasting, pilgrimage, *zakāh*, etc.), 'ibādīyya (the worship of God) is a much wider concept and includes many activities of people's daily life. Worship of God in no way means just servitude symbolised in one's outward (ritualistic) expression of slavish submission (e.g., through prostration in prayers) since that would turn worshippers (*al-'ubbād*) into slaves (*al-'abīd*). This would, linguistically and theologically, be a grave error.

The Arabic term 'ubbād is the plural of 'ābid (worshipper) which has a second plural: 'ābidūn, for example, 'Nor will you worship ('ābidūn) that which I worship' (Al-Kāfirūn 109:3).¹⁰⁸ The Arabic term 'abīd, in contrast, is the plural of 'abd (slave) which implies captivity,

¹⁰⁸ See also 'Verily in this (qur'an) is a message for people who would (truly) worship God ['ābidīm]' (Al-Anbiyā' 21:106).

servitude, and the absence of freedom. The difference between the two terms is that whereas the worshipper (*'ābid*) is free to choose and exercise free will, the slave (*'abd*) is deprived not only of property but also of free will and any freedom of choice. We have to understand that worship of God (*'ibādīyya*) is expressed both as obedience *and* disobedience. ('Say: "If (God) most gracious had a son, I would be the first to worship"' Al-Zukhruf 43:81). The noun *'ibāda* (acts of worship), derived from *'ibādīyya*, is thus auto-antonymic as it hosts two meanings that directly contradict each other (obedience ↔ disobedience). Because of this auto-antonymy, the common interpretation of *'ibāda* as rituals of worship (performed in mosques, churches, and synagogues) is too simplistic. To worship God means, instead, to position yourself vis-à-vis God—obediently or disobediently—in all spheres of life: at work, at home, in the supermarket, in schools, hospitals, factories, football stadiums, and so on. Consequently, the word 'mosque' (*al-masjīd*) should not be reduced to mean 'place where people perform rituals'. According to *the Book* it has a much wider meaning:

In houses, which God has permitted to be raised to honour, for the celebration, in them, of His name: In them is He glorified in the mornings and in the evenings, (again and again). * By men whom neither traffic nor merchandise can divert from the remembrance of God, nor from regular prayer, nor from the practice of regular charity. Their (only) fear is for the Day when hearts and eyes will be transformed (in a world wholly new). (Al-Nūr 24:36–37)

We thus learn that mosques are 'houses, which God permitted to be raised to honour, for the celebration, in them, of His name'. This definition may include prayers and the collection of alms, but the term *'ibāda* covers more than just these rituals. *The Book* says:

Verily, I am God: There is no god but I: So serve you Me (only), *and* establish regular prayer for celebrating My praise. (Ṭā-Hā' 20:14)

Verse 20:14 links the phrase 'so serve Me' (*fa-a'budnī*) with the command to 'establish regular prayer' (*fa-aqim al-ṣalāt*) by the conjunction 'and', that is, *'ibāda and* prayer, meaning that the two cannot be the same thing (hence, *'ibāda* cannot be explained only by prayer).

Allah's commands and prohibitions in *the Book* were revealed to free men and women. 'There is no compulsion in religion' means that men and women are worshippers (*al-'ubbād*), not slaves (*al-'abīd*). By their own will, they either accept Allah's commands or reject

them. Reward and punishment are measured according to people's acceptance and rejection and will be issued on the Day of Judgement. Nevertheless, people must obey the law of the state and respect its constitution.

The companions of the Prophet (ﷺ) understood the difference between worship and slavery. It is reported that when 'Umar b. al-Khaṭṭāb heard that a man prayed all night in the mosque and did also not leave it during the day, he asked, 'When does he eat?' He was told, 'A brother of his feeds him and even feeds his family.' 'Umar then said, 'He worships God more than his brother!' and 'He should not be his brother's slave!' This supports our thesis that slavish servitude (*'ubūdiyya*) is neither necessary nor desirable, but if such slavish relationships exist (e.g., in a partnership or as forced labour) this should not be seen as a reflection of the relationship between God and His creation. Instead, God's relationship to human beings is characterised by the fact that humans enjoy the freedom to choose between obedience and disobedience. *Jihād* and fighting in God's way are, then, the struggle of human beings to achieve this basic freedom of choice that is reflected in their freedom to choose whatever religious creed or humanistic belief they want.

Second aim: the protection of the earth

The second aim of *qitāl* is stated in 2:251: the protection of the earth against corruption:

...And did not God check one set of people by means of another [*walau-lā daf^{cu} Allāh al-nās ba'dahum bi-ba'd^m*], the earth would indeed be full of mischief. But God is full of bounty to all the worlds. (Al-Baqara 2:251)

Our honourable scholars have misunderstood the phrase 'and did not God check one set of people by means of another' believing it pertains to military battles between opposing armies or political factions. Blinded by this military interpretation, the *fugahā'* have filled whole libraries with books that assessed in legal terms the many different battle situations (who is attacking whom, for what reason, under what circumstances, and with what outcome, etc.). But the truth is that this verse does not talk about military battles. It touches on two things: a) the fact that God checked one set of people by means of another, and b) that this prevented the earth from becoming full of corruption. The two topics are linked together by a con-

ditional main and subclause: ‘if God had not checked..., then the earth...’, implying that the act ‘to check’ (*dafaʿ*)¹⁰⁹ prevented the earth from becoming corrupt. The first topic refers to a form of competition that exists within human societies, a kind of mutual rivalry which makes people push one another to reach higher goals. This mutual competition is a socio-communal disposition that God has instilled in His creation. The phrase ‘one set of people’ cannot be reduced to a specific group of people (e.g., the believers, or the army of the caliph), but remains generic, meaning exactly what it says: ‘one set of people’ that remains undefined. The Arabic term for ‘to check’—in the sense of ‘to drive back’—is *dafaʿ*, a three-radical, transitive verb that requires a direct object, while the term for a ‘mutual push’ is *tadāfaʿa*, a four-radical verb that requires two sides that are both subject and object, because it implies a process of simultaneously pushing and being pushed. *Al-qitāl* describes a similar competition between two sides, but, in contrast to *al-tadāfuʿ*, it might culminate in a violent battle between two armed opponents resulting in potentially high numbers of casualties, either wounded or dead. But mutual competition does not always have to be violent or deadly. *Al-tadāfuʿ* refers, for example, to the fight between sickness and health that we observe every day in hospitals, clinics, and the consultation rooms of medical centres; it refers to the fight between consumers and the retail industry over the best price and the best service possible; it refers to the fight between two opposing teams on the football field or the cricket ground; it stands for the fight between two rival parties in a lawsuit in the Magistrates Court where the only weapon allowed is a better argument and a more convincing piece of evidence, not guns or rocket-propelled grenades. *Al-tadāfuʿ* refers to the competition between universities for attracting better funding for their research institutes and for achieving a higher ranking than their competitors; it refers to the fight for a more successful advertising campaign than that of a rival company that operates in the same sector of the mar-

¹⁰⁹ The translators’ renderings are all expressing MS’s notion of a mutual competition provided that phrases like ‘to check on others’, ‘to drive some back’, ‘to repel others’, ‘to deter one another’, etc., are not understood in a physical or military way; AH: ‘If God did not drive some back by means of others’; MF: ‘Had Allah not caused some people to repel others’; AA: ‘Had God not driven back the people, some by the means of others’; AhA: ‘If God did not make men deter one another’; MP: ‘if Allah had not repelled some men by others’; AB: ‘If it were not for Allah’s driving some people back by means of others’.

ket; it refers to the peaceful opposition between rival political parties fighting for more seats in parliament; finally, it refers to the rivalry of states or multiple state organisations for a better share in the global economy. Admittedly, such rivalry may in some cases, which we will define further below, escalate into armed conflict, and most wars are indeed a development of previously peaceful conflicts. A war, as we know, is defined as a conflict of interests that cannot be solved by any peaceful means. The United Nations is the prime example of an international organisation set up to prevent the escalation of inter-state rivalry into armed conflicts, and if wars cannot be prevented it will devise plans to solve the military conflicts by political means.

It follows from this that the phrase ‘check one set of people by means of another’ cannot possibly refer to a violent clash or an armed conflict. Mutual competition in this context should not be understood as *al-qitāl*, as the exegetes believed, because *al-qitāl*—in the sense of military conflict (which is *not* ‘in God’s way’)—will eventually cause the destruction of the earth, whereas the theme of 2:251 is the prevention of such destruction. This is how we understand the meaning of 2:216.¹¹⁰ We also deduce that verse 22:38, ‘Verily God will defend those who believe...’ (Al-Ḥajj 22:38), does not carry a military connotation. According to our honourable scholars, God stands firmly behind the trenches of the believers and, with a sword in His hand, leads their army to victory against the infidel enemy. We despise such anthropomorphic fantasies and propose to replace the exegetes’ militant explanations with a more symbolic interpretation of the phrase ‘God will defend those who believe’. It is more plausible that God empowers the believers with the *force of creativity*, and this in all spheres of life and in the battles of everyday life, not in situations of war!

The second part of 2:251 says ‘the earth would indeed be full of mischief’. This implies that without fair competition and without a peaceful clash between the mundane and material interests of people, the earth would become corrupt. The phrase ‘be full of mischief’ or ‘become corrupt’ should not be understood literally as ‘moral corruption’. The earth may break into pieces or may become completely deserted, its wells may dry up, and its volcanoes may erupt all at

¹¹⁰ Fighting is prescribed for you, and you dislike it. But it is possible that you dislike a thing which is good for you, and that you love a thing which is bad for you. But God knows, and you know not (Al-Baqara 2:216).

once, but the earth as such cannot be morally corrupt. In this context, ‘earth’ refers to the entire cosmos in all its material existence, or as ‘worlds’ referring to the universe that is much bigger than the globe (‘...But God is full of bounty to all the worlds’, Al-Baqara 2:251). Seen from this angle, the interpretation of verse 2:216 is as follows: if there were no peaceful competition in human society, people would live contrary to the natural disposition that Allah has given them. This would lead to a corruption of their material interests—corruption meaning collapse or suppression—and result in the decline of the society’s material prosperity; living conditions would deteriorate and all avenues for additional income and financial revenues would be blocked. Eventually, material frustration would cause the ‘corruption’ of the social order: cooperation, solidarity, and fair and respectful competition give way to distrust, friction, and resentment. The material decline of the Communist states in Eastern Europe showed us how disastrous it was to stifle economic competition with centralised economies, to suffocate initiative by over-bureaucracy, and to eradicate private property by nationalisation.

Armed conflicts (*qitāl*), defined as the last resort of (militarily) solving a (previously) peaceful clash of material interests, can, in contrast to competition, only take place between states, not between individuals, communities, or ethnic minorities. If, however, a whole nation suffers from suppression of freedom, brutal dictatorship, and the absence of human rights, we concede that *al-qitāl* may take place (*inside* a state) in order to restore freedom and liberty. Even if such a fight outwardly does not pursue (material) interests, it is obvious that all armed conflicts do pursue other interests albeit not always transparently. In the case of a fight against oppression and dictatorship, values such as justice, freedom, and equality are the underlying interests of such an armed struggle.

Third aim: the protection of the house of the Lord

The third aim is found in verse 22:40.¹¹¹ While the second aim pertains to mutual competition among people in their pursuit of material interests, this verse talks about the peaceful coexistence of religious

¹¹¹ ‘...Did not God check one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and mosques, in which the name of God is commemorated in abundant measure...’ (Al-Ḥajj 22:40).

communities. It allows them to live according to their diverse spiritual interests and encourages them to achieve God's rewards in the Next World in whatever way they want. To expand one specific religion by force and to destroy or reuse houses of worship that belong to other religious communities is to blatantly ignore the meaning of this verse. Not even Communist China, which is officially secular, dared to demolish the Buddhist temples in Tibet—surely not out of respect for Buddhism but because of international pressure and the fears of the Chinese rulers lest they provoke a political scandal—nonetheless, their restraint is more in line with *the Book* than what happened several times in history during the Islamic call (*al-da'wa*) that spread menace, intimidation, and sheer violence:

If it had been your Lord's will, they would all have believed—all who are on earth! Will you then compel mankind, against their will, to believe! (Yūnus 10:99)

It is in the spirit of *the Book* to allow as many religious creeds as exist in this world. The call to Muḥammad's message (*al-īmān*) must be based on the acknowledgment that other religions—and this includes the so-called non-Abrahamic religions such as Hinduism, Buddhism, Mazdaism, Jainism, and Shintoism—have a legitimate right to exist, bearing in mind that the religion of *al-islām* is based only on belief in God and the Last Day combined with faith in the unity of God (*tauḥīd*).

The three aims of *qitāl* form a single unity whereby each aim is interconnected with the others. Verse 9:40 states the condition that any fight between two opponents must aim, if it can be regarded as a fight in God's way, at restoring God's word concerning freedom, justice, and equality in human societies. The envisaged ideal of complete submission to God is the human characteristic of voluntary obedience or disobedience, not a relationship of servitude that suppresses humans' free will and their choice of religion. Verse 2:251 states that mutual competition among men for material prosperity does not necessarily lead to armed conflict and normally stays within the realm of peaceful rivalry. It warns against the stifling of healthy competition between groups and sections of human society and stresses the natural inclination of humans to contend with one another, which, if suppressed, leads to a serious decline of material standards in human civilisation. Finally, verse 22:40 brings this idea of a peaceful contest onto the level of spirituality, since it forbids the

destruction of religious buildings or, even in times of conflict, closing them, which would prevent people from ‘commemorating the word of God’. If peaceful competition leads to violence and armed conflict, however, the resulting fight is *not* in God’s way (even if, according to international law, it is a legal war and a pursuit of legitimate interests). The First and Second World Wars are prime examples of rivalry between states and entire armies that continued by military means what was once a peaceful (economic) contest to rewrite the political world map during the nineteenth and twentieth centuries. Even if—on both sides of the front—the Christian Church thought of God as ‘defending its believers’, neither war can be justified as a fight in God’s way. We believe that religious doctrines should never be used to justify such purely military and expansionist campaigns. Communism, as another example of a fight for an unjust cause by unjust means, proposed a world revolution but ended in a dictatorship of the working class which failed miserably both as theory and social practice. Because it suppressed the individual’s personal struggle for a better and more prosperous life in both material and spiritual terms, its fight cannot be justified as a fight in God’s way.

The verses using the term *qitāl* have often been read in isolation from the immediate context in which they occur in *the Book*. But these verses are so firmly embedded in the argument that precedes and succeeds them that they cannot be properly understood if read out of context. The following example illustrates this:

1. Verily God will defend [*yudāfi^u*] those who believe; verily, God loves not any that is a traitor to faith, or show ingratitude (Al-Ḥajj 22:38).
2. To those against whom war is made [*sic*],¹¹² permission is given (to fight), because they are wronged; and verily, God is most powerful for their aid (Al-Ḥajj 22:39).
3. (They are) those who have been expelled from their homes in defiance of right—(for no cause) except that they say, “our Lord is God”. Did not God check [*lau lā daf^u*] one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and mosques, in which the name of God is commemorated in abundant measure. God will certainly aid those who aid his (cause); for verily

¹¹² See p. 457 and fn. 128 for MS’s different rendering of this verse.

God is full of strength, exalted in might, (able to enforce His will) (Al-Ḥajj 22:40).

4. (They are) those who, if We establish them in the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong—with God rests the end (and decision) of (all) affairs (Al-Ḥajj 22:41).

First, it is important to understand the phrase ‘God will defend those who believe’ (22:38) in the light of the phrase ‘Did not God check one set of people by means of another’ two verses further below (22:40), because it clearly distinguishes between *dāfā’a* (third verbal class), as used in 22:38, and *dafa’a* (first verb form), as used in 22:40. This helps us to understand the differences between ‘to defend’ and ‘to check’ and shows both can be understood in nonmilitary terms. Second, the phrase ‘God is most powerful for their aid’ (22:39) cannot be isolated from the phrase ‘God will certainly aid those who aid his (cause)’ in the succeeding verse (22:40). Third, the phrase ‘those who establish prayer’ and the houses of worship in the diverse religious communities (22:41) must be read in conjunction with the phrase ‘monasteries, churches, synagogues, and mosques’ as stated in the preceding verse (22:40). This helps us to understand that since Allah has firmly established humankind on this earth, the best way to consolidate people’s place on earth is to give them religious freedom and the right to perform the traditions and rituals of their choice. Fourth, it is impossible to correctly understand the phrase ‘Did not God check’ (22:40) in isolation from ‘one set of people by means of another’, as stated in the same verse. Finally, the term ‘mosque’ in 22:40 is to be understood in its specific meaning of ‘the place of prayer for the believers and followers of Muḥammad (ṣ)’ because it is mentioned separately from the ‘monasteries, churches, synagogues’ in the previous line. In a different context, however, for example, in 72:18 or 22:18, the same term has a more general meaning, referring to a ‘place of commemorating God’s name’ which includes mosques, churches, synagogues, and monasteries.¹¹³

¹¹³ ‘And the places of worship [*al-masājid*] are for God (alone): So invoke not any one along with God’ (Al-Jinn 72:18); ‘Do you not see that to God bow down in worship [*yasjud*] all things that are in the heavens and on earth...’ (Al-Ḥajj 22:18).

Causes and Conditions of al-qitāl

We have said that there are three aims of fighting in God's way. This means that such fights are caused by specific conditions and are led under specific circumstances. We propose to unconditionally disallow the possibility of calling any fight that has not been marked by these causes and conditions a fight in God's way.

There are three legitimate causes of a fight in God's way:

1. The occurrence of injustice (*al-zulm*)—in accordance with verse 22:39, 'to those against whom war is made, permission is given (to fight)...' (Al-Ḥajj 22:39).
2. A humanitarian crisis in which hundreds of people have been expelled from their houses—in accordance with verse 22:40, '(they are) those who have been expelled from their homes in defiance of right...' (Al-Ḥajj 22:40).
3. An external or internal attack against people's life, property, and dignity; and a flagrant violation of human rights (the right to work, the right to move and to travel freely, freedom of expression, freedom of religious conviction, and freedom of ritual practices)—in accordance with verse 2:194, '...[there is the law of equality]. If then anyone transgresses the prohibition against you, transgress you likewise against him. But fear God, and know that God is with those who restrain themselves' (Al-Baqara 2:194).

Let us begin by dealing with the first aim. Most importantly, we have to define what injustice (*al-zulm*) means. First, it literally means 'out of place', that is, 'improperly (ad-)justed' or, in a more technical sense, it refers to a device (e.g., a computer) that has not yet been 'justified'. In *the Book* it means a digression from fairness and justice. We are told: '...God means no injustice (*zulm^{an}*) to any of His creatures' (Āl 'Imrān 3:108). Injustice implies failure, total loss, and inadequacy: 'each of those gardens brought forth its produce, and failed not (*lam tazlim*) in the least therein...' (Al-Kahf 18:33). Second, *zulm* means an aggression against the limits of Allah: '...these are the limits ordained by God; so do not transgress them. If any do transgress the limits ordained by God, such persons wrong themselves as well as others (*al-zālimūn*)' (Al-Baqara 2:229). It is an aggression that leads to rebellion against God and to a refusal to obey His

orders: ‘...We visited the wrong-doers (*alladhīn^a zalamū*) with a grievous punishment because they were given to transgression’ (Al-A‘rāf 7:165). Third, *zulm* connotes injustice in a more political sense that is shared by other terms such as ‘oppression’ (*tughyān*), ‘tyranny’ (*baghy*), and ‘haughtiness’ (*istikbār*). In this sense, injustice is a constant theme in *the Book*, and as mentioned above 22:39 uses *zulm* in exactly this way as it defines the fight for the oppressed as the ultimate rationale for any *jihād*,¹¹⁴ and if this *jihād* is met by the resistance of the oppressor, it turns into a fight in God’s way (*qitāl fī sabīl Allāh*). The ultimate aim is to restore the word of God, as verse 9:40 states: ‘[that] the word of God is exalted to the heights...’. This means that the word of God is restored when injustice is eradicated, when freedom, justice, and equality reign, when compulsion and force are removed from people when they choose their religion, their doctrines, and their membership of whatever confessional group they want. ‘To restore the word of God’ does not mean to conquer other countries or to force people to believe or practise a specific religious belief. And it should not matter whether injustice is done by a ruler who adheres to Muḥammad’s (ﷺ) message or by a ruler who is an atheist: *jihād* against injustice and subsequently *qitāl* (if *jihād* fails to end injustice in a peaceful manner) is not concerned with the ruler’s religious affiliation. What matters is the injustice and the crimes against humanity that the ruler has committed. It is wise to say that ‘it is better to serve under a just ruler who is an infidel than to suffer under an unjust ruler who is a believer’, because infidelity affects only the person himself, whereas injustice affects us all. Unfortunately, the political culture we have become used to has turned this on its head. We now believe ‘that if a ruler is unjust, it is because he shoulders so much responsibility’ and all we can do is to show sympathy for him. Yet, if a ruler is just, all we do is to hope that he will be rewarded for it. This often translates into political apathy and moral indifference. The culture of lethargy is perhaps best reflected in the political axiom that ‘a ruler who is feared by his subjects is better than a ruler who fears his subjects’. Here, it is vital to learn from the political culture that exists in non-Islamic countries where the opposite is true. If politicians in those countries evade the rule of law and

¹¹⁴ To those against whom war is made [*sic*], permission is given (to fight), because they are wronged [*zulimū*]; and verily, God is most powerful for their aid (Al-Ḥajj 22:39).

violate the principles of fairness and justice, they must fear the wrath of the media and the enquiries of investigative journalists whose revelations will certainly cause the public to demand a politician's resignation if the allegations are found to be true.

It has not escaped our attention that many of our honourable scholars have disapproved of our irenic stand against other religious communities. Their view is that the use of violence against non-Muslim-Believers is always legitimate because of the fact that they are infidels and idolaters. They maintain that *shirk* idolatry, in the sense of 'false worship', is a form of *zulm* as we are told in *the Book* ('...“O my son! Join not in worship (others) with God: for false worship (*la-zulm*) is indeed the highest wrong-doing”' Luqmān 31:13). Infidelity is by any account a form of *zulm*, as the case of the people of Thamud makes unmistakably clear ('...We sent the she-camel to the Thamud to open their eyes, but they treated her wrongfully (*fa-zalamū*)...', Al-Isrā' 17:59). Given such clear textual evidence they argue that it is legitimate to oppose the infidels and idolaters by force.

Our response to this is as follows: First, idolatry is—as 31:13 tells us—an act of worship of other than *God* (i.e., it is not a refusal to belong to a specific religious community), and infidelity—as we hear in 17:59—is an act of denial, rejection, or disbelief. Both forms of *zulm* are wrongdoings against a person's own soul, not against anyone else, as we hear in *the Book*: “They said: “Our Lord! We have wronged our own souls. If you forgive us not and bestow not upon us your mercy, we shall certainly be lost”” (Al-A'rāf 7:23). In contrast, the *zulm* that Allah ordered us to fight is wrongdoing against other people because they are denied personal freedom, in particular the freedom of religion.

Second, to believe or disbelieve in God is a choice that Allah has left to human beings to make for themselves, by free will and safe from any form of compulsion ('Say, “The truth is from your Lord”; let him who will believe, and let him who will, reject (it)...', Al-Kahf 18:29). This point is emphasised more than once in *the Book*:

And have patience with what they say, and leave them with noble (dignity).* And leave Me (alone to deal with) those in possession of the good things of life, who (yet) deny the truth; and bear with them for a little while. (Al-Muzzammil 73:10–11)

This is clear proof that it is illegitimate to force anyone into adopting a specific religious belief. Any fight (*al-qitāl*) that ignores this is in clear breach of 18:29 that, in unmistakable terms, guarantees every person the freedom to choose his or her religion.

Third, Allah has forbidden His noble Prophet (ﷺ) to force people to accept his new message. He said, ‘If it had been your Lord’s will, they would all have believed—all who are on earth! Will you then compel mankind, against their will, to believe!’ (Yūnus 10:99). This verse contains a prohibition against the use of force in spreading *īmān* or, as it is traditionally understood, Islam, so why do our *fuqahā’* insist on using the sword as the most viable means of spreading belief ‘in God’s way’. Does their call for a fight against unbelievers not violate *the Book’s* command to ‘invite (all) to the way of your Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious...’ (Al-Naḥl 16:125)?

Fourth, Allah has forbidden the believers—while they are ‘traveling the earth’—from passing judgement on other people on the basis of their religious convictions. He tells us that their faith should simply not matter when we do business with them or study at their universities. *The Book* says, ‘O you who believe! When you go abroad in the cause of God, investigate carefully, and say not to any one who offers you a salutation: “You are none of a believer!”...’ (Al-Nisā’ 4:94). Given that this verse encourages us to deal open-heartedly with anyone who does not share our beliefs, is it not absolutely ludicrous on the part of our honourable scholars to call for a fight against infidels?

The existence of injustice does not allow the wronged person to immediately fight the oppressor—see 22:39. He must first exhaust other peaceful means such as appeals, exhortation, and dispute. Allah urges us to ‘noise injustice in public speech’ (‘God loves not that evil should be noised abroad in public speech, except where injustice (*ẓulm*) has been done; for God is He who hears and knows all things’, Al-Nisā’ 4:148). Nevertheless, as a last resort (and if all peaceful means have failed), Allah does not consider the physical challenge of injustice to be an illicit assault under the condition that the fight is conducted within the limits that God has set: ‘Fight in the cause of God those who fight you, but do not transgress limits; for God loves not transgressors’ (Al-Baqara 2:190).

This last verse, 2:190, has often been read out of context. It is critical to put it in the context of its three preceding verses since

2:190–93 constitute a thematic unit.¹¹⁵ This context tells us that any fight against someone ‘who does not fight you’ is illegitimate and that a fight must cease if the other side stops fighting back. This implies that it is forbidden to start an attack or to unconditionally continue with it, because *the Book* makes it absolutely clear that Allah does not love aggressors. Verse 2:193, however, ends with the command, ‘let there be no hostility except to those who practise oppression’. The exceptive particle in this sentence implies that all the preceding injunctions which restrict and condition offensive fights are only valid when we do not face a situation of injustice and oppression. This means that if all peaceful methods of *al-amr bi’l-ma’rūf wa-nahy ‘an al-munkar* have been exhausted, an offensive fight against an oppressor is not an act of aggression. If we turn to the example of the Prophet (ﷺ), we know that he endured injustice, oppression, and physical assault for over thirteen years during his time in Mecca. It was a time of persecution and suppression of the freedom of religious choice, because the leaders of Meccan society persecuted people for accepting the new religion. The Prophet (ﷺ) suffered great hardship but with admirable patience endured all the Meccan injustice, until things escalated and people were driven out of their homes. Only then did the *hijra* (or flight) take place.

In the light of *the Book’s* rulings against aggression and offensive attacks, a small minority of modern *fuqaha’* have gone as far as to rule that any kind of violence is illegitimate because they consider it to be politically incorrect to follow a religion that allows violence. On the other side of the extreme is the majority of our honourable scholars who still adhere—almost always with reference to the so-called sword verse 9:5—to the traditional concept of *jihād* that unconditionally allows the use of force against infidels as a way of spreading the message of Islam. They continue the tradition, established during the reign of the Umayyads, of propagating militant concepts for the

¹¹⁵ 2:190, ‘Fight in the cause of God those who fight you, but do not transgress limits; for God loves not transgressors.’

2:191, ‘And slay them wherever you catch them, and turn them out from where they have turned you out; for tumult and oppression are worse than slaughter; but fight them not at the sacred mosque, unless they (first) fight you there; but if they fight you, slay them. Such is the reward of those who suppress faith.’

2:192, ‘But if they cease, God is oft-forgiving, most merciful.’

2:193, ‘And fight them on until there is no more tumult or oppression, and there prevail justice and faith in God; but if they cease, let there be no hostility except to those who practise oppression.’

spread of Islam. These *fuqaha*' propose a doctrine of *jihād* that leads, on the level of the individual, to suicide missions and an idealisation of martyrdom, and, on societal level, to military campaigns against infidels and idolaters (even if these do not show the slightest sign of hostility). Even more objectionable than their aggression towards other religions is their placidity in the face of injustice and oppression in their own countries. Their concept of *qitāl* is thoroughly one-sided since it accepts only external aggression as a legitimate ground for 'fighting'. Cases of internal aggression, for example, the existence of despotic rule by tyrannical rulers, have been met with acquiescent silence and political opportunism. These *fuqahā*' are responsible for the fact that the world currently does not associate Islam with a call for courage and resistance in the face of injustice and political oppression, and that we assume that Muslims would not stand up, if necessary by force, for justice, freedom, and equality.

The unholy alliance between religion and politics during the formative period of Islamic history meant that the *fuqahā*', corrupted by their closeness to the people in power, constructed a militaristic doctrine of *jihād* and *qitāl* that basically supported the colonialist expansions of the dynastic empires and the insatiable appetite for ever-more booty of the warlords under the pretext of spreading the call of Islam. In the current period, we observe an unfortunate reemergence of this fatal fusion between religion and politics within the groups of so-called Islamic revivalism, such as al-Jamā'at al-Islāmiyya, al-Jihād, al-Qā'ida, and such, which, in some way or another, are all sub-branches of the Muslim Brotherhood (*Jamā'at al-Ikhwān al-Muslimīn*). Their new doctrines of *jihād* and *qitāl* bear an alarming resemblance to the old doctrines of the medieval *fuqahā*', in particular in their obsession with reading military connotations in every word of *the Book*. But they even go beyond that, and to their definition of the essential components of *jihād* and *qitāl* they now add the seizure of political power in their home countries, for which they sanction all forms of violence, including assassination, physical assault, and the destruction of a country's infrastructure. This movement has often been wrongly perceived as a legitimate protest against authoritarian regimes in the Arab-Muslim world, and some people in the West have indeed sympathised with the Islamists and have hailed their idealism as Islam's form of a theology of liberation. It has often been overlooked that these groups simply want to replace one form of despotism with another, as their ideology still diffuses the old foul

stench of the authoritarian rule and political oppression that we became accustomed to long time ago.

Such ideological revisionism began after the Second World War, as we detect the first traces of politicized doctrines in Egyptian publications of that time. We see, for example, how Maḥmūd Shaltūt, the rector of al-Azhar University under Nasser, in his exegesis of the Qur'an¹¹⁶ confuses cause and effect when he writes about *al-qitāl* and turns the whole universe into a continuous (eternal) battlefield, treating fighting, conflict, and war as essential rather than accidental (nonessential) conditions of human life. This signalled the end of a benevolent view on history and the beginning of an ideology that lacks any notion of cooperation, solidarity, and mutual understanding between nations and peoples of this world. We see, at the same time, how Sayyid Quṭb writing about 'jihad in God's way' in his book *Signposts*¹¹⁷ not only invents an arsenal of completely new terminology but also creates an ideology that legitimises the dethronement of his own government by force for reasons that have nothing to do with the question of liberation or the struggle to end oppression or the fight for freedom, justice, and equality. Such thoughts became extremely influential in the creation of Islamist groups, and in 1997 we listened to Aimān al-Zawāhirī, who in an interview with a French news agency, declared how he permits the killing of a country's ruler on the basis that he is an apostate and that he does not rule according to Allah's law, that is, on the grounds of apostasy and the absence of Allah's rule (*hākimiyya*), thus reminding us of what had been proposed earlier by Sayyid Quṭb. Al-Zawāhirī basically calls for political assassination, heedless of the fact that the rulers of a country (president or prime minister, etc.) have been democratically elected, irrespective of the actual type of governance (republic, monarchy, constitutional monarchy, etc.), and regardless of whether people are enjoying a period of material prosperity and security, that is, completely ignorant of the actual socioeconomic situation of the country. The only thing that matters to him is whether the ruler is an apostate or not! This turns on its head the traditional politically quietist attitude of our *fuqahā'*, for whom it was sacrosanct not to attack even the most despotic autocrat who in their opinion still deserved obedience even if he committed the most cruel crimes against humanity

¹¹⁶ Maḥmūd Shaltūt, *al-Qur'ān wa'l-qitāl* (Cairo, 1951).

¹¹⁷ Sayyid Quṭb, *Ma'ālim fi'l-tarīq* (1964), translated into English as: *Milestones* (Beirut: The Holy Koran Publishing House, 1980).

(‘absolute obedience to those in power’!). And yet, for several reasons, it cannot be welcomed as a decisive turn away from the inadequacies of traditional Islamic thought. The most important reason is that both Sayyid Quṭb and Aimān al-Zawāhirī call for the removal of an apostate ruler not because they want to restore Allah’s word by fighting for freedom, justice and equality, but purely because of their desire to take over political power. Having said this, we nevertheless agree with the two ideologues in that *al-islām* is a perfect divine system that is understood and applied by humans’ relative, historical, and contingent knowledge which structures the activities of those who embrace *al-islām* in a multitude of different areas of life, among which we find the area of *al-qitāl*. The two following verses, for example, express two fundamental aspects of such perfect divine system:

...[there is the law of equality]. If then any one transgresses the prohibition against you, transgress you likewise against him. But fear God, and know that God is with those who restrain themselves. (Al-Baqara 2:194)

Nor can a bearer of burdens bear another’s burdens if one heavily laden should call another to (bear) his load. Not the least portion of it can be carried (by the other). Even though he be nearly related... (Al-Fāṣir 35:18)

Our ideologues have ignored the fact that the phrase ‘transgress you likewise against him’ (i.e., an oppressor) does not mean to become and act like an oppressor but rather asks us to fight against injustice and oppression. How could they ever define ‘fight in God’s way’ as the assassination of politicians and attacks on the security forces, the destruction of public buildings and explosions in overcrowded markets, when *the Book* rejects *al-qitāl* as a clash or conflict involving only one side and prohibits punishing people for the guilt of others?

It would have been easier for us and every sound-minded person to support the cause of the Islamist groups had they called, at home and abroad, for a full restoration of God’s word in freedom, justice, and equality for all people regardless of their religious or ethnical affiliations. Instead, they called for an immediate seizure of power. We would even have considered joining their ranks and participating in their activities had they been truthful and sincere in what they propounded. Instead, they not only committed the cold-blooded murder of politicians, civil servants, and soldiers, but also ruthlessly cut each other’s throats. One of the most shocking examples was the

assassination of Ḥisām al-Baṭūjī, the leader of the military wing of the *al-Jihād al-Islāmī* group in Banī Swayf by ‘Usāma Ṣiddīq Ayoub, another leading member of the group which was then headed by Aimān al-Zawāhirī, purely because of an internal dispute over leadership. Moreover, members of the Islamist groups are convicted criminals who committed daylight robbery by extorting, in the style of the real Mafiosi, protection money while claiming that as *Mujāhidīn* they were entitled to receive a share of people’s money even, if necessary, by force. They were similarly involved in money laundering in order to finance their clandestine activities, as frequently happened in Syria during the 1970s.¹¹⁸ Such criminal activity has absolutely nothing to do with the fight in God’s way as *the Book* describes it. Because of its character as a fight by only one side, the doctrine of assassination which the so-called Islamic insurgents adhere to is not *al-qitāl* but rather politically motivated murder in the tradition of assassinations of statesmen, for example, the killing of emperors in Ancient Rome, the killing of Husayn at Kerbala, or the assassinations of al-Naqrāshī Bāshā in Egypt¹¹⁹ and John F. Kennedy in the United States.

We would also look less critically at the Islamist movement’s desire for power had it produced successful governments with a proud record of admirable cultural and civilisational achievements, but the pitiful nature of, for example, the Taliban regime in Afghanistan, makes us wish that the Muslim-Believer—in the words of the Prophet (ṣ)—‘is not stung from the (same) hole twice’.¹²⁰

The Islamists’ slogan of God’s rule on earth (*al-ḥākimiyya*) is, in reality, nothing more than their code word for political power. To call the only acceptable form of political governance ‘the rule of God’ is empirically nonsensical since there are many successful and powerful states in this world that do not represent ‘God’s rule’ and yet are run by politicians who sincerely believe in God. The Islamists’ seemingly religious slogan of God’s rule on earth is, paradoxically, a

¹¹⁸ MS refers here to the time (1976–82) when the radical wings of the Syrian Muslim Brotherhood turned to violence in their fight against the *Ba’th* state and the ‘Alawī-dominated regime of Ḥāfiẓ al-Asad. The attacks culminated in a massacre on mostly ‘Alawī cadets at a military camp near Aleppo which caused the regime to respond with an equally brutal crackdown on the Muslim Brotherhood, ending with the bloodshed at Ḥamā in 1982.

¹¹⁹ Maḥmūd al-Fihmī al-Nakrāshī Pāshā, Prime Minister of Egypt, assassinated by Islamist militants on December 28, 1948 (1368 A.H.).

¹²⁰ Muslim, *Ṣaḥīḥ Muslim*, Kitāb al-zuhd wa’l-raqā’iq (ḥadīth no. 1695).

purely political manifesto for the acquisition of political power. This is, because if religion, that is, any religion (in the conventional understanding of ‘religious community’), came to power, it would, due to its exclusivist claims, deny the legitimacy of any other religion. In the case of Islamism, the ruler would be God’s deputy on earth, while the mufti would—as Ibn Qayyim al-Jauziyya said—‘sign in God’s name’ or, according to al-Shāṭibī, ‘stand in for the Messenger (ṣ)’. Once in power, the doctrines of Islamism would deny the existential right of any other belief and, since it would possess all legislative and executive powers, it would autocratically define the ‘others’ as heretics. A religious government is therefore by nature dictatorial, all-pervasive, and, if in possession of an exclusivist ideology, despotic.

In contrast to the Islamists’ understanding of *al-ḥākimiyya*, we propose to define it in the light of *the Book* as a rule that no human being is allowed to participate in Allah’s governance with regard to those things that are exclusively His prerogative:

1. Allah ‘...does not share His command with any person whatsoever’ (Al-Kahf 18:26). Everyone (who claims to rule like God and) does not share his power with any other person, has acted unjustly towards Allah and has challenged His *ḥākimiyya*.
2. ‘He cannot be questioned for His acts, but they will be questioned (for theirs)’ (Al-Anbiyā’ 21:23). Every government which (claims to act like God and) refuses to be questioned for its acts has acted unjustly towards Allah and has challenged His *ḥākimiyya*.
3. For ‘...your Lord is the (sure) accomplisher of what He plans’ (Hūd 11:107). Everyone who (claims to act like God and) thinks that he can do whatever he wishes, has acted unjustly towards Allah and has challenged His *ḥākimiyya*.
4. ‘...No god do I know for you but myself...’ (Al-Qaṣaṣ 28:38). Everyone who challenges Allah’s *ḥākimiyya*—just like the Pharaoh in 28:38—by thinking he is God and by demanding unconditional obedience from his subjects has challenged Allah’s sovereignty (*ulūhiyya*).
5. ‘I am your Lord, most high’ (Al-Nāzi‘āt 79:24). Allah is the Lord of the worlds and the owner of all goods. Everyone who thinks that a nation’s wealth is his private property has challenged God’s lordship (*rubūbiyya*)—like the Pharaoh who, in his hybris, had declared: ‘Does not the dominion of Egypt belong to me, (witness) these streams flowing underneath my (palace)?...’ (Al-Zukhruf 43:51).

It follows from this that, as Muslim-Believers, we will never allow anyone to challenge Allah's rule (*al-hākimiyya*) by claiming attributes that are only His. Many states in this world adhere to this and are, in this respect, following Allah's rule even though most of them are governed by non-Muslim-Believers, that is, by those who are not followers of Muḥammad's (ﷺ) message. In these countries we observe that the state's main interest lies in the provision of service and good government in this life. It does not see its main task as administering people's affairs in preparation for the Next World. It seems foolish to them to try to save people from Hell by obliging them to a life that promises Paradise. Instead, the state guarantees a good health service, proper education, traffic control, material prosperity, national security, defence of the state's borders, and the like, all of which need proper planning and support from research institutions. Success and failure of these things are based on the amount of knowledge and competence that went into the planning of these things; success does not depend on how often and vociferous we call for 'God's rule on earth'.

The emergence of political Islam and the spread of armed militant groups in the Arab-Muslim world have been the cause of much concern. We believe that, historically, the existence of militancy and violence is the result of too much political interference from political rulers in matters of religious doctrine and practice. As a result, politics has suffered from too much interference from religious scholars in matters of policy and legal administration. This unholy alliance between religion and politics created a political culture in which our honourable scholars generally became too closely involved in the day-to-day running of the state, in particular during al-Mutawwakil's inquisition. The calamitous consequence of this involvement is that our scholars have seemed to have turned a blind eye to political injustice if they were faced with tyranny, despotism, and autocratic rule. They never seemed to have the courage or intelligence to develop a theology of freedom, justice, and equality. For them, to be free, in purely technical terms of the law, meant not to be a slave. The lack of any moral concept of liberty meant that such important values as freedom of speech, the preservation of human dignity, individual autonomy, and freedom of religion have been entirely absent from the collective consciousness of Arab people. The Islamists' craving for political power adequately reflects the lack of a mature and

enlightened political culture in the Arab-Muslim world, since under a dictatorial, autocratic regime the radical seizure of power is the only way to participate in the political process, while in a society in which democracy, human rights, and the values of freedom of religion are fully implemented in the political culture, the radical seizure of power is the least viable way for full political participation. But the fatal closeness of the traditional, religious establishment to those in power has left a lethal legacy in the minds of modern Islamists as they, just like the old *fuqahā'*, believe that to mix religion into politics and to concoct an Islamic version of theocracy, teaming up Hāmān with Pharaoh and the Qārūn of this world (i.e., the financial oligarchs), is the shortest path to success. This legacy is also the reason why we, after the abolition of the Caliphate, still lack a viable theory of a modern state.

Reasons for the Corruption of al-qitāl

After having defined the aims and conditions of *al-qitāl*, we finally need to explain the reasons for its corruption, that is, its erroneous application or false practice. Inasmuch as one can invalidate the benefits of a charity donation if it is done through illegal channels ('O you who believe! Cancel not your charity by reminders of your generosity or by injury...', Al-Baqara 2:264), a fight is corrupt and fails to fulfil its proper aims if it is done in violation of *the Book's* injunctions. This applies to all kinds of *al-qitāl*, including the fight in God's way, mutual competition (in self-defence, for national security, or political interests—for example, a political mandate over another country, etc.), or the withdrawal from a battle, from troops, or from deployment in the field, that is, the withdrawal from fighting, the offering of peace; the avoidance of excessive retaliation; the accusation of infidelity and other forms of 'fights'. There are five things that make a fight invalid:

1. O you who believe! When you meet the [*al-kāfirīn*] in hostile array, never turn your backs to them.* If any do turn his back to them on such a day—unless it be in a stratagem of war, or to retreat to a troop (of his own)—he draws on himself the wrath of God, and his abode is Hell—an evil refuge (indeed)! (Al-Anfāl 8:15-16)

These two verses are from *the Book's* section of definite verses (*al-muḥkamāt*) in Muḥammad's (ṣ) messengerhood (*al-risāla*) that contains orders and prohibitions. Both verses prohibit the Muslim-

Believers ('O you who believe!') from avoiding a fight if faced with an imminent attack from the *kāfirīn*. The act of avoiding a fight is figuratively expressed as 'a turn of your back'. It is, of course, not meant to be literally understood as a physical turn of one's back, because people may withdraw or retreat from a fight while still facing the enemy. The term *al-kāfirūn* here does not have the specific meaning of 'infidels' but points in a more general way to everyone who starts a conflict.¹²¹ Every aggressor is a *kāfir* whatever his religious beliefs. Seen from the side of the Russians who were attacked, the troops of Nazi Germany were the *kāfirūn*; as was the Iraqi army of Saddam Hussein in the eyes of the people of Kuwait. Moreover, if we take the literal meaning of *kāfirūn* as 'infidels', it has always been the case that the enemy is taken to represent the dark side of heresy and unbelief, while orthodoxy and correct belief is reserved for oneself.¹²² The text's use of *kāfirūn* is hence more than adequate to express this historical phenomenon.

What invalidates any individual or collective fight in God's way is a manner of fighting that ignores the word of Allah which wants to secure freedom, justice, and equality for all people. Such a fight would be corrupted and could not be considered as a fight in God's way; it might still be a worthwhile fight for some other aims, but it cannot any longer be called a fight in God's way.

God has purchased of the believers their persons and their goods; for theirs (in return) is the garden (of Paradise): they fight in His cause, and slay and are slain, a promise binding on Him in truth, through the Law, the Gospel, and the Qur'ān... (Al-Tawba 9:111)

The fight mentioned in 9:111 is such a fight. It does not fulfil the criteria for a fight in God's way because, a) it promises the garden of Paradise as a reward, and b) it is only required from the Muslim-Believers, not universally from all humankind. Such a fight differs fundamentally from a fight in God's way, for example

¹²¹ Most translators render *al-kāfirūn* in its direct, specific meaning, AA, MF, AhA: 'the unbelievers'; AH: 'disbelievers'; MP: 'those who disbelieve'; but AB: 'those who are kafir' leaves the term untranslated and thus for the reader to understand (potentially) in MS's indirect, nonspecific meaning of 'aggressor'.

¹²² 'Therefore, when you meet the unbelievers (in fight), smite at their necks, at length; when you have thoroughly subdued them, bind a bond firmly (on them). Thereafter (is the time for) either generosity or ransom: until the war lays down its burdens...' (Muḥammad 47:4).

in the form of a nations' defence against an outside aggressor, because this latter would involve the whole nation and transcends religious, ethnic, and regional boundaries. In contrast to 9:111, the verses of 8:15–16 concern not only the Muslim-Believers but also everyone and refer to a general situation of conflict and opposition to people who attack (*al-kāfirūn*). We disagree with al-Rāzī who, like any other exegete who bases his views on spurious 'causes of revelation', claims that 8:15–16 refer to the Battle of Badr. The conditional phrase 'when you meet', at the beginning of 8:15, implies a fulfillable condition for a situation in the future, rather than a historical account of a specific event in the past (which only starts with verse 17¹²³ and not before). The two verses are not a historical narrative but an instruction holding a general lesson—similar to verse 8:45 which also does not narrate events from the life of Muḥammad (ṣ) or his companions.¹²⁴ The feeble historicism of the exegetes' rendering of 8:15–16 reduces the audience of 'O you who believe!' to a handful of companions and *al-kāfirūn* to a couple of thousand idolaters of the Banū Quraish in Mecca, which is, given the verse's universal significance, highly unacceptable. A narrow (historicised) reading of the verse (i.e., believers against unbelievers) denies the possibility that a fight or even a war might take place whereby both sides are 'those who believe' (but where one side is called *kāfirīn* because it has started the conflict), which has indeed happened in history and still happens at the present time.

2. Truly God loves those who fight in His cause in battle array, as if they were a solid cemented structure. (Al-Şaff 61:4)
And obey God and His apostle; and fall into no disputes, lest you lose heart and your power depart; and be patient and persevering: for God is with those who patiently persevere. (Al-Anfāl 8:46)

These two verses underline the importance of comradeship and the spirit of brotherhood, not only on the battleground but also in all spheres of daily life. The first verse uses the picture of 'a solid cemented structure', similar to a well-built wall, to describe

¹²³ 'It is not you who slew them; it was God. When you threw (a handful of dust), it was not your act, but God's. In order that He might test the believers by a gracious trial from Himself, for God is He who hears and knows (all things)' (Al-Anfāl 8:17).

¹²⁴ 'O you who believe! When you meet a force, be firm; and call God in remembrance much (and often), that you may prosper' (Al-Anfāl 8:45).

the fighters' comradeship and mutual help. They stand shoulder to shoulder in their fight against injustice. We are told that this is what God truly loves. It creates an association to a similar picture: of people praying the *ṣalāt* prayer, standing shoulder to shoulder in their prayer and forming one straight line, a 'solid wall' of brothers in faith. The opposite of such unity, as the second verse says, is to 'fall into disputes'. This is why we are told to 'hold fast, all together, by the rope which God (stretches out for you), and be not divided among yourselves...' (Āl 'Imrān 3:103). Quarrels cause discord; discord causes friction; and friction will weaken the united front of the believers, leading not only to disappointment and failure in the fight against injustice, but also to destruction of their own united front. We are told in *the Book* that Pharaoh of Egypt was able to establish his tyrannical regime only after he managed to 'break up his people into section',¹²⁵ and that the reason for the Prophet's (ṣ) defeat at Uḥud was disagreements about the aims of the campaign, leaving 'huge holes in their wall' of brotherhood and comradeship.

3. ...Therefore if they withdraw from you but fight you not, and (instead) send you (guarantees of) peace, then God has opened no way for you (to war against them). (Al-Nisā' 4:90)

As explained above, *al-qitāl* requires a fight in which at least two sides are actively involved. If one side withdraws, the fight either ends or, if the other side continues to fight, the two-sided fight (*qitāl*) turns into a one-sided fight (*qatl*). Verse 4:90 describes such a situation, as do verses 5:27–31 that narrate Cain's killing (*qatl*) of Abel in a fight that *the Book* describes as unambiguously one-sided.¹²⁶ It is useful to distinguish between a forced retreat and a

¹²⁵ 'Truly Pharaoh elated himself in the land and broke up its people into sections...' (Al-Qaṣaṣ 28:4).

¹²⁶ 'Recite to them the truth of the story of the two sons of Adam. Behold! They each presented a sacrifice (to God): It was accepted from one, but not from the other. Said the latter: "Be sure I will slay you." "Surely," said the former, "God does accept of the sacrifice of those who are righteous. * "If you do stretch your hand against me, to slay me, it is not for me to stretch my hand against you to slay you: for I do fear God, the cherisher of the worlds. * "For me, I intend to let you draw on yourself my sin as well as yours, for you will be among the companions of the fire, and that is the reward of those who do wrong." * The (selfish) soul of the other led him to the murder of his brother: he murdered him, and became (himself) one of the lost ones. * Then God sent a raven, who scratched the ground, to show him how to hide the shame of his brother. "Woe is me!" said he; "Was I not even able to be as this raven,

voluntary withdrawal from the fight. We are told by ‘Usāma bin Lādin that ‘whoever is not for us is against us and with our enemies’, which is, oddly enough, mirrored by G. W. Bush’s dictum that ‘if any government sponsors the outlaws and killers of innocents, they have become outlaws and murderers themselves’.¹²⁷ In fact, both fundamentally contradict the message of 4:90 which first allows humans free choice in making their decisions (to withdraw) and, second, does not expect them to fight until the bitter end but allows compromise, resolution, and reconciliation.

4. Fight in the cause of God those who fight you, but do not transgress limits; for God loves not transgressors. (Al-Baqara 2:190)
...[there is the law of equality]. If then any one transgresses the prohibition against you, transgress you likewise against him. But fear God, and know that God is with those who restrain themselves. (Al-Baqara 2:194)

The first verse calls upon the followers of Muḥammad (ṣ) to fight those who fight them, but within the limits Allah has set ‘because Allah does not love those who transgress His limits’. In their exegesis of this verse, our honourable scholars have made the following mistakes:

- a) They claimed things from *the Book* that Allah never said, by deliberately misplacing the words within the verses or reading them out of context, for example, out of 2:194, resulting in an understanding of *al-qitāl* as offensive warfare.
- b) They ignored the fact that one of the following verses, 2:193, specifies the situation in which ‘fight in God’s way’ is required: ‘...let there be no hostility except to those who practise oppression.’ This requires the occurrence of injustice, which is confirmed by 22:39: ‘...because they are wronged’ (Al-Ḥajj 22:39). A fight against wrongdoing requires the existence of a wrongdoer and the act of wrongdoing. Aggression is an act of wrongdoing, so is despotism. This means that there are different kinds of fights: fights that want (unselfishly) to end tyranny, and fights

and to hide the shame of my brother?’ Then he became full of regrets’ (Al-Mā’ida 5:27–31).

¹²⁷ Address to the Nation on October 7, 2001. See for an intriguing analysis of the similarity between the rhetoric of G. W. Bush and ‘Usāma b. Lādin, Bruce Lincoln, *Holy terrors: Thinking about Religion after September 11* (Chicago: University of Chicago Press, 2002).

that want (selfishly) to defend and protect one's material, intellectual, political, and other interests. Only fights for the former are fights in 'God's way'.

- c) They misread another relevant verse, 2:190, through using the wrong variant reading of 22:39 that says 'to those *against whom war is made* [sic], permission is given (to fight), because they are wronged; and verily, God is most powerful for their aid' (Al-Hajj 22:39). This has been understood as God's permission of self-defence in the face of aggression or an attack. It has been overlooked that the phrase 'to those against whom war is made' (*yuqāṭalūn*), using the passive voice, can also be read as 'to those who make war' (*yuqāṭilūn*), using the active voice.¹²⁸ Most exegetes have tended to accept the first reading (passive voice), but given that people are attacked by an aggressor, does it really need divine permission to fight back? Certainly not, because the right to defend one's life, property, land, and dignity is God-given, a natural disposition instilled into all of His creation, humans, animals, and plants, and does not need Allah's special permission, just like other natural acts such as eating, drinking, breathing, sleeping, and procreating.

Verse 2:194 expresses the principle of *lex talionis* in a response to an act of aggression, supported by 5:45.¹²⁹ The phrase 'transgress you likewise against him' implies restraint in one's response and the avoidance of excessive and unjustified brutality. A violation of the principle of equal retaliation makes any fight in God's way null and void, and it also invalidates a fight for any other reasons, for example, in defence of a nation's security, or other forms of worldly struggle and contest.

¹²⁸ Like YA, the following two translators render the phrase with a passive voice, AH: 'Those who have been attacked are permitted to take up arms because they have been wronged'; AB: 'Permission is given to those who are fought against because they have been wronged'. However, the other translators render *yuqāṭalūn* as *yuqāṭilūn*, in the active voice, AhA: 'Permission is granted those (to take up arms) *who fight* because they were oppressed'; FM: 'Permission is given to those *who fight* because they are wronged'; MP: 'Sanction is given to those *who fight* because they have been wronged'; AA: 'Leave is given to those *who fight* because they were wronged'. Fight in the face of oppression or wrongdoing (not because of an attack)—this is exactly how MS understands the verse.

¹²⁹ 'We ordained therein for them: "Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal..." (Al-Mā'ida 5:45).

5. O you who believe! When you go abroad in the cause of God, investigate carefully, and say not to any one who offers you a salutation: “You are none of a believer!” Coveting the perishable goods of this life: with God are profits and spoils abundant. Even thus were you yourselves before, till God conferred on you His favours: Therefore carefully investigate. For God is well aware of all that you do. (Al-Nisā’ 4:94)

This verse disqualifies ‘unbelief’ as a legitimate reason for *al-qitāl*. This applies equally to the context of *qitāl* as ‘going abroad in God’s way’ or *qitāl* as ‘seeking knowledge wherever you go’, or *qitāl* as providing for the family’s income, because if, in the case of the latter two, the material aims and the pursuit of worldly interests supersede Allah’s orders and prohibitions, such acts of *qitāl* cease to be ‘in God’s way’, since they have become thoroughly corrupted. As for the way in which one talks to the unbeliever while ‘travelling the world in God’s way’, *the Book* urges us to ‘speak fair to the people’ (Al-Baqara 2:83), that is, in a soft, mild-tempered and well-mannered way—and this applies to people of all religious schools and denominations.

He does not forbid you to deal kindly and justly with anyone who has not fought you for your faith or driven you out of your homes: God loves the just. (Al-Mumtaḥana 60:8, AH)

Verse 60:8 demands us to be ‘kind and just’ to the unbelievers. In stating its first qualification (‘who has not fought you for your faith’), it stresses the principle of religious freedom and nonviolence in our fight in God’s way and, in its second qualification (‘or driven you out of your homes’), it stresses the necessity of establishing national security as well as the citizens’ right to shelter and privacy.

The ban to say ‘to any one who offers you a salutation “You are none of a believer!”’ reminds every Muslim-Believer that before their conversion to the new faith the first believers in Muḥammad’s message had all been unbelievers themselves, but their heart was opened by Allah’s forgiveness and mercy. Hence, the prohibition to fight unbelievers on the basis of their infidelity. This is because, first of all, they enjoy the God-given right to choose whatever faith they want; second, because Allah’s forgiveness and mercy extends to His entire creation (believers, hypocrites, and unbelievers alike); and third, it is

Allah alone who knows the real extent of belief and disbelief, of sincerity and hypocrisy, of truth and falsehood, and it is He alone who will judge regarding the faith of the believers and the disbelief of the unbelievers. Those things (the Last Hour, the Day of Judgement, the books, the messengers, the angels) must be left to Him, while we better turn to the things that are left in our care (to act justly or unjustly, to tell the truth or a lie, and so on).

The five points that invalidate the fight in God's way are certainly not exhaustive. Many more things could be identified as corrupting the cause of Allah. But it is important to show that the encroachment of even one minor item of the principles given above which qualify a fight as a fight in God's way, would make such a fight null and void and would remove any reward that Allah has promised to give to those believers who fight for Him.

Concluding Remarks on 'Fighting in God's Way'

1. The acts of *shahāda* and *shahīd* are, conceptually, entirely different from the acts of fighting (*qitāl*), killing (*qatl*), and the subject of death (*maut*). Nobody can be called a *shahīd* if he is not alive and therefore unable to declare his *shahāda* publicly. The *shuhadā'* are those who, just like the *ṣiddīqūn*, prophets, and *ṣāliḥūn*, give public witness against injustice (and even suffer for it by incarceration), or give witness to a major scientific discovery (e.g., new medicines that are first tested on themselves), or report under danger about world-changing events (as journalists)—in all instances regardless of whether they are killed during their witness or not. To call people killed in a war *shuhadā'* is a political ruse by Machiavellian politicians. Governments and army generals know only too well that after they have sent young men to their certain death they cannot do anything for those who are killed. But in order to encourage more people to go to war, they invent stories about an easy entry to Paradise and about beautiful maidens who will serve the killed martyrs in the Garden. These are naturally just empty promises because Allah alone can decide on such matters, not politicians. It is for life (not death) that God created the acts of *shahāda* and of the *shahīd*. But the political caste and the religious establishment has conflated *shahāda* / *shahīd* with *qitāl* / *qatl*, that is, with fighting and death. It has created a collective mindset in which the life of a

human being does not count for much and wherein lies a mental numbness in which people seem to be no longer shocked by the number of people killed, even if it is indeed alarmingly high. In our feeble-mindedness we boast that foreign armies employ spineless soldiers who are psychologically unable to sustain high casualties. For shock and awe we send our young men to certain death, hoping to produce the highest number of casualties possible. We completely ignore the fact that the so-called feeble-mindedness of Western armies can be explained by their value for human life and their regarding the death of each single soldier as a tragic loss of life. We forget that in the West every military action undertaken by the army requires parliamentary consultation and the broad support of the electorate. We forget how praiseworthy it is that they treat the life God has given them as a precious gift which they try to preserve and prolong as long as they can. How bizarre is it, in contrast, that we celebrate and send our *zaghāwīd* shrills over the whole town or village, announcing that we have a martyr in the family when one of us has died in a war. We proudly announce that this or that young man has now entered Paradise, even though this is downright nonsense because Allah alone is the Lord over Hell and Paradise, while we know nothing about Hell and Paradise. How foolish of us it is to claim we have knowledge of such things.

2. The concept of abrogation cannot be applied to the verses of military *qitāl*. These verses have been given to us as reports on historic events during the battles of Badr, Uḥud, Khandaq, Tābūk, the taking of Mecca and Khaybar, and so on. These are stories from Muḥammad's life, belonging to the realm of prophethood, not messengerhood. They have, therefore, no legislative significance. Just like with the stories about Moses, Jesus, and Joseph, there is of course a lesson to learn for those who understand ('There is, in their stories, instruction for men endued with understanding' Yūsuf 12:11).¹³⁰ The phrase 'in this is a warning for such as have eyes to see' (3:13) implies that these stories are intended to teach,

¹³⁰ See also concerning the battle of Badr: 'There has already been for you a sign in the two armies that met (in combat): One was fighting in the cause of God, the other resisting God; these saw with their own eyes twice their number. But God does support with His aid whom He pleases. In this is a warning for such as have eyes to see' (Āl 'Imrān 3:13).

- to edify, to admonish, and to warn; but they should not—and this includes the verses of *qitāl* in Sūrat al-Tawba—serve as a basis for human legislation on international war.
3. *Jihād* in God's way is one specific kind of the many types of *jihād*. Also, *jihād* in God's way is only one aspect of things that can be done 'in God's way'. One may provide food and shelter for a family in God's way, one may travel the earth in God's way, or one may seek knowledge in God's way. 'In God's way' means according to His method, not *for* God. *Jihād* in God's way is a *jihād* that wants to 'restore the word of God as most high'. Fight (*qitāl*) is one form of *jihād* to achieve this goal. *Jihād* in God's way is a struggle for the freedom of all people, in particular for the freedom of religion (free choice in deciding which rituals to practice and which religious doctrine to adhere to). A struggle for freedom breeds free-minded people, and free-minded people are those who care for the justice and equality that we need so badly in the Arab-Muslim world.
 4. Fight (*qitāl*) can be legally justifiable and still not be 'in God's way'. One may fight an opponent in God's way (*qitāl fī sabīl Allāh*) in a peaceful contest pursuing one's own material and intellectual interests. If, however, the contest gradually turns into a fierce battle that cannot be resolved by peaceful means, such a fight in God's way turns into an ordinary fight (*al-qitāl*). Most wars in the history of humankind have originated and developed like this.
 5. Fight (*qitāl*) can be legal in the event of an external invasion and foreign occupation, and self-defence in such cases does not need permission for anyone by anyone, because the defence of a nation is pure self-defence.
 6. The protection of the life and safety of the population in any state, and defence of the territorial boundaries of a nation-state against external invasion are regulated by international law and are covered by the martial code of each individual state. Wars between entire armies cannot be defined as 'in God's way' unless they are designed to liberate a population that suffers under the '*ubūdīyya*' of a repressive regime that suppresses freedom of speech, freedom of religion, and violates human rights openly. Very few wars in the history of humankind have been led in order to achieve such goals.
 7. *Jihād* in God's way is always peaceful. In certain circumstances it might be necessary to turn *jihād* into a fight (*al-qitāl*) in God's way. In this case it is a kind of 'fighting *jihād*' that is fought to ensure

freedom of choice for all people, in particular freedom of religion. This is a code only for the individual, not for groups, armies, or entire nations.

8. *The Book* does not contain a doctrine that regards humans as slaves of God. Human beings in this life—including believers and unbelievers, Muslim-Assenters and God dissenters, the pious and the impudent—are all worshippers of God (*al-‘ibād*) if they choose to worship God. Only in the Next Life are they God’s slaves (*al-‘abīd*). When slavery exists in this world, it always means subservience to someone other than God. Even though Arab-Muslims for centuries have been told that they are slaves of God—to the effect that today they believe that this is what their religion wants them to be—in reality they have been tricked into a kind of slavish obedience to someone other than God. Over a long period of time, acquiescence has become second nature for Arab-Muslims, and a mentality of (political) surrender has become fixed in their minds. The hangman-ruler who tyrannises his own people has—by this logic of surrender—become the epitome of a national hero. We believe that there is no other nation in this world where this type of ‘*ubūdiyya*’ oppression has been so willingly and almost enthusiastically embraced as the Arab nation. That is why, sadly, people do not think that a *jihād* for the freedom of expression is a cause worth fighting for. This is why the call for a fight for the liberation of all people regardless of their religious affiliation is still very alien to them. The corollary of this slavish mentality is the sense of inferiority Arab-Muslims have when faced with their own heritage, their traditions, and the people who represent the Arab past. For them, the past *per se* is superior to everything they think and do today. However, a person who feels like a dwarf vis-à-vis Ibn ‘Abbās cannot act like a giant vis-à-vis the president of the United States. If he feels like a dwarf in comparison to someone in the distant past, he will also feel like a dwarf when faced with someone in the present. True, we vilify the West and abuse it with strong language, and yet the (actual) situation in our countries perpetuates our ‘*ubūdiyya*’ towards the West. The West has hegemony over everything, so much so that it can silence our protests and futile outcries. Regrettably, all Arab regimes of whatever nature seem to be more aware of this than their own people. I predict, therefore, a long life and much stability for these regimes, because our culture totally

defies a (peaceful and democratic) revolution against the political authorities; if revolts occur they are almost always accompanied by the dreadful ‘nights of long knives’: revenge killings, retaliations, assassinations, and bombings that kill hundreds of innocent people. The path of the Arabs is a cul-de-sac. We fear that the international community will not bet on a losing horse, and we can only hope that if Arab regimes do not see the need for reforms themselves they are pressurized to do so from outside.

9. We will not solve the problem of violence by simply giving more power to the security services. Such measures only have a temporary effect, like sedatives, because the disease requires a surgical operation. To remove the root cause of this illness requires a revision of the entire foundation upon which Islamic *fiqh* is based, and of the legal parameters that the *fuqahā* have invented. Concepts of personal freedom and love of life are not rooted in Islamic *fiqh*. This revision cannot be done without the creation or adoption of a new epistemological system that is not hijacked by a notion of sacrality belonging to the past or by sacrosanct scholarly traditions. For more than forty years our main concern has been to propose and apply such a new epistemological system. Half-baked compromises that stop short of a full revision are not good enough. Perfunctory proposals that do not tackle the root of the crisis, such as the idea of a ‘moderate Islam’ or of a rapprochement between the different legal schools, are, for us, an opportunity lost.
10. Most urgently, the concepts of *jihād* and *qitāl* need to be revised. In the past, they were based on a dichotomist model by which the *umma* of *kufr* was opposed to the *umma* of Islam. The world was divided, in purely religious terms, into an abode of disbelief (*dār al-kufr*) and an abode of belief (*dār al-islām*). What appeared to be a religious conflict was in reality a war over economic interests, territorial gains, and political dominance. Such concepts must change because any war between nations, in particular in the current age, does not know winners and losers since all would lose out. The past has shown that religious wars are terribly destructive, and every Muslim-Believer who thinks that military battles for a religion are a kind of *jihād* in God’s way has been misled by a murderous, criminal ideology.
11. To talk about ‘God’s rule on earth’ is naïve and theologically contestable. The *ḥākimiyya* of God will not provide us with a viable

modern state because it is the task of the state to look after the concerns of people in this life (health system, education, security, economy), whereas life in the Next World should always be the individual's own prerogative.

12. It is not permissible to separate religion from society, but it is logical and pertinent to separate religion from politics. As soon as religion enters politics, a culture of exclusivist claims will spread and poison the relationship between groups and denominations. The many legal justifications for the discrimination of other believers in the books of *fiqh* should be a warning sign for everyone.
13. Democracy is a natural state of human beings. Democracy protects the principles of the freedom of choice, free elections, freedom of speech, and academic freedom. It projects life in society as a social contract that binds the rulers and the citizens. It provides the minimum of procedures to which humans naturally adhere to, for example, the practice of consultation (*al-shūra*). It has been prescribed in *the Book* as a duty but its exact *modi operandi* have been left open because people apply it differently according to their contingent political systems. Unfortunately, Arab-Muslims have not produced a single system of consultation that secures the above democratic principles.
14. The Caliphate, with all its despotic credentials, held its political legitimacy until its abolition in 1924; subsequent political regimes have continued with the Caliphate's despotic tradition but have never gained its political legitimacy. We still lack a new concept of political rule that enjoys unchallenged legitimacy and differs from the notion of a Caliphate (which, hopefully, will never return).
15. The so-called Islamic awakening is a big swindle. Instead of an awakened morality we have gained a culture full of hypocrisy, dishonesty, and unreliability. And the more people focus solely on their prayers and rituals, and the more women decide to become *muḥajjibāt* (veiled), the more we will observe a decline in order and public morality.
16. The more people turn to the books of *fiqh* and the manuals of the medieval *fuqahā'*, such as al-Shāfi'ī's *al-Umm*, or Ibn 'Abidīn's *Hāshiyā*, the more people are cut off from their natural disposition as laid out in *the Book*. Applied on the level of society, the more we rely on the political doctrines of our honourable schol-

ars, the more politics will become undemocratic, authoritarian, and in flagrant violation of international law and universal human rights.

17. *Islām* and its three basic pillars exist for all people in this world. What Sūrat al-An‘ām prescribes are general human values that are applicable to everyone (e.g., the prohibition of usury and the *maḥārīm* marriage rules). It implies that all must adhere to them—including secularists and liberalists—but, most importantly, politicians of whatever country. The ethical and moral values of *al-islām* should influence the legal and political sphere of a society, but they should not force religion into politics, in the sense that state and government rule in favour of just one religious community and discriminate against others. Religious rituals should remain untouched by human legislation, inasmuch as the state’s concern for the material (this-worldly) welfare of its citizens should not be affected by the theological aspirations of one specific religious group. Even if all of a political party’s followers are devout religionists, this party should not just promote the interests of one specific *īmān*, but must care for the interests of all people, based on the ideals of *islām*.
18. It is morally, theologically, and intellectually dishonest to declare suicide missions to be part of *istishhād*, promising young men and women the status of a *shahīd*. No one but God is allowed to take life. Suicide bombings are against all rules of military combat and competition that requires the existence of two opposing sides. It is the task of humankind to prolong life, not to shorten it by whatever feeble justification. The real act of *istishhād* does not take place on the battlefield but in the courtrooms of civil magistrates and in police stations where statements of (living) witnesses are given. Suicide missions are merely imitations of the Japanese kamikaze pilots who crashed to their deaths. This is alien to anything that *al-islām* stands for. *Islām* is a religion of life, not of death.
19. Our honourable scholars are spreading a mentality of conformism which persuades the masses to do what they are told by their religious leaders. They do not want to hear critical questions from their followers and prefer their brains to be completely switched off. They encourage the proliferation of the herd instinct which makes people feel insecure when they are not cuddled into the warmth of group conformity. People behave like sheep who hurry

into mainstream (thinking) at the bark of the shepherd's dogs (the mullahs, Imams, and leaders of sectarian groups). It will require an intellectual revolution to change this mentality of conformity and promote individuality and originality in thought and practice by both the men in the street and the most ordinary *sharī'a* student.

LOYALTY IN ISLAM AND THE QUESTION OF PERSONAL AND COLLECTIVE IDENTITIES

Current public discourse about Islamic identity in the Arab-Muslim world is marked by an enormous number of terminological inaccuracies and deliberate conceptual mystifications. People seem to constantly confuse their religious identity with their ethnic, national, political, or ideological affiliations, thereby blurring the boundaries of what constitutes a religious community, a racial group, a nation, a people, a political party, or an ideological movement. However, we cannot blame these people because the same confusion of terms and identities can be found in the books of our *turāth* heritage. For many centuries, our honourable scholars have been discarding the clear distinctions that *the Book* made and, driven by the logic of party policies and sectarian strife, have concocted a religio-political amalgam that indiscriminately fuses religious, ethnic, and political identities. In this section, we want to complete our study of the relationship between religion and politics by looking at the concepts of *walā'* and *barā'*, which are both closely linked to the other concepts so far discussed in this chapter. Identity is expressed either through a sense of likeness (*walā'*) or otherness (*barā'*). It will therefore be necessary to define terms that describe the (multiple) identities of a person, as member of a family, clan, tribe, community, people, nation, and such, which we will do by closely adhering to the clear distinctions that *the Book* has drawn. We will, for example, examine the way *the Book* treats the term *umma* (community) as a sociological category. We will learn that a community is a group of people who share the same ideological convictions and behave similarly according to the group's shared cultural values. We notice that the followers of Muḥammad (ṣ) are described as such a community, as the *umma* of the Muslim-Believers. In contrast to the community, the term 'people' (*qaum*) refers to a body of persons who share the same language and ethnicity; we say, for example, the Arab people, the Turkish

people, or the German people. Such a body is usually divided into several different (religious, political, and social) subunits, for example, communities, tribes, clans, and such. An Arab woman, on the other hand, belongs to the Arab people, but may also belong, in addition to her membership to her family, to a clan and a tribe, to a Marxist *umma* or to a Christian *umma*, or to the *umma* of the Muslim-Believers. A ‘nation’ (*shā‘b*), on the other hand, is a more complex term as it refers to a self-defined cultural and social body that combines several languages (*lisān*) and several ethnicities (*qaum*) with a multitude of ideological or religious communities (*umma*), but it is governed by a single political system and contained in a unified territory (the national homeland) which are both controlled and regulated within the realm of a nation-state (*waṭan*). We will show that membership of each of these bodies is explicitly acknowledged by *the Book* and that the term *al-walā’* is uniquely employed in order to express the many different layers of personal and collective identities.

Al-walā’

The Arabic term *walā’* is derived from the root *w-l-ā*, from which *the Book* has drawn 217 derivatives (e.g., *walīy*; *maulan*; *wilāya*; *tawallin*; *muwālāh*): the first mentioned is in 2:64¹³¹ and the last is in 96:13.¹³² The semantic field of this verb root contains basically two (contradictory) meanings: a) a turn towards someone or something, and b) a turn away from someone or something. The first meaning is expressed in 5:56 and 2:115:

As to those who turn (for friendship) to God [*yatawallū Allāh*], His Apostle, and the (fellowship of) believers—it is the fellowship of God that must certainly triumph. (Al-Mā’ida 5:56)

To God belong the East and the West: whithersoever you turn [*tawallū*], there is the presence of God. (Al-Baqara 2:115)

The second meaning is contained in 2:142 and 17:46:

The fools among the people will say: “What has turned them from [*wallāhum ‘an*] the *qibla* to which they were used?” (Al-Baqara 2:142)

¹³¹ ‘But you turned back [*tawallaytum*] thereafter: Had it not been for the grace and mercy of God to you, you had surely been among the lost’ (Al-Baqara 2:64).

¹³² ‘Do you see if he denies (truth) and turns away [*wa-tawallā*]?’ (Al-‘Alaq 96:13).

...when you do commemorate your Lord and Him alone in the Qur'an, they turn on their backs [*wallau 'alā adbārihim*], fleeing (from the truth). (Al-Isrā' 17:46)

The terms *al-walī* and *al-mawlā* refer to a master or lord whose authority people are prepared to accept and willing to follow, that is, 'to whom they turn', and whose orders and prohibitions they obediently observe:

"For my protector is God [*walīyīyā Allāh*], who revealed the Book (from time to time), and He will choose and befriend [*yatawallā*] the righteous. (Al-A'rāf 7:196)

Behold! Verily on the friends of God [*awliyā' Allāh*] there is no fear, nor shall they grieve. (Yūnus 10:62)

Semantically and lexically, this is how *the Book* employs the terms that have their roots in *w-l-ā*, and yet it is intriguing to see how differently *al-walā'* has been defined as a technical term in Islamic *fiqh* (e.g., as 'loyalty'). In this transition from a polysemous Qur'anic word to a rigidly defined *terminus technicus* of legal jurisprudence, *al-walā'* shares the same destiny as other words and phrases we have discussed in this chapter (*jihād*, *qitāl*, *amr*, *nahy*, *riḍḍa*), so much so that these terms acquire nuances of meaning that did not exist in *the Book*—and this includes other words as well, such as *'ulamā*, *fiqh*, *'iṣma* or *taqīyya*. This semantic shift has been completed to such a comprehensive degree that people today are no longer able to pierce through the hermeneutical covers that our noble scholars have put around the clear terminological core that Allah's speech provided in His *Book*.

As we said above, *al-walā'* is situated inside the semantic field of an apparent self-contradiction: it either means, a) a turn towards, or b) a turn away. We need to establish the object of such a turn, either towards or away. We also have to explore whether this move, towards or away, is meant to be purely intellectual or mental, or whether it also involves a practical, physical, and hence sociopolitical turn. In other words, we need to establish whether *al-walā'* is an individual, personal feeling of belonging (that has no social consequences) or a social act of collective membership (that has huge social implications), or, perhaps, whether it is both at the same time. If it is a form of social behaviour, we need to ask whether *al-walā'* is 'a turn' that is manifested in ostentatious acts of approval or disapproval or, rather, whether it is a psychological state of mind that influences but

does not totally control our social and political activities. If *al-walā'* is articulated on a collective level, how does it affect the relationship between the individual and his community, people, or nation but also his tribe, clan, and family? Finally, how does *the Book* harmonise the concept of *al-walā'* with the notion of *al-tā'āruf*, God's will that 'nations and tribes have been created that they know each other (and not despise each other)?'¹³³ Does *al-walā'* govern *al-tā'āruf*, or does *al-tā'āruf* govern *al-walā'*?

We begin by stating that *al-walā'* expresses a form of social identity that is realised first as a decision by an individual who wants to stay in a relationship with someone else. This can be a relationship between a master and his pupil who (intentionally and voluntarily) decides to follow his master and to imitate his behaviour. We are told that 'to each is a goal to which God turns him (*muwallihā*); then strive together (as in a race) towards all that is good...' (Al-Baqara 2:148). On a more advanced level, *al-walā'* is expressed as social behaviour, which means that a person's decision is now embodied as social practice. If this social behaviour is shared by other people, for example, if the guidance and instructions by the leader of a group are widely accepted and observed by each of its members, if they constitute 'goals to which they strive together' (2:148), *al-walā'* is articulated on the level of a community. *The Book* provides the term *umma*, as in 3:110. The community here shares the same goal, that is, 'to prescribe what is right and proscribe what is wrong', while the community also shares the same ideology, that is, 'to believe in God'.¹³⁴ The identity of this community is relatively stable. Differences of opinion are permitted but they never deteriorate to the extent that they turn into antagonisms that endanger the group's collective

¹³³ 'O [humankind]! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other (not that you may despise (each other). Verily the most honoured of you in the sight of God is (he who is) the most righteous of you. And God has full knowledge and is well acquainted (with all things)' (Al-Ḥujurāt 49:13).

¹³⁴ '[Believers], you are the best community [*khayr^a ummat^m*] singled out for people: you order what is right, forbid what is wrong, and believe in God...' (Āl 'Imrān 3:110, AH); AhA: 'Of all the communities raised among men you are the best' and MP: 'You are the best community that has been raised up for mankind' translate *umma* as MS does, but YA: 'You are the *best of peoples*'; MF, AB, AA: 'the *best nation*'—show that the term is understood interchangeably as nation, peoples, community, or even 'a group of people within a community' (Ambros, *Dictionary*, 28, on 7:164) etc.; MS, as always, denies such semantic imprecision in rendering the term and insists that *the Book* uses different terms for nation, peoples et al., but not *umma*.

identity. ('All people were originally one single community [*ummat^{am}*], but later they differed...', Yūnus 10:19, AH.) The term *umma* can also be used to refer to smaller social units, for example, to a group, circle or club. But its defining characteristic is always that its members share a common activity, as in 28:23, where the 'group of men in Madyan' were all 'watering their flocks'.¹³⁵ Furthermore, *the Book* says:

Abraham was indeed a model [*ummat^{am}*], devoutly obedient to God, (and) true in faith, and he joined not gods with God: * He showed his gratitude for the favours of God, who chose him, and guided him to a straight way. * And We gave him good in this world, and he will be, in the Hereafter, in the ranks of the righteous. * So We have taught you the inspired (message), "Follow the ways of Abraham the true in faith, and he joined not gods with God." (Al-Naḥl 16:120-3)

The verse describes Abraham as a model for a community (*umma*) which God wants us to emulate. Abraham's model, his distinctive social behaviour, is characterised by four aspects: a) devout obedience to God; b) *ḥanīfiyya* attitude in general and *ḥanīfiyya* rejection of idolatry in particular; c) gratitude for the favours of God; and d) guidance to the straight path. Allah's command to follow Abraham's model was sent down as revelation directly into Muḥammad's (ṣ) brain. *The Book* describes Abraham even as an '*imām* to the nations',¹³⁶ and it says *kān^a ummat^{am}*, implying that he embodies a collective identity—that his behaviour represents a path, course, or tradition that unites people who belong to his *umma*.¹³⁷ God has made it incumbent on everyone to follow his example ("Follow the ways of Abraham the true in faith...", Al-Naḥl 16:123). Verses 16:120 and 16:123 reiterate twice why we should emulate Abraham's example: because 'he joined not gods with God'. This constitutes the shared value of Abraham's community. A full commitment to this value expresses a person's *walā'* (likeness) to this community. If we look around and see who today would belong to Abraham's *ḥanīfiyya* community that does 'not join gods with God', we would have to frankly admit that

¹³⁵ 'And when he arrived at the watering (place) in Madyan, he found there a group of men [*ummat^{am} min al-nās*] watering (their flocks)...' (Al-Qaṣaṣ 28:23).

¹³⁶ 'And remember that Abraham was tried by his Lord with certain commands, which he fulfilled: He said: "I will make you an Imam to the nations"...' (Al-Baqara 2:124).

¹³⁷ 'No! They say: "We found our fathers upon this course [*ummat^{am}*], and we are actually following in their footsteps"' (Al-Zukhruf 43:22).

we (Muslim-Believers) are the lowest *ḥanīfiyya* community in the entire world and, hence, closer to committing *shirk* than any other community on earth. It is a truism to say that the more *ḥanīfiyya* religiosity there is the less is there the possibility of *shirk*, but the reality is that in the Arab-Muslim world there is very little *ḥanīfiyya* and a great deal of *shirk*.

If *al-walā'* expresses a social relationship based on a personal sense of likeness to someone who is both your guide and teacher, we need to establish the identity of such a guide or teacher and the role he or she fulfils. A direct instruction in this respect can be found in the following verse:

Your guardian [*walīyukum*] can be only Allah; and His messenger and those who believe, who establish worship and pay the poor-due, and bow down (in prayer). (Al-Mā'ida 5:55; MP)¹³⁸

This verse demands adherence firstly to Allah, secondly to His messenger, and thirdly to those who believe. As for Allah, adherence is expressed by obedience to the Lord, by doing what He has ordered, and by refraining from what He has forbidden. As for adherence to His messenger, this is expressed by confirming Muḥammad's messengerhood, by following what it prescribes as model behaviour—in the same way as Muḥammad (ṣ) once took Abraham as a model he wanted to follow—and by adhering to what was revealed to him by his Lord. As for adherence to 'those who believe', this means support for a group of people whose behaviour is characterised by three things: a) they believe in God and bow down (in prayer), b) they establish worship, and c) they pay *zakāh*. Adherence requires acquiescence, and acquiescence requires obedience. Obedience is undoubtedly one fundamental aspect of *al-walā'*, which is shown in the form of both a positive affirmation (of what has been prescribed) and a negative refraining (from what has been proscribed). This is confirmed by the following verse:

O you who believe! Obey Allah, and obey the messenger and those of you who are in authority [*ūlī al-amr*]... (Al-Nisā' 4:59, MP)

¹³⁸ MF, AhA: 'Your only friends'; AH: 'Your true allies'; AB: 'Your only friend'; YA: 'Your (real) friends'; AA: 'Your friend is only God' are all not capturing MS's understanding of *walī* as signalling a position of authority (of a guide/teacher vis-à-vis a pupil/novice), while 'friend' or 'ally' indicate a relationship of equality (even if theologically that is not what the translators wanted to state).

If we now compare 4:59 with 5:55, quoted in the previous paragraph, the parallel structure is immediately striking:

5:55 Your guardian can be only Allah	His messenger	and those who believe
4:59 Obey Allah	His messenger	and those of you who are in authority

This parallelism suggests that ‘those of you who are in authority’ in 4:59 are defined as ‘those who believe’ in 5:55. Allah’s instruction orders us to show our ‘likeness’ (*walā*) to them by a) believing in God, b) bowing down in prayer, and c) paying *zakāh*. This implies that *al-walā*’ here (on the level of a community) requires conformity in terms of ritual practice and charitable activities. Now we understand the verse: ‘The Jews and the Christians will never be pleased with you unless you follow their ways (*millatahum*)’ (Al-Baqara 2:120, AH), because they practiced different rituals and different forms of charitable donations. In any case, verse 4:59 does not refer, as some claim, to political allegiance, and the phrase ‘those of you who are in authority’ (*ūlī ’l-amr*) does not refer to those in power, that is, a ruler or government to which we should pledge allegiance. *The Book* defines group identity on the level of a religious community, not political loyalty on the level of a nation-state. This verse has been unjustifiably politicised by the opportunist *fuqahā*’ who unashamedly wanted to please their masters by providing them with a legal cover for their despotic rule that required an ideology of political quietism and absolute obedience to a ruling tyrant.

Our definition of *al-walā*’ in terms of a personal decision expressed through social relations implies the existence of a human society with its diverse networks and interconnectivities. *Al-walā*’ does not exist if someone is stranded on a desert island because there is no possible social relationship that can bear the fruits of his personal attitudes. Some people claim that in such circumstances *al-walā*’ must be shown to God, and this applies to even the most isolated monk in his cell or to someone hidden in the cellar of a house. Their argument is that all of them are God’s creation and they should make their *al-walā*’ known to their Creator. This view, however, confuses the relationship between the Creator and His creation with the

relationship between God and the believers. Whereas the relationship between God and His creation can be denied only by those who completely deny the existence of God, the relationship between God and the believers operates on a completely different level (of religious commitment). The confusion between the two is apparent in the widespread custom among Muslim-Believers to connect their sons' names with one of the ninety-nine beautiful attributes of God, such as 'Abd al-Dā'im (slave of the Everlasting) or 'Abd al-Maujūd (slave of the Existing) and assume thereby a special relationship between their sons as 'slaves' to a personified God, 'their' God. They ignore that *the Book* provides these attributes for the description of the entire universe in which all creation, believers *and* non-believers, live. Only when Allah is called by the names of *al-walī* or *al-maulā* is it done exclusively for the benefit of those who believe in Him (and not for all His creation). This is clearly expressed in the following verse:

God is the protector [*walī*] of those who have faith: from the depths of darkness He will lead them forth into light. Of those who reject faith the patrons are the evil ones: from light they will lead them forth into the depths of darkness... (Al-Baqara 2:257)

In contrast, God in His capacity as Creator, is the *walī* for all humankind, whether they believe in Him or not. This is different from *al-walā'* that requires a conscious act of allegiance which only rational and sane people can perform, in contrast to the animals and the insane who just follow by instinct or habit.

As verse 49:13 makes clear, humankind is organised in many different ways: by their sex or social class and/or by their communal, tribal, and national affiliations. If a community (*umma*) is characterised by the relatively homogenous behaviour of its members, a tribe, or a nation, and so on, are obviously characterised by other criteria. We will have to establish these criteria in order to be able to discuss the different features of *al-walā'* with regard to each type of these social categories.

Looking at the general evolution of humankind we observe that even before *al-walā'* became articulated in social relationships, its dual composition of either affirmation or negation was always part of the natural set-up of living beings. Even before God breathed His spirit into His creation, through which animals turned into human beings capable of rational thought and social interaction, a social instinct had always been (naturally) instilled in them. When humans

became God's deputies on earth, their instinctive form of *al-walā'* acquired a new social dimension which had not existed before: they organised themselves into families, clans, and tribes. This new stage of social organisation was underscored by the existence of a social ideology that fostered humans' social identification with these new social types (families, clans, and tribes). The aim of social ideologies was to hold the different articulations of *al-walā'* in harmony with human beings' social instincts. Because of the fact that social organisations often create tensions between the demands of a society and the demands of nature, these social ideologies were needed in order to ease these tensions and stimulate a cultural context in which nature and society were not seen as antagonistically contradicting each other. Many verses in *the Book* fulfil this purpose:

1. And admonish thy nearest kinsmen. (Al-Shu'arā' 26:214)
2. That day shall a man flee from his own brother, * and from his mother and his father, * and from his wife and his children. ('Abasa 80:36)
3. And Abraham prayed for his father's forgiveness only because of a promise he had made to him... (Al-Tawba 9:114)
4. And when Abraham was tried by his Lord with certain commandments which he fulfilled, He said: "I am making you a spiritual exemplar to mankind."... (Al-Baqara 2:124, MF)
5. Noah called out to his Lord, saying, 'My Lord, my son was one of my family, though your promise is true, and you are the most just of all judges.' (Hūd 11:45, AH)

The first verse is addressed to God's noble Prophet (ṣ). It advises him to start his call to believe in God and the Last Day with his nearest kinship. This advice corresponds with the natural order of social interaction that is instinctively part of the psychological and social nature of human beings. Human beings would naturally first start with those closest to them in their families: parents, brothers, sisters, spouses, (male and female) children, uncles, aunts, nieces, nephews, grandparents, and grandchildren etc.

The second verse describes the horrors of the Day of Resurrection. It describes the fear that the dead will feel when they congregate in order to be summoned by their Lord. It is the day when the wet nurse will abandon her suckling infant and men their closest relatives. Preoccupied with their own fate, people will forsake the *walā'* to their family and clan, that is, they 'flee from brother, mother, father, wife and children', as 80:36 says, which provides a more elaborate descrip-

tion of 'kinship' than 26:214. In a different verse, men's closest relatives are given the term 'kindred' (*faṣīla*), to whom they show *walā'* because they are given 'shelter', that is, help and protection.¹³⁹ We deduce from *the Book's* description of the Day of Resurrection that the *walā'* to one's own family and clan is the strongest form of social bond; it will last longer than any other relationship and only break if shattered by the might of these eschatological events.

The third verse describes two things: first, the obligation to show respect to one's parents regardless of circumstances. We are given the example of Abraham's prayer for forgiveness to his father (Azar). This is in spite of the fact that Allah does not forgive those who have committed *shirk* against Him (although Abraham could not have known this then). Second, the verse refers to the task to include into one's call for belief in God even those family and clan members who are opposed to the call and are even prepared to fight it. We hear from the same verse: '...but when it became clear to him that he was an enemy to God, he dissociated himself (*tabarra'a*) from him...'.¹⁴⁰ The verse describes an attitude that requires the caller of God to become detached from those who oppose his faith. It is a form of withdrawal that does not involve any harshness or hard-heartedness. We are told that even when faced with his father's *shirk* '...Abraham was most tender-hearted, forbearing' (Al-Tawba 9:114). It is rather a form of unengaged neutrality that still keeps the relationship intact but at the same time makes it clear that one does not endorse the position of the God-deniers. Through such disengagement the caller expresses his 'otherness' (*al-barā'*) which is the opposite to the 'likeness' (*al-walā'*) that is shown when in the company of like-minded people.

The fourth verse continues the (family) theme of the third verse but extends Abraham's *walā'* to his descendents. By the power of what was naturally given to him, Abraham wanted to secure for his descendants the same role of spiritual exemplars as that by which

¹³⁹ '...The guilty person will wish he could save himself from the suffering of that day by sacrificing his sons, * his spouse, his brother, * the kinsfolk who gave him shelter' (Al-Ma'ārij 70:11–13, AH).

¹⁴⁰ The translations closest to MS's interpretation of *tabarra'a* and the concept of *barā'* (to show difference or otherness in opinion and behaviour, implying a personal and intellectual disassociation from someone) are AhA: 'he broke away from him' or AA: 'he declared himself quit of him'; too harsh are AB: 'he renounced him' or AH: 'he washed his hands of him', and (socially) unacceptable is FM, MP: 'he disowned him'.

Allah had made him so special among humankind: ‘Abraham said: “And what about my posterity?” He replied: “My covenant does not apply to the evil-doers”’, implying God’s reluctance to secure privileges on the basis of lineage and pedigree. God objects to the principle of primogeniture and dynastic succession in deciding a nation’s *imām* (the verse’s term for spiritual leadership), because the *imāmate* must be earned and cannot be inherited.

The fifth verse states a similar plea to assist members of a family. While 9:114 contains a petition for Abraham’s father, and 2:124 for Abraham’s descendants, 11:45 states Noah’s call to his Lord to forgive his son. In all three cases the pleas were issued because of the strong feeling of likeness (*al-walā’*) that Abraham and Noah felt for their close relatives. The differences, however, between the pleas of Abraham and Noah are threefold: First, Abraham’s prayer for forgiveness was motivated by a promise that he had made to himself, as we hear in the verse: ‘Abraham said: “Peace be on you: I will pray to my Lord for your forgiveness: for He is to me most gracious’ (Maryam 19:47). In contrast, Noah’s plea was based on the promise (of truth regarding the parentage of Noah’s son) that Allah Himself gave. Second, God’s intention in addressing Abraham’s plea was to stress that the spiritual authority of the *imāmate* cannot be inherited by birth, while the intention in Noah’s case was to remind us that salvation by Allah’s command does not come to anyone without the delivery of good deeds. Noah is told that God’s command of rescue comes to him ‘...and [his] family—except those against whom the word has already gone forth... (Hūd 11:40), that is, his son who might have betrayed his wife, therefore, God said: ““O Noah! He is not of your family: for his conduct is unrighteous...” (Hūd 11:46). Third, Noah’s case contained an additional element, a warning that excessive forms of family loyalty could turn a blessed institution (kinship solidarity) into a cursed form of blind tribalism and zealous partisanship: ‘I give you counsel, lest you act like the ignorant!’ (Hūd 11:46).

A family is defined as a small social unit that forms the nucleus of a genealogical line, that is, those who belong—seen from within a patriarchal system—to the father of the family (the wife and children). A clan unites all families that are descendants of the same grandfather, while a tribe unites all clans, divided into the *buṭūn* and *afkhādh* subclans, which have a common ancestor. *Al-walā’* to all three of those social institutions is a very natural form of association that

is experienced and sustained according to the prevailing cultural traditions and inherited customs. Successive messengers, beginning with Noah (‘a) and ending with Muḥammad (ṣ), with Abraham, Moses, Jesus, and others in between, have issued revelations that gradually purified these family-based forms of *al-walā’*, refining them within the divine parameters of mutual support, coexistence, and cooperation—as 49:13 puts it.¹⁴¹ The phrase ‘verily the most honoured of you in the sight of God is (he who is) the most righteous of you’ again stresses the necessity of doing good deeds for God’s blessing and deliverance. Based on this gradual improvement of family-based *walā’*, God’s messengers were then eventually allowed to produce a new type of *walā’* that goes beyond blood-related affiliations, because it is based on an intellectual-doctrinal commitment that requests a higher form of loyalty. *The Book* says:

Say: If it be that your fathers, your sons, your brothers, your mates, or your kindred; the wealth that you have gained; the commerce in which you fear a decline; or the dwellings in which you delight—are dearer to you than God, or His Apostle, or the striving in His cause; then wait until God brings about His decision. And God guides not the rebellious. (Al-Tawba 9:24)

Verse 49:13 states that Allah ‘made [us] into nations (*shu‘ūb^{an}*) and tribes’, indicating a level of social organisation that is superior to the institutions of family, clan, and tribe. The nation (*shā‘b*, pl. *shu‘ūb*, derived from the root *sh-‘-b*, meaning ‘to gather’ or ‘to assemble’), is defined as a body of people who share the same form of social system but who may differ in their ethnic and tribal origins. This is in contrast to ‘people’ (*al-qaum*), which is characterised by sharing the same language and hence a similar way of thinking and expressing thoughts. We are told that Allah ‘sent not an apostle except (to teach) in the language of his (own) people (*bi-lisān qaumihi*), in order to make (things) clear to them...’ (Ibrāhīm 14:4). In contrast with the *walā’* to families, clans, and tribes, which is based on blood relationship and ethnic identity, the *walā’* to a nation or a people is based on aspects of identity that are not determined by one’s birth. In some

¹⁴¹ ‘O [humankind]! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other (not that you may despise (each other)). Verily the most honoured of you in the sight of God is (he who is) the most righteous of you. And God has full knowledge and is well acquainted (with all things)’ (Al-Ḥujurāt 49:13).

instances, ethnic origins may coincide with national, linguistic, and political identities (as in the case of Pakistani Sunni Muslim-Believers living in Pakistan), in other instances these different identities might not overlap (as for Pakistani Sunni Muslim-Believers living in Great Britain).

Concluding Remarks on al-walā' wa'l-barā'

Let us sum up the most important results of our study. It has been shown that *al-walā'* is derived from *w-l-ā* whose semantic field in *the Book* is characterised by an oppositional move between engagement (turning towards) and disengagement (turning away). This has been demonstrated by the quotation of a number of verses from *the Book*. It has also been shown that *al-walā'* is articulated in concrete social relationships which human beings enter (or leave) after they have made a personal decision whether to commit themselves to this relationship or to disengage from it. This has also been supported by several verses from *the Book*. Such social commitment can be seen on several levels of collective institutions, for example, on the level of an *umma* (community) which is defined by a relative unity of behaviour and conformity of thinking, or on the level of a family, clan, or tribe which is characterised by a unity of the social system that governs the behaviour of all its members. Finally, we reached the conclusion that the divine messages of successive apostles, culminating in the messengerhood of Muḥammad (ṣ), added a new type of social identity that transcended the level of family, clan, and tribe and introduced the notions of nation and people which required a higher, more abstract (or intellectual) commitment, and which neither abolished nor even contradicted the existing identities based on genealogy and blood relationship. History provides us with several examples of mutually overlapping identities, as for example with Hamza 'Abd al-Muṭṭalib, the uncle of the Prophet (ṣ), whose religious faith grew out of his family commitment and his animosities with Abū Jahl,¹⁴² or the example of 'Abdallāh b. Arīqaṭ whose encounters with the Prophet (ṣ) and Abū Bakr (r) on the day of the *hijra* made his moral commitment (to the values of sincerity, loyalty, and altruism) grow

¹⁴² Hamza 'Abd al-Muṭṭalib (3/625), uncle of the Prophet, who is reported to have converted to his nephew's new religion after he heard that Abū Jahl had verbally abused Muḥammad during his absence in Mecca, which he also avenged by an open confrontation with the offender during an assembly of the Ahl al-Quraysh.

so strongly that in the end they outweighed his former doctrinal commitment.¹⁴³ Similar is the case of al-Khāṭib b. Abī Balta‘a after his encounter with the Prophet (ﷺ) and his people on the day of the conquest of Mecca.¹⁴⁴

We conclude with a few comments that are drawn from the material we have presented. Firstly, the different social identities can coexist side by side and no one should be forced to abandon the one for the other. To accept social identities—beyond those based on blood relationship—is a matter of personal choice which should be taken individually and without force or interference from outside. The way these different identities are prioritised is also a matter of personal choice and varies from individual to individual. It has been a great danger that Islamist theories of the Islamic *umma* have tried to construct a unified Islamic identity—solely at the level of community—and to slice off aspects of Muslim-Believers’ other identities, such as their national and political identities, by defaming them as secondary or even contradictory to their religio-communal identity. As a serious consequence of such misguided theories many Muslim-Believers thought that it is a duty of their religion to show loyalty only to their religious community and that a good believer drops all interest (and responsibility) to their families, nonbelieving friends, neighbourhoods, and schools. In extreme cases Muslim-Believers even turned to violence against their own people in pursuing the Islamists’ cause—as happened in London, Madrid, Casablanca, Sham El-Sheikh, and Amman. Islamist propaganda made Pakistani youth in Great Britain feel guilty when they were happily combining their identities of being British, Pakistani, and Muslim-Believers. It confused young Turkish girls and boys in Germany when they were told that they should feel first and foremost as Muslim-Believers and that loyalty to German

¹⁴³ ‘Abdallāh b. Arīqat was one of the party of four (Prophet Muḥammad, Abū Bakr, Ibn Fuhayra) that fled from Mecca to Yathrib in 622. Ibn Arīqat rode the camel that also carried the Prophet, while Abū Bakr and his servant Ibn Fuhayra rode on the second camel. Ibn Arīqat’s status as a non-Muslim is particularly interesting because it meant that the Prophet completely trusted the service of a non-follower; in Islamic *fiqh* this became a prophetic precedence for the permission for Muslims to do trade and commerce with non-Muslims.

¹⁴⁴ According to the *Sīra* literature, al-Khāṭib b. Abī Balta‘a betrayed the Prophet as a favour to his old tribe by sending a letter to the Quraysh in Mecca in which he warned them that Muḥammad was about to invade their city in 630. The letter was caught and Balta‘a summoned to the Prophet (ﷺ) who, however, forgave Balta‘a the latter’s betrayal of trust.

society is a betrayal to their religion. It misled so many French Muslim-Believers who heard from their Islamist Imams that their loyalty should be only with their fighting brothers in the Muslim world rather than with the country in which they were born and bred. The Islamists want us to have one single identity behind which they can nurture their dreams of a totalitarian society in which plurality is suppressed and otherness eradicated. This fundamentally contradicts the teachings of *the Book* which allows us to possess multiple identities and to live a mode of existence where both Muslim-Assenters and Muslim-Believers overcome repressive forms of single identities. The Prophet (§) himself acted successfully on the basis of several identities: he belonged to the smaller clan of the Banū ‘Abd al-Muṭṭalib and the wider clan of the Banū Hāshim; his tribe was that of the Quraysh; he belonged to the Arab people (*qaum*), while his nation (*sha‘b*) was, after his *hijra* from Mecca, the people of Medina, which included both believers and nonbelievers (e.g., Jews); and finally he founded the state in Medina where Muslim-Believers who followed his prophethood and attested his messengerhood constituted the *umma* that existed *inside* his multireligious state. Today, people can follow the example of the Prophet (§) by accepting the possibility of multiple identities. As a Turkish Muslim-Believer in Germany, an Arab Muslim-Believer in France, or a Pakistani Muslim-Believer in Great Britain one follows the example of the Prophet (§) by protecting first and foremost the welfare and safety of the country in which one has gained citizenship. Loyalty to the state—and this includes the right to fiercely criticise its government and administration—is a matter of absolute priority. As the example of Muḥammad’s first state shows, such loyalty does not eliminate or even diminish loyalty to one’s cultural tradition (language and customs), ethnic roots, or religious beliefs. The Prophet (§) would not have accepted a Muslim-Believer who risked the welfare and safety of the state by exclusively adhering to religion and completely ignoring other loyalties.

Fortunately, more and more young Muslim-Believers in Europe realise that the exclusivist ideology of al-Qā‘ida and other Islamist groups have driven them unnecessarily to the brink of high treason when they were asked to place loyalty to their religion above loyalty to their home nation. They now realise that Allah’s *Book* wants them instead to negotiate the sometimes difficult and often ambiguous relationship between religious and other identities and not combat

one with the other. Even if their host societies make the mistake of perceiving Muslim-Believers primarily through their religious identity, it would be foolish to correspond to this stereotype and accept such discrimination. It is socially and economically always counter-productive to play the religious card and withdraw from society or dream of a paradisiacal life in a so-called *dār al-islām* (which was an invention of the *fuqahā'* in any case!). Instead, Muslim-Believers should show that they first and foremost feel loyal to the constitution of their countries and that they are willing to harmonise their roles as citizens with their duties of a religious believer—as, by the way, everyone else does as well (Jews, Christian, Hindus, and Buddhists)—and that their religion is not different in this respect from any other religion in this world.

The Meccan verse urging Muḥammad (ṣ) to first ‘admonish [his] nearest kinsmen’ (26:214) demonstrates God’s wisdom and foresight, given that it was very sensible for the Prophet (ṣ) to start his call with his own Arab people before taking it to other people who had an entirely different ethnic, linguistic, geographical, social, or national background. God eventually told him (ṣ): ‘We sent you not but as a mercy for all creatures’ (Al-Anbiyā’ 21:107). Eventually, this introduced a form of *walā'* that went beyond all existing forms of identities and social relationships.¹⁴⁵ On this basis, a new state was created by the Prophet (ṣ). Its new forms of social organisation and its principles of a multitude of identities differed from everything that had existed before on the political landscape of ancient Arabia. It is our hope that at some point in the near future these forms and principles can be revitalised and reintroduced into all societies of the Arab-Muslim world.

¹⁴⁵ This is also exemplified in the verse: ‘When a sura comes down, enjoining them to believe in God and to strive and fight along with His Apostle, those with wealth and influence among them ask you for exemption, and say: “Leave us (behind): we would be with those who sit (at home)”’ (Al-Tawba 9:86).

CONCLUSION

In the introduction to this volume we proposed to submit a radically new interpretation of Allah's *Book*. We stressed the fact that our interpretation fundamentally questions what has been held sacrosanct in Islamic theology and jurisprudence. It is our hope that we could demonstrate to the reader that such a new interpretation is not only badly needed but also indeed possible provided that one succeeds in applying consistently a methodology that is different from the scholarly methods of our medieval ancestors. For the sake of full clarity as far as this methodology is concerned, we conclude this volume with a summary of the most important aspects that lie at the heart of our approach and that formed the foundation from which we developed a rereading of the individual verses of *the Book*.

1. The main task of our study was to demonstrate that there is no other way to understand the text but through rational analysis. By rational analysis we mean a study of the text whose results correspond with the objective reality around us. In this volume we have shown that any interpretation that contradicts reality is nonrational and undermines the purpose of Allah's revelation which was sent down 'so that people understand'.
2. We have shown that the truth of a text does not lie in its aesthetic or rhetorical beauty but in the substance and truthfulness of its content. Human ideas are either true or false only if they are assessed by the limits of philosophical thinking. The validity or falsity of a statement does not rely on whether it is linguistically or logically correct or incorrect. A lie, for example, can be expressed quite logically in the most beautiful, aesthetically pleasing way and still remain untrue. Thus, a rhetorically powerful sentence does not necessarily have to be true. That is why, in explaining the miraculous nature (*al-ʿjāz*) of *the Book*, we did not just refer to its rhetorical or stylistic beauty. Instead, we referred to our belief that the *content* of the qur'anic message is true and valid. Everyone who devotes his or her life to certifying the truthfulness of *the Book*, that is, the eternal validity of Allah's laws, is one of those 'who certify the truth' (*al-ṣiddīqūn*). It has now become clear to the reader of this volume that we

were more concerned with the truthfulness and authenticity of the qur'anic text than with the beauty and stylistic finesse of its expressions. Also, to attest to the authenticity of the divine text has been more important to us than to attest to the validity of the many (human) sources of the Islamic tradition, whether their authors are highly reputable or not.

3. When *the Book* was revealed it represented a new level of linguistic evolution. It displayed textual qualities that *jāhiliyya* Arabs had not known before. It contained vocabulary of non-Arabic origins that *jāhiliyya* poetry had not used. It was arranged in a composition that is different from the entire textual corpus of the *jāhiliyya* period. In this volume we have therefore not used the common exegetical strategy to refer to *jāhiliyya* poetry in order to explain the text of *the Book*. We believe that this poetry reflects the specific cultural characteristics of its period, and its poetical expressions are only beneficial and pleasing for the people who lived at that time. It is therefore of no use for our contemporary understanding of the text. In *jāhiliyya* poetry we find, for example, no reference to the earth's gravity or its roundness because Arabs then had not known anything about that. In our study we have instead applied the principle that the authenticity of Allah's *Book* is confirmed by modern scientific discoveries and not by its aesthetic impact. In adding new discoveries to our knowledge, human societies take part in constructing the meaning of the text inasmuch as they find in the text the discoveries they have just made. No matter how rapidly societies develop, human beings will always remain in perfect harmony with the qur'anic text, because creation evolves in the cosmic orbit which the *qur'ān* prescribes. To go back to *jāhiliyya* poetry would mean a regress in knowledge and a return to a primitive, premodern understanding of the divine text.
4. We have shown that *the Book* guarantees complete congruence between its content and the reality of our existence, including the laws of nature and the universe as well as the innate disposition of human beings. Nothing that *the Book* contains have we treated as insignificant, trivial, or banal. Divine revelation, by definition, is always of the utmost importance to human beings and can never lose its relevance, regardless of the circumstances in which it is perceived. One does not need revelation in order to learn, for example, that a jar will break if smashed to the

ground. And one does not need revelation to learn that an elephant's tail is short and that its trunk is long. Let us look at another example which we have not yet discussed. We read in verse 196 of Sūrat al-Baqara that 'if he [the pilgrim] lacks the means, he should fast for three days during the pilgrimage, and seven days on his return, making ten days in all...' [AH]. We should not assume, as many exegetes did, that Allah wants to teach us here such trivial sums as three plus seven equals ten. Everyone, whether clever or stupid, would know that; no revelation is needed for such triviality. If we took away the ending phrase 'in all' (*kāmīlat^m*) it would not change its message that three plus seven equals ten. But we are not allowed, as we explained, to take anything away from the text without changing its semantic meaning. *The Book* is purposefully composed; not a single syllable in it is redundant or insignificant. Hence, we cannot accept that the phrase 'in all' (*kāmīlat^m*) does not change the meaning of the verse; thus, we need to find a different interpretation for it. We believe that the text here alludes to the existence of several different numeric systems. There is, for example, the decimal system, the seven-number system, the twelve-number system, and the sixteen-number system. In a twelve-number system, the number ten would have an inferior value—expressed as 10/12—compared to a ten in a decimal system, expressed as 10/10 or as one whole (*kāmīlat^m*). We conclude that this verse contains not only the number of days to be fasted but also the identity of the number system (the decimal system) to be used for the calculation of the actual number of the fasting days.

5. *The Book* constitutes 'being' (*al-kaynūna*) in-and-for-itself, derived from Allah. As we have shown in chapter 2 it points to its self-sufficient existence, that is, 'being' without change or interference from external factors. This ontological quality is expressed in the eternal stability of the text, not in terms of its meaning but in terms of its linguistic, visual, and acoustic form. Its form will never change and is therefore not subject to 'becoming' (*al-ṣairūra*) and 'progressing' (*al-sairūra*). No one, not even a prophet or a messenger, is able to grasp the total meaning of *the Book* because this would imply partnership with Allah in His self-sufficient 'being'. Instead, we become gradually acquainted

with its content through the process of ‘becoming’, that is, through a gradual growth and expansion of our knowledge.

We believe that the text of *the Book* is fixed but that its content moves. Its content moves because every reader will approach the text differently. Some will find things in the text that others do not, and some are better than others at understanding specific passages of the text. Even if the text’s form itself is fixed, its content displays the flexible qualities of everyday life that constantly changes. To put it differently, even if the text constitutes self-sufficient ‘being’, it contains sufficient ‘becoming’ and ‘progressing’ for its readers. Hence, *the Book* always allows its readers to understand the text in a contemporary manner (*qirā’a mu’āṣira*). Whether a reader approaches the text in the twelfth century or the twentieth century, the resulting interpretations will have been ‘contemporary’. Even if the two readings occurred at different times in history, both readers have realised to the same extent the logic of the dialectics between the form of the text and its content. In the twenty-first century, however, both readings have lost the status of ‘contemporary’, as a new, more contemporary reading is required for our current century.

6. *The Book* is the indirect speech of God (*kalām Allāh*). Our interpretations of the many verses of *the Book* are based on the understanding that we grasp the meaning of God’s speech through His words (*kalimāt Allāh*) that exist in our universe. The words of Allah have both a natural and historical component, since they encapsulate all the universal laws that govern cosmos, nature, and human society. Through the study of these universal laws, manifested in our objective human and natural reality, we learn to know the words of Allah (*kalimāt*) through which, in turn, we come to learn His speech (*kalām*). The words of Allah and His *speech* are not the same thing. While His *speech* represents self-sufficient ‘being’, which is eternally fixed, his *words*, that is, nature and human existence, are subject to ‘becoming’ and ‘progressing’. This means that our understanding of Allah’s speech is changing and developing because Allah’s words are changing and progressing, while the speech of Allah is fixed. Allah’s speech is present in the ‘being’ of the fixed divine text of *the Book*.

7. We have treated *the Book* as a guide for all humankind and a blessing for ‘the worlds’. It has a universal character and is not just an expression of Arabic thought. Its criterion of authenticity is applicable to the entire world, not just to some Arab societies. And it must carry this criterion for the entire span of time and history, not just for the prophetic period and the time of the Prophet’s companions. In addition, *the Book* has two further qualities:
 - a. Its revelation does not contradict reason.
 - b. Its revelation does not contradict reality.
8. The *qur’ān* verifies the existence of the material basis of human knowledge. The philosophical foundation of our interpretations is that knowledge (*‘ilm*) is derived from what is known (*ma’lūm*) in objective reality, that is, acquired through empirical data, implying that we receive information (*ma’lūmāt*) from outside the human mind through sense perception or through revelation or inspiration. Both scientific sense perception and revelation/inspiration are based on empirical observations of our objective reality. But whereas the former is restricted to an observation of the present, the latter allows observations within a wider temporal framework and includes things of the past and the future. The inverse process, that empirical knowledge of objective reality (*ma’lūm*) is derived from knowledge (*‘ilm*), that is, the possibility of knowledge without sense perception or revelation/inspiration, does not apply to human beings and is the sole prerogative of Allah.
9. The foundation of human life is freedom. Freedom is the highest and most sacrosanct ideal of humankind. The notion of religion we have proposed in this volume is based on the conviction that the worship of God has its secret seat in the freedom that human beings enjoy. It is a form of existence or word of God (*kalimat Allāh*) that existed even before this world was inhabited. The purpose of Allah’s creation was to continue this form of existence and to set His creation free. The idea that believers are God’s slaves is fundamentally and categorically false.
10. *The Book* contains ‘between its two covers’ Muḥammad’s (§) prophethood and Muḥammad’s (§) messengerhood, designating the two different roles of either prophet or messenger. We have shown that the verses of prophethood (*āyāt al-nubūwa*) explain

the laws of this universe, the laws of historical development, and the stories of previous prophets and messengers. Their inherent quality allows for approval and disapproval. The verses of messengerhood (*āyāt al-risāla*) explain the legal injunctions, orders, and prohibitions. Their inherent quality allows for obedience and disobedience. The verses of prophethood are called the ambiguous verses (*al-mutashābihāt*); their outward textual form is fixed but their content is moving. This means that they can be constantly reread in the light of new progress in our knowledge of nature and the universe. This may happen throughout the entire history of humankind. The verses of messengerhood are called the unambiguous or definite verses (*al-muḥkamāt*); they are valid at all times but are never to be fixed once and for all. They are to be implemented within the limits that Allah has set and in the light of changing cultural, social, and political circumstances. It has been stressed that we are allowed to exercise *ijtihād* so that the verses of messengerhood always remain in harmony with the objective realities that have been newly introduced into human societies. *Ijtihād* has to be carried out within the confinements of the divine text.

11. The legal injunctions of *the Book*, as exemplified in chapters 3 and 4, are to be implemented within the limits that Allah has set (*ḥudūd Allāh*). There are two types of rules and their implementation: 1) human beings are not allowed to step *over* these limits even if they are allowed to stand *on* them. That is applicable, as we have shown, to the question of inheritance in verses 13 and 14 of Sūrat al-Nisā': 'These are the limits of Allah...But whoever disobeys Allah and His messenger and transgresses his bounds, He will admit him into the Fire' [MF]; 2) human beings are not allowed to stand *on* the boundaries, not even to come close to them, as we gave the example of verse 187 of Sūrat al-Baqara that instructs us how to fast: 'Eat and drink until you can discern the white thread from the black thread of dawn. Then complete the fast till nightfall [...]; those are the bounds of Allah; do not approach them' [MF]. We learn that the fast is like a time field: it has a beginning which is the moment when you can discern the white thread from the black thread of dawn, and an ending which is the night. Allah instructs us not to come near its borders, neither at the begin-

ning nor at the end. Instead, we are supposed to keep a safe distance of a couple of seconds both before dawn and after sunset.

12. We have shown the need to rethink the notion of abrogation in *the Book*. As such, there are no abrogating or abrogated verses that were stated within a one single messengerhood. Every verse owns an area for itself, and every injunction possesses a legal space in which it operates independently. However, based on verse 106 of Sūrat al-Baqara, which says ‘whichever verse We abrogate or cause [over long periods of time] to be forgotten, We bring instead a better or similar one. Did you not know that Allah has the power over all things?’ [MF], we maintain that abrogation did occur but only between different systems of legislation. There had been, for example, the legal proscriptions in Moses’ *shari‘a* which were abrogated by the legal proscriptions as issued in the *shari‘a* of Jesus. We have given the example of verse 50 of Sūrat Āl ‘Imrān: ‘I [Jesus] have come to confirm what came before me of the Torah and make lawful to you some of the things that were forbidden to you’ [MF]. We then said that Muḥammad’s (ṣ) message came next which abrogated some more injunctions of Moses’ *shari‘a*, such as those concerning adultery and homosexuality, and replaced them with different injunctions and added new ones for areas of law where previously there had not been any legal prescription, such as for issues of inheritance and lesbian relationships.

We have stressed that our criticism is directed against the current confused understanding of abrogation, by which hundreds of verses are deemed to be abrogating or abrogated, to such an extent that, on the basis of eccentric hermeneutical manoeuvres, peaceful *jihād* is interpreted as military conquest and moral admonition is interpreted as militant fight, to name but a few of such misinterpretations we have cited in chapter 6. For us, every legal injunction, whether revealed first or second, earlier or later, will count equally. In fact, we apply the same measures of authentication and explanation of abrogations that were used by the councils at the time of Abū Bakr, ‘Umar, and ‘Uthmān. We also believe that the right of abrogation lies solely with the Creator and the author of *the Book*. And we believe that He would have told us explicitly what verse of

which *sūra* was abrogated by what verse. But there is no explicit text about such a thing. And apart from a few hints scattered around in the texts of Islamic *fiqh*, which do not do justice to the importance of the subject, we do not have a theory of abrogation firmly rooted in *the Book*. All we have are flimsy justifications of abrogation that reflect the ideologies and particular political interests of historical periods in which political rulers demanded to get rid of certain verses that challenged their un-Islamic morality and aggressive worldviews.

13. Our understanding of *the Book* required us to introduce the two categories of ‘historicity’ and ‘historicality’. The first category refers to passages of *the Book* that narrate the stories of the *qur’ān*. These are historic narratives, that is, stories about events that really happened in human history. Such stories only contain moral lessons and no legal injunctions, for example, reports about events in the life of God’s messenger, references to the battles of Badr, Uḥud, Tabūk, the battle of the ditch, the seizure of Mecca, and so forth.¹ Such reports, as they can be found in Sūrat al-Tawba, are ‘historic texts’ (*nuṣūṣ ta’rīkhiyya*), narratives of events that took place in history. No human legislation can ever be derived from them. They do not belong to Muḥammad’s (ṣ) messengerhood since their revelation was the result of specific historic circumstances as they are reflected in the so-called occasions of revelation.

The second category of ‘historicality’ is a hermeneutical term that refers to the context-based nature and historical bias of our understanding and interpretation of texts. Our understanding for instance of the verses of messengerhood, such as, the injunctions about inheritance law and the different ritual obligations, is ‘rooted in history’, due to both the historicity of the text (*ta’rīkhiyyat al-naṣṣ*) and the historicality of our understanding (*ta’rīkhiyyat al-fahm*). Thus, if we read the ‘stories’ of *the Book* we need to understand them as being *historic* (events that

¹ MS refers here to the events of the so-called first *fitna* (temptation) and the fight of the Ahl al-Quraish against the newly formed Muslim community after the Prophet’s Hijra from Mecca in the year 622. These were the battles of Badr (624), Uḥud (625), Khandaq, or the battle of the ditch (627), the seizure of Mecca (630). Also included is one of the first military expeditions to regions outside the areas of the Ahl al-Quraish, to Tabūk (630), while the other two most important expeditions, to Mu’ta (629) and Ḥunayn (630), are not mentioned.

actually took place in history) and our understanding of them as *historical* (shaped by our historical context). Likewise, if we read the legal injunctions of messengerhood we need to consider both their nature as being *historic* (as legal measures for a concrete period of time in history) and our understanding of them as *historical* (because we study them with the epistemological paradigms of the twenty-first century).

14. The freedom to exercise *ijtihād*, the individual interpretation of the sacred text, is conditioned. One should not allow people to apply it too freely or too narrowly. We have stressed that the criterion of a legitimate *ijtihād* is whether its outcome corresponds with social reality. We defined an *ijtihād* as correct and acceptable if it brings the sacred text into harmony with objective reality. And because objective reality constantly changes, the outcome of our *ijtihāds* will also constantly change. If no congruence between objective reality and the sacred text is established, an *ijtihād* shall be deemed unsuccessful or even false. We applied the same criteria for modern parliamentary legislation. A law is effective when the existing social order of everyday life has been successfully analysed and when appropriate legislation has been found to administer and govern the social affairs of the citizens in an efficient way. As we heard in verse 137 of Sūrat Āl ‘Imrān² and verse 20 of Al-‘Ankabūt³, such congruence establishes a perfect line from ‘becoming’ to ‘progressing’, running from Adam to the Last Hour, and it is the sole criteria of truth by which the authenticity of Allah’s word is confirmed. The criterion of a successful *ijtihād* is certainly not whether the Prophet’s companions, their successors, or any of the traditional jurists would agree with it or not.
15. The act of *ijmā‘*, of a consensus about *sharī‘a* law, is carried out collectively by living people, not dead *fuqahā‘*. One may dispute public injunctions, such as what is permitted and forbidden, but one should never touch the thirteen absolute taboos (*muḥarramāt*) which we have discussed in chapters 1 and 2. One may, for example, introduce a ban on smoking in public places

² ‘There have been examples before you; so travel in the land and behold the fate of those who disbelieved’ (Āl ‘Imrān 3:137).

³ ‘Say: “Travel in the land and see how Allah originated the creation; then Allah produces the other generation. Allah truly has power over everything’ (Al-‘Ankabūt 29:20).

as a result of scientific research into the health risk of smoking, by issuing *fatwās* or resolutions of national assemblies or through bills of parliament. Or one may forbid or allow polygyny by *fatwās* or state law but one should never absolutely allow or forbid smoking or polygamy, since this is the prerogative of Allah.

16. The act of *qiyās*, of drawing analogies between two or more legal cases, must be done on the basis of empirical evidence and scientific proof provided by sociologists, economists, mathematicians, and natural scientists. These scholars function as the real advisers of state authorities and political legislators. This should *not* be done by the ‘*ulamā*’ and the jurists of *fatwā* bureaus. The primary task of these religious ‘experts’ is to give advice on what should be prohibited and permitted in matters of ritual worship. They should not be consulted in matters that are absolutely forbidden or absolutely allowed (which is God’s prerogative).
17. We distinguished between different categories of injunctions and different types of legal authority. We avoided confusing the type of absolute, religious taboos (*tahrīm*) with types of prohibitions (*nahy wa-manaʿ*) that can be changed by positive law. And we did not confuse the seat of authority for such legislations. We distinguished between the role of the divine legislator on the one hand, and the role of the state, customary practice, and popular traditions on the other. We have pointed out that the thirteen absolute taboos cannot be made subject to *ijtihād*, *ijmāʿ*, and *qiyās*, and that includes the prohibition to eat dead meat, blood from slaughtered animals, and the flesh of swine (see verse 173 of Sūrat al-Baqara). We believe that in keeping the thirteen taboos sacrosanct the contemporary Islamic discourse will lose its current reputation of being provincial and inward-looking and will thus regain universal acceptance. No one, be they muftis, politicians, bureaucrats, or generals, is allowed to add any more absolute taboos to the existing thirteen which Allah decreed in *the Book*. If someone did make any such illegitimate addition, God’s response would be: ‘How dare you say things about God without any knowledge!’ (Yūnus 10:68, AH).
18. The role of a prophet is to exercise *ijtihād* for a specific historical period. In his effort to create a viable state and a functioning

society, the Messenger Muḥammad (ṣ) used his independent judgement to issue prohibitions or permissions which he had to qualify in accordance with the shifting historical context and changing circumstances. This is (also for us) the only way to apply the dictum of the ‘*ulamā*’ that ‘the legal injunctions change with the changes of time’ (*al-aḥkām tataghayyar bi-taghayyur al-azmān*). It is the only chance to turn the current geographically and temporally very narrow-minded *mānic* discourse—caged into the space of the Arabian Peninsula at the time of the seventh century—into a universal *islāmic* discourse that integrates all people on this globe and covers all periods of time until the coming of the Last Hour.

19. The *sunna* of Muḥammad (ṣ) has been defined as the first *ijtihād* ever, a deliberate application of the rules of *the Book* to a concrete historical situation. We have shown that the *sunna* embodies Muḥammad’s (ṣ) interpretations of how to transform the divine and absolute rules into practiced norms of everyday life on the Arabian Peninsula in the seventh century. It was not the only and certainly not the last application of *the Book*. What Muḥammad (ṣ) did was to consider the cultural, political, and economic situation of seventh-century Arabia and to position its ‘becoming’ and ‘progressing’ vis-à-vis the divine and trans-historical ‘being’ of the divine text. In applying universal injunctions to his concrete historical milieu, he built the foundation of a centralized state on the Arabian Peninsula which was, at that time and in terms of ancient Arabia, an enormous qualitative leap. In this role, Muḥammad (ṣ) was a truly pragmatic leader and an immensely convincing bearer of a new, revolutionary message. As the first *mujtahid* and greatest messenger (ṣ), who received a divine, absolute message from God, he transformed the eternal into the temporal, the abstract into the concrete, the universal into the particular. Because of this intrinsic link between Muḥammad’s (ṣ) *ijtihād* and the concrete, contingent circumstances of seventh-century Arabia, we stated that we do not draw analogies from the decisions we face in our contemporary world to his decisions of the seventh century. We must apply our own *ijtihād* and use our own intellect to bring the rules of *the Book* in line with objective reality as we face it today and in accordance with the epistemological paradigms we possess now. Therefore, we did not apply the method

of *qiyās*, of drawing analogies, between contemporary and ancient legal rulings but between current, contingent realities and the divine text.

20. We stressed the need to distinguish between the *sunna* of the Prophet and the *sunna* of the Messenger. We defined the *sunna* of the Messenger as consisting of those acts and deeds of Muḥammad (ṣ) which are, and already have been during his life and immediately after his death, deemed to be worthy of imitation. These are the ritual obligations by which Muḥammad's (ṣ) followers differ from other groups that follow other messengers. The form of these ritual obligations (e.g., the act of prayer as such) is once and for all fixed but their content moves (e.g., how exactly to pray). The ritual content is transmitted from generation to generation through actual performance—the books of *ḥadīths* do not have a say in this.

The *sunna* of the Prophet, in contrast, was said to consist of Muḥammad's (ṣ) words and sayings about society, the state, politics, governance, dress codes, and popular practices during his time. We proposed to regard them as words of wisdom to which one should listen attentively. But they do not possess absolute authority or eternal validity, and they should not be made a source of modern legislation. The books of *ḥadīths* and the many volumes of *ḥadīth* criticism are a real burden for us today, since they force us to constantly authenticate our modern positions in accordance with the *sunna* of Muḥammad (ṣ). We stressed that it is important to realise that Muḥammad's (ṣ) views are neither absolute nor do they possess everlasting truth, as their validity is restricted and subject to interpretation.

21. Muḥammad's (ṣ) major role was to transmit the divine message that came down to him by revelation.⁴ We have shown that in judging this role one should avoid two extremes. One is to say that the qur'anic text is what Muḥammad (ṣ) understood of the divine message and how he explained it to his followers. In this view the divine text has turned into Muḥammad's prophetic announcements. The other extreme is to give Muḥammad's

⁴ 'Messenger, proclaim everything that has been sent down to you from your Lord—if you do not, then you will not have communicated His message—and God will protect you from people. God does not guide those who defy Him' (Al-Mā'ida 5:67, AH).

sunna the function of explaining the obscure and ambiguous in the Qur'an, of specifying general meanings, and of particularising general rules. In chapter 2 we thoroughly criticised those who outrageously attributed divine wisdom to the *sunna* and even gave it the authority to abrogate qur'anic injunctions, an attitude that resulted in the slogan that 'the Qur'an is more in need of the *sunna* than the *sunna* of the Qur'an'—may Allah protect us from what they are saying!

In several passages, *the Book* says that the aim of proclaiming the divine message is to 'make it public', that is, the opposite of keeping it hidden or private.⁵ We therefore defined the role of the Prophet as that of a messenger whose task it was to bring the divine message out into the open, that is, to announce its news loudly and clearly to the people. His task was not to interfere with the transmission of the phonetic and lexical format of *the Book*, *al-dhikr* (i.e., with the process of linguistic transformation or *al-inzāl* into Arabic) nor with the actual content (i.e., with the act of revelation, or *al-tanzīl*), inasmuch as he was forbidden to alter the revealed commands and prohibitions by his prophetic practice.

We discussed the need to keep two different steps of revelation separate: first, the transformation of the text of divine revelations into a linguistic format (Arabic) so that human beings are able to perceive it. Second, the reception of these divine revelations by the Prophet (ﷺ). We said that Muḥammad (ﷺ) enjoyed the status of a messenger of God only because of his task to make revelations public and to deliver Allah's message in a clear manner without any distortion, alteration, or addition. Muḥammad (ﷺ) performed this role in the most perfect and complete manner. However, we refused the idea that he was chosen to explain and elucidate the divine message. Our argument is that the very long *sūras* of *the Book*, such as Al-An'ām, Al-A'rāf, Hūd, Yūsuf, or Yūnus, whose complex meanings unquestionably demand further explanations, were entirely left unexplained by Muḥammad (ﷺ). This shows that it was never Muḥammad's (ﷺ) self-understanding that he should comment on everything he proclaimed as revelation. This confirms our view that Muḥammad's (ﷺ) role was only that of a transmitter

⁵ Āl 'Imrān 3:187; Al-Mā'ida 5:15; Al-Baqara 2:187.

of the divine message. He represented ‘the completion of prophethoods’ but not the ultimate level of *the Book*’s interpretation.

22. We have shown the importance of recognising the differences between Islamic *sharīʿa* and Islamic *fiqh*. Islamic *sharīʿa*, as we defined it, contains those legal verses of *the Book* that share Allah’s absolute ‘being’, whereas Islamic *fiqh* or jurisprudence represents the contingent nature of human interaction with and understanding of the divine legislation at a specific time and place in human history. Whereas Islamic *sharīʿa* is divine, Islamic *fiqh* is human. The distinction between *sharīʿa* and *fiqh* helps us to further differentiate between *al-islām* and *al-muslimūn*. Whereas *al-islām* is represented by *the Book*, the term *muslimūn* refers to human beings who interact, historically, intellectually, and socially with the divine text. In other words, the *muslimūn* personify the historical presence of *the Book* and, by doing so, differ immensely in their interpretation of it.

We have made it clear in all chapters of this volume that we regard the whole literature of Islamic *fiqh* as a first reading or first understanding (i.e., context-based application) of the divine text and its sacred injunctions. We see it as our task today to add to this a second reading which is firmly rooted in the twenty-first century. This requires us to fully apply modern paradigms of knowledge and learning so that we may go beyond the premodern foundations and sources of Islamic *fiqh*. Following this logic, we are convinced that in the future there will be further readings, for example, a third rereading, a fourth rereading, a fifth ... and so forth, until the coming of the Last Hour.

23. In our interpretations of the legal verses of *the Book* we applied the scholarly principle ‘legal injunctions change with the changes of time’. We are convinced that legal rulings do change as a result of epistemological and scientific developments that take place in our societies. Being true to this principle, we have interpreted the verses of inheritance more in line with modern statistics and mathematics than with explanatory models that existed in ninth-century Arabia. Consequently, we were able to remove insignificant factors of medieval *fiqh* thinking, such as questions of obedience and disobedience, of mental soundness and madness, and were thus able to see things from a

- different perspective which led to completely different results. After us, of course, others might come and see again new things and create new results because of their own perspective, which will differ from ours.
24. We have proposed throughout the volume that Islamic law should be applied as human and civil legislation within the limits that Allah has set. It requires the principle of *hanīfiyya* which allows change and plurality of opinions. It requires the institutions of civil society and the existence of legislative assemblies, a fair electoral system, democratic elections, and the possibility of correcting and revising religious *fatwās*. Muftis should give *fatwās* only on matters of ritual duties. This self-restriction will be their contribution to a fair, democratic, open, and pluralistic Islamic society.
 25. We have shown that the *fuqahā*'s harsh penalties for apostasy deviates from the spirit and explicit text of *the Book*. According to Allah's *Book*, apostates should not be punished for their change of religious affiliation because every human being enjoys the freedom of religion and the freedom to choose membership to whatever religious community he or she wants. We have shown that Islamic jurists interpreted politically motivated secessions by Arabian tribes as religious apostasy as a result of which, basically until today, an individual's renunciation of Islam is treated as high treason for which the death penalty is demanded. It is important to disentangle this political history from the religious message of *the Book* and reestablish the freedom to change religious communities or the freedom to not follow any religious community at all.
 26. The *fuqahā*'s indiscriminate treatment of *al-jihād* and *al-qitāl* has been exposed as insufficient. We have shown that *the Book* cites a large number of activities that are subsumed under the category of *al-jihād*, for example the pursuit of knowledge, the provision of sustenance, and the peaceful struggle for freedom, justice, and equality. A struggle is defined as '*jihād* in God's way' (*al-jihād fī sabīl Allāh*) if the intention is to fight for freedom, justice, and equality for all people on earth (that is not restricted to a particular religious community, ethnic tribe or nation-state).
 27. *Al-qitāl* is one possible type of *al-jihād*, that is, a type of fighting that implies violence and involves a considerable amount of

force. It is the last resort in any kind of confrontation between two sides, and it is tried or done when everything else has failed. A fight is defined as ‘fight in God’s way’ (*al-qitāl fī sabīl Allāh*) if the intention is to forcefully resist internal oppression by an unjust totalitarian regime and to fight for freedom, justice, and equality in one’s own country. A military fight against an external invasion may be legitimate but it cannot be defined as ‘fight in God’s way’. We have shown how important it is to differentiate between normal warfare (undertaken in order to pursue political, economic, and military objectives) and fights in God’s way that refer to the struggle against injustice, totalitarianism, and discriminations on the basis of people’s social class, ethnic race, religion, or gender.

28. ‘To prescribe what is right and to proscribe what is wrong’ is a powerful activity of *al-jihād* that is done in God’s way. If this activity is carried out in the correct spirit of *the Book* (that is, without the use of force and violence), it helps to spread peace, prosperity, and happiness in a nation. We have argued that the best agents of this activity are the civil rights and civil society organisations of a country, and that the highest level of ‘prescribing what is right and proscribing what is wrong’ can be found in groups or movements who peacefully protest against political oppression, the breach of human rights, and the lack of political transparency in government and state administration.
29. The persistent usage of the term *warā’* for ‘loyalty’ purely on the communal level was exposed as inadequate, as it was shown to be a convenient tool to silence political opposition. We have shown that the two terms *al-walā’* and *al-barā’* are used in *the Book* in order to describe the process of identity formation, and its dissolution respectively, on several collective levels, that is, within a family, clan, tribe, community, people, and nation. It was emphasised that an individual person can adopt several identities that need not necessarily contradict one another. Rather than instrumentalising these terms in order to enforce a single, monolithic identity on Muslims (favouring the religious over all other), we have shown that it is possible to reconcile the religious with the ethnic, political, linguistic, and tribal affiliations that a person might have. It is hoped that this will help contemporary Muslims to liberate themselves from

the fetters of a religio-centric worldview, which forces us to become more and more alienated from mainstream society, and to open their minds to the possibility that they can harmonise their multiple modern existence with their religious faith.

Praise be to the Lord of the worlds!

INTERVIEW WITH MUHAMMAD SHAHRUR

by Dale F. Eickelman (1996)

The first interview was conducted by Dale F. Eickelman who in 1996 met Muhammad Shahrur in Damascus to ask him about his personal and intellectual biography. Professor Eickelman was one of the first Western academics to discover the significance of Muhammad Shahrur's writings within the context of the emergence of a Muslim public space in the Arab and Islamic world.¹ The interview took place at Dār al-Istishārāt al-Ḥandasiyya, the engineering firm in which Shahrur is a senior partner and where he does his writing. Professor Eickelman told me that the interview was conducted in a combination of English and Arabic, with the choice of language left to Muhammad Shahrur. In practice, he switched to Arabic in discussing theology and technical points in qur'anic interpretation, using English to discuss the more general aspects of his life and career. The language switching was facilitated by the presence of Ṣādiq Jawād Sulaimān ('SS' in the interview transcript), an Islamic activist, who accompanied Dale Eickelman to Damascus. Sulaimān, a former journalist and senior official of the Ministry of Foreign Affairs of the Sultanate of Oman, was also interested in Shahrur's work, although from the vantage point of a fellow participant in Islamic reform. I wish to thank Dale Eickelman for allowing me to include in this volume his interview which has not yet been printed or published elsewhere.²

¹ Publications on MS by D. F. Eickelman are listed in the Bibliography.

² Dale Eickelman wrote: 'Travel to Damascus to interview Muḥammad Shaḥrūr and others associated with religious book publishing in Damascus (March 14–24, 1996) was funded by the Humanities Program of the Rockefeller Foundation, New York, under a grant awarded to Dartmouth College for the project "Print, Islam, and Civic Pluralism: New Religious Writings and their Public." The author also wishes to thank Colin S. O. Grey, a Presidential Scholar at Dartmouth College, and Christine Eickelman for transcribing the English sections of the interview'. (Transcript of the original interview, p. 1.) The footnotes were provided by Dale Eickelman and left unchanged (except where some updates seemed necessary) as they are in the original manuscript.

COMING OF AGE IN DAMASCUS

DFE: When we first spoke about your family and youth in Damascus, you mentioned an occasion when your father took you past the shrine of Muḥyī al-Dīn Ibn ‘Arabī, in the Ṣālīhiyya quarter of Damascus where you were born and raised.³ Why did you begin with this episode?

MS: The episode took place after the 1967 Six Day War. My father and I were passing by the shrine. He pointed to it and asked me, ‘Do you know who defeated us?’ ‘No,’ I replied. He said, ‘The man who is buried under this shrine’. He told me that Ibn ‘Arabī ruined our ability to reason. He turned our focus away from the physical world to a hallucinatory one existing only in our minds.

DFE: How old were you in 1967?

MS: I was born in 1938, so I was twenty-nine. I had graduated from the university in 1964, three years earlier.

I: Is your father religious?

MS: He’s a conservative. People call us conservative. He prays and fasts. He went on the pilgrimage in 1946, and I went with him, when I was eight years old.

DFE: Did he speak with you often about religion?

MS: No. He talked mostly about how to be honest and truthful. He thought that to worship God is good, as was honesty with people, work, and following the objective laws of nature.

DFE: How would he say ‘the objective laws of nature’ to a young child? This sounds like a phrase you might have learned later in Russia.

MS: Objective knowledge? He used the example of a stove. If you want to warm yourself, don’t recite the Qur’an, but light a fire in the stove. This is how he explained the idea to us. Anyone could understand his example. He still explains things this way.

DFE: What role did your mother play in your early life?

³ Muḥyī al-Dīn Ibn ‘Arabī (1165–1240), the influential Sufi mystic and scholar who lived in Damascus from 1230 until his death.

MS: In 1953, I wanted to drop out of school. My father had no objections, but my mother was opposed to it. She was illiterate, but she quarreled with my father and cried. Finally, to secure peace, he said, 'Okay, go to school' [laughter]. She insisted that I continue, and he finally agreed with her.

DFE: Why did you want to leave school?

MS: I was attracted by money. I worked, earned money, and liked it. At the time, I considered school as a kind of confinement. You had to go every morning, sit on a chair all day, and then go home. I thought that working allowed more freedom.

DFE: Did you have religious lessons in school?

MS: Yes.

DFE: What did you think of them?

MS: My interest for each subject depended on the teacher. My religious teacher was good, although he didn't pay much attention to prayer and fasting. He knew that he had to teach us the main framework of Islam and he was good at that. He wore a suit like anyone else.

DFE: As you look back on your youth, would you consider yourself particularly interested in religious issues?

MS: No [laughter]. I was not particularly interested in religious issues. But my family is religious. In our neighborhood, we were considered quite odd. Our father was strict about *not* fasting and praying. He fasted and prayed himself, but considered religion as more than this. He was more concerned with how people treated one another and how to deliver goods or work to people. He emphasized this all the time.

DFE: After you finished primary school, did you have a choice in your studies?

MS: We could choose between humanities and science, and I chose science. I liked it, and think that I have a scientific disposition. I was good at mathematics and physics, and understood them easily.

STUDIES IN MOSCOW

DFE: Why did you choose the Soviet Union for advanced studies in 1958?

MS: I didn't choose. There was a competition for twenty-eight students to go to Russia as part of a cultural agreement, and I wanted to continue my studies abroad.

DFE: How did you find life in Russia?

MS: At first, everything was odd and strange. I didn't know Russian, and Russia was a new society for me. It took me four to six months to adapt to my new circumstances. Then I enjoyed it. It was a new experience and gave my life a new scope. I had never been outside Damascus and was only nineteen years old, a very young man in Russia.

I was very curious about Russia. I asked about the October Revolution and how it came about. I learned Russian quickly, and read a lot of books that weren't on the syllabus. Russians were obliged to study Marxist philosophy, the history of the Communist Party, and political economy. Foreigners from the United Arab Republic, as we were at the time, were exempt from this requirement. We had no examinations on these subjects, but I studied them anyway. I read books on the history of the Communist Party, Marxism, and the work of Engels, although no one obliged me. I discussed philosophy with many people. This was my hobby, and physics and mathematics helped me to understand more.

DFE: What were your living conditions like in Russia? Were you living with Syrians or with Russians?

MS: Syrians and Russians together. I lived only the first year with another Syrian. All the other years I lived with Russians. They are good people, ordinary and direct. I liked them as people and enjoyed their company. I married a Russian in 1963, a girl from my institute. We lived together in a student hostel and she had a son by me in 1964, the year I graduated.

DFE: Did you speak about religion with Russians or Syrians?

MS: With both, but from a philosophical point of view, not about prayer or fasting. I asked questions like: Does God exist? What is morality? Why do we need it? I asked about the existence of

God. Marxist philosophy is atheistic. This was hard for me to accept, especially because the Russians sometimes advanced arguments which I could not answer. I felt defeated and disappointed when this happened. I believed in God and read the Qur'an, but I could not convince them and they could not convince me.

How could I convince them? When I was in Russia, a Qur'anic verse ran through my head: 'Say: God's is the argument that reaches home. Had He wanted, He could indeed have guided you all' (*Qur: Fa-li'llāh al-hujja al-bāligha, fa-law shā' la-hadākum ajma'in*) (Al-An'ām, 6:149). I didn't know how to explain this verse repeatedly coming to mind. At the time, I hardly knew the Qur'an at all.

I read newspapers a lot, especially a newspaper called *Za rubezhom*.⁴ It translated stories from foreign news broadcasts and periodicals into Russian. I liked reading. I took a book with me and read wherever I went, because my Russian was like a Russian's and I enjoyed Pushkin and poetry.

DFE: How long did it take you to become fluent in Russian?

MS: One year and three months.

DFE: Were other Syrian students also interested in talking about religion?

MS: No. We gathered as friends on Sundays and feast days. We talked about lots of things, including philosophy, religion, and politics. At the time, Syria and Egypt were combined in the United Arab Republic and the Arab world was turbulent. There was the Algerian revolution for independence and troubles in Egypt, Yemen, Tunisia, and Africa. We were wrapped up in politics and proud that we were from the United Arab Republic.

So I was astonished when the United Arab Republic broke up. In Russia, I repeatedly told my friends that Arabs had no theories of society. I felt that we Arabs needed to understand concepts of freedom and society. On this issue, I was influenced by Marxist philosophy. I understood from Russia that people need concepts about society, so that if a man in Casablanca and another in Damascus were asked a question, they would give the same answer and take the same stand. This is what we call ideology or

⁴ *Abroad*, a weekly news magazine intended for a general readership covering events outside the former Soviet Union.

culture now. In Russia I called it theory. I felt that we were all in urgent need of theory. This made me read more books on how to formulate theory. I also felt that theory without strength and progress means nothing.

DFE: You speak of a strong sense of Arab identity during this turbulent period in the Arab world. How do you feel now about the idea of Arab nationalism ('urūba)?

MS: It's a good idea, but overwhelming. It's romance.

DFE: What did it mean to you in 1958 and 1959?

MS: Romantic meanings only.

DFE: You called it 'romantic' then?

MS: Yes. You see, we are Arabs. We have one culture and one language. We express Arab unity in poetry but not in theory.

SS: Did Arab unity have any political implications for you?

MS: No. Only the union between Syria and Egypt had political implications.

SS: When you say you were astonished, were you also frustrated or pained?

MS: Yes, I was convinced that it was wrong that some political parties were banished and that democracy was abolished. It must be revived. In addition, Lenin's definition of party was useful to me. He defined the party as an objective expression of thought. This made sense for me. Until now it makes sense that a party is an objective expression of thought, that common thought gives birth to parties, that parties were born from thought. I still think that this expression is valid.

DFE: When you arrived in the Soviet Union, Nikolai Bulganin was Prime Minister (1955–58), and he was replaced by Nikita Khrushchev about a month after your arrival. What did you think about the Soviet system at the time?

MS: In the first two or three years of my stay in Moscow, the Soviet system had a great impact on me. I knew that the Soviet Union was a backward nation in 1917. Then they built a strong army and won the Second World War. Later, when I went into the Russian countryside and saw Russian peasants, I was astonished

by the many government lies. Then I stopped believing in the Soviet system. There was something fishy about it. There is a Communist Party slogan, which I put in my third book: The party is the mind, heart, and conscience of the people (*al-ḥizb huwa 'itq wa-damīr wa-sharaf al-sha'b*). It disgusted me, I felt sick when I read this slogan. I put my views in my compact for national action (*mithāq al-'amal al-waṭanī*). All parties and universities, scientific research institutions, a free press, and all organizations together express the mind, conscience, and honour of the people, but no one party. It's impossible.

ARAB NATIONALISM AND THEORIES OF SOCIETY

SS: Let's return to the notion of 'urūba. At the time did you think that the Arab world would unite?

MS: Yes, the pan-Arab world. For instance, we supported the Algerian revolution. For us, that was the immediate concrete application of 'urūba, so objectively we had to support Algeria. The Algerian issue concerned all the Arab countries, as did the 1958 revolution in Iraq. These events were concrete. I thought that Iraq would join the United Arab Republic. These were the immediate implications of 'urūba. However, we didn't think about theory at that time. Our thoughts were driven by events. After the break-up of the union between Syria and Egypt, I realized something was wrong with 'urūba Islam, although I didn't yet know what it was. We had to look at where we went wrong.

SS: You say that you still believe in the Arab nation. Do you mean this only in an emotional sense or do you see in pan-Arabism a practical means of uniting the Arab world on the basis of a common culture? Do you see pan-Arabism as the basis for a political movement?

MS: I believe that it could serve as the basis for a political movement, to bring Arabs together with one language, one culture, and one state. This remains my ambition. I hope by my writing to contribute something useful to the Arabs in their fight for unity. We have to give up romance. My writing doesn't deal with romance. I call [the earlier period] the romantic one.

DFE: Your studies in the Soviet Union gave you fluency in Russian, a solid basis in civil engineering, a love for Pushkin, a wife, a son, and frustration that the Russians could talk theory but you couldn't.

MS: Exactly. When I returned to Syria I repeatedly said that we had no theory. I vaguely understood in 1964–65 that any ideology that doesn't include a theory of knowledge is not really complete. At that time I realized that the first step was to formulate a theory of human knowledge and consciousness, the relationship between things outside yourself and things in your mind (*al-'alāqa bayn al-wujūd fi'l-'ayān wa-ṣuwar al-mawjūdāt fi'l-adhhān*). This relationship is the main issue in philosophy, and how to improve our understanding of it will remain the main issue until the Hereafter.

DFE: In the 1960s did you think of theories of society primarily in terms of 'urūba, Islam, or both?

MS: After the break-up (*infisāl*) of the union between Syria and Egypt in 1961, I realized that we needed a theory of society for the pan-Arab movement.

DFE: And religion?

MS: No. Religion at that time meant to me only to believe in God or atheism, because I was confronted with Russian atheism and Marxism. Does God exist or not? I didn't go into details because the main issue confronting me was atheistic philosophy. I had to defend myself and my beliefs. I didn't think about praying or fasting. You see, the main issue—whether God exists—was so big a problem that I forget about fasting and everything else.

DFE: So Islam was not then central to your thought?

MS: No.

SS: And theory was?

MS: Theory for 'urūba, for pan-Arabism. Arabs needed a party system with a theory so that they could understand words and the universe.

SS: You didn't think that Ba'athist ideology was adequate?

MS: The Ba'ath party recognized that it had no theory to its credit. They offered only revolutionary principles (*al-muntalaqāt al-thawriyya*). The unionists (*al-wahdawiyūn*) now say the same thing.

Professor Fā'iz Ismā'īl Kāmīl⁵ says that we have no theory. After the 1967 Six Day War, when my father pointed to the shrine of Muḥyī al-Dīn Ibn al-'Arabī, I knew that Ibn 'Arabī was a philosopher. I realized then that the principle of making theory had to come from inside Arab culture in order to change Arab thought. Islam and the Qur'an are at the basis of how Arab culture is formed. Islam defines our thinking, our way of doing things. All the books written through the fourteenth century, our social and scientific consciousness, had been worked out through the philosophy of Islam. I realized that even Arab atheists are Islamic in their culture.

SS: *So it was Arab identity and 'urūba that led you to an interest in Islam?*

MS: Because Islam has shaped our culture. I believe in God. I was never in my life an atheist. Not even for one minute.

DFE: *Did you ever have doubts?*

MS: Yes. When I was in Russia, when I began to read the Qur'an, I knew that I had to eliminate my doubts. How? I wanted to see the Qur'an's credibility. Abraham himself had doubts and from his doubts he came to certainty. I read about a theory of doubts in René Descartes' *On the Method of Seeking Truth in the Sciences* (*Tarīqat al-wuṣūl ilā'l-ḥaqīqa*). It is good to have doubts because you reach truth through them.

RETURN TO SYRIA (1964)

MS: When I returned to Syria, I was appointed as [teaching] assistant after a competition at the university. The Faculty of Civil Engineering was founded 1961. There were few engineers in Syria at that time and the faculty needed them. My registration number in the Syrian Syndicate of Engineers is 750. That was the number of all engineers in Syria at the time, not just civil engineers.

⁵ Leader of Syria's National Progressive Front (*al-Jabha al-waṭaniyya al-taqad-dumiyya*), one of the constituent parties of the Socialist Union Party (*al-ḥizb al-waḥdawiyyūn al-ishṭirākīyūn*), which encompasses all of Syria's recognized political parties.

DFE: Did you return with your wife and child in 1964?

MS: No my wife was still a student. She joined me after she finished her studies in 1965. Unfortunately, she did not bring our son, Leonid, with her. She was a pioneer, the first or second Russian wife to come to Syria. She lived here one year and couldn't stand our different environment. Finally we agreed to divorce without a quarrel. I told her, 'Keep Leonid because you are the mother and he will be happy with you. It would kill you if I kept him here. I still provide for our son. It's my obligation.' Two months after my first wife returned to Russia, I married my present wife, 'Azīza.

DFE: Were you active in politics or discussion circles when you returned to Syria?

MS: In politics no, but discussion circles yes, on Arabness, 'urūba, until 1967.

DFE: Why just 1967?

MS: The 1967 war had an impact on all Arabs in different ways, but it affected the consciousness of us all. I was then twenty-nine years old.

DFE: When did the idea to write The Book and the Qur'an first come to you?

MS: The project began to form in my head after 1967. I became convinced that our problem was in the Arab understanding of thought and society. The problem was ourselves, not America or the West. I was convinced of that.

DFE: Did you intend from the outset to develop new interpretations of Islam?

MS: Yes. I wanted to understand Islamic culture thoroughly, to see where we went wrong in order to correct our consciousness. There was an incident which was very clear and upsetting to me. At the first Friday sermon in Damascus after the Six Day War, the preacher in the mosque said that the reason for our defeat was women. '[Our] women are cruel, naked' (*al-nisā' qāsiyāt 'arīyāt*). The people sitting there in the mosque believed him. How can we say that the disaster occurred because God was punishing us

for the conduct of our women? I rejected that explanation, but not all people did. They were astonished but they accepted the idea that God might be punishing us.

DFE: How do you know?

MS: They remained silent. They were astonished at the sermon but said nothing. ‘Oh no, it’s women. God is punishing us because women are not wearing head scarves.’ I said to myself, ‘How could that be? Israeli women are in bikinis and they defeated us’ [laughter].

After the sermon I became convinced that something was wrong with our shared understandings, since the preachers were blaming our problems on the two or three tons of textiles used to veil women. You see why I thought that there is something wrong with our worldview. One of my friends told me that the first Friday sermon in the Prophet’s mosque in Medina after the Six Day War concerned the rules for divorce (*aḥkām al-ṭalāq*) in Islam. I became convinced that our thought was wrong. We had to revise how we reason.

DFE: Did you express your ideas to other people in 1967?

MS: Only the idea that our worldview (*dhihniyya*)—our mentality or way of thinking—was wrong. We were living in another sphere.

DFE: Did you write anything down?

MS: Not until I went to Dublin in September 1968. There I was alone.

DFE: Were other Syrians with you?

MS: Only four. One was my business partner. The four of us had been accepted at the Imperial College in London, but after the Six Day War, Syria broke diplomatic ties with Britain and we went to Dublin instead. In September 1969 I received my master’s degree and in July 1969, Ṭāriq, my first son by my second marriage, was born.

I learned about a new world in Dublin: Western schools, Irish society, a new university, a style of life different from Syria and Russia. As always, I read more, including Alfred North Whitehead, *Science and the Modern World*. When I returned to Syria, I brought new ideas about logic with me.

DFE: Did you begin writing in Dublin?

MS: In my last year there, 1972. I wrote four or five pages about idolatry (*al-shirk*). I began to read the Qur'an and to understand that *al-shirk* is remaining static or unchanging in one's thinking. That was my first conclusion, that our thinking was static, that we were dead. When I returned to Syria in 1972, I still only discussed my ideas with people and read books. I was expanding my understanding. I began to read such things as commentaries on the Qur'an (*tafsīr*). Much of what I read was not convincing.

In 1980, during Ramadan, I began to define the difference between a historically specific act (*al-fi'l*) and the notion of action in general (*al-'amal*). This was the first distinction which I recognized. It took me all of Ramadan to sort out the qur'anic verses related to these two terms. As I see the distinction, *fi'l* refers to a specific act. No generalizations can be drawn from it. *'Amal* refers to a more generalized, objective activity or category of activities, like 'good deeds.'

At the time I didn't even know that there was a concordance of the Qur'an. I had to extract all the related verses on my own. Although I asked Arabic-language experts for guidance, they did not tell me the distinction between *fi'l* and *'amal*. I discovered it myself. Similarly, it took me two years, from 1980 to 1982, to understand the difference between the two elements of the Qur'an: the book (*al-kitāb*), which is the subjective element, and *al-qur'ān*, which is the objective one. These two elements together constitute the holy book, the *tanzīl al-ḥakīm*. The Prophet is the messenger for *al-kitāb*, and the rules of jurisprudence, of what to do and what not to do must be subject to interpretation (*ijtihād*) within the limits set down by God. *Al-kitāb* is dynamic and has such a close relation to social life that it must be reinterpreted to apply to different places and historical periods.⁶ *Al-qur'ān* is objective truth, prophecy. It exists independently of human knowledge or consent and is unchanging.

Think of a fresco at the Vatican. The fresco is fixed, objective. But as the viewer changes position, he sees the fresco in a different way. Each time we move, we see the fresco in a different way. The mullahs want us to stand still and see the fresco as it was in

⁶ This point is further developed in Shahrur, *al-Kitāb wa'l-qur'ān*, 59–60, and in chapter 3 of this book.

the seventh century. We want to move around and see the fresco in a dialectic between text and context. Our interpretation of the fresco as we move around is subjective. With the *kitāb* we can use interpretation, and interpret how a verse complies with objective truth. The *qur'ān* involves prophecy, which is objective truth. I was perplexed when I looked at the qur'anic verses containing these two terms, *kitāb* and *qur'ān*. I looked at their meanings inter-actively and then understood them.

SS: *With whom did you first discuss your ideas?*

MS: Primarily with the linguist Ja'far Dīk al-Bāb.⁷ In the 1980s, we had long discussions on the meaning of *kitāb*.

DFE: *In the early 1980s political events and economic conditions in Syria obliged some people to leave the country, and your business was reorganized. You also found yourself more free to focus on writing . . .*

MS: Yes, and in May 1982 I discovered the difference between *kitāb* and *qur'ān*. It was very surprising to me. I told my family about it. My father was the first to understand the distinction. He became interested, asked me difficult questions, and forced me to answer them.

DFE: *After 1982, you began to discuss your ideas with others, especially Ja'far Dīk al-Bāb when he returned during summer from his teaching post in Algeria.*

MS: I showed him what I had written. I kept the manuscript in my house. I gave it to my son for safekeeping, saying: 'Look, this is my first book. The manuscript is in this envelope. Now I will prepare a second book.'

After discovering the difference between *kitāb* and *qur'ān*, I discovered the meaning of *tartīl*, a term usually referring to the slow, elegant recitation of the Qur'an: 'Or add to it; and recite the Qur'an in slow, measured rhythmic tones' (*aw zid 'alayhi wa-rattil al-qur'ān tartīl^m*) (Al-Muzzammil 73:4).⁸ I discovered the distinction

⁷ A prominent Syrian linguist who has worked in Algeria and the Sultanate of Oman, Dīk al-Bāb first met Shahrur when they were students together in Moscow. His *Asrār al-lisān al-'arabī* (Secrets of the Arabic Language) is included as an appendix to Shahrur's *al-Kitāb*.

⁸ As Ṣādiq J. Sulaimān explains, *rattil* also means to place in a *logical* sequence, although this is a somewhat rare use of the term. Yusuf 'Ali, one of the translators of

between comprehension (through *inzāl*), which is the phrasing of objective truth or doctrines in a manner which humans can understand in a particular historical setting, and the delivery of revelation (*tanzīl*), the objective transmission from God to humankind via Gabriel. *Tanzīl* exists outside of ourselves, like radio waves, which exist whether or not we are aware of them. *Inzāl* is the act of explaining the *tanzīl*.

I also discovered the distinction between the ‘record clear’ (*al-imām al-mubīn*) that makes matters clear for a specific place and time—these actions collectively constitute an archive of human deeds—and the ‘tablet preserved’ (*al-lawḥ al-mahfūz*), which are the general laws of existence—life, death, resurrection. To understand these distinctions, I had to reread each qur’anic occurrence and write out all the verses on the subject. At the time I had no computer. I bought one and began word processing only in 1987.

DFE: When did you consider your manuscript finished?

MS: The third version, which I completed in 1988. I read it out loud to some of my former students who were interested in my ideas. We gathered weekly in a friend’s house. [A former student] read the text and I would interrupt and comment on various points.⁹ I made final corrections to the manuscript in October 1989. I delayed publishing until then because I felt that my section on Islamic personal and family law (*al-aḥwāl al-shakḥsiyya*) was anemic.¹⁰

Let me explain. One day an idea occurred to me when I was lecturing at the university on civil engineering on how to make compaction roads. We have what we call a proctor test, in which we sample and test the soil used in fills and embankments. In this test, we follow a mathematical pattern of exclusion and interpola-

the Qur’an, uses the term only in the sense of measured recitation. It also can refer to military formations, and Shahrur is building on this more physical and logical sense of the term.

⁹ This is a common pattern for religious lesson circles. See Dale F. Eickelman, *Knowledge and Power in Morocco: The Education of a Twentieth-Century Notable* (Princeton, NJ: Princeton University Press, 1985), 91–104. Participants in Shahrur’s discussion groups with prior experience of religious studies or participation in religious orders placed particular emphasis on the ‘traditional’ structure of their meetings.

¹⁰ Shahrur, *Kitāb*, 443–67.

tion. We have two vectors, x and y , a hyperbole. We have a basic risk. We plot a curve and put a line on the top of it. This line is the upper limit, and there is a lower limit. Then I thought of the concept of ‘God’s limits’ (*hudūd Allāh*). I returned here to the office and opened the Qur’an. Just as in mathematics we have five ways of representing limits, I found five cases in which the notion of God’s limits occurred. What they have in common is the idea that God has not set down exact rules of conduct in such matters as inheritance, criminal punishments, marriage, interest, and banking practices, but only the limits within which societies can create their own rules and laws. Thieves do not have to have their hands amputated. That is merely the maximum punishment allowed.

I have written about ideas of ‘straightness’ (*al-istiḡāma*) and universal moral codes and ethics. The idea was at first only a footnote in my last chapter, but I saw that it applied to my main argument, so I corrected everything I wrote about *hudūd Allāh* in the book in order to be consistent. Then I considered my argument sound. Ja‘far returned to Syria in February 1990. I showed him the text and he said, ‘Congratulations. Now your argument is strong.’ On April 1, 1990, I gave the book to a specialist in Arabic grammar and style, who corrected only the mistakes in written expression. He took about a month. Then we sent the book to censorship for approval and then it went to press.

DFE: Did the censor change anything?

MS: Nothing.

DFE: What were the first reactions to the book after publication?

MS: This was a most amazing time for me. My publisher, Ḥusayn al-‘Īdā of Dār al-Ahālī, and I had an argument. I was publishing at my own expense, as I still do, and he wanted to print only 1,000 copies. He said, ‘No, maybe it won’t sell.’ I told him I was paying the expenses and could decide for myself. So we agreed on 2,000 copies.

The Book and the Qur’an was a bestseller at the September 1990 Damascus Book Fair. I was an unknown author, yet 400 copies were sold right away, and the entire first edition was sold out by December, only three months later. Then we reprinted, and the Lebanese publisher, Riyad al-Rayyes, asked Ḥusayn al-‘Īdā to

provide 1,000 copies, a special order for Oman. Dār al-Ahālī keeps reprinting the book and it has now sold over 10,000 copies in Syria alone.¹¹

DFE: Riyad al-Rayyes asked for 1,000 copies for Oman?

MS: Yes, we printed the books, which al-Rayyes shipped to Oman. Riyad told Ḥusayn that the Sultan wanted this number to distribute in Oman.¹²

DFE: So the first sign you had of interest in the book was that it sold out quickly ...?

MS: And by December 1990, the preachers began to attack it in the mosques of Damascus.

DFE: What were the principal arguments against the book?

MS: That I was against Islam. I was pleased [laughter]. I was pleased because I knew that my book was controversial. I knew that I was introducing a new theory. If it was not criticized, I would have doubted myself. 'Dr. Shahrur has done nothing.' Silence would have been a bad sign. The accusations began that the Zionists and their agents supported the book. Some religious authorities asked [a prominent Syrian religious figure] to request the government to withdraw the book. The government refused, saying to my opponents that it would not ban the book because it was published in Syria, but that they had the right to answer the book's argument in print. To date, seventeen books, from Syria, Jordan, Lebanon, and Saudi Arabia, have been written against my first book.

DFE: What was the personal effect of the attacks against you in the Friday sermons?

¹¹ There is also an authorized Beirut edition, although Shahrur indicates that the actual print run is considerably higher than the reported figures (Interview, Damascus, March 23, 1996). Sales figures for the pirated Egyptian edition are unavailable. The book is also now available in a CD-ROM version (Interview with Muhammad Shahrur, New York, May 22, 1997).

¹² Among the other recipients of the book were members of the Council of Ministers. In distributing the book to his ministers, the sultan indicated only that ministers might find the book interesting. He makes no statement for or against its argument (Interview with a member of the Council of Ministers, Muscat, June 26, 1996).

MS: From the first sermon after the publication of my book, Jamāl Qaṣṣās, who is now the person who checks my writing for Arabic style, knew about the book. He didn't realize, however, that Muhammad Shahrur was his neighbour. He just knew me as Muhammad, but thought that Shahrur was someone else [laughter]. He telephoned me to say that he wanted to meet me and discuss my book. At first I replied that I was busy because I didn't recognize his name. Then he said, 'My name is so-and-so, the son of so-and-so.' I replied, 'In that case, you are my neighbour!' Only then did we recognize each other.

STYLE AND METHOD

DFE: *Moroccans, Pakistanis fluent in Arabic, and others have explained to me that you differ in style from other interpreters of the Qur'an. You gather all the verses related to a given subject—what you call tartīl—and write about them as a unit rather than as they occur in the Qur'an. How did you develop this method?*

MS: From the Qur'an itself. As I told you, I discovered it after learning the difference between *kitāb* and *qur'ān*. Second, I realized the meaning of *tartīl* is identical to arrangement (*tartīl*), so I immediately gave the term a concrete application. As I told you, I also discovered the difference between comprehension (*inzāl*) and revelation (*tanzīl*). Some things are objective and common to all, like air and the first principles embedded in nature and the human condition. Others relate to the circumstances of society, which can be modified.

SS: *What were the main criticisms against you? What was said in the mosques?*

MS: First of all, I knew that the preachers were ignorant of philosophy and logic, but I didn't know the extent of their ignorance. What I write touches at the foundations of conventional belief: the difference between *kitāb* and *qur'ān*, between a 'record clear' (*imām mubayyin*) and a 'tablet preserved' (*lawḥ mahfūz*), and what I said about women. One preacher said that women must be veiled. He said: 'Do you accept that your mother can be nude, that a daughter can be nude in front of her father?'

SS: *Did they speak in terms of veiling (ḥijāb) or equality (musāwāh)?*

MS: Only *ḥijāb*.

SS: *What do you consider to be the main points of difference between your interpretation and the classical one?*

MS: My approach is totally different. For example, in all classical writing the authors have not considered the credibility of the sayings of the Prophet. They only state that various witnesses said certain things. The result is the total reality of the Qur'an and the total unreality of their writing. I begin by reflecting on this distinction.

SS: *Would you consider, for instance, your idea that inspiration (waḥy) occurs within nature and not just as prophecy a great departure?*

MS: Yes, a person can have a moment of inspiration about issues on which he is thinking. You are thinking about atomic energy and then you do something else, but your mind is still thinking about atomic energy and inspiration may come to you. It is absurd. Inspiration came to Newton when he saw the apple dropping and the land attracting it. He had some unconnected ideas in his mind, but after he saw the apple fall the conscious connection happened. This occurred to me, yes.

SS: *I think that your acceptance of evolution is another major point of departure.*

MS: Yes, because of the stories in the Qur'an (*al-qīṣaṣ al-qur'āniyya*) which reflect the process of evolution. They are meant for teaching: 'Listen, people who lived at the time of Noah did not live in a society like ours. They lived in another era and we gave a revelation related to their circumstances. Islamic revelation began at the time of Noah and evolved through the time of Muḥammad.' I explain why this is so in my writings.

In the current era, humanity no longer needs revelation. Let us say that you have a child in school. Once she is four or five years old, what do you teach her? Only A, B, C, D. Later she goes to school and gets a diploma, a bachelor's degree. She will be much older. She spends, say, fifteen or sixteen years learning. After that, she will conduct research on her own. I consider that Noah is at the A, B, C level of human society and that Muḥammad came to humanity at the bachelor's degree level. Humanity now

goes it alone. We discover the universe by ourselves. We can now, because we have graduated.

DFE: So prophecy and revelation are now finished?

MS: Finished. People can now do it by themselves. And the principle of moral law is closed. The qur'anic story proves this: 'Legislate for yourself, discover the universe for yourself, and you will have legislative authority. But don't forget My [God's] limits. That's all.' Therefore I say that Islamic legislation is civil legislation enacted within the limits set down by God.

ISLAM AND CIVIL SOCIETY

DFE: This brings us to issues perhaps best developed in your third book, al-Islām wa'l-īmān [Islam and Faith]: Islam, Freedom, and Civil society.

MS: Democracy operates on two levels and is as basic to belief as prayer. The Qur'an (42:38) says: 'And those who respond attentively to their Lord, pray regularly, and conduct their affairs by consultation among themselves, and give charity out of what we bestow on them' (*wa-alladhīna istajābū li-rabbihim wa-aqāmū al-ṣalāt wa-amruhum shūrā baynahum wa-mimmā razaqnahum yunfiqūn*). This is one of the Meccan verses. In the Meccan period there was no state, yet the Qur'an mentions democracy, which I consider the equivalent of *shūrā*, as a concept of belief. Its application is historical because it's not an absolute. You have to adapt the concept of democracy to social and economic conditions and the level of development. The Prophet applied democracy according to the social forms of his own tribal period. The main theory of democracy is in the Qur'an, the same concept (*nafs al-mafhūm*).

Some people criticize democracies because they make mistakes, and they conclude that democracy is not good. Mistakes in democracy don't give us the right to abolish it. When the Prophet asked people to go to Uḥud, he didn't want to go himself. But most of his followers said, 'We have to go' and the Prophet replied, 'OK, vote on the decision.' They voted to go and were defeated. The Prophet didn't blame them by saying: 'See I didn't want to go but you went anyway.' He didn't blame anybody. He taught that mistakes do not give us a right to abolish democracy. They make mistakes, but don't abolish democracy.

DFE: The other day, one of your university colleagues said, 'I have read Muhammad Shahrur's book. I respect it, but I cannot agree with it. For me Islam is prayer, fasting, and obedience.'

MS: I think that this view of Islam indicates a lack of comprehension.

DFE: Our friend was suggesting that Islam has nothing to do with democracy and civil society, that Islam is separate from state and political authority.

MS: As an ideal, Islam is separate from the state. Do you think that Syria is an Islamic state? Islam is a charter for humanity. Society by its nature is Muslim. Therefore, the state is a contract. It is a contract for governing, and the contract is Islamic. That means that I vote for you, for your programme. If you fulfill your programme, you have fulfilled your contract. If you do not, I will not vote for you again. In this sense, the state is Islamic, contractual. In this situation, Islam asks only one thing: don't exceed the limits set down by God. Do whatever you please, but don't oppress people. There is a contract between people and the state. And in legislation, don't exceed the limits of God.

The ideal of Islam will not be subject to vote. 'Honour to your parents.' How do you vote for it? 'Be a good liar.' How can you vote for it? It's impossible. Nobody will accept this because it is against morality.

DFE: Ernest Gellner has said that the religious tradition in which fundamentalism is the strongest is Islam and that Islam prevents the growth of civil society.¹³ How would you reply?

MS: Gellner understands Islam as it was understood by al-Shāfi'ī, from the point of view of fundamentalists themselves. He has not studied the concept of Islam as a philosopher—from the source itself, as civil society, as spirituality, as morality. Gellner understands Islam as presented in qur'anic commentary (*tafsīr*) and Islamic jurisprudence (*fiqh*) and most of these structures are now absurd.

¹³ Ernest Gellner, *Conditions of Liberty: Civil Society and Its Rivals* (London: Hamish Hamilton, 1994), 22, 29.

DFE: Gellner writes that Islam is so pervasive and powerful in the Muslim world that it has blocked people from developing the sorts of reasoning and civil society that have emerged in the West.

MS: I agree with that. It is our fault and the West has exploited our weaknesses neatly. The West is smart. We didn't criticize our method of knowledge and reasoning when Napoleon came into Egypt. Instead, we turned our backs and said that we have to preserve our identity and our own sciences. Some of our religious scholars meant by this everything that was developed in the first three centuries after the death of the Prophet, that the knowledge and reasoning present in that period constituted the core of our identity.

America, England, and France didn't create anything new in the Arab world. They just read it well, accepted it as it was, and exploited it for their own ends. America didn't do anything new in the Arab world but she knew our mentality and how we do things. The Arab world was created before England and before America but they exploited us.

Now, if you have a new mentality according to my thesis, you will have new people. Then it will be difficult for the West to exploit us. We'll have a new method to deal with other people. We'll be scientific and have a civil society, and people will learn to deal with us in a different way.

I hope that the Arab world will change by itself. We cannot afford not to remain as we are, and I hope that the British and American attitude to our region of the world also changes. If our society and habits of thought change, then we can match the rest of the world. I know that. Pragmatism will help [laughter]. That's right.

DFE: Let us consider another type of change. Your first book took eight years to write. Now you have completed a third book, and envisage a fourth. How has writing and publication changed how you think about yourself?

MS: I am changing and my thinking is making progress. I am now beginning to see the product of my thinking over the past twenty years. I have developed my method of analysis, and therefore I write more quickly. Recently, for instance, it took me only two weeks to write an essay on the difference between birth-givers (*al-wālidān*) and caregiver-parents (*al-abawān*), and its implications

for Islamic ideas of the family. It took me only two weeks sitting here.¹⁴

SS: *Do you think of yourself primarily as a university faculty member, as the proprietor of an engineering firm, or as a writer?*

MS: I am all of these things, but my main activity now is philosophy. Because of my experience in engineering, I have associates and an assistant, so I make executive decisions only. My duties at the University of Damascus take one day a week. In the university, I am a teacher, a professor. But outside of the university, people consider me a thinker.

SS: *That's right, but do you consider yourself a . . . ?*

MS: An amateur! I am an ordinary human. I am afraid of one thing: that one day I will be hit by old age, and I will not be able to develop my ideas any longer. I prefer to die before that happens to me. I discuss my ideas even with my children. I don't feel bothered that they criticize me, saying 'You are so modest that you speak with anybody. Anybody can ask you a question, and you give longer replies than they expect.' I answer my children, 'So what? That's the way I am.'

I am afraid to consider myself as a thinker. Even if I am invited to some place, I purposely go a bit late in order not to sit at the front. I want to sit at the back, where nobody will notice me, so that I can pay better attention to what others say.

DFE: *Now that your work is published and your ideas better known, you're invited to places such as Morocco and Bahrain, and journalists and diplomats pay attention to your writings. Your publisher told me that he once asked you to prepare a public talk explaining your ideas in one hour, explain everything you believe in one hour, to attract people to reading your work.*

MS: I honestly can't. Sometimes, I develop one small point and talk for two hours about it. But I don't talk rubbish. Not all ideas can be explained in one hour. This is me. I can't change myself, I can't. [Laughter.]

¹⁴ See Muhammad Shahrour, "Islam and the 1995 Beijing World Conference on Women," translated by Dale F. Eickelman and Sadek J. Sulaiman, in *Liberal Islam: A Sourcebook*, ed., Charles Kurzman, 139–42 (New York: Oxford University Press, 1998).

DFE: What is the reaction to your public lectures in Syria?

MS: I gave the first one only last week, in northern Syria. Four years ago, at noon on May 3, 1992, I was scheduled to lecture during the Cultural Week at our university's Faculty of Medicine. I went there about a quarter to twelve. There were about 5,000 people there. The scene was fascinating and impressive. The authorities—and they were right—felt that it was not safe for me to lecture and so I did not. More recently, the same thing happened in Bahrain.

DFE: Some people express surprise that a book exploring such basic principles of conventional belief and democracy should be published in Syria. Are you surprised?

MS: No, because I think that in Syria, objectively speaking, our society is now stable. We have an ancient civilization. And there are other writers, such as Dr. Ṣādiq Jalāl al-ʿAzm, who also challenge conventional belief. My book is also allowed. I don't know why, but it is. I know that my book could not have been published in any other Arab state, even in Egypt. Nāṣr Ḥāmid Abū Zayd's writings are less controversial than mine, and we know what happened to him.¹⁵

¹⁵ Formerly a faculty member in the Department of Arabic at Cairo University, Abū Zayd argued in successive publications that the text of the Qur'an was subject to historical interpretation. Following pressure from Islamists in 1992, he was denied promotion to full professor and subsequently attacked from the pulpit at various mosques and accused of apostasy for using nontraditional methods for interpreting the meaning of the Qur'an. A mosque preacher, aided by a volunteer group of Islamist lawyers, brought a suit in the Family Court, petitioning that Abū Zayd's marriage was invalid because he was an apostate. In January 1994, a Family Court judge ruled the case inadmissible, but an appeals court confirmed Abū Zayd's apostasy and officially annulled his marriage. A further and final appeal to the Court of Cassation resulted only in a stay of execution of the sentence. Professor Abū Zayd and his wife were eventually forced to flee Egypt. He now lives and works in Holland. (Interview, Leiden, March 25, 1996), and Nasr Abu Zaid, "The Case of Abu Zaid," *Index on Censorship* 4 (1996), 30–39.

INTERVIEW WITH MUHAMMAD SHAHRUR

by Andreas Christmann (2007)

The second interview took place in October 2007 in one of the nice rooms of the Rotana Hotel in Abu Dhabi. Muhammad Shahrur had agreed to go through the manuscript of this volume and on this occasion accepted the idea to do a follow-up interview eleven years after the first interview with Dale Eickelman in 1996. The main purpose of this interview was to go over the first interview again and discuss some details that emerged from the answers Muhammad Shahrur had given then. The interview also wanted to cover the period between the two interviews and enquire about Muhammad Shahrur's intellectual development since then. As with the first interview, some of Shahrur's answers are short, condensed versions of ideas that are fully laid out in the book, and yet his oral accounts (now, of course, transcribed) reveal, more than his written essays, the freshness, directness, and originality of his thinking as well as the honesty, modesty, and sincerity of his personality. [...] I wish to thank my student Muḥammad Khaled for transcribing the interview from the tape recorder.

AC: I would like to start with a few questions that I had when I read the interview back in 1996. When you were asked about your time in Moscow and your confrontation with atheism, the state doctrine of the Soviet Union at that time, you said that the study of physics and mathematics helped you to understand philosophy better and to find an adequate response to atheism.

MS: Yes, that is right.

AC: The link between physics/mathematics and philosophy/atheism is not clear to me. How did the study of physics and mathematics help you to understand philosophy better?

MS: Because mathematics and physics are rational...[Laughter] Yes...that's all. Physics is the science about nature and mathematics is the science about logic and how to ask questions and find

a rational answer for them. Both serve together. They helped me to create in myself a rational mind...[Laughter]...that's all.

AC: How difficult is it for someone who has no degree in physics or mathematics to understand your ideas?

MS: It is not difficult at all provided that the reader uses his or her rational mind and follows my logical arguments. Because when you read my work you will see that it is very consistent. You don't need a degree in mathematics to find this out. This is the main thing of my work: it is consistent and you either take it all or leave it. You cannot just take one chapter and leave the rest. It is a whole package and it is a consistent one.

AC: My question was more about the mathematical parts in this volume, for example, the application of geometrical formulas and theories for inheritance laws and the theory of limits. Does this not pose a problem for those without a mathematical background?

MS: Yes, I can see that, but people with a secondary school certificate will understand it. Because they do geometry, integration, and coordinates in schools, don't they? And people will know what equations are, what a mean is, and that groups might be one, or two, or three, etc. It is pure logic that anybody can understand.

AC: When you talked about your confrontation with atheism you quoted verse 149 of Sūrat al-An'ām and said that it helped you to find an answer to atheism. How exactly did it help you?

MS: The verse says: 'Say: God's is the argument that reaches home. Had He wanted, He could indeed have guided you all'. It tells me that when I have a debate with an atheist the best argument for God is the strongest argument. I then asked myself where this argument was, I could not see it anywhere!

AC: And back then you were unable to find a strong argument for God?

MS: That is right. You see, our education in the Muslim world is very weak. It is not based on logical reasoning. We confront atheism with animosity and that is all, hostility but no argument. But in the Soviet Union I could not be hostile; I had to argue for my belief. At that time I could not find a good argument for God, now I have found it, but then I asked myself 'where is the proof

of God?’ I want to see it. Back home, our Sheikhs still could not confront atheism, but now I have found strong arguments for it so that I can have a debate with atheists. Although I know that there is a 50:50 chance, as Stephen Hawking says, that God exists, at least I can tell people why I believe in God and then leave it to others to decide how convincing it is. I do not want to defeat atheism, I will not prove that God exists—and I don’t want an atheist to disprove my belief—all that I have now is a strong argument for God and people will judge how good it is.

AC: In another answer to a question about post-1967 you talked about the necessity for a new theory about society, but then you seemed to equate this with a call for an ideology. Maybe the translation didn’t capture what you said then, but can you clarify what you meant by this link between theory and ideology?

MS: Yes, my point was that we have got many ideologies but very little theory. The Arab world is a world of ideologies that are not based on a sound theory of knowledge based on the Qur’an; and we don’t have a theory of state and society. The views of Islamists are pure ideology, an ideology of how to rule and how to seize power. I am interested in theory, not ideology. I know how ideologies have damaged societies in the past. When they [i.e., ideologies or their followers] become dogmatic, they suppress freedom of choice and turn into [ideologies for a] dictatorship. Communism and Islamism are very similar in that; they are dogmatic, oppressive ideologies. The only difference is that Islamists believe in God and communists don’t, but other than that they are very similar. I want to oppose that with theory, because we need more theory, not more ideology. Ideology without theory is dogmatism.

AC: Then you said, and also reiterated it in your book, that the opposite of dogmatism is freedom, and that freedom is linked to democracy. However, you don’t really specify how exactly you define democracy. What is democracy?

MS: We need to distinguish between democracy and the dictatorship of a majority. It is not the same. Democracy means that your opposition is alive. Dictatorship of majority does not allow any opposition. Democracy means that you allow an opposition to criticize your government, to target your authority and to eventu-

ally replace you in government through elections. People here in the Arab world don't know this. They think that once you are in power you have the right to ban and censor everyone who speaks out against your government. This is why I say that we have to learn from America and Great Britain what democracy means. Democracy is measured by the freedom that the oppositional parties enjoy. In this, both countries are truly democratic states—whatever their other faults are.

AC: Quite often one hears from Arabs in the Middle East that the democracies in the West are as flawed as their own. For them, the censorship on Holocaust debates is just proof of the fact that each society has its taboos and won't allow freedom of speech [on them] whatever the state of democracy. Do you agree with that?

MS: No, I don't, because there is a difference of scale. There might be some issue where even the most democratic societies feel a certain sensibility and constrain an open debate. But this cannot be compared to the autocracy and lack of freedom we have here [in the Arab world]. I think Muslims and Arabs have no right to criticize Western democracy. The man riding a donkey, does he have the right to criticize airplanes [laughter]? Whatever he may criticize..., maybe the engines are too noisy or the seats are a little bit uncomfortable, but look at him, look what he is travelling on! No, really, we have to be realistic. Because some democracies are not without flaws does not mean that we should throw the baby out with the bathwater and demand the abolition of democracy. Flawed democracies are better than no democracy, don't you think?!!

AC: Do you believe it is worth thinking about different types of democracy that develop naturally from within the Arab-Muslim world rather than being imposed by force and imported from the West?

MS: Only insofar as it allows different types of political systems, but democracy is the same everywhere. It means the freedom of political opposition—as long as this is done peacefully. Which party you form and whether you have a monarchy or a parliamentary system or both—that may differ from country to country. But no one should be allowed, under whatever name or slogan, to suppress freedom of speech and your personal freedom to speak out against the ruling party. Democracy does not mean

the rule of the majority. Democracy means the right of a minority to criticize the majority. This is democracy and it should be applied everywhere.

AC: The question of Arab unity was a big topic in the previous interview. You said in 1996 that 'I hope my writings will contribute to something useful for the Arabs to fight for unity'. In the book itself, however, you almost never touch on this topic. How do your writings contribute to an Arab unity?

MS: I did not mean that I support a political unity of Arab states like we had between Egypt and Syria. This failed miserably and such unity remains a political dream that we Arabs can perhaps realize in the future, possibly as gradually as it happened in the United States or as it is happening now with the European Union. But I am more concerned with an intellectual unity, a similar thinking that unites the people of the twenty or so Arab states in the Middle East. I want a man in Casablanca to share the same theory as I do, to tackle problems in the same way as I do, and that means that he (hopefully) adopts my method that I propose in my books. Because if a man in Morocco and a man in Kuwait think similarly about a problem, they might come to an agreement, even though the Moroccan remains a Moroccan and the Kuwaiti remains a Kuwaiti.

AC: In terms of this unity of method, how much unity have you achieved since 1996?

MS: I believe I have formed an intellectual stream—from Morocco to the United Arab Emirates—that is always growing.

AC: How can you measure this stream?

MS: By the number of e-mails people keep sending me and their questions about my ideas and interpretations of the Qur'an. I know that my books are being reprinted without my consent [laughter], and read everywhere. I know it through the personal contacts I have with people when I travel to other Arab countries. My books have started a common thinking and common understanding.

AC: Let me come back to the beginning of your work on Islam which started after 1967 and which was a response, as you called it, to the irrational reaction to the defeat. What was your own analysis of the situation?

MS: We lost the war because of our wishful thinking. We thought Israel is so small and we are so big that we can defeat it in one day. We said to the world leave us Israel, we can deal with it alone—and they did leave us with Israel and we lost miserably. We were so convinced we would win that on the first day of the war the PLO invited all Arabs to come to a reception party in Palestine—which shows that they had completely lost touch with reality. 1973 was different, because the Arabs were better organized and also much more determined, in particular the Egyptians who could not tolerate the occupation of Sinai and the seizure of the Suez Canal. The Golan Heights are different, for Syria they don't mean anything.

The problem is that these events shook people tremendously. They said we were defeated because we were remote from God, and thus the Islamist movement was born.

AC: *You said what we needed was a revision of how we reason.*

MS: Until now I have been saying this, and I am still working on this.

AC: *Do you think it is possible to do this revision by returning to the philosophical tradition of Ibn Rushd and other rationalist thinkers?*

MS: Yes, I believe that. The problem with Ibn Rushd is that what links him to us Arabs is only his name, his ideas however have been forgotten. Not even 1 percent of our thinking is influenced by Ibn Rushd. Arabs keep talking about Ibn Rushd and how great he was and how proud we should be that we have such a prominent Arab philosopher, but our thinking is influenced by al-Ghazālī, not by Ibn Rushd. Ibn Rushd went to Europe and we were left with al-Ghazālī. I wish it was the other way round, then we would flourish and Europe would stagnate [laughter]. Unfortunately, Ibn Rushd revolutionized only the European mind, while the Arabs were entirely left untouched.

AC: *And yet we seem to have a kind of revival of interest in Ibn Rushd in Arab countries. More and more people call for a rational enlightenment (al-tanwīr) in the tradition of Ibn Rushd and the ideas of the European Enlightenment. Would you yourself identify with this movement?*

MS: Not really, for the simple reason that, even though Ibn Rushd has influenced European rational thoughts, European philosophy

has gone beyond his ideas and progressed much further than Ibn Rushd. For them, Ibn Rushd is history. The same goes for me. Ibn Rushd is a medieval philosopher who for me, as someone who writes in a modern context, is no longer relevant. Epistemologically, I should stand on his shoulders, not in his shoes [laughter]. If I think and speak like Ibn Rushd, I will end up in a museum like he is.

AC: Many of your critics have called you a Marxist because of your use of dialectical criticism as your main method. Have you any sympathies for the work of the so-called Islamic left and the attempt to combine Marxist ideas with Islamic concepts?

MS: As a method, that is, as dialectical criticism, I believe it is worthwhile studying Marxism, but not as an ideology. I want to explore the causal connections between the form and content (and interpretations) of ideas at a given historical moment, and the economic, social, and ideological factors that have shaped and determined their content or form. This is why dialectical criticism is so important in my theory of knowledge. But apart from that I don't take anything from Marxism. I have read all their work. I can understand their critique and I often share it, but they don't seem to offer any alternative. They are locked into a barrage of criticism but have no idea about what to do and how we can change the current situation. They are well-minded people but they cannot produce anything that is substantially different from what we already have.

AC: How different is your method from theirs?

MS: I went straight back to the context of the Qur'an but used a contemporary perspective. I went back to the origins of Islam itself and yet used a modern approach in studying it. I said to myself, if the Qur'an is from God, it will be possible to analyze it by the most modern methods available. If it cannot be analyzed by modern methods, it is not from God. This is my argument, and I have every right to think this because the Qur'an is a divine text that allows us to bridge the historical gap between then and now. It does not mean that my acceptance of God makes my ideas and how I understand it sacred. One day, a student came up to me and said 'If you believe that it [i.e., the Qur'an] is from God, how will I ever be able to argue [rationally] with you about

it?’ I told him that the text itself is absolute but for us it is relative. Therefore, you can argue with me about it. You do not argue with God about the Qur’an, do you? Your and my understanding is relative and human. The essence of the Qur’an is one thing, but its essence *for us* is another thing altogether.

AC: Some critics, like Naṣr Ḥāmid Abū Ṣayd, have argued that in spite of your claim to be modern you are not modern enough because you have not applied historical criticism to the qur’anic text. What would you say to this criticism?

MS: Maybe I wasn’t radical enough, and maybe I wasn’t modern enough, but I do encourage people to surpass me and continue my work and be more modern and radical than I am. This nation will be damned if in three hundred years they are still quoting me as the authority on this. Time is moving on and new things will have to be applied—and if someone wants to apply historical criticism, I would welcome it.

AC: Let us now move on and talk about the period after the first interview in 1996. Have the events of 9/11 changed your writings?

MS: Of course, they have. They are the reason why I stopped for a couple of years to work on my current project about Islamic prophetology. Instead, I began to write the chapters of *al-jihād*, *al-amr bi’l-ma’rūf*, *al-walā’ wa’l-barā’* and the parts on apostasy [that are now summarized in chapter six of this volume]. I began to realize that one cannot treat these topics in isolation from one another but that they had to be tackled together. When I heard about Aimān al-Ṣawāhiri’s condemnation of all Arab rulers as apostates and that British Asian Muslims are killing their own fellow countrymen [in London 2005] because of their confused understanding of *al-walā’ wa’l-barā’* and that terrorism and violence is justified with the term *al-jihād* I knew that I had to clarify these concepts and connect them together.

AC: When did you realize that you had to tackle these issues? Was it immediately after 9/11?

MS: Yes, after 9/11 but I didn’t rush into it because I didn’t want to react too quickly and too hastily to what had happened. Since 2004 I have begun to work on these problems seriously. Initially, I could not find the answer to the problem of *Sūrat al-Tauba* and

Sūrat al-Anfāl that both talk about the military expeditions in early Islam. For almost two years I worked on this problem, and only two years ago, that is, five years after 9/11, I found the solution in the difference between *al-khabar* and *al-naba'*. I began to realize that these events were *khabar* events for Muḥammad because he had witnessed them himself, but that they are *naba'* events for us who live so many centuries after them. They belong to prophecy, not to Muḥammad's message, and hence are not relevant for the legal rules of the *sharī'a*. It was clear to me that abrogation cannot be the solution because these events are part of the qur'anic stories about Muḥammad, just like we have the qur'anic stories about Adam and qur'anic stories about Moses. We should draw our historical lessons from these stories but should not base our legislation on them.

AC: They are only historical narratives about events in the past?

MS: Exactly. That is why we are required to analyze them from an historical perspective and formulate historical laws that are based on them, but we are not required to draw conclusions as far as *sharī'a* law is concerned.

AC: Why did it take so long for you to begin tackling these major concepts of political Islam?

MS: I began to think about all these things much earlier than this but it took me some time to come to satisfactory answers. You see, I don't want to write things that are forgotten tomorrow; I want to make a real impact and change things for the better. I wanted to find a profound, logical, and consistent answer to all these problems, and in the end it doesn't matter how long it takes you to produce something substantial, it is the result that counts, that is, how good your thoughts are.

AC: You have been tackling the question of why Islamists and political Islam are so obsessed with the question of political authority. Did you find the answer to this?

MS: Since Muḥammad died we have had a long tradition of authoritarian rule in the Arab-Muslim world and no political opposition whatsoever. Political authority for a ruler meant to be in a position to exercise excessive force. Political rule meant oppression and corruption, and because of the absence of any form of

opposition, there was no transparency. Our scholars, the *fuqahā'*, did not tackle this problem at all, on the contrary, they provided the rulers with the legal rulings they wanted in order to consolidate their power. As long as we had the biggest empire in the world, everything was all right. But now we are politically weak and so all the scholars' concepts and theories do not work any longer. That is why we have this frustration and anger, this rush to solve our political problems and to tackle political authority so that these old concepts fit with reality again.

AC: There is a specific group among Western scholars that explains the Islamist movement as a form of protest against the problems of despotism, authoritarian rule, corruption, and the collapse of the national economy, etc. that exist in the Middle East. Would that not contradict your view on this movement?

MS: Do the Islamists really tackle these problems? I don't think they do. They don't even live and apply Islam. All they want to achieve is a change of power and rule for themselves. If they take over, we will face the same kind of oppression and autocracy as we are facing now. I haven't seen a single suicide bomber who died as a martyr for freedom; I don't know of anyone who says he is fighting for the freedom of choice and he defends anyone who wants to be a Christian, or a Muslim, or a Buddhist and that he defends my freedom to choose whatever I want. Freedom is not a value in our culture, and I am afraid. I can't see that freedom of choice is on the agenda of any of the Islamist groups I know of.

AC: Do you share the view that Arab governments have not handled the problem of Islamism very wisely? Many have accused them of unnecessary brutality and of adopting a rather one-sided view on solving the crisis.

*MS: Islamism and religious extremism is a disease that is spreading the fear of anarchy, upheaval, and violence among the common people. I agree that the security forces have reacted in a very harsh manner, but you should not forget that this is a dangerous disease. And yet, the security side of it is like *Panadol*, a painkiller that can't cure the disease. Too much painkiller and you kill the patient. The cure has to come from something else, and I am convinced that my books are part of the cure.*

AC: *Do you think that one could also solve the political crisis by allowing Islamist parties to participate in the political process?*

MS: I doubt that this is possible. They are politically not experienced enough and are too impatient and want to get to power very fast. Do you know why in October 1917 Lenin refused to accept the idea that one should delay the revolution because it seemed certain that the Bolsheviks could win the next elections anyway? Do you know why he insisted on seizing political power by force? Because he knew that five years down the line he would have to be reelected in the normal democratic way, but if he once took power by force that would be the end of it and someone else would have to use the same force to take it away from him. And he preferred this to democratic elections. The Islamists think like that, they are not true democrats. Their model is the *salaf* forefathers, but think about what happened after Muḥammad's death when they gathered at Thaqīfat Banī Sā'ida and where they removed the *Anṣār* from power by force, or during the battles of the Camel and at Šiffīn when fifteen thousand people were killed: not for *al-islām*, not for *al-īmān*, not because of the legal *aḥkām* or apostasy—they were all killed because of their ruthless fight for political authority. This is what I fear when Islamists say that this is the model they want to emulate. This is what I want to address in my current writings.

AC: *You said that your current writing is applied theory. Is it true that your period of writing theory is really over?*

MS: Yes, that is done. I am now applying the very same theory and using it to solve the problem of *jihād*, loyalty and disloyalty, apostasy, and the issue of Muḥammad's state which will be my next project.

GLOSSARY OF TERMS AND CONCEPTS

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
الكتاب	<i>al-kitāb</i>	<i>The Book</i> This contains the total content of Allah's revelation to Muḥammad (ṣ).
التنزيل الحكيم	<i>al-tanzīl al-ḥakīm</i>	<i>The authoritative revelation</i> This comprises all revealed topics which <i>the Book</i> contains from the first to its last page; it is <i>verbatim</i> revealed in form and content—it is not just divinely inspired knowledge (see similarly <i>al-kitāb</i>).
كتاب النبوة	<i>kitāb al-nubūwa</i>	<i>The book of prophethood</i> (contained in <i>the Book</i> and, hence, in the <i>tanzīl al-ḥakīm</i>) This approves and confirms the 'book of messengerhood'.
النبوة	<i>al-nubūwa</i>	<i>The prophethood</i> This contains all the subjects that fall into the category of historical and cosmological knowledge.
كتاب الرسالة	<i>kitāb al-risāla</i>	<i>The book of messengerhood</i> (contained in <i>the Book</i> and, hence, in the <i>tanzīl al-ḥakīm</i>) It is approved and confirmed by the 'book of prophethood'.
الرسالة	<i>al-risāla</i>	<i>The messengerhood</i> The totality of instructions which human beings are obliged to follow and which fall into the categories of religious worship, social etiquette, morals, and legal rules.
الكتاب المحكم	<i>al-kitāb al-muḥkam</i>	<i>The book that contains definite verses</i> These are rules of human behaviour; it separates things that are allowed from things that are absolute taboos.
أم الكتاب	<i>umm al-kitāb</i>	<i>Mother of the book</i> This is one part of <i>the Book</i> ; it contains the definite verses which prescribe the duties and principles of human behaviour in terms of what is absolutely permitted or absolutely taboo and what is contingently allowed and contingently prohibited, i.e., ethical and legal rules; it belongs to Muḥammad's (ṣ) messengerhood; (it falls into the same category as <i>al-kitāb al-muḥkam</i> and <i>al-risāla</i>).

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
القرآن	<i>al-qurʿān</i>	<i>The prophetic revelation</i> This is one part of <i>the Book</i> ; it belongs to Muḥammad's (ﷺ) prophethood.
الكتاب المشابه	<i>al-kitāb</i> <i>al-mutashābih</i>	<i>The book that contains ambiguous verses</i> This is one part of <i>the Book</i> ; it contains the ambiguous verses and deals with the realities of truth which Allah gave Muḥammad's (ﷺ) prophethood; it separates truth from falsehood; it is divided into two categories: <i>sabʿ al-mathānī</i> and <i>al-qurʿān al-ʿaẓīm</i> .
المشابهة الآيات	<i>al-āyāt</i> <i>al-mutashābihāt</i>	<i>Ambiguous verses</i> These belong to the <i>prophetic revelation</i> (which is contained in <i>al-qurʿān</i> and <i>sabʿ al-mathānī</i>).
القرآن المجيد	<i>al-qurʿān</i> <i>al-majīd</i>	<i>The glorious qurʿān</i> This is the fixed part of <i>al-qurʿān</i> ; it originated in the <i>Tablet Preserved</i> ; it contains the general and universal laws of all existence, e.g., of the creation (first explosion), the laws of development, change, alteration, and destruction, including the eschatological teachings of life after death, Hell and Paradise, etc.; these laws are universal and unchangeable.
الإمام المبين	<i>al-imām</i> <i>al-mubīn</i>	<i>The clear record</i> This is the changeable part of <i>al-qurʿān</i> ; it contains two sides: the <i>Clear Book</i> and the stories of prophets and messengers such as Moses and Jesus.
— القصص الكتاب المبين	<i>al-qaṣaṣ</i> — <i>al-kitāb</i> <i>al-mubīn</i>	<i>The stories and the clear book</i> These are things that can change within human history and which are told in the <i>qurʿān</i> as stories; such historical narratives are stored in the <i>Clear Record</i> , not in the <i>Tablet Preserved</i> ; their recording takes place after their historical occurrence.
السبع المثاني	<i>al-sabʿ</i> <i>al-mathānī</i>	<i>The seven oft-recited</i> that introduce chapters of <i>the Book</i> These are part of <i>the Book</i> , and part of the prophethood; they are in quantity and quality on the same level as the <i>qurʿān</i> and as equally abstract in information but not expressed in clear Arabic, rather in the form of incomprehensible utterances, e.g., in the form of the seven openings of some <i>sūras</i> (such as <i>alif-lām-mīm</i> , etc.).
اللوحة المحفوظة	<i>al-lawḥ</i> <i>al-mahfūz</i>	<i>The tablet preserved</i> This contains laws that control the universe and objective existence; it has programmed the <i>Glorious Qurʿān</i> from within.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
الكتاب لا محكم ولا مشابه	<i>al-kitāb lā muḥkam wa-lā mutashābih</i>	This is <i>the book</i> that contains neither definite nor ambiguous verses and neither legal rules (<i>aḥkām</i>) nor historical information (<i>anbāʾ</i>).
تفصيل الكتاب	<i>tafṣīl al-kitāb</i>	<i>Explanation of the Book</i> This is one part of <i>the Book</i> ; it contains those verses that are neither definite nor ambiguous; they are directly revealed from God; they belong to Muḥammad's (ﷺ) prophethood; (the same as <i>al-kitāb lā muḥkam wa-lā mutashābih</i>).
الذكر	<i>al-dhikr</i>	<i>The remembrance</i> This is the textual, i.e., linguistic and acoustic, format of <i>the Book</i> in the Arabic language; Allah has ordered us to venerate and preserve this remembrance forever.
الموضوعي والذاتي	<i>al-mawḍūʿī wa'l-dhātī</i>	<i>Objective and subjective</i> <i>Objective</i> refers to the existence of the laws of existence that exist outside human consciousness (e.g., the existence of the sun); <i>subjective</i> refers to the existence of things that do not exist independently from human consciousness; their acceptance depends on human behaviour; hence, the <i>prophetic revelation</i> (<i>al-qurʾān</i> , i.e., the prophethood) is the objective part of <i>the Book</i> , and the <i>Mother of the Book</i> (<i>umm al-kitāb</i> , i.e., the messengerhood) is the subjective part of <i>the Book</i> .
الكرسي	<i>al-kursī</i>	<i>The chair</i> The total of all knowledge of the Lord of Heavens; it has no spatial meaning and no connotation of 'seat'; the 'throne' (<i>al-ʿarsh</i>) is superior to <i>the Chair</i> insofar as the latter's commands and prohibitions are only applicable to things that the 'One who commands and prohibits' has previously made known.
الإسلام/ المسلمون	<i>al-islām / al-muslimūn</i>	<i>Islam / Muslim-Assenters</i> These are those who believe in the existence of God and in the Last Day (and the Resurrection), those who do good deeds and adhere to the <i>Straight Path</i> ; they witness that: 'there is no god but God'. This cannot be reasoned nor scientifically proven.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
الإجرام	<i>al-ijrām</i>	<i>Interruption of the relationship with God</i> This is the opposite of <i>al-islām</i> , i.e., disbelief in the existence of God, the Last Day, Resurrection, and the Day of Judgement; the modern term for it is ‘atheism’.
والمجرمون	<i>al-mujrīmūn</i>	<i>God-dissenters, i.e., those who sever their ties with God</i> This is the opposite term for <i>al-muslimūn</i> .
المصلون	<i>al-muṣallūn</i>	<i>God-connected people</i> Those who have not severed their connection with God, like the dissenters or atheists, and who believe in Him and remember Him; they are the Muslim-Assenters who, as <i>the Book</i> states, fight the dissenters or atheists.
الإيمان والمؤمنون	<i>al-īmān /</i> <i>al-mu’minūn</i>	<i>Faith / Muslim-Believers</i> These are those who believe in the prophecy and messengerhood of Muḥammad (ṣ); there are two types of faith: a) the category of <i>al-islām</i> (see above); b) the specific faith in following Muḥammad (ṣ); those who follow Muḥammad and have faith in his message are the ‘Muslim-Believers who have faith in Muḥammad (ṣ)’ (<i>al-mu’minūn</i>); they witness that: ‘Muḥammad is the Messenger of God’.
مقيموا الصلوة	<i>muqīmū al-ṣalawā or</i> <i>al-ṣalāt</i>	<i>Those who perform the ritual prayer of ablution, prostration, and rak’a-positions</i> These are by necessity God-connected people (and hence also <i>al-muslimūn</i>) but not all God-connected people need to perform the ritual prayer because it is part of <i>al-īmān</i> , not <i>al-islām</i> .
الرحمن	<i>al-rahmān</i>	<i>The merciful</i> This is an attribute of God and one of His ninety-nine beautiful names; together with the name “Allāh” it is the most distinguished; it contains a notion of God that expresses dialectically opposite attributes, such as merciful and mighty or mild-tempered and quick in punishment, etc.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
العدم	<i>al-'adam</i>	<p><i>Nothingness</i></p> <p>Expressed in linguistic terms, this refers to a <i>signifiant</i> (signifying) that has no <i>signifié</i> (signified), or in philosophical terms it refers to knowledge that is not (yet) known (<i>ma'lūm</i>); in cosmological terms it refers to the existence of the world when it was not yet created, i.e., it was only in God's knowledge but not yet known (i.e., not visible), it was a <i>signifiant</i> without a <i>signifié</i>; when it became known, creation became the <i>signifié</i> insofar as Allah's words (<i>kalimāt</i>) are the source of all existence which are the <i>signifiant</i>; currently 'nothingness' refers to all abstract (theoretical-mathematical) relationships in nature and the cosmos that appear to be at random but are studied logically by theoretical mathematicians.</p>
الوجود	<i>al-wujūd</i>	<p><i>Existence</i></p> <p>The term refers to Allah's words which are the truth; it refers to the existence of creation which became the <i>signifié</i> of Allah's words (<i>kalimāt</i>) which are the source of all existence and the <i>signifiant</i>; such existence is subject to time and place in that it is 'Being' (<i>kaynūna</i>) which is subject to 'Progressing' (<i>sayrūra</i>) and 'Becoming' (<i>sayrūra</i>), whereas Allah's 'Being' (and only this) is not subject to 'Progressing' and 'Becoming', because He is the First and the Last, the Outward and the Inward.</p>
الحرام	<i>al-ḥarām</i>	<p><i>Taboo</i></p> <p>This is an absolute prohibition issued by God alone; there are thirteen taboos in <i>the Book</i>; they belong to <i>al-islām</i>, not <i>al-īmān</i> and cannot be extended or reduced, e.g., by parliament or a mufti.</p>
المحرمات	<i>al-muḥarramāt</i>	<p><i>Taboos</i></p> <p>These are absolute, universal, eternal, and comprehensive prohibitions that are to be enforced in all cultures and time periods; they are idolatry; recalcitrance; infanticide; acts of indecency; torment of the soul; misappropriation of the possession of orphans; corruption and tampering with weights and measures; false witness (perjury); redemption by committing Allah; marriage with <i>maḥārim</i> relatives; consumption of dead animals, blood, pork, and everything that does not suit Allah; usury of alms; to speak against Allah or say ill-informed things about Allah.</p>

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
السنة	<i>al-sunna</i>	<i>Muhammad's (s) law</i> This contains Muḥammad's application of <i>al-risāla</i> and, hence, the <i>umm al-kitāb</i> during the seventh century on the Arabian Peninsula; his interpretations are only applicable for the period in which he lived, with the exception of the rituals that form the (transhistorical) foundation of the 'pillars of faith' (<i>arkān al-imān</i>).
الكلام والقول	<i>al-kalām wa'l-qawl</i>	<i>Speech act and meaningful speech</i> A speech act consists of phonetic utterances by a human voice through the mouth, in orderly sequence and comprehensible form; meaningful speech means that the uttered words have achieved meaningfulness in the mind of the listener who has thus understood them.
كلمات الله	<i>kalimāt Allāh</i>	<i>Words of God</i> These are the source of objective, material existence and its general laws as well as of existence's particular events at the time of their occurrences; human beings have no power to alter them or prevent them from happening; they constitute what is termed 'divine preordainment' (<i>al-qadar</i>), within whose limits, however, human beings can exercise choice.
الربوبية والالوهية	<i>al-rubūbiyya wa'l-ulūhiyya</i>	<i>God's sovereignty and God's divinity</i> God's sovereignty refers to the objective reality of existence outside human consciousness; it is a relationship of Allah to all of His creation, which is a relationship of dominance, power, and prepotency; this relationship is untouchable and unalterable; God's divinity, however, can be acknowledged by men of reason and this entails conscious and voluntary acts of devotion and submission; God's sovereignty always precedes God's divinity, therefore the <i>umm al-kitāb</i> is a book of God's divinity, while the <i>qur'ān</i> is a book of God's sovereignty as it contains eternal cosmological laws.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
القدر والقضاء	<i>al-qadar wa'l-qaḍā'</i>	<i>Divine preordainment and human will</i> Divine preordainment refers to the absolute existence of things and events outside human consciousness, while human will refers to the conscious human movement within the limits of this existence as it moves between assent and dissent; knowledge (<i>al-ma'rifa</i>) forms the bridge between divine preordainment and human will in the sense that if knowledge grows so does human will and human freedom, and in the sense that Allah means the maximum of knowledge and freedom, and the more humans know the closer they get to Allah; accordingly, <i>before</i> an event occurs in human history it is part of human will but part of the divine preordainment <i>after</i> it has occurred, since there is no regress possible.
التنزيل والإنزال و الجعل	<i>al-tanzīl wa'l-inzāl wa'l-jā'l</i>	<i>Objective revelation, transfer to the human mind, and transformation</i> <i>Al-tanzīl</i> refers to the process of an objective transport (of revelation) outside human consciousness; <i>al-inzāl</i> refers to the transport (of the revelation) which enters human consciousness and knowledge; <i>al-jā'l</i> refers to the process of change in "Progressing" (<i>ṣayrūra</i>): this could be a transformation from a nonperceptible format into another nonperceptible format, or from a nonperceptible format into a perceptible format (<i>al-jā'l + al-inzāl</i>); <i>the Book</i> inseparably combines both <i>al-jā'l</i> and <i>al-inzāl</i> , whereas with the <i>aḥkām</i> (legal rules) there is only a combination of <i>al-tanzīl</i> and <i>al-inzāl</i> , but no transformation.
الناسخ والمسوخ	<i>al-nāsikh wa'l-mansūkh</i>	<i>The abrogating and the abrogated</i> Abrogation refers to the replacement of a rule as stated in a preceding message (<i>risāla</i>) by a lighter rule in the succeeding message (e.g., the punishment of adultery by stoning in Mūsā's message with flogging and chastisement in Muḥammad's (s) message); it takes place only with regard to the legal rules (<i>aḥkām</i>) and only between messages (alterations, annulment, supplements are possible), but never within one and the same message.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
مواقع النجوم	<i>mawāqīʿ al-nujūm</i>	<i>The positions of the asterisks</i> Asterisks separate the verses of <i>the Book</i> and decide whether a stop is allowed or not; there is no relationship to the galactic stars whatsoever.
القلم	<i>al-qalam</i>	<i>The pen or axis of human knowledge</i> see below; note that in <i>the Book</i> it does not refer to 'reed pen', 'pencil', or 'crayon' as it has often been too literally translated; instead the term <i>qalam</i> refers to the cognitive process of 'identification'.
والتعليم	<i>al-taqlīm</i>	<i>Identification</i> This refers to the process of distinguishing things, which is the vertebral column of human knowledge that expands constantly and which circles the axis that is called <i>al-qalam</i> .
التسطير	<i>al-tasfīr</i>	<i>Classification</i> This refers to the process of classifying things in human knowledge; it is the process of human thinking that is based on identification; this is why identification, the basis of human thinking, precedes classification.
التأويل الاجتهاد	<i>al-taʿwīl waʿl-ijtihād</i>	<i>Interpretation and legal deduction</i> <i>Interpretation</i> is possible for <i>the book of ambiguous verses</i> and those things that are changeable; interpretations are carried out from the perspective of a rationally derived theoretical law or on the basis of insights into objective reality; it is an interaction between the text (<i>al-naṣṣ</i>) and human perception; interpretations are relative, subject to change and debate among people; <i>legal deduction</i> takes place in the realm of rules, admonitions, and commandments; these carry the distinctive characteristics of the historical period in which they are made; they are made continuously; outside the realm of rules, admonitions, and commandments no legal deduction takes place, because these other things are subject to general human interests upon which human beings come to a mutual agreement (for which they do not need legal rules).
الترتيل	<i>al-tartīl</i>	<i>Well-ordered arrangement</i> This is one of the tasks of <i>interpretation</i> : the arrangement of thematically connected verses in a sensible and systematic order; it is applicable for the understanding of the <i>qurʾān</i> where the relevant passages are scattered around in different chapters.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
التراث	<i>al-turāth</i>	<i>The Islamic heritage</i> This is not congruent with <i>the Book</i> because the latter has no human agency, whereas those who contributed to Islamic heritage, including the <i>salaf</i> forefathers, are all humans.
التسييح ”جدل هالك الشيء”	<i>al-tasbīḥ ‘jadal halāk al-shay’</i>	<i>Glorification and ‘the dialectics of negation/destruction’</i> This is an internal dialectical movement that contains a battle between two antagonistic elements in everything which create constant change and development, as one thing may be destroyed and reappear in another thing; such dialectics of a constant battle between antagonistic elements guarantees progress; while we say ‘Glory be to God’ we acknowledge that He is beyond negation and change while everyone else in existence changes and, thus, praises God. In other words: this is the dialectics of the interpenetration of opposites and the negation of the negation.
البعث	<i>al-ba‘th</i>	<i>The resurrection</i> This refers to the resurrection of men after their death and their entry into a new material ‘Being’ (<i>kaynūna</i>), but without changing their ‘Progressing’ (<i>ṣayrūra</i>); resurrection is the final step and the last progress of this universe as it transcends into another universe; but because in that world the dialectics of antagonistic battles does not exist, there is no death or birth, but rather eternal immortality.
الآخرة	<i>al-ākhirā</i>	<i>Life after death</i> This refers to existence in the Next World after the Day of Resurrection; the dialectics of antagonistic battles is replaced by the law of ‘eternal immortality’; however, the law of ‘duality’ and the law of interrelationships (cause and effect) between things do not disappear but rather operate in a different way; there will be oppositional pairs in Hell and Paradise, but their essential quality is different from this world.
الحق والباطل	<i>al-ḥaqq wa’l-bāṭil</i>	<i>Truth and falsehood</i> <i>Truth</i> refers to the material, objective existence outside human consciousness; Allah is the truth, and existence which is Allah’s words (<i>kalimāt</i>) is true; <i>falsehood</i> is illusion and deceptive imagination or idealistic philosophical thinking.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
الغيب والشهادة	<i>al-ghayb</i> <i>wa'l-shahāda</i>	<i>The unknown world and the visible world</i> <i>Unknown</i> means not yet identified, it refers to those material things and human and natural events that are partially or wholly invisible or not yet present in human understanding and knowledge; <i>visible</i> refers to those things and events that are known or present in human understanding, either through physical awareness of the human senses or through abstract, theoretical thinking.
السمع والبصر والفؤاد	<i>al-samʿ</i> <i>wa'l-baṣar</i> <i>wa'l-fuʿād</i>	<i>Hearing, seeing, and perceptual understanding</i> Whereas <i>hearing</i> and <i>seeing</i> are bound to an organ of the human body (eye or ear) and form the material basis of human thinking, <i>perceptual understanding</i> is linked to the brain and is the <i>result</i> of the perceptual process of hearing and seeing; it implies that there is no human thinking and understanding without prior perceptions through the senses.
البشر والإنسان والانسنة	<i>al-bashar</i> <i>wa'l-insān</i> <i>wa'l-ansana</i> (or <i>al-unsana</i>)	<i>Human race, human being, and becoming human</i> <i>Human race</i> refers to the material, physiological existence of the human body as a living creature (the <i>Homo erectus</i>); <i>human being</i> refers to mankind as social and rational beings that form relationships and are able to think; <i>becoming human</i> is the process of transforming the human race into rational beings by breathing the spirit of God (<i>al-rūh</i>) into them.
آدم المصطفى	<i>ādam al-muṣṭafā</i>	<i>Adam, the chosen man</i> He is the father of mankind; he was <i>not</i> alone in this world but always with other people; Allah chose him and taught him how to think in abstract terms; Adam's task was then to teach this to other people; human beings are 'his descendants' (not genealogically his children) in the figurative sense of following him in the process of becoming human.
النفس والروح والوفاة والموت	<i>al-nafs wa'l-rūh</i> <i>wa'l-wafāt</i> <i>wa'l-mawt</i>	<i>The soul, the spirit, the death of the spirit, and the death of the soul</i> The term <i>soul</i> has two meanings: first, the 'body' and second the 'soul'. In the first sense, it is like a normal human organ that can <i>die</i> ; in the second sense it embodies the human feelings and emotions, such as love and hatred, happiness and pain. In this sense, the soul is the result of the spirit (<i>al-rūh</i>) and through the spirit human perceptions of things take place. The <i>spirit</i> itself is not a bodily organ; it is the human secret that transforms the human race into human beings; as a result of possessing 'spirit', human beings possess knowledge and legislate what is right and wrong, which is part of their responsibility given to them by God (<i>al-taklīf</i>).

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
الإكراه والإضطراب	<i>al-ikrāh</i> <i>wa'l-idṭirār</i>	<i>Force and compulsion</i> <i>Force</i> refers to the reduction of possible options with regard to the choice and free will of a person, a reduction carried out by other people; 'knowledge of God' is beyond such a force from outside as this would make His knowledge deficient. <i>Compulsion</i> is the reduction of possible options with regards to the choice and free will of a person because of the (objective) circumstances and social context in which the person lives, i.e., it is not induced (subjectively) by other people.
قضاء الله وإرادة الله	<i>qaḍā' Allāh</i> <i>wa-irādat Allāh</i>	<i>Allah's will and Allah's desire</i> <i>Allah's will</i> refers to the omnipotent, ubiquitous divine will that originates in the words of God, i.e., all existence and its objective laws, which means that Allah's will is firm, irrevocable, and preordained (encapsulated in <i>kun fa-yakūn; yaqūl; naqūl</i>). <i>Allah's desire</i> is of two kinds: a) prescriptions and proscriptions, as stated in the 'Mother of the Book', given in the form of moral laws and 'subjective' legislation; and b) conditioned orders (to be implemented in nature, the cosmos, and history) as stated in the <i>qur'ān</i> , which are not eternally fixed but circumstantial and context-bound.
الإذن والمشية	<i>al-idhn</i> <i>wa'-mashā'a</i>	<i>God's authority and God's intent</i> <i>God's authority</i> will inevitably be manifested—in the form of the objective, material laws of existence; there is no way to interfere or change the way these laws are implemented. However, <i>God's intent</i> is changeable and capable of becoming either positive or negative; it is a circumstantial intent and linked with human behaviour and historical context.
الأجر	<i>al-ajr</i>	<i>Reward</i> A reward is given by the Lord to a human being as a result of his acts; it is the ultimate outcome of human acquisition (<i>kasab</i>).
خلق	<i>al-khulq</i>	<i>Creation (design)</i> This refers to the planning of an act before its execution; in modern usage it would be called 'design'; Allah creates and human beings create, but Allah is the superior creator. Creation does not mean creating something <i>ex nihilo</i> as some believe.
سوى – تسوية	<i>sawā / taswiyya</i>	<i>Implementation</i> This refers to the complete execution of the design without any omission or fault; this, naturally, happens <i>after</i> the stage of planning.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
الاستقامة	<i>al-istiqāma</i>	<i>Straightness</i> This is an attribute of <i>al-islām</i> and the opposite term to 'Curvature' with which it stands in a dialectical relationship; it contains the fixed elements ('the Straight Path') around or within which the more flexible elements move; these are only to be found in the 'Mother of the Book'.
الحنيفية	<i>al-ḥanīfiyya</i>	<i>Curvature</i> This is an attribute of <i>al-islām</i> and the opposite term to 'Straightness' with which it stands in a dialectical relationship; it is the more dynamic part that contains changes and alterations (of legislation and human behaviour in general) within the limits of the fixed parts of 'Straightness'.
حدود الله	<i>ḥudūd Allāh</i>	<i>God's limits</i> These refer to the 'Straightness' in <i>al-islām</i> ; they are the outward boundaries of human behaviour which Allah has set down in <i>the Book</i> and which humans are not allowed to step over but are permitted to move between.
الحد الأدنى	<i>al-ḥadd al-adnā</i>	<i>Lower limit</i> This defines the lowest denominator of acceptable (legitimate) human behaviour (or of legal punishment) that no one is allowed to step under.
الحد الأعلى	<i>al-ḥadd al-a'lā</i>	<i>Upper limit</i> This defines the most extreme possible amount of legality in human behaviour (or of legal punishment) that no one is allowed to step over.
الزكاة والصدقات والربا	<i>al-zakāh</i> <i>wa'l-sadaqāt</i> <i>wa'l-ribā</i>	<i>Duty of alms tax, general charity; and usury</i> <i>Duty of alms</i> is an act of charity that contains no obligation for a return of the amount given (money or otherwise); it forms the lower limit of general charity and belongs to the pillars of <i>al-īmān</i> . <i>General charity</i> is a much broader term. <i>Duty of alms</i> is performed by and for followers of Muḥammad's (ﷺ) messengerhood, while general charity can be given by and to any person of whatever belief or religious community. <i>Usury</i> is the abuse or misuse of the charity system, however small the amount is. It is also to wrongly give interest-free loans to people who do not need them (businessmen, farmers, traders, etc.). Finally, it is also to falsely reduce or increase the amount of debt a person has accumulated.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
الشعائر	<i>al-sha'ā'ir</i>	<i>Rituals</i> These define the connection between human beings and God; they are firmly fixed and unchangeable but differ from one religious community to the next; prayer is the most common form of a ritual as it is the most direct form of communication between a worshipper and the Lord. Typical of rituals is that they are not subject to objective, rational research reflecting the limits of legislation and commandments, because they are fixed and because they express loyalty to a specific messenger. This is also the case with the rituals of <i>al-īmān</i> (e.g., prayer, fasting, pilgrimage, and alms) that are performed while adhering to Muhammad's (ﷺ) messengerhood; they are wrongly called pillars of <i>al-islām</i> since they are only pillars of <i>al-īmān</i> .
الفقراء والمساكين	<i>al-fuqarā'</i> <i>wa'l-masākīn</i>	<i>Poor people and handicapped people</i> <i>Poor people</i> are those with little or no income; they are not necessarily handicapped people; what constitutes poverty differs from one historical period to the other and from one country to the next; <i>handicapped people</i> are those who are mentally and physically disabled. This term is often used in the <i>Book</i> but not mentioned in Islamic <i>fiqh</i> which reflects a derisory attitude towards handicapped people as they were thought of as not fully human.
الفرقان أو الوصايا العشر (الأخلاق)	<i>al-furqān aw</i> <i>al-waṣāyā</i> <i>al-ʿashr</i> (<i>al-akhlāq</i>)	<i>Moral guidance or the ten commandments (ethics)</i> The term <i>al-furqān</i> refers to the common moral ground of the three monotheistic religions: it includes the straight path of Moses, the wise guidance of Jesus, and the straight path of Muhammad; Jewish, Christian and <i>Imānic</i> (based on Muhammad's messengerhood) principles of moral behaviour are the common denominator that is called <i>al-furqān</i> . There are two types of <i>al-furqān</i> : a) general guidance and b) specific guidance; <i>general guidance</i> refers to the ten commandments which are the lower limit of moral guidance given to all human beings; this forms the common moral ground of all human communities through which one may achieve high standards of morality; <i>specific guidance</i> refers to the set of commandments given by Muhammad (ﷺ) that are applicable not only to those who want to realise social ethics as they are specified by its lower level (i.e., general guidance) but who also want to increase their commitment and become leaders of the devout and pious. These commandments are not given in clear, explicit commands since they are stated in the 'general guidance', but only in the form of (indirect) notifications.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
التقوى	<i>al-taqwā</i>	<i>Piety</i> This refers to the act of doing what is permitted and abstaining from what is prohibited, as stated in the <i>umm al-kitāb</i> ; it refers to human behaviour and not to human knowledge about objective existence; there are 1) individual piety (rituals), 2) social piety (ethics, <i>al-islām</i>), and 3) public (legal) piety (legislating within the limits of Allah); interference in matters of individual piety should be prohibited.
الأعراف والأخلاق	<i>al- a'rāf</i> <i>wa'l-akhlāq</i>	<i>Customs and ethics</i> <i>Customs</i> are changeable and variable as they differ from one social and cultural milieu to the next; <i>ethics</i> are the common ground of human interaction and intermundane communication and have therefore a more comprehensive, universal character. Hence, they are directly and precisely revealed by God, while customs are, because of their changeable nature, only loosely mentioned.
الامر بالمعروف والنهي عن المنكر	<i>al-amr bi'l-</i> <i>ma'rūf wa'l-nahy</i> ' <i>an al-munkar</i>	<i>The prescription of what is right and the proscription of what is wrong</i> This refers to the duty of human beings to (politely and in a civilized manner) urge people to do what is generally accepted as right and to (equally politely) urge them to refrain from what is generally regarded as wrong in a given society. These things cannot be implemented by force and coercion.
متاع الحياة الدنيا	<i>matā' al-ḥayāh</i> <i>al-dunyā</i>	<i>The delights of this world</i> These include things that human beings can legitimately use as enjoyable products of society's human economy; they cannot be fixed once and for all because they are subject to changes (in human economy and in what humans wish to enjoy). The <i>qur'ān</i> has defined six fundamental human wishes and called them the 'delights of this world'.
النساء	<i>al-nisā'</i>	<i>Women or those who come later</i> The term <i>al-nisā'</i> carries two meanings: a) the partners of men, i.e., women (in this case it is the plural of <i>imra'a</i>); and b) those who or that which come later (in this case it is the plural of <i>nasī'</i>). In the latter meaning it may refer to what is most recent of the delights of this world (i.e., the latest fashion); a desire for this is only natural for all human beings.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
الفسوق والفساد	<i>al-fusūq</i> <i>wa'l-fasād</i>	<i>Disobedience and corruption</i> <i>Disobedience</i> refers to the act of rejecting the orders and injunctions of the Lord of the Heavens; <i>corruption</i> , however, is a structural phenomenon, e.g., when because of bureaucracy and bribery a state cannot function properly.
بر الوالدين	<i>birr al-wālidain</i>	<i>Respect of parents</i> This was the first ethical concept in the history of mankind which separated humans from animals; it first appeared at the time of Noah and signalled a change from matriarchy to patriarchy, in the sense that the son now respected both his parents, not only his mother, and it provided the development from the small nuclear family to the extended family and to the tribe; it also marked a transition from the council of the elders to the social classes, the police, and then later on to the state.
الأمة	<i>al-umma</i>	<i>Community</i> This is a group of people who share a common behaviour; or a group of animals whose behaviour follows the same instincts; in social terms, it is perhaps better expressed with the modern term 'culture' (<i>al-thaqāfa</i>) and might extend to people who lived in the past, including ancient, medieval, and modern historical epochs; Muslim-Believers form the community of Muḥammad, and they respect other communities.
القوم	<i>al-qawm</i>	<i>People</i> This is defined by the use of a common language, e.g., the Arabs are the people of Muḥammad (s); they trade and cooperate with other peoples. In <i>the Book</i> the term <i>al-qawm</i> is a concept that is more advanced than the concept of 'community' and was, chronologically, revealed later.
الشعب	<i>al-sha'b</i>	<i>Nation</i> This is a more complex term as it refers to a self-defined cultural and social body that combines several languages (<i>lisān</i>) and several ethnicities (<i>qawm</i>) with a multitude of ideological communities (<i>umma</i>), but is governed by a single political system and contained in a unified territory (the national homeland) that both are controlled and regulated within the realm of a nation-state (<i>waṭan</i>); today, there is one community of believers of Arab ethnicity within twenty-one Arab nation-states, consisting of many nationalities and communities. The relationship between peoples is based on tolerance and cooperation, not force or hatred. It refers to citizenship if it is applied on the level of individuals.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
الحرية والعدالة والمساواة	<i>al-hurrīya</i> <i>wa'l-'adāla</i> <i>wa'l-musāwāh</i>	<i>Freedom, justice, and equality</i> These are the main aims of <i>jihād</i> in God's way.
فرعون وهامان وقارون و المستضعفون في الأرض	<i>far'ūn wa-hāmān</i> <i>wa-qārūn</i> <i>wa'l-mustad'ifūn</i> <i>fi'l-'arḍ</i>	<i>Pharaoh, Hāmān, Qārūn, and the 'wretched souls of this world'</i> The name <i>Pharaoh</i> stands for political despotism, tyranny, and government based on violence; the name <i>Hāmān</i> stands for religious policing and power in collaboration with the political administration; in a theocracy both types of power come together in just one person; the name <i>Qārūn</i> stands for the power of global companies in business and commerce with enormous economic might and political influence; people or the <i>'wretched souls of this world'</i> will always fight political, religious, and economic despotism even though the face of such despotism may change over time, e.g., today, political and religious despotism is less severe, and economic force has become less inhuman than it used to be.
القصاص والعقوبة	<i>al-qiṣāṣ</i> <i>wa'l-'uqūba</i>	<i>Punishment and retribution</i> A <i>punishment</i> follows a criminal act and may be different in kind from the criminal act, whereas <i>retribution</i> is quantitatively and qualitatively of the same kind, so for example the flogging of the adulterer is a punishment, whereas the killing of the murderer is retribution.
العبد والعباد والعبادة	<i>al-'abd</i> <i>wa'l-'ubbād</i> <i>wa'l-'ibāda</i>	<i>The Worshipper, the worshippers, and the worship</i> The <i>worshipper</i> of God is a free human being who is able to choose between obeying or disobeying orders; the <i>worshippers</i> are those for whom messengers have issued orders but they are free to choose between obedience and disobedience; <i>worship</i> is the way to follow the straight path, not in the sense of performing rituals such as pilgrimage and fasting, etc. which are the rituals of <i>al-īmān</i> (and not of the straight path).
العبد الحر (الأمير)	<i>al-'abd al-hurr</i> <i>(al-āmīr)</i>	<i>A free worshipper of God</i> This is someone who can issue orders to others.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
العبد والعبيد والعبودية	<i>al-'abd</i> <i>wa'l-'abūd</i> <i>wa'l-'ubūdīya</i>	<i>A worshipper of God / slaves / slavery</i> <i>The Book</i> states that worshippers have a choice between obedience and disobedience, while slaves do not enjoy such a choice. To forbid free choice is a human invention—it would never have been allowed by God. Slavish obedience towards God is not requested in this world, only on the Day of Judgement when people indeed become slaves of God.
العبد الرق (المملوك)	<i>al-'abd al-riqq</i> <i>(al-mamlūk)</i>	<i>Slave</i> A slave is owned as private property by someone else; he has no free choice as he must always say yes to whatever his owner demands from him.
الميثاق وميثاق الإسلام	<i>al-mūthāq</i> <i>wa-mūthāq</i> <i>al-islām</i>	<i>Covenant and the covenant of Islam</i> A covenant is a voluntary bond based on trust and acceptance between two partners; it is of a lesser and historically earlier level than a law or a constitution; a covenant of God contains an oath of allegiance to God, this means that the fulfilment or breach of that oath in respect to God is the fulfilment or breach of the covenant; the covenant of <i>al-islām</i> is the ultimate model for a human society (and what we would call 'moral law' (<i>al-qānūn al-akhlāqī</i>), i.e., the general human law, based on following the straight path (the worship of God).
الشهيد والشهادة الحضورية و الشاهد والشاهدة المعرفية	<i>al-shahīd</i> <i>wa'l-shahāda</i> <i>al-ḥuḍūrīya</i> + <i>al-shāhid</i> <i>wa'l-shāhida</i> <i>al-mā'rifiya</i>	<i>Shahīd-witness and shāhid-witness</i> A <i>shahīd-witness</i> directly observes things and events as an eyewitness, while a <i>shāhid-witness</i> observes (nonsensually) these things from a distance; the first term relates to witness in its strictly empirical sense (i.e., perception through the senses), while the second term refers to a theoretical observation (e.g., in the case of an epistemological recognition); the meaning of 'martyr in a battle' is an invention and cannot be found in <i>the Book</i> ; the one who is an eyewitness to a financial contract is, of course, a <i>shahīd-witness</i> .
الوالد والأب والوالدة والأم	<i>al-wālid wa'l-ab</i> <i>wa'l-wālida</i> <i>wa'l-umm</i>	<i>The biological father (i.e., the birth-giver) and the caregiver-father (who may not be the biological father); the biological mother (the birth-giver) and the caregiver-mother (who may not be the biological mother)</i>
الوالدان والأبوان	<i>al-wālidān</i> <i>wa'l-abawān</i>	<i>The biological parents (i.e., the birth-givers) and the caregiver-parents (who may not be the biological parents)</i> If the caregiver-parents are <i>also</i> the biological parents they would never be called caregiver-parents (<i>al-abawān</i>) but always birth-givers (<i>al-wālidān</i>).

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
التبني	<i>al-tabannā</i>	<i>Adoption of a child</i> If adoption is carried out within the first two years of a child's life, the foster parents achieve the same status as the biological parents of the child, since the child would have no other recollection of his/her parents than that of his/her foster parents.
الشرك بالله	<i>al-shirk bi'l-llāh</i>	<i>Violation of God's unity</i> There are three different ways of violating God's unity but only the first is regarded as an unforgivable 'sin' (<i>al-dhanb</i>), and that is, a) <i>to make an image of God</i> , which is to give God a concrete temporal, spatial, and material dimension (ignoring that He is beyond any such dimension or description); the other two less severe but equally condemnable sins are: b) a <i>violation of God's divinity</i> , which is to declare the generation of the forefathers and of the medieval jurists infallible, or to regard what is called 'Islamic jurisprudence' as eternally valid. This is a violation of the <i>hanfiyya</i> principle as it renders fixed something that is subject to historical change; it is a form of an indirect violation of God's unity, since it attempts to call something fixed and everlasting, while these are attributes that can only be applied to God; c) a <i>violation of God's sovereignty</i> , i.e., the visit of the tombs of saints, Sūfī brotherhoods, the call for human intermediaries between God and human beings, etc.
الربا	<i>al-ribā</i>	<i>Interest</i> The verses of <i>the Book</i> allow to propose a flexible banking system that can incorporate, if need be, the taking of interest and which, by holding to the limits that Allah has set, can also prevent its misuse (i.e., usury).
الخمر	<i>al-khamr</i>	<i>Intoxicating substance</i> <i>The Book</i> mentions the benefits of intoxicating substances, such as in drugs or anaesthetics which some people need during surgical operations. <i>Al-khamr</i> always connotes substances that lead to intoxication and a total confusion of a person's mind; in instances where a person consumes alcohol but does not get intoxicated the term <i>al-khamr</i> is not applicable.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
الرجس	<i>al-rajās</i>	<i>Confusion</i> This refers basically to a conflation or confusion between two things and is usually caused by doing something (beneficial and useful) to excess, e.g., excess in terms of <i>al-khamr</i> leads to intoxication, and excess in terms of games of chance is to bet on a large amount of money.
الحلال والحرام	<i>al-ḥalāl wa'l-ḥarām</i>	<i>The permitted and the absolutely taboo</i> Forbidden things are those acts which Allah has explicitly forbidden in <i>the Book</i> ; if God did not explicitly forbid a thing, it is permitted. The absolute taboos are universally and eternally forbidden, while the permitted things are universally allowed. However, the latter might be, if the cultural context makes it necessary, further qualified (and hence limited) within the boundaries of God and according to historical circumstances. Only God can absolutely forbid and permit things, while human legislators can temporarily allow or prohibit (<i>yasmaḥ wa-yamna'</i>) things. The latter are <i>not</i> subject to authorisation by the religious scholars (<i>al-istiftā'</i>).
الأمر والنهي	<i>al-amr wa'l-nahy</i>	<i>Prescription and proscription</i> Prescriptions and proscriptions can be issued both by God and human beings, but while God absolutely permits and forbids as well as prescribes and proscribes, human beings prescribe and proscribe. This implies that there are divine proscriptions and human proscriptions; divine proscriptions are either absolute or relative, but human proscriptions can only be relative and temporary; divine proscriptions are within a grey zone of black and white, i.e., permitted or prohibited (the 'ambiguous decrees'), e.g., in the case of the consumption of intoxicated substances; however, human proscriptions, including those by Muḥammad (ṣ), are relative and subject to historical circumstances, e.g., to forbid intercourse between a girl and her maternal or paternal uncle is a human proscription not a (divine) prohibition and we may add further interdictions of this kind, e.g., concerning intercourse between a girl and her male cousin, but we are not allowed to regard this interdiction as an absolute taboo.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
الحكمة	<i>al-hikma</i>	<i>Wisdom</i> This refers to the teaching of general moral instructions that are applicable to all people; however, one must not issue legal or doctrinal rules on the basis of these moral instructions; wisdom comes through revelation, but revelation is not always necessary; it can be found with the wisest men in all periods of time even in those times when divine revelation has ceased to come down.
اليتيم	<i>al-yatīm</i>	<i>Orphan</i> This is a minor who has lost his/her caregiver-father, while the mother may still be alive; if an orphan reaches adulthood he/she legally ceases to be an orphan.
الحجاب والجلباب	<i>al-hijāb</i> <i>wa'l-jilbāb</i>	<i>Hijāb</i> is an item of clothing to cover the breasts of a woman; <i>Jilbāb</i> is an item of clothing that covers a woman's body outside her home; this belongs to the field of social dress codes, not official legislation, and the only criteria is that the way a woman dresses should prevent 'harm' or 'insult' in public (this might vary from one culture to another).
زينة المرأة والحيوب	<i>zīnat al-mar'a</i> <i>wa'l-ḥiyūb</i>	<i>Beauty of a woman</i> This might be external (face), which should not be covered, or internal (hidden), like the area from the neck downwards to the buttocks, which should be covered. There is no textual proof that the head of a woman needs to be covered.
العورة	<i>al-ʿawra</i>	<i>Feeling of shame</i> This refers to the desire of a person not to reveal something of his or her body or behaviour. But shame is relative, not absolute, as it expresses current customary practices and may change over time; there is no connection to things that are absolutely forbidden or permitted.
الزواج	<i>al-zawāj</i>	<i>Marital relationship</i> This refers to a marital relationship between a man and a woman who are adults and <i>compos mentis</i> ; the purpose of this relationship is to establish a family and have children with the perspective of a long-term relationship that is, however, permitted to be terminated by divorce.

TERM IN ARABIC	TRANS- LITERATION	ENGLISH TRANSLATION
علاقة ملك اليمين	<i>'ilāqat mulk al-yamīn</i>	<i>Partnership</i> This pertains to a voluntary relationship between a man and woman who are both adults and <i>compos mentis</i> , but who are not married and whose relationship is short-term but of a sexual nature; there are several types of partnerships, e.g., <i>zawāj al-muʿa</i> (temporary partnership) where the male partner provides for the female partner; <i>zawāj al-misyār</i> (controlled or guided partnership) where the female partner has no right to demand such provision; and <i>zawāj al-frīnd</i> (friendship) where there is mutual provision and care; all these types, are not absolutely forbidden though they do not constitute marriage.
البعل	<i>al-baʿl</i>	<i>Partner or companion</i> He is someone who fulfils the roles of a family provider, eating companion, drinking companion and play mate; if he does all of this <i>and</i> fulfils his conjugal rights he is regarded as a women's (sexually active) husband (<i>al-zawj</i>).
حَاكِمِيَّةُ اللَّهِ	<i>ḥākīmīyat Allāh</i>	<i>The immutable domination of God</i> This is expressed in the following way: 1. a demand for absolute obedience (God's divinity) by human beings 2. the absolute power over everything (God's sovereignty) 3. absolute singularity (oneness) in such divinity 4. absolute arbitrariness in His actions ('He does what He wants') 5. ... He is beyond examination and enquiry.
التبذير	<i>al-tabdhīr</i>	<i>Squandering</i> This refers to an excess in (legitimate) spending, e.g., when someone spends 90% of his income on charity, or spends the cost of food for thirty people on only three guests; it is a <i>quantitative</i> excess, i.e., it means to transgress the limits of a (normally) permitted act.
الإسراف	<i>al-isrāf</i>	<i>Excess</i> Excess turns a permitted act into a forbidden act by acting in too extreme a manner. It is <i>quantitative</i> excess, for example, when someone not only kills a murderer (which is permitted) but also his whole family (which is forbidden); it is <i>qualitative</i> excess, for example, when one eats only one slice of (the absolutely forbidden) meat pork.

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