# The Middle Path of Moderation in Islam

*The Qur'ānic Principle of Wasaṭiyyah*

Mohammad Hashim Kamali

Foreword by Tariq Ramadan

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in Islam*

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## The Qur'ānic Principle of Wasaṭiyyah

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# *Foreword*

## *The Middle Path: Understanding Moderation*

Professor Mohammad Hashim Kamali is providing us here with an essential and timely exploration of the concept known in contemporary Islamic tradition as *al-wasaṭiyyah*. Kamali adopts a perspective that is different to that of other studies within this subject area and thus is a welcome addition. The importance of Kamali's forty-year contribution to the field of Islamic Studies, in particular within the discipline of Islamic Law and Jurisprudence, is already widely recognized. Indeed, many of his books have become significant references for those using the English language, providing much needed support toward the in-depth and comprehensive study of Islamic law and jurisprudence, ethics, and certain essential notions such as freedom, penal code, and interfaith dialogue. Kamali's *Principles of Islamic Jurisprudence* and *Freedom of Expression in Islam* are two such noteworthy resources.

This new book is another valuable contribution of critical importance. In this study, Kamali focuses upon a central notion of Islam, that of moderation and the way in which moderation can, and indeed, *needs*, to be understood from within the Islamic reference. The book is divided into two. The first part is a conceptual analysis, with Kamali undertaking to define the concept of *al-wasaṭiyyah* and then, in consideration of the scriptural sources, seeking to illustrate where we can find the notion of moderation in our daily lives; how moderation is defined; and the way in which the centrality of the Islamic message relies upon the correct interpretation and practice of moderation.

Believers will be familiar with the well-known verse of the Quran: "Thus we have made of you a community justly balanced" (وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا). In his book, Kamali enables readers to clarify their understanding of moderation within Islam through highlighting and reflecting upon other

verses of the Qur'an and the prophetic traditions (*aḥādīth*), each of which addresses the notion of moderation. Kamali's study states, in this first part of the book, that everything within the Islamic tradition is based upon the notion of moderation. Moreover, Kamali connects his process of thought through the study of, for example, the work of Sa'd al-Din al-Taftazani, using different key notions such as wisdom (*al-ḥikmah*), purity (*al-ʾiffah*), and courage (*al-shajāʿah*). Kamali pays close attention to the notion of justice (*al-ʿadl*), which includes the crucial, yet sometimes overlooked or misunderstood, dimension of striving to seek the middle path in everything.

Kamali examines the opinions of scholars within the Muslim tradition (both modern and notable historic scholars) concerning moderation. He uses the scriptural sources as well as the scholarly legacy (*turāth*), the reference that originates from the understanding that the scholars had or have, by using both the text and the context. Kamali relies on the School of Law as much as the School of Maqasid (the higher objectives of Islam) to illustrate that in relation to rules, not only is everything in Islam based on moderation but that the very understanding of the higher objectives of Islam relies on moderation, too. So the entire message of *Shari'ah* is in fact an approach whose essence is that of moderation. As part of his conceptual analysis, Kamali observes that the meaning of moderation includes the urgent understanding that everything in Islam is very much based on the rejection of extremism and extremist interpretations in one way or another.

Kamali brings to our attention a key area, which he refers to as "manifestations of *al-wasaṭiyyah*." Through his explanation of these manifestations, Kamali demonstrates that everything within these manifestations is related to the centrality of *al-tawḥīd* (التوحيد), divine oneness. This is a fundamental point since the understanding of the way Muslims consider the very notion of *tawḥīd* is based on this understanding of *al-wasaṭiyyah*, as well as the importance of taking into consideration the diversity of the various schools of thought. Kamali goes further still, proposing the need to include in our understanding a balance between that which is changeable (*mutaghayyirāt*) and that which is immutable (*thawābit*).

Kamali also demonstrates the importance of moderation related to the notion of graduality (*tadarruj*). This is insightful. Hence, he concludes that not only is the message of Islam based on moderation, but so, too, is the methodology that we derive from our scriptural sources. Kamali proposes that this is evident in, for example, the requirement for Muslims to promote benefits (*maṣāliḥ*) and avoid harm (*mafāsid*)—in practical terms,

we need to consider both the balance and the strategy in implementing (*taḥqīq al-manāṭ*). Kamali explores and presents this concept in an interesting way, furthering our understanding of what he refers to as "the identification of *al-wasaṭiyyah*." This is a critical contribution to the way we can understand our relationship with oneself and within our community; our relationship within interfaith dialogue; and our relationship to "the other." This in turn helps us in our understanding of the different schools of thought; the relation to rationality (*al-ʿaql*). It helps us in our understanding of the texts (*an-nuṣūṣ*); and in the understanding even of the consensus (*al-ijmāʿ*). These notions within the Islamic tradition are in fact the foundations, not only of the basic and fundamental message of Islam, but also of the methodology from which the central message of Islam is derived and its subsequent implementation. In reading Kamali's analyses and his clear explanations within this first section, I think that readers will gain a better understanding of the way in which we might consider and best apply the guidance from our scriptural sources. Moderation is the heart, moderation is the way.

Whilst the first part of Kamali's book is very much the backdrop from which a believer may draw from the central message of Islam, the second part of the book moves away from the overall message of Islam to focus on specific fields where moderation exists and is needed. Kamali invites believers to reassess and reevaluate their perspective on moderation. For example, he refers to justice, which, as the true meaning of the word itself shows, is wholly based on balancing. Kamali explores the way that within the Islamic tradition we have a concept relating to both moderation and justice. Similarly, in relation to religiosity, he considers how we need to understand that we ought not be completely obsessed with the hereafter and that instead we ought to be aiming to achieve a balance between focusing on our life in this world and preparing ourselves for life beyond death. As it is said in the Qur'an, "So seek the abode of the Hereafter through what God has given you and do not forget your part in this world":

<div dir="rtl">وابتغ فيما آتاك الله الدار الآخرة ولا تنس نصيبك من الدنيا.</div>

Kamali refers to the need for moderation as we consider diversity from within (*ikhtilāf*), a kind of reasoned disagreement and the need to acknowledge that we might be right and "the other" might be wrong, but that the other way could be possible, too, as al-Imam ash-Shafi'i stated. So

here again Kamali brings to the fore the realization that these divergences are also promoting moderation.

Kamali makes the vital observation of moderation between spirituality and legalism and how, for example, the Sufi tradition helped to reconnect law and ethics, spirituality and legal framework. Once again there are many different examples relating to promoting the good and removing hardship—the relationship with our environment and the way in which we have an obligation to protect it; the relationship with ethical behavior and related issues within the financial sector and economies; the very notion of *jihād* that is so much misunderstood; our lifestyle, how we consume, and our obligation to avoid consumerism; and, as another example, how there is a need to address globalization and the reality between respecting tradition and living in and contributing to the modern world.

Kamali also explores the important issue of women and women's rights in Islam; how there is a critical need to promote moderation and to understand the status of women; and how the situation in our societies relating to women requires reform. This second section is thus a very interesting approach of implementing the concepts explained in the first section and proposing a new understanding. Once again, according to Kamali, embedded within these numerous issues, moderation is both a requirement and a means.

This is a vital and much-needed text enabling the reader to better understand the deep message of Islam based on the scriptural sources. Through studying the contributions from all the key scholars, Kamali takes the reader right up to the reality of our time, where once again he provides a thought-provoking perception of the contemporary challenges. An important book to read; an important book to study; a critical book to promote in relation to the understanding of Islam, the reader is made subtly aware of the need for each of us to "get it right." The diversity of thoughts within Muslim communities in the West or in Muslim-majority countries can in fact be viewed as a positive contribution, helping us to understand that no one particular person among us ought to claim that they have the absolute, finite answer. Through his book, Kamali encourages the reader to understand that diversity and interpretation is simply a way to implement the very meaning, the essence of that verse from the Quran, "Thus we have made of you a community justly balanced," a community of the Middle Path. This is exactly the kind of discourse that today's communities need.

I am absolutely delighted to be introducing this book to you and I am very thankful to Professor Mohammad Hashim Kamali for providing such an important contribution. I consider myself one of his students, having learned so much from his writings over the past twenty years. Thus, it is a true privilege for me to introduce readers to this book, from one of my teachers; from one of my brothers; from one who has achieved so much for Muslims around the world, both in Muslim-majority countries and in societies where Muslims are citizens, yet living as minorities in relation to their religion.

May God accept his restless commitment to faith and knowledge, may God grant him the ultimate protection of His grace.

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*The Middle Path of Moderation in Islam*

# I
## *Introduction*

*WASAṬIYYAH* (MODERATION) IS an important but somewhat neglected aspect of Islamic teachings that has wide-ranging ramifications in almost all areas of concern to Islam. "Moderation" is primarily a moral virtue of relevance not only to personal conduct of individuals but also to the integrity and self-image of communities and nations. Moderation is an aspect, in its Qur'anic projections, of the self-identity and worldview of the Muslim community, or *ummah*, and also features prominently in almost all major world religions and civilizations. The Graeco-Judaic and Christian creeds refer to it as the "golden mean," while the Confucians and Muslims refer to it as *Chung Yung* and *wasaṭiyyah*, respectively. Moderation is a virtue that helps to develop social harmony and equilibrium in personal affairs, within the family and society and the much wider spectrum of human relations. Despite its obvious advantages, moderation is often neglected, however, not only in the personal conduct of individuals but also in social relations, treatment of the natural environment, religious practices, international affairs, and finance.

The need for *wasaṭiyyah* has acquired renewed significance in the pluralist societies of our time, especially in light of Huntington's thesis on "clash of civilizations" and the aftermath of the September 2001 terrorist attacks. Restoring balance to many of the disturbing realities of our time has become a pressing calling of the world community and the *ummah*. The unprecedented spread of extremism and violence by individuals and states in many parts of the world has further accentuated the importance of *wasaṭiyyah*. It is worthy of note that the scale of destruction, loss of civilian life, and violence has hitherto been much greater among Muslim

countries and populations. This has increased the urgency of the call for bridge-building by many Muslim leaders, including the former Iranian President Khatami, whose clarion call for a "dialogue of civilizations" at the United Nations General Assembly in 1997 sought to counter the "clash of civilizations" euphoria and called for renewed bridge-building efforts and attention also to the universalist principles and teachings of Islam.

Paul Marshall, a senior fellow at the Hudson Institute in Washington DC, underscored the growing threat the world faces from radicals and extremists against religious tolerance. He wrote that "the role of moderate Muslims is key, and more important than anything else, and if you are going to combat radicalism, in terms of debates and ideas, the arguments should be made by Muslims, because the radical groups don't know other arguments"[1]. Marshall's point is valid as it stands, yet he is typical of many a Western observer who are inclined to attribute radicalism only to Muslims, which is, however, not supported by the ample evidence that shows—as I examine below—the much wider scope of extremism almost everywhere.

Ahmad Syafii Ma'arif, a former chairman of Indonesia's Muhammadiyyah movement, added to Marshall's observations that radical Muslims were in the minority, and therefore the majority of moderates have the power to condemn the radicals. "If Islam is led by the moderates, the enlightened people, then I think Islam can compete with any nation (*sic*). However, the majority of moderates prefer to be silent rather than counter the radicals"[2].

The aftermath of al-Qaeda attacks on Madrid suburban trains in 2004 invoked a most constructive response from the then Spanish Prime Minister Zapatero and his Turkish counterpart Erdogan to call for the formation of an Alliance of Civilisations. The proposal received the backing of the then Secretary General Kofi Annan, and the UN Alliance of Civilisations was consequently formed in 2005. It was subsequently launched by the United Nations with a view to advancing substantive collaborative efforts that promote shared knowledge and mutual understanding across cultures. Spain and Turkey, the two countries standing for dialogue, also geographically bridge the Muslim and the Christian parts of the world. This was followed, in turn, by Prime Minister of Malaysia Najib Razak's landmark speech on "Global Alliance of Moderates" and *wasaṭiyyah* at the 65th United Nations General Assembly (UNGA) in September 2010—and his subsequent launching of the Global Movement

of Moderates Foundation at an international conference in Kuala Lumpur in January 2012.

Together, these proposals manifest an affirmative response on the part of prominent political leaders for a constructive civilizational discourse and their earnestness for engagement and cooperation. I shall take up, in the following pages, some of the institutional developments that follow up on these initiatives. At this juncture, a brief opinion survey may be presented on the historical profile of coexistence of Muslims with other communities, and the contrast that is now seen over the widening scope of extremism—including some comments as to how moderation plays out in world affairs today.

The voice of moderation has resonated, as mentioned earlier, in almost all major world traditions and moral philosophies—hence no civilization can lay an exclusive claim to it. The golden mean of moderation in all things, so famously made central to philosophic literature ever since the time of Aristotle over two thousand years ago, is, however, easier said in words than it is seen in action, and it is here where differences of major proportions can be seen in the actual behavior of leaders, communities, and nations. Scott Thompson spoke from experience when he wrote that in the Hindu-majority Bali community of Indonesia, where he currently lives, he has experienced a culture where all good Hindus try to find their inner balance every day in prayers and ceremonies. Thompson added, however, that the cultural factor alone did not prevent a bloodbath in 1965, when the Balinese killed off around 5 percent (50,000 to 100,000) of their own people who had allied themselves with the extremists. They righted the balance, but at appalling cost[3].

Right now the world is watching, Thompson further commented, and it would be scary if a fringe movement in the United States gained enough power to pull the ancient Republican Party off its right-of-center moorings. Their view of the world is so distorted, but their lure in a country of evangelists is so great, that the supposedly most powerful country could dangerously lose its balance[4].

The call to moderation that we advocate is addressed to the followers of all religious and cultural traditions and communities. What is needed is a worldwide advocacy of moderation, not only within every religion and culture but more widely among them and across Muslim, Christian, Jewish, Hindu, Buddhist, and other religious communities to stand for similar principles. God's words in the Qur'an are as powerful today as they were when they were revealed to the Prophet Muhammad, [pbuh]: "Good and

evil are never the same. Repel evil with what is better, until one whom you had enmity with is transformed into a dearest friend" (Fussilat, 41: 34).

وَلَا تَسْتَوِى ٱلْحَسَنَةُ وَلَا ٱلسَّيِّئَةُ ۚ ٱدْفَعْ بِٱلَّتِى هِىَ أَحْسَنُ فَإِذَا ٱلَّذِى بَيْنَكَ وَبَيْنَهُ عَدَاوَةٌ كَأَنَّهُ وَلِىٌّ حَمِيمٌ.

From the very beginning, Muslim societies were pluralist, open to diversity, and capable of embracing diversity for most of the past fourteen centuries of their history of coexistence with the followers of other religions. It is a cause for reflection when one places the present Israeli-Palestinian conflict in a historical context. Muslims and Jews were the closest geographical neighbors and had a long history of coexistence. There were conflicts, it is true, between the Prophet and the Jewish tribes of Madinah, but that did not deter Umar Ibn al-Khattab, a leading Companion of the Prophet and later the second caliph, from inviting the Jews to return to Jerusalem in the seventh century after they had been expelled by Romans five centuries earlier, and grant them freedom to practice their religion. Then also in the twelfth century the Muslim leader Saladin (later sultan of Egypt) invited the Jews back to Jerusalem, after he had defeated the Crusaders, who had expelled them. Jews and Muslims also lived peacefully under the Cordoba Caliphate in Spain from the eighth to the eleventh centuries. In a similar vein, a climate of religious tolerance prevailed under the Ottoman Empire that ruled over Arabs and Turks, Armenians and Greeks, Christians and Jews—all of whom enjoyed substantial religious freedom. It is significant also that during the Holocaust of World War II, Muslims in the Balkans and other regions saved thousands of Jews from the Nazis. Abdol Hossein Sardari, the then Iranian ambassador in Paris during the war, saved more than 1,500 Jews by giving them Iranian passports[5].

There is no "Islamic extremism, any more than there is Christian or Jewish extremism," wrote Robert Crane[6], unless one wants to reduce all religion to the level of tribalism. Unfortunately, extremists in every religion have been with us and always will be. One of the challenges to face is to persuade policymakers to use the term "radical extremists" without reference to religion in order to distinguish between "a religion and those who carry crimes against humanity in its name"[7]. Rabbi Mark Winer wrote that the lines of division between extremists and moderates, within each religion and across religious boundaries, reflect the never-ending conflict in every society. Too often moderation, compromise, and peace-building

become demonized. Religious moderates need to stand in the forefront of efforts to create a passion for peace within civil society and to elevate moderation to civic virtue. It is often the lack of such passion that allows fundamentalism to enlarge its influence[8].

Another challenge commentators have underlined is how to educate the detractors of Islam about the sophisticated tradition of Islamic thought so that they can distinguish the religion from those Muslims who are equally ignorant and violate all its principles. "The recurring acts of terrorism by some Muslims aimed at America or other western countries, however, create a huge disconnect between them and what Islam teaches"[9].

In a keynote address in London, Malaysia's Crown Prince (now Sultan) of Perak, Dr. Nazrin Shah, a Harvard graduate and a leading thought leader of his country, noted that moderates in the Muslim world have often been asked to speak up against terrorism and extremism. He then observed that "Actually the moderates do dominate the discourse, but the media gives less coverage to their voices"[10]. He further noted that it is not only moderates in the Muslim world that need to confront the extremists more squarely. The moderates in the West must do likewise, and "challenge not only the extremists in their religious establishment, but also those in the powerful media and government that champion hard-line policies which lead to much violence and conflict abroad." Nazrin Shah proposed that the media in the West and the Muslim world, as well as intellectual and other important stakeholders, should engage each other and work together to correct misperceptions on both sides and promote mutual understanding[11].

The book before us features a conceptual analysis of *wasaṭiyyah*, its meaning, definition, and scope, followed by a review of the source evidence, and then the application of *wasaṭiyyah* to a variety of topical themes and issues.

The evidence I have presented in this volume is drawn mainly from the Qur'an and *hadith*, mainstream interpretations of the text and scholarly opinion without engaging in the details of scholastic elaborations of particular schools of theology and law beyond what the context might have dictated. That said, an effort has been made to explore the Shi'i contributions to the various themes and chapters of this book. At a time when the climate of understanding between the Sunni and Shi'i followers of Islam has unfortunately taken a turn for the worst, both sides nevertheless continue to stress the importance of unity, then it is in order that one makes an effort at exploring each other's positions over issues. A cross-section of

opinion on both sides has attempted, in the various chapters of this book, to show how the Shiʿite scholarship, side by side with its Sunni counterpart, has actually spearheaded a long-standing campaign to moderate religious extremism within its own ranks. Inasmuch as Islam stands for moderation, this is also true of both the Sunni and Shiʿi interpretations of Islam. It is important that both sides take cognizance of each other's viewpoints and concerns and do so in the true spirit of moderation. The signing by both the Sunni and Shiʿa leaders of the Amman Message 2005, examined later, marked a significant milestone in their relations. The Amman Message was initially signed by twenty-four leaders from both sides, but that number increased to more than three hundred signatories of leading scholars and personalities from all the schools and *madhhabs*, Sunni, Shiʿa, Ibadi, and their subdivisions. They all recognized Shiʿism as a valid interpretation of Islam, and took a united stand on many important issues. Thus, it was unanimously declared prohibited for Sunni and Shʿia followers on all sides to charge one another with apostasy and disbelief. It was also stressed that both sides should make an effort to improve the climate of understanding between them.

I may end my introductory remarks with a quotation from ʿAbd al-Latif al-Farfur, author of *al-Wasaṭiyyah fiʾl-Islām* (1998), who made the following observation in the concluding section of his book: "At the present time, the Muslim *ummah* is in need of taking the middle path of moderation more than any time in its history. For there is no way to its prosperity and survival except through its unity, and there is no way to achieving unity except through opting for *wasaṭiyyah* [as an outlook and way of life] in the first place"[12]. Interestingly enough, we note that this linkage between Muslim unity and *wasaṭiyyah* has been underlined, some fourteen years after al-Farfur made these remarks, in the adoption by the government of Malaysia of "*wasaṭiyyah* as the pillar of Muslim unity" for the *Maʾal Hijrah* theme of the new (*Hijri* 1434/2012) year. In his message on this occasion, Prime Minister Najib Razak underscored the theme that moderation would go a long way toward strengthening unity among Muslims[13].

# *Conceptual Analysis*

Definition and scope—review of the source evidence—a round-up of modern opinion—hallmarks and types of extremism—manifestations of *wasaṭiyyah*—identification of *wasaṭiyyah*—and institutional developments.

## *II*

# *Definition and Scope of* Wasaṭiyyah

MODERATION, OR WASAṬIYYAH (Arabic synonyms: *tawassuṭ, iʿtidāl, tawāzun, iqtiṣād*), is closely aligned with justice, and it means opting for a middle position between extremities. Moderation is often used inter-changeably with "average," "core," "standard," "heart," and "non-aligned." The opposite of *wasaṭiyyah* is *taṭarruf*, which denotes "inclination toward the peripheries" and is known as "extremism," "radicalism," and "excess."[1] In its Arabic usage, *wasaṭiyyah* also means the best choice—such as in the *hadith*: "The Prophet [pbuh] was the best (*awsat*) of the Qurayshite descent."[2]

كان رسول الله أوسط قريش نسبا.

*Wasaṭ* in the linguistic usage of Arabs thus signified "superiority, justice, purity, nobility, and elevated status."[3] *Wasaṭiyyah* also signifies strength, such as the sun at noon time, which is the hottest position compared to the beginning or end of the day. This can also be said of the strength represented by youth that occupy the intermediate position between the weakness of childhood and that of old age. Similarly, the Qur'anic reference to "the middle prayer" (*al-ṣalāh al-wusṭā*, al-Baqarah, 2:238) means the best prayer, which is the *ʿaṣr,* that is, the late afternoon prayer that occurs in the middle of the five daily prayers.

The Qur'anic designation of the Muslim community as the midmost community (*ummatan wasaṭan*) also means the best community God has created, as the text elsewhere elaborates (Aal-'Imran, 3:110), for its dedica-tion to the promotion of good and prevention of evil, its commitment to building the earth, and implementation of justice therein.[4]

*Wasaṭiyyah* is defined as "a recommended posture that occurs to the people of sound nature and intellect, distinguished by its aversion to both extremism and manifest neglect."[5] It is primarily a rational concept with little or no dogmatic connotations, but also religiously virtuous since the Qur'an has recommended it.

*Qaṣd* is another Arabic synonym of *wasaṭiyyah* or moderation. This is illustrated in a *hadith* Jabir b. Samurah reported from the Prophet concerning the manner he used to pray: "I used to pray with the Prophet, [pbuh]; his prayer was moderate (or light) and so was his sermon."[6]

كنت أصلي مع النبي صلى الله عليه وسلم الصلوات ، كانت صلاته قصدا وخطبته قصدا.

*Iqtiṣād*, which is the Arabic word for the science of economics, essentially signifies moderation in spending (Arabic: *al-iqtiṣād fi'l-infāq*) that is averse to both extravagance and niggardliness. In a *hadith* it is provided that "One who is moderate (in the management of his finances) shall not be afflicted with penury."[7] *Qaṣd* also means what is right/correct, as in the verse: "And it rests with Allah to show us the right (*qaṣd*) path" (al-Naḥl, 16:9).

لا عال من اقتصد.

وَعَلَى ٱللَّهِ قَصْدُ ٱلسَّبِيلِ.

The path of *qaṣd* is thus one that leads to correct destination. *Qaṣd*, which occurs frequently in the Qur'an, is defined as "moderation and equilibrium—*al-tawassuṭ wa'l-i'tidāl*—in all affairs,"[8] and it is, as such, synonymous with *wasaṭiyyah*.

Whereas the Qur'anic terms *wasaṭ* and *wusṭa* have a longer history and some of its synonyms also occur in the *hadith*, the use of *wasaṭiyyah* as a theme and genre of Islamic scholarship is relatively recent, most probably dating back to the early twentieth century in the works of Muhammad Rashid Rida, Hasan al-Banna, and Muhammad al-Madani. The last is probably the first to write a booklet entitled *al-wasaṭiyyah fi'l-Islam*, but then many others followed in quick succession. Other authors who wrote on this subject include Mahmud Shaltut, 'Abd al-Rahman al-Sa'di, Sayyid Qutb, Muhammad 'Imarah, Yusuf al-Qaradawi, 'Abd al-Latif al-Farfur, and many others.[9]

*Wasaṭiyyah* is both quantitative and qualitative. In planning and balancing the material welfare, for instance, of the present and future

generations in an annual budget, one would be able to quantify the allocations without much difficulty. Choosing the middle course may be less than obvious when one tries to balance the ethical, socio-political, and other less visible aspects of welfare of the present and future generations. By far the greater part of our discussion of *wasaṭiyyah* in the following pages is concerned with the qualitative aspects of this concept.

As a concept, *wasaṭiyyah* is transitive (*muta'addī*) in that it is not self-contained in itself unless it is applied to a subject that it can qualify. Moderation on its own does not, in other words, impart a definite meaning. This is perhaps evident from the approach the present study has taken in the various applications of this concept. An attempt has thus been made to ascertain what *wasaṭiyyah* means in relationship, for example, to the enforcement of penalties and in connection with religiosity, consumerism and finance, speech, lifestyle, and so forth.

According to Wahbah al-Zuḥaylī, "in the common parlance of the people of our time, *wasaṭiyyah* means moderation and balance (*i'tidāl*) in belief, morality and character, in the manner of treating others and in the applied systems of socio-political order and governance."[10] The opposite of this is extremism (*taṭarruf*), which applies, from the Islamic viewpoint, to anyone who exceeds the limits and ordinances of *Shari'ah*, its guidance and teachings, indeed to anyone who violates the limits of moderation, the view of the majority (*ra'y al-jamā'ah*), as well as a person who acts in a way that is customarily considered outlandish and strange.[11]

"Moderate" and its plural "moderates" are often contextualized, however, and given different readings in different parts of the world. In the Western media and political discourse, "moderation and moderates" often denote a calling and demand addressed particularly to Muslims. One hardly sees in the mainstream media a similar demand addressed, for instance, to Israel or the United States, whose militarist behavior and policies often exceed the advice of moderation. Israel will punish disproportionately the slightest provocation by Palestinian civilians, and the US militarist excesses are driven by hegemonist purposes, manifested by the fact that it has close to eight hundred military bases around the globe. The call to moderation under such circumstances would be meaningless if addressed only to the victims of such behavior. One needs to understand, therefore, that *wasaṭiyyah* and justice are inseparable for the most part, and that moderation makes little sense in severely distorted situations.

In an article entitled "The Washington's 'Moderate Islam' Alliance: Containing Rebellion, Defending Empire," James Petras draws

attention to political manipulations of *moderates* in light of the ups and downs of the so-called "Arab Spring." Washington and the European imperial troika (England, France, and Germany) embrace what their press and officialdom hail as "moderate" Islamist parties. Faced with the ouster of Mubarak in Egypt, Bin 'Ali in Tunisia, and 'Ali al-Saleh in the Yemen, as well as mass protests in Morocco and Algeria, the US-EU turned to conservative Muslim leaders who were willing to work with the existing state institutional framework, uphold the capitalist order, and align with the empire against anti-imperial movements and states.[12] To quote Petras:

> Islamists who collaborate with Empire are 'moderate' allies and if they attack an anti-imperialist regime, they become ... 'terrorists' or 'fundamentalists' ... The Islamic collaborators are called 'moderate and respectable' because they ... have dropped any criticism of imperial and colonial treatises signed by the previous client regimes—including ones which collaborate with Israel's colonisation of Palestine.[13]

Petras added, however, that world economic crises, especially the growing unemployment and poverty in the Arab countries, will make it difficult for the "respectable moderate Islamists" to stabilize their societies. The ongoing military interventions and "their own [US-EU] growing economic crisis will simply postpone a more decisive conflict in the near future."[14] Another instance where the expressions "moderate and moderates" are contextualized is seen in Muslim countries such as Indonesia and elsewhere, where these expressions are often attributed to "liberal Muslims" and secularists of questionable Islamic authenticity.

In the foregoing, I reviewed the different contextualized perceptions and permutations, even distortions, of *moderation* merely for information and awareness, but I do not propose to abandon the use of the word, nor to associate *wasaṭiyyah* and its English equivalents with tendentious overloads. That said, it is preferable perhaps to use *wasaṭiyyah* in its original untranslated form, as far as possible, so as to avoid the negative connotations of its English equivalent. One should naturally be prudent in the use of words but that does not mean that one allows distorted usage of words to take over and dominate.

Contextualization in this case distorts the meaning of what *moderation* actually stands for. To say that a "moderate" Muslim is a Muslim of questionable authenticity and a libertine is itself tantamount to walking away

from the spirit of moderation and what the silent majority of the Muslim masses actually stand for. In their attempt to marginalize the much larger moderate strata, the tendentious tactics of the small but active groups of extremists among Muslims would welcome the moderates giving way to their tactics. The aftermath of the September 2001 attacks and the US-UK militarist policies emboldened the extremists and strengthened their voices. The so-called "war on terror" had the effect of propelling the small minority of radical jihadists from the periphery to the center of public attention. The longer the military strategists of London and Washington refuse to recognize the inadequacy of their militarist policies, the louder the voices of al-Qaeda and their violent cohorts will grow. To speak of moderation and balance in a distorted situation brought about by excessive militarism, whether of individuals or states, will naturally not go unopposed, but this may also be the opportunity for the moderate voices to become more assertive of the merit of their standing. Moderation must, in any case, not mean giving way to the extremists.

*Wasaṭiyyah* as an attribute of the worldwide Muslim community and a virtue in its own right, contemplates, for the most part, normal situations and conditions where balancing the odds in light of wisdom and good judgment provides a feasible opportunity and prospect. *Wasaṭiyyah* in totally distorted situations is, in other words, more likely to be marginalized, even totally ignored.

Writing about the Global Movement of Moderates and the then impending international conference that Malaysia was about to convene on that subject, a Malaysian observer went so far as to recommend dropping the use of *wasaṭiyyah* in an attempt apparently to advocate the "Global" calling of that movement, presumably because of its religious connotations:

> But it is time to drop the use of the word *wasaṭiyyah*. However important the term is, politically for the domestic audience, it does not make "advertising sense" for "moderate" to compete with *wasaṭiyyah* since the world has endorsed the English version.[15]

This view ignores the fact that when Prime Minister Najib introduced the notion of Global Movement of Moderates in the 65th UN General Assembly, he actually used *wasaṭiyyah* as an Islamic concept, a practice that has not changed ever since. To take a concept from the heart of Islam and then suggest that we better not use it as some people may dislike it, simply because it is an Islamic concept, is hardly justified—little wonder,

one might say, that the suggestion has fallen flat and failed to make any impact.

Moderation is sometimes equated with appeasement. In response, it is said that similar to certain other Qur'anic concepts, such as patience and perseverance (*ṣabr*), gentleness (*rifq*) and compassionate forbearance (*ḥilm*), which are high on the list of Islamic virtues, without implying any weakness on the part of those who practice them, moderation too does not imply any compromise on religious principles, nor on basic religious duties, in order to please or appease others. Nor should *wasaṭiyyah* be used as an excuse not to take religious precepts seriously.[16] On the contrary, *wasaṭiyyah* means confidence, right balancing, and justice.

Yet it should be added that the challenges of development in an age of globalization facing the Muslims today cannot only be met on the political or economic plane—rather they demand comprehensive approaches in all spheres of human relations and conduct.[17] *Wasaṭiyyah* is a broad and comprehensive concept of moral, legal, economic, and international import, indeed as broad as a philosophy of life. The *wasaṭiyyah* approach teaches one to think and act wisely, not to be fanatic or obsessed with an opinion, an individual, or a group, without taking into account facts and existing knowledge.[18]

It is not necessary perhaps that there must be two extremes or two sides to a mid-most position. Justice, for instance, is a middle position, which is not, however, flanked by two sides. It has only one opposite, which is oppression (*ẓulm*). Similarly, truth is a virtue that has only one opposite, which is untruth and falsehood. Yet as I shall presently elaborate, there is a place even in truth and justice for moderation, but only in their implementation, not in their conceptual understanding.[19]

Moderation is sometimes equated with mediocrity and neutrality of sorts, as well as being associated with a lack of enthusiasm and with aiming at what is less than the best or excellent. This is not, however, what is understood from references to *wasaṭiyyah* in the Qur'an and Sunnah as well as the linguistic usage of Arabs. Moderation in these sources is associated with excellence, and the quest for realism and feasible options, often in the midst of a confusing diversity and lack of purpose.[20]

Speaking of moderation in foreign policy, Razali Ismail commented that it is seen as a "foreign policy apologia ... parallel to appeasement." Nations tend to view it as a sign of weakness. Whether one looks at the Soviet-US Cold War era, or its aftermath, described as "détente," or, more recently, to the US engagements with tribal elders in Iraq, or the Taliban

in Afghanistan, "moderation was never mentioned. At every juncture, it seems the West was determined to project a mantle strength and invincibility."[21] It is in the strategic interest of the West, Ismail added, to show, practice, and engage in moderation without which any effort by emergent Asia to model itself on equaling the West would likely result in stalemate over issues such as the ecological and environmental crises that would be damaging to both sides.[22]

With reference to the internal dynamics of the US Republican Party (also called the Grand Old Party, or GOP), Thomas Friedman, a *New York Times* columnist, wrote that "the political obsessions of the Republican base—from denying global warming, to defending assault weapons, to opposing any tax increases under any conditions, to resisting any immigration reform—are making it impossible to be a Republican moderate." Friedman actually quoted the Democratic consultant James Carville on this and concurred with him.[23] He then added: if the Republicans continue to deny global warming after Hurricane Sandy, refuse to ban assault weapons after Sandy Hook [massacre of more than twenty schoolchildren in December 2012 and the ensuing debate over the banning of fire arms], and refuse tax increase on millionaires but say that all Americans must pay higher taxes, "the Party has no future," simply because it is exceeding the limits of moderation.[24] The lesson one draws from this is that extremism is not the preserve of only the fringe groups one might even be able to easily dismiss—it is far more worrying when the mainstream becomes extremist.

Scott Thompson quoted from the American statesman Elliot Richardson's memoir, entitled *Radical Moderate*, which someone cited at the Kuala Lumpur Global Movement of Moderates' conference, saying that the phrase "appealed to many of the 300 plus delegates, some of whom thought the term *moderate* implied appeasement, giving in to extremism." But moderation is none of that. Rather, moderation is about pulling together the disparate centers that want to find a proper balance wherein people of different cultures, religions and politics listen to each other and learn to work out their differences.[25]

# *III*

# *Review of the Source Evidence*

QUR'ANIC VERSES AND *hadith* that I review on *wasaṭiyyah* are of two types: those wherein the word itself or its derivatives are actually used, to be followed by passages that employ synonymous and allied words and expressions to *wasaṭiyyah* where the concept is more widely manifested in a range of different theological, socioeconomic, and ethical contexts.[1]

The main piece of evidence on *wasaṭiyyah*, which has also received considerable elaboration and commentary from Muslim scholars past and present, and which I have likewise discussed to some extent, is as follows:

> Thus We have made of you a community justly balanced that you might be witnesses over the people and the Messenger a witness over yourselves (al-Baqarah, 2:143).[2]

وَكَذَٰلِكَ جَعَلْنَـٰكُمْ أُمَّةً وَسَطًا لِّتَكُونُواْ شُهَدَآءَ عَلَى ٱلنَّاسِ وَيَكُونَ ٱلرَّسُولُ عَلَيْكُمْ شَهِيدًا.

The portrayal of *wasaṭiyyah* as an attribute of the Muslim community in this verse clearly occurs in an inter-civilizational context, as the address is to the Muslim community, the *ummah*, in juxtaposition, as the context shows, with other communities and nations. The renowned Qur'an commentator Ibn Kathīr (d. 1273 CE) wrote that the Muslim *ummah*'s status as witnesses is conditional on their commitment to moderation and truth—as testimony of extremists who transgress the limits of moderation is inadmissible. The *ummah* is also a compassionate and just community, with the capacity to mediate between people and demonstrate by its very existence the mercy and justice of God. The verse also specifies the manner in which this *ummah* should relate to other communities and

nations, most of whom had their own scriptures and prophets that guided them and showed them the path to deliverance.[3] The *ummah* must remain faithful to its commitment to moderation, for the Prophet Muhammad would be a witness over them. The reference to testimony twice in the verse under review implies commitment to what a witness is normally expected to do well, which is to be upright, trustworthy, and courageous to say the truth when it serves the cause of justice. Elsewhere the Qur'an speaks negatively of witnesses who conceal testimony, as by doing so they condone perpetuation of falsehood (cf. Al-Baqarah, 2:283).

In explaining the occasion of revelation (*asbāb al-nuzūl*) and the context in which this verse was revealed, Qur'an commentators have referred to two factors, one general and the other more specific. The former sought to differentiate the nascent *ummah* from the Jews, Christians, idolaters, fire worshippers, and the hypocrites (*munāfiqūn*), and marked a departure from some of their excesses. The more specific context was the change of the *qiblah* (direction of Muslim prayer) from Masjid al-Aqṣā in Jerusalem to the Ka'bah in Makkah. This is in fact the subject of the immediately preceding verse (2:142), which rebuffs a certain critique advanced by some shortsighted individuals (the *sufahā'*—idiots, as the Qur'an calls them) who in a way ridiculed the change of *qiblah* from one direction to another without actually understanding its deeper significance.

Changing the *qiblah* in the second year of the *hijrah* signified Islam's decisive change of outlook from limited levels of engagement with the disbelievers and idolaters of Quraysh to new encounters with the then prevailing major world traditions. This physical change of direction distinguished the Muslims from the Jews, who continued to pray in the direction of Masjid al-Aqṣā in Jerusalem. This was a symbolic portent of a new, more comprehensive change of outlook away from the ways of Israelites, who ridiculed their own and other prophets, broke their covenants, and tampered with the Torah. Islam is critical of all this and in a way calls upon Muslims to be witnesses thereof, yet expressive of approval and affirmation of all the previous Messengers, their scriptures, and their invocations to the true religion of submission to God. This affirmation of true religion was then espoused with renunciation of all excessive behavior that departed from the middle path of moderation.

The wider and more objective posturing of Islam is the subject in fact of some of the preceding verses in the same *sūrah*, especially in al-Baqarah (2:137), which addressed the believers to reaffirm their faith in Allah and in that which He revealed to Abraham, Ishmael, Isaac, Jacob, Moses,

and Jesus and all the Messengers. They were all seekers of the truth and Islam is a reaffirmation of their invocations. The *ummah* was also declared as an advocate and follower of the Abrahamic faith—"Abraham was upright (*ḥanīf*) and averse to the ways of the idolaters" (Aal-'Imrān, 3:67 & *passim*). This objectivity and re-orientation marked a departure from the more confined levels of discourse Islam had hitherto engaged in with the idolaters (*mushrikūn*) of the Arabs and Quraysh of Makkah. The arena of discourse and scope of engagement changes as of then, to show Islam as a universal faith away from the excesses of some of the People of the Scripture (*Ahl al-Kitāb*). The *ummah* was now declared as a witness over other people and an advocate of moderation and justice. This verse also signifies, Qur'an commentators add, a certain disapproval of the Christian renunciation and their reclusive spirituality—commitment to celibacy of the church leaders that disassociated itself from the concerns of this world. Islam takes a center stage and the Muslim *ummah* is declared as an ardent advocate of justice, the mid-most in its outlook and its resolute aversion to extremism and excess in the affairs of both this world and the next, in worship matters, moral commitments, and treatment of other nations.[4]

Al-Alūsī (d. 1812), the author of *Tafsīr al-maʿānī*, drew a similar conclusion to say that commitment to *wasaṭiyyah* essentially signified commitment to justice. To be a witness over other nations does not signify "superiority for this *ummah* over other nations who were recipients of divine guidance and prophets that delivered God's messages to them and advised them."[5] Another renowned Qur'an commentator, al-Qurṭubī (d. 1263), pointed out: "Our Prophet and our *ummah* witness that the previous prophets faithfully fulfilled their missions, and our Prophet testifies also that he faithfully accomplished his mission to us." Al-Zamakhsharī's (d. 1180) commentary on this verse points out that "the middle, or *wasaṭ*, is the best choice as it is protected by its peripheries against corruption and collapse."[6] In making these remarks, these and other Qur'an commentators have in fact echoed the purport of a *hadith* that al-Bukhārī and al-Tirmidhī have both recorded in which the Prophet said in reference to the verse under review: "This *ummah* is a witness over the bygone nations regarding the guidance they received from their prophets, and the Messenger of God (i.e., Muhammad) testifies as to their uprightness."[7] The Qur'anic conception of the *ummah* is of a community united in faith, and unity can best be achieved through moderation and justice.

Commenting on the verse under review (i. 2:143), Sayyid Mohammad Hussayn Fadlullah (d. 2010), a Shiʿi Qurʾan commentator, records three different yet interrelated meanings for testimony (*shahādah*) as follows: (1) testimony means testifying to other people's deviation from the right path in this world or the Hereafter. This is the usual meaning of testimony that occurs frequently in the Qurʾan; (2) to testimony also means explanations and clarifications which is why it is also called *bayyinah* (from *bayan*—explanation) in that the witness explains and clarifies the truth, including the religious truth. The Prophet has been referred to in the Qurʾan as a witness in this sense; and (3) testimony also means affirmation of past events. For instance, the Prophet Muhammad testify that the previous prophets faithfully fulfilled their missions to their peoples, especially those who decried their own prophets. The learned commentator then opts for the first of these meanings: the *ummah* testifies in the Hereafter over the conduct of others, and of themselves, what they did in this world, where they went wrong and deviated from the right path.[8]

In response to the question of whether a witness has a distinctive standing, Sayyid Fadlullah wrote: we know that the *ummah* includes a vast number of people, some of whom are ignorant and deviant. All of them cannot therefore aspire to a distinctive standing nor qualify to be witnesses. The author then refers to the familiar style of the Qurʾan, in which the general is sometimes intended to convey a more specific meaning. When the Qurʾan speaks, for instance, of the Israelites in a positive light, it only refers to some of them who qualified as such—in the context of the verse under review, only the upright and well-informed believers. These are the selected ones that are present at all times and places, and lead the *ummah* to the right path. "The eminent and pure Imams—*al-aʾimmah al-ṭāhirūn*—the learned *ʿulamāʾ*, saints and strugglers—*mujāhidūn*—in the right path bear that testimony. For they are the ones who lived closer to the advent of Islam and imbibed the spirit of the Prophet's teachings and mission."[9]

With regard to the change of the *qiblah* from Jerusalem to Kaʾbah, Sayyid Fadlullah comments that this was a turning point in the life of the *ummah*, and a momentous test also of sincerity of the believers themselves. In this connection, he quotes the immediately following verse (i.e., 2:144) and then sixth Shiʿite Imam Jaʾfar al-Sadiq's (d. 765 CE) elaboration thereof. The verse reads: "We see the turning of thy face [for guidance] to the heavens: now We shall turn you to the *qiblah* that pleases thee.

Turn then thy face in the direction of the Sacred Mosque." This is then explained in a long report that may be summarized as follows:

> 'Ali bin Ibrahim narrated, with a chain of narration (*isnad*) from Ja'far al-Sadiq that the change of *qiblah* occurred after 13 years of the Prophet's residence in Mecca where he prayed in the direction of Jerusalem. After his migration to Madinah, he continued praying in that direction for seven more months. Then God Most High asked him to face the Ka'bah. This was because the Jews used to ridicule the Prophet saying that 'you pray in the direction of our *qiblah*.' The Prophet was downcast over this, and one night he came out in the middle of night looking up to the heavens for guidance. The next day when he was praying the Zuhr [mid-afternoon prayer] in the mosque of Bani Salim, he had prayed two units when Angel Gabriel took him by his arms and turned him toward the Ka'bah, and this verse was also revealed on that occasion. The Prophet thus prayed the first two units toward Jerusalem and the remaining two toward the Ka'bah. But even then the Jews kept asking: what made them [Muslims] change the *qiblah* they used to face? [10]

Nobility and distinction in Islam is earned through excellent conduct. This is the purport of Qur'an's affirmation of the total equality of humankind as descendants of "a male and a female" with the only addition that "the most noble of you in God's eyes is the most righteous of you" (Ḥujurāt, 49:13).

يَـٰٓأَيُّهَا ٱلنَّاسُ إِنَّا خَلَقْنَـٰكُم مِّن ذَكَرٍ وَأُنثَىٰ وَجَعَلْنَـٰكُمْ شُعُوبًا وَقَبَآئِلَ لِتَعَارَفُوٓا۟ؕ إِنَّ أَكْرَمَكُمْ عِندَ ٱللَّهِ أَتْقَـٰكُمْؕ.

Islam has also rejected the notion of "chosen people" (*al-shaʿb al-mukhtār*), and links dignity (*tashrīf*) with the best fulfillment of duty (*taklīf*), stewardship, and virtuous conduct. All people are declared equal in God's love and mercy—as also confirmed in the *hadith*: "people are God's children; the most beloved of them to God is one who is of greatest benefit to His children." [11]

الخلق عيال الله فأحبهم إلى الله أنفعهم لعياله.

The Qur'anic designation of the Muslim community as a witness over others is a general human responsibility that partakes in "promotion of good and prevention of evil," also known as *hisbah*, and acquires a degree

of prominence in the order of Islamic values. Testimony consists of both *taklīf* (duty) and *tashrīf* (honor). For the *ummah* to be a witness over other nations is an honor, but when it is written that "the Messenger is a witness over you (the *ummah*)" and then again, elsewhere in the Qur'an, that "God is a witness over all things" (al-Baqarah, 2:140)—these qualifications tend to turn witnessing into a responsibility. Yet witnessing often signifies the starting point of engaging in the quest for success and salvation (*falāḥ*) in that the witness begins by ascertaining, with a self-critical attitude, his own qualifications to be a witness, the subject matter of witnessing, and the consequences of his acting as a witness, and then acts only when the benefit of testimony outweighs its adverse consequences. All of this must ultimately aim at gaining the pleasure of God and that of His Messenger, who are witnesses over the Muslim *ummah*. One who testifies must therefore possess a conscientious attitude toward truth and falsehood. For the *ummah* to be a witness also ascertains its connection with nations past and present, its civilizational role and commitment to stand for an order of values, and its own relationship to other civilizations.[12] Commenting on the verse under review, the renowned Qur'an commentator al-Jassas observed that this verse is indicative of the validity of the general consensus (*ijmā'*) of the *ummah* as an authoritative source. This is because the *ummah* is qualified as a just community, which must mean that its affirmation and consensus constitute a ruling (*ḥukm*—of *Shari'ah*). Similarly, the Qur'anic designation of the Muslim community as a witness over other nations implies infallibility of its collective judgment and testimony.[13]

Islam also views itself as a middle way between the life of this world and the world to come. It is related on the authority of Anas b. Mālik that the Prophet [pbuh] said:

> The best among you are not those who neglect this life for the life to come, nor those who neglect the life to come for the sake of this life. Rather each of them serves as a path leading to the other. Hence blame accrues when one exceeds the limits of need and those of sufficiency.[14]

ليس خيركم من عمل للاخرة وترك الدنيا او عمل للدنيا وترك الاخرة لكن خيركم من اخذ من هذه ومن هذه. انما الحرج فى الرغبة فيما تجاوز قدر الحاجة وزاد على حد الكفاية.

This *hadith* evidently advises everyone to earn their living, attend to their worldly affairs, and avoid exceeding the limits of sufficiency and need in this earthly life. Poverty and deprivation are evils that eat not only

in the material assets of people but also into their moral integrity and faith. This is the clear message of another *hadith* in which the Prophet made the following supplication: "O God! I seek refuge to Thee from poverty and from disbelief."[15]

اللهمّ إنّي أعوذ بك من الفقر و الكفر.

Islam's view of itself as the middle path is also endorsed by its view of human nature, which is that human beings are not naturally inclined toward extremism and excess. This is understood from God's affirmation in the Qur'an: "indeed We created man in the best of forms" (al-Tīn, 95:4); and "He fashioned you in the best of images" (Taghābun, 64:3).

لَقَدْ خَلَقْنَا ٱلْإِنْسَٰنَ فِى أَحْسَنِ تَقْوِيمٍ.

وَصَوَّرَكُمْ فَأَحْسَنَ صُوَرَكُمْ.

This dignified image of the person who looks toward nobility and perfection is consistently upheld in the Qur'an and *hadith*. Yet it is also confirmed that humans are capable of descending to the lowest of the low (cf. al-Tīn, 95:5), a potential that is not, however, a concomitant part of the Divine image of mankind's creation. It is rather a "deviation and departure toward corruption away from the straight path, *al-ṣirāt al-mustaqīm*, which is the path of *wasaṭiyyah*." To prevent and rectify this negative tendency in humans from descending to the lowest of the low, and to guide the afflicted back to the right path, is the principal purpose of divine scriptures and Messengers.[16] One who is afflicted by extremism is drawn unto himself away from mainstream society, nurtured by selfishness and ignorance, consciously or otherwise, and he is yet self-righteous about it. Self-righteousness emanates in arrogance, which goes against the teachings of the Prophet. Thus it is reported on the authority of 'Abd Allah ibn Mas'ud that the Prophet said: "One in whose heart there is an iota of arrogance shall not enter Paradise . . . arrogance suppresses the truth and humiliates other people."[17]

لا يدخل الجنة من في قلبه مثقال ذرة من كبر. الكبر بطر الحق وغمط الناس.

Ahmad al-Rāwi wrote that *wasaṭiyyah* manifests the manner in which Islamic civilization should relate to other world civilizations. This is a

dynamic relationship involving reciprocity and exchange that is not over-whelmed nor dominated by either side. Islam's belief in Divine Oneness (*tawḥīd*) sets the basic framework of relations among nations on the basis of fraternity and oneness that nurture recognition and friendship. Divisions into groups and nations are acceptable but should be guided by the quest to attain moral excellence.[18] ʿAbd al-Latif al-Farfur noted that witnessing in the verse under review signifies commitment to truth and justice. To be a witness one must be upright and nurture a self-critical attitude that also seeks to verify truthfulness in others. The verse under review also calls for a certain civilizational awareness (*al-waʿy al-ḥaḍārī*) over the role and place of Islam in the historical cycle of civilizations.[19]

A certain self-awareness of the *ummah* in her relationships with other communities and nations is implied in the verse under review. This is because moderation acquires its fuller meaning when it is understood in relation to one's peers and outsiders and not just by looking inwardly at oneself. Then again, to take a middle posture and see oneself as a witness over others necessarily involves an overall vision of one's own cultural and civilizational attributes to be able to answer the inevitable question of whether one really qualifies, on the positive scale of good values, to be a witness over others! Hence the conclusion that the notion of *al-waʿy al-ḥaḍārī* is embedded in this verse—also supported by an overall reading of the Qur'an, which is a narrative in common humanity, and when it speaks of commitment to such values as truth, justice, promotion of good and prevention of evil, it does so from a broader universal perspective, not confined to the Muslims, Arabs, or any other section of humanity. Yet there is also a clear recognition of pluralism and differentiation among peoples and nations and the idea that they excel one another only through virtuous conduct that is tempered by the sense, in every case, of modera-tion and aversion to extremism.

The Prophet [pbuh] has himself been addressed in the Qur'an in the following terms:

> Do not turn your nose up in scorn toward people, nor walk exul-tantly in the land. Truly God loves not arrogant boasters. Be mod-est in your bearing (*waqṣid fī mashyik*ᵃ) and lower thy voice. Verily the most repugnant of all voices is the braying of the ass (Luqmān, 31:18–19).

وَلَا تُصَعِّرْ خَدَّكَ لِلنَّاسِ وَلَا تَمْشِ فِي ٱلْأَرْضِ مَرَحًا ۖ إِنَّ ٱللَّهَ لَا يُحِبُّ كُلَّ مُخْتَالٍ فَخُورٍ.

وَٱقْصِدْ فِي مَشْيِكَ وَٱغْضُضْ مِن صَوْتِكَ ۚ إِنَّ أَنكَرَ ٱلْأَصْوَٰتِ لَصَوْتُ ٱلْحَمِيرِ.

Whether one reads this verse literally or metaphorically (but preferably the latter), it can sustain both meanings: to moderate one's bearing, one's pace, and one's voice signify cultural refinement and courtesy in one's dealing with others; they also advise a sense of humility and moderation in one's dealings with other communities and nations. The Prophet was also imam and led congregational prayers in the mosque. It is instructive that here, too, the Qur'an drew his attention to the manner in which he toned his voice.

> And raise not thy voice in prayer nor tone it down too low, but seek
> a middle course between them (al-Isra', 17:110).

وَلَا تَجْهَرْ بِصَلَاتِكَ وَلَا تُخَافِتْ بِهَا وَٱبْتَغِ بَيْنَ ذَٰلِكَ سَبِيلًا.

Whether in prayer or in dealing with people in society, moderation in speech and the tone of one's voice is an integrated part of the Islamic ethos of modesty (*al-haya'*), on which the Prophet has also said: "every religion has its own ethos, and the ethos of Islam is modesty." Furthermore, the Qur'an instructed the believers that they should moderate and lower their voices when they speak to the Prophet:

> O you who believe! Raise not your voices above the voice of the
> Prophet, nor speak loudly to him in conversation, as you speak
> loudly to one another—lest your deeds become vain without you
> even knowing it (al-Hujurat, 49:2).

يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ لَا تَرْفَعُوٓا۟ أَصْوَٰتَكُمْ فَوْقَ صَوْتِ ٱلنَّبِيِّ وَلَا تَجْهَرُوا۟ لَهُ بِٱلْقَوْلِ كَجَهْرِ بَعْضِكُمْ لِبَعْضٍ أَن تَحْبَطَ أَعْمَٰلُكُمْ وَأَنتُمْ لَا تَشْعُرُونَ.

Refinement of speech and the voice that expresses it are thus seen as hallmarks of moderation in social behavior, just as they also signify good leadership qualities.

The key phrase "and be moderate" (i.e., *wa-qṣid*) in the verse (31:18) earlier quoted is a derivative of *iqtiṣād* (also the Arabic word for *economics*), which is synonymous with *wasaṭiyyah,* and the instances of its occurrence in two other *hadith*s that I shall presently review are also relevant to this meaning. In one of these, the Prophet is reported to have said: "one who practices moderation will not be afflicted with penury."[20]

<div dir="rtl">لا عال من اقتصد.</div>

In another *hadith*, which is considered to be an elevated (*marfūʿ*) *hadith*, on the authority of Ibn ʿAbbās, the Prophet is reported to have said: "In all matters the middle-most is the best choice."[21]

<div dir="rtl">خير الأمور أوسطها.</div>

In a similar saying, which Abū Ḥāmid al-Ghazālī has considered also to be a *hadith* but which his commentator, Zayn al-Dīn al-ʿIrāqī, has attributed to the fourth Caliph ʿAlī b. Abī Ṭālib, the believers are addressed as follows:

> You are to hold on to the average median to which the ones higher (often need to) descend and the ones lower (aspire to) ascend.[22]

<div dir="rtl">عليكم بالنمط الأوسط الذي يرجع إليه العالي ويرتفع إليه التالي.</div>

The Companion Jābir b. Samurah also reported:

> I used to pray together with the Prophet, [pbuh]; his prayer was moderate and so was his sermon.[23]

<div dir="rtl">كنت أصلي مع النبي صلى الله وسلم عليه الصلوات ، كانت صلاته قصدا وخطبته قصدا.</div>

Abdullah Yusuf Ali regards moderation as the "golden mean" and pivotal, as such, to Islam's outlook, concerning our relationship to God, His universe, and our fellow humans. "In all things be moderate. Do not go the pace and do not be stationary nor be slow. Do not be talkative nor be silent. Do not be loud and do not be timid nor half-hearted. Do not be pessimistic and do not be gullible. Do not be too confident nor let yourself be easily cowed down."[24]

It is clear that not all people are equally endowed with the ability to embody these qualities, as individuals differ in their natural propensities and are often exposed to a variety of influences in their upbringing and experience. This is the purport also of the following Qur'anic passage:

> We entrusted Our Book to those of Our servants whom We have chosen. There are those among them who transgress against

themselves, those who are moderate, and those who are assiduous in good works (Fāṭir, 35:32).

ثُمَّ أَوْرَثْنَا ٱلْكِتَٰبَ ٱلَّذِينَ ٱصْطَفَيْنَا مِنْ عِبَادِنَا ۖ فَمِنْهُمْ ظَالِمٌ لِّنَفْسِهِۦ وَمِنْهُم مُّقْتَصِدٌ وَمِنْهُمْ
سَابِقٌۢ بِٱلْخَيْرَٰتِ.

It seems that all the three classes of people referred to in this verse are deemed to be the worthy recipients of God's messages, but the general tone of the verse implies that those who excel in good works merit distinction and praise. A question may then arise in this connection as to whether the verse implies that some kind of mediocrity is attached to the middle category. In response, it is submitted that moderation stands on a plane of its own and the verse here does not detract from the objective value and profile of *wasaṭiyyah*. For instance, worship of God is a cardinal virtue, yet moderation is advised even in that context, as I shall presently explain. I refer here to the Qur'an commentator Fakhr al-Dīn al-Rāzī's (d. 1209) observation as follows:

> Every virtue stands in between two extremes; when we speak of generosity, for instance, it is the middle posture between prodigality and niggardliness, and so is courage that stands in the middle of audacity and cowardliness. Virtues thus acquire their meaning from a certain sense of balance and aversion to either side of the two extremes. Hence the midmost positions are virtuous and the extremes partake in turpitude (*fa'l-awsāṭ faḍā'il wa'l-aṭrāf radhā'il*).[25]

Islam also teaches that acts of virtue can lose their attributes if taken to extremes. To be charitable is a virtue, but becomes questionable if taken to extremes, such that one deprives one's family of their financial needs. Thus it is concluded that the objective merit of *wasaṭiyyah* also extends to good and righteous deeds, and that the sum total of the conduct and character of a person is measured by his or her proximity to moderation.

Saʿd al-Dīn al-Taftazānī (d. 1390 CE) has highlighted three of the most important virtues and natural endowments of the individual as being wisdom (*al-ḥikmah*), purity (*al-ʿiffah*), and courage (*al-shajāʿah*). The first is concerned with intellectual ability and the power of judgment, the second with subjugation and control of the temptations of the senses, and the third with the overcoming of fear and selfishness. All these virtues develop through moderation and avoidance of extremism. But when all

three combine and converge, the end result is justice (*al-ʿadālah*) in the sense of optimal equilibrium and moderation.[26]

Choosing a middle course between the affairs of this world and those of the Hereafter, in a way that does not compromise other concerns, is the course the Qur'an recommends:

> Seek by means of the wealth that God has given you the Abode of the Hereafter, but forget not of your share in this world (al-Qaṣaṣ, 28:77).

وَٱبْتَغِ فِيمَا ءَاتَىٰكَ ٱللَّهُ ٱلدَّارَ ٱلْأَخِرَةَ ۖ وَلَا تَنسَ نَصِيبَكَ مِنَ ٱلدُّنْيَا.

Abstinence that verges on self-denial from taking one's fair share of the enjoyments of this life is thus not piety. Rather, it is preferable that God's material favors are utilized in this life, without, however, neglecting one's responsibility to be generous and charitable to those in need.

With regard to financial management, it is once again the middle course between the two extremes that the Qur'an recommends:

> And tie not your hand to your neck nor stretch it out to its utmost reach lest it may leave you sitting in destitution and self-rebuke (al-Isrā', 17:29).

وَلَا تَجْعَلْ يَدَكَ مَغْلُولَةً إِلَىٰ عُنُقِكَ وَلَا تَبْسُطْهَا كُلَّ ٱلْبَسْطِ فَتَقْعُدَ مَلُومًا مَّحْسُورًا.

> [the true servants of the Merciful are] Those who are neither extravagant nor niggardly in their spending but keep to the average mean between the two (Furqān, 25:67).

وَٱلَّذِينَ إِذَآ أَنفَقُوا۟ لَمْ يُسْرِفُوا۟ وَلَمْ يَقْتُرُوا۟ وَكَانَ بَيْنَ ذَٰلِكَ قَوَامًا.

Is it a coincidence that the principal verse of *wasaṭiyyah* we started with (i.e., al-Baqarah, 2:143) occurs in the exact middle of the longest chapter of the Qur'an, which consists of 286 verses? The Qur'an is replete with signs, the *āyāt*, and the implication here may be to signify *wasaṭiyyah* as the longest engagement in a continuous refinement of the Islamic worldview and civilization. The Qur'an shows in a strikingly physical sense what ideal *wasaṭiyyah* actually should mean: The exact middle, where the most comprehensive segment of the whole of this long chapter is also located. Another lesson may be that moderation, somewhat like justice,

should not only be done but also be seen to be done and made visible to all concerned.

Later in the same chapter the Qur'an refers to one of the five daily prayers as the middle prayer, or indeed the best prayer (*ṣalāh al-wusṭā*): "Guard strictly your (habit of) prayers, especially the Middle Prayer, and stand before God in humility and devotion" (2:238).

<div dir="rtl">حٰفِظُواْ عَلَى ٱلصَّلَوٰتِ وَٱلصَّلَوٰةِ ٱلْوُسْطَىٰ وَقُومُواْ لِلَّهِ قَٰنِتِينَ.</div>

The Middle Prayer is especially mentioned but it is not clear as to which one of the five daily prayers it is! Commentators have also differed. Some say it is the morning (*fajr*) prayer as it separates the day from night, whereas others say it is the dusk (*maghrib*) prayer that separates the night from day. Yet others point to the midday prayer (*ṣalāh al-zuhr*). The preferred view, however, is that the reference is to the late afternoon (*al-'aṣr*) prayer in mid-afternoon, as it is apt to be most neglected. People usually return home from their daily occupation and work fatigue may become a hindrance to regularity. Yet none of these suggestions command certainty. Could this also be symbolic of the Qur'an to accentuate the superiority of the middle position with reference this time to one of the pillars of Islam in the sphere of devotional matters (*'ibādah*)?[27] Moderation in *'ibādah* may be the message: worshipping God is God's sole prerogative and He, too, prefers the middle prayer most. Whereas verse 2:143 referred to people's relations among themselves, verse 2:238 is on how they relate to their Creator. I shall have more to say on this in a later section under *wasaṭiyyah* in religiosity.

## IV

# *A Round-Up of Modern Opinion*

MUHAMMAD ʿABDUH (D. 1905) made the observation that "Islam has made itself known as a *dīn al-fiṭrah* (religion congenial to human nature) because of its inclination towards moderation."[1] The renowned Tunisian scholar Muhammad Tahir Ibn ʿAshur (d. 1974) wrote that "in moderation lies the essence of all virtues (*faḍāʾil*) and it is a great protector against indulgence in corruption and caprice."[2] He also wrote that "[sound] human nature (*al-fiṭrah*) shuns severity and extremism and favours moderation."[3] Yusuf al-Qaradawi has similarly observed that moderation is the correct path that leads the *ummah* to its ideals of attaining material and spiritual success:

> It is the divinely-ordained moral and humanitarian mission of the Muslim community to pursue all its goals through moderation. I also believe that deviation from the path of moderation brings nothing but destruction and loss.[4]

Muṣṭafā Kamāl al-Tūnisī observed that one can hardly associate moderation and *wasaṭiyyah* with any particular aspect of life to the exclusion of others. For *wasaṭiyyah* relates to all aspects of life right across the entire spectrum of Islamic teachings, from dogma and belief, to ritual worship, social relations, relations among nations, time, place, human thought, and the exercise virtually of all of the basic rights and liberties of individuals.[5]

According to ʿAbd al-Latif al-Farfur, who authored a book on *wasaṭiyyah*, "there is no easy refuge from the evil consequences of extremism except through embracing Islam's teachings on moderation, truth and justice."[6] *Wasaṭiyyah* is manifested, according to Wahbah al-Zuḥaylī in the balanced

attention one pays to one's rights over, and obligations towards, others as well as to the material and spiritual world. It also signifies a balance between forgiveness and resistance, prodigality and selfishness, and a resolute aversion to extremism and terrorism in all their manifestations. Islam advocates these values, not only among the Muslims themselves, but also in their relations with other communities and nations. *Wasaṭiyyah* as such is a pillar of Islamic civilization.[7]

Al-Zuḥaylī added that as a religion of *wasaṭiyyah*, Islam takes the middle course between peoples and nations, divinely revealed religions, philosophies, and economic doctrines including communism, capitalism, and the like. Islam is committed to establishing a system of truth and justice that shuns laxity on one side and extremism on the other.[8] With regard to the geo-physical dimension of *wasaṭiyyah* in the Qur'an, Seyyed Hossein Nasr observed: just as Islam is one of the "middle ways," so, too, did its territory come to occupy—in fact it still occupies—the "middle belt" of the globe, from the Atlantic to the Pacific. In this region, Islam came into contact with other civilizations, their philosophies, and their sciences—so that the Islamic worldview is informed by the outlook and values of other great traditions.[9]

Ahmad al-Raysuni, a professor and author of several important works on the goals and purposes of Islamic law (*maqasid al-shari'ah*), observed that moderation is the ideal that the *Shari'ah* seeks to achieve in all its legal rulings, and this is done by steering a middle course between the two extremes of excessive austerity and excessive laxity. Hence, if one observes a tendency in a legal ruling toward one of these two extremes, this is often because the ruling in question is intended to counter an opposing tendency among people, be it actual or anticipated (cf., Q al-Baqarah, 2: 163–167).[10]

The International Islamic Law Academy (*Majmaʿ al-Fiqh al-Islami al-Duwalī*) issued a statement at its thirteenth plenary session in Kuwait (December 1422/2001), which included the following in its section entitled "Prohibition of Hostility in Islam":

> Islam prohibits aggression without a just cause and all acts that strike terror into the hearts and minds of innocent people, whose lives are immune and protected. Any hostility of this kind falls under the prohibited terrorism [. . .]. It is also sheer injustice and a form of intellectual terrorism to confuse Islam with terrorism. Nay, it is a religion of moderation and balance.[11]

Al-Qaradawi has rightly observed that the renowned Sayyid Quṭb (d. 1966) indulged in extremism by charging the society of his time with disbelief (*kufr*) and ignorance (*jāhiliyyah*) and by declaring aggressive jihad against it. Quṭb also erred in his derision of tolerance and denunciation of those who advocated gradual renewal and reform. Qaradawi added that the neo-literalists among the Salafis rigidified "Islamic teachings through their dry literalism and giving of undue importance to formalities such as wearing long beards and long clothes for men and women."[12]

Ismail Raji al-Faruqi (d. 1986), a renowned Arab scholar of Islam and author of several important works—also a professor at Temple University in the United States, explained the concept of *wasaṭiyyah* in the Qur'an as follows:

> Islam is the religion of golden mean: "And thus We made you (the Muslims) an *ummah* of the golden mean, that you be an exemplary median unto mankind..." It is both general and particular, universal and specific, formal and contextual, monolithic and pluralistic, individualistic and socialistic; and that is its strength ... Islam is the religion of balance ... its very axiology is always a delicate balancing between two evils or a subtle combination of disparate values ... standing between the doer of too much and the doer of too little.[13]

Al-Faruqi elaborated the Islamic concept of balance (*al-tawāzun*) and the "golden mean" when he wrote: "it is obviously the mean between two disvalues ... but Islam also seeks to combine it with all other values giving each its due."[14] The *ummah* has to avoid the evils of individualism and collectivism because "Islam has prescribed *tawāzun*, or balance, the golden mean, and declare its purpose to be the achievement of felicity of the person as well as that of the group."[15] Rejecting absolute individualism as well as absolute tribalism, "Islam has indeed struck the middle ground, asserting both values in the middle, and denying both disvalues at the end of the spectrum of inter-human relations."[16]

The Qur'anic description of the Muslim community as *ummatan wasatan*, according to Farhan Nizami, director of the Oxford Centre for Islamic Studies, UK, means the middle or moderate, the anti-extreme or mainstream community. "The community of Muslims must not cut itself off; it must be inclusive and assimilative, go east and west, learning as well as

teaching. That is an ideal worthy of presentation to all the peoples of the world."[17]

With regard to contemporary trends in the interpretation of Islamic law, a contemporary Shi'ite scholar, Ayatollah Yahya Noori, identifies three distinctive tendencies: (1) the conservative approach, (2) the liberal approach, and (3) the moderate approach. The moderate approach that Noori recommends is then characterized as that

> which acknowledges the due respect for the institutional writings of old masters and leading jurists but at the same time recognises that if and when these old solutions conflict with public interest of the Muslim community, other legal solutions should be found under the doctrine of *istiḥsān* or *maṣāliḥ mursalah*, public interest and public policy.[18]

According to the Lebanese Shi'a leader Sayyid Fadlullah (d. 2010), when Islam describes itself as "a religion of balance and justice (*al-tawazun wa'l-'adalah*)," the reference to balance here relates more to meaning and purpose, mind and heart, intention and sentiment, and the correct alignment of values.[19] He further noted that *wasaṭiyyah* and justice are intertwined. Hence the Islamic conception of *wasaṭiyyah* and balance are foundational and comprehensive, firmly grounded in correct alignment of values. *Wasaṭiyyah* signifies internal balance (*al-tawazun al-dakhili*) within the human person as to the manner one relates to oneself, to the outside world, to society and the environment. Life is a journey in the attainment of comprehensive internal balance and in this sense *wasaṭiyyah* strikes a note in common with *jihad*, the inner struggle for refinement and justice.[20]

Ibrahim al-Shimri, a contemporary Arab scholar and author of a work on *wasaṭiyyah*, is critical of the conservative attitude of imitating the views of scholars and jurists of the past even over issues they had not encountered. Some ultra-conservatives go so far as to reject *ijtihād* and *tajdīd*, asserting that the old books have addressed all issues and answered all questions. They are aloof to the rapidity and pace of change in science and civilization.[21]

At the other extreme are those, al-Shimri added, who claim adherence only to the text and *Sunnah* but reject the heritage and works of the thought leaders and '*ulamā*' of the past, and say even concerning the Companions that they were men like us. The issue of "conflicting *ijtihād*s in their various forms emanating from the works often of the unqualified

or those who are bent on distortion for partisan ends has been a cause for concern." There are those who advise abandonment of *Shari'ah* and *ijtihād* in favor of total reliance on statutory law; and those who exaggerate in saying that fulfilling the conditions of *ijtihād* are too onerous to meet today; and finally those who open the doors of *fatwa* and *ijtihād* wide open to all and sundry.[22] Then there are the advocates of *wasaṭiyyah*, who are critical of all extremist tendencies in their quest for just and balanced responses to issues.[23] The essence of *wasaṭiyyah* in this case is to keep an open mind in all directions and select the best contributions of the past scholars but rely on them only when they enhance our understanding of the contemporary issues and challenges facing us today.[24]

Deina Abdelkader makes the observation that "Muslim scholars have emphasised the important role the *Shari'ah* and the *maqāṣid* are likely to play in future Muslim societies."[25] This renewed focus on the *maqāṣid* is partly due to the time gap that has developed between the *uṣūl al-fiqh* doctrines and modern processes of decision making and legislation. The *maqāṣid* are, on the other hand, more versatile and bear closer affinity with real-life issues and tend to balance the interests of continuity and change in the legal corpus of Islam.[26]

Muhammad Asad (formerly Leopold Weiss) (d. 1992), a Jewish convert to Islam and renowned author of several important works on Islam, observed that the Divinely-designated character of the Muslim *ummah* [in its commitment to *wasaṭiyyah*] and Islam's attitude to the problem of man's physical and spiritual makeup amount to a bold affirmation of the natural, God-willed unity in that aspect of human existence. This balanced attitude peculiar to Islam follows directly from the concept of God's Oneness and, hence, of the unity of purpose underlying all His creation.[27]

Ali Allawi, a professor at the National University of Singapore and author of an important book on Islamic civilization, commented that references to the median way, the balance and scale of things, is the theme of numerous verses in the Qur'an and a "defining feature of Islam: balance between the individual and the collective; between the physical and spiritual; between the private and the public domain; between men and women; between rights and duties."[28] Allawi added, however, that the balance within Islam has been ruptured and the civilization has lost its poise. Retreat into self-enclosed space is not an option. Muslims have to determine whether the values in question are instrumental to the enhancement of justice and moderation and whether they are also derivable from the Islamic legacy itself.[29]

Razali Ismail, formerly permanent representative of Malaysia at the UN and president of its General Assembly, is of the view that moderation must be ubiquitous and that all must join forces in its pursuit if we are to make it a reality of the prevailing world order. He also maintains that extremism is not confined to peripheries. Contrary to the frequent thought that extremism can only come from the margins or the periphery, it can also originate from the center.[30] Leftist and rightist groups are often deemed to be more capable of extremism than those at the center of the ideological spectrum. How mistaken can one be! Studies have shown that extremism can often come from the "center," especially when decisions and policies are pushed through at the expense of many. In Nazi Germany, for example, much of the excesses were committed by the government in the center. The Great Leap Forward (1959–1961) and Cultural Revolution (1966–1976) were two signal events that took China to the precipice of chaos and back. In spite of the lessons, extremism has the uncanny ability to spring back. No political system is immune.[31]

In the United States, in order to respond to the terrorist attacks of September 2001, then President George Bush launched not one but two wars—in Afghanistan and Iraq, respectively. In the case of the latter, fake evidence was presented to justify the thunderous military invasion of Iraq. Extremism is, in other words, pervasive and everywhere; even in political systems with the attendant checks and balances.[32]

A Malaysian commentator, Anas Zubedy, considers that the "middle path" has worked well for Malaysia: the challenge of realizing equilibrium in one's dealing with social diversity is most clearly felt in business, education, and social administration, where policies affect a wide range of people. Malaysia has addressed the problem of economic disparity among its various ethnic and religious groups, with the majority of Malays being in the lowest rung. Instead of taking the extremist options of nationalizing wealth or taking the wealth of one community to resolve the poverty of another, Malaysia emphasized affirmative action measures toward growth and development in the redistribution of wealth. Absolute poverty in Malaysia has been reduced from 50–60 percent to about 3 percent, and the country has brought significant development to its entire population. Some aspects of these policies can be criticized, but on the whole, "I see them as good examples of middle path solutions which also seem to indicate a notable point, which is that the middle path works."[33]

In a keynote address, Muhyiddin Yassin, the incumbent deputy prime minister of Malaysia, stressed the need to mark a shift from "clash of

civilizations" to civilizational engagement. In this particular context, the practice of moderation and the rejection of extremism are key to civilizational engagement and global peace. Only by rejecting extremism and embracing moderation will we be able to treat others with dignity, accept our differences, and live with each other in peace and harmony. Yassin identified economic alienation, political exclusion, and social deprivation as the root causes of extremism and fanaticism. Good work will bear fruit only when the root causes of evil are addressed. "In today's world, moderation is not an option but a must."[34]

# V

## *Hallmarks and Types of Extremism*

EXTREMISM IS THE conceptual opposite of moderation and almost as extensive, in that it just about relates to every subject of concern to moderation. Whereas moderation is centripetal and strongly tends toward the center, extremism is centrifugal, pushing away from the center toward the outer edges and extremes of its subject matter. Extremism violates the limits of moderation. These limits can often be identified by reference to authoritative sources and documents including laws and constitutions, religious scriptures such as the Qur'an and hadith, moral standards, and the general mores and customs of society. But since world religions and philosophies, as well as the mores and customs of societies and the values they uphold or deny, tend to differ widely, what one may consider to be extremist or moderate is also likely to vary accordingly under another code of vales.

Extremism is usually self-evident and easily identifiable for the most part, but it may require further scrutiny in technical and contextualized situations. Killing another person is an extremist behavior, yet if it is done in the context of self-defense that repels an overwhelming and instantaneous attack on one's life, it would not be considered extremist. This contextualized and relative aspect of extremism also becomes evident by reference to strong political currents and sets of circumstances, with the results, for instance, that one person's extremism becomes another person's moderation, and the freedom fighter of one becomes the terrorist of another. Gay marriage gains legal recognition under one set of values and is considered an abomination in another. This would suggest the need for one to know moderation and normality, and the source of authority and values they refer to in order to be able to identify when they are violated by

extremist behavior. Extremist behavior in technical subjects would not be self-evident to a layperson, and would need specialized input to enable a credible assessment. Extremism is usually definitive and deliberate, yet it can also be due to ignorance and error of judgment, especially in technical matters that require specialized know-how.[1]

Like moderation, extremism also applies to the entire spectrum of values, good and bad, positive and negative. One can be extremist in what may be deemed as virtuous, such as measure-for-measure justice that verges on literalism and severity in the application of rules and in treating, for instance, recidivists and first-time offenders under the same rules without consideration of the differentials. Similarly, continuous fasting even outside the month of Ramadan and all-night vigil such that may damage one's health and family life would amount to extremism in religiosity.

One can also be extremist in pursuit of one's rights and liberties, as in the case of freedom of expression when used so as to offend others—almost all the provocative cartoons of the Prophet of Islam by some Danish and French publishers illustrate this. One may have the right to just retaliation, even revenge under due process, but it can be taken to excess for what may be a minor provocation, as in the case of Israeli retaliatory attacks against Palestinian rocket fire. Extremism in the interpretation of ideas can be illustrated by, for example, the Islamic militant group ISIS's construal of the Islamic caliphate.

The clash-of-civilizations narrative found credible manifestations in the 9/11 attacks and the numerous other instances of terrorism, military aggression, and violence that followed and brought Islam increasingly into the focus of world attention. Experts and media pundits often saw Islam as the sole explanation of extremism among Muslims. Too often, Islam is portrayed negatively and monolithically as a growing threat to world peace, obscuring the diversity of opinions within Islam and the fact that most Muslims condemn extremism and violence. Expert opinion I have cited below indicates that a great deal of extremist behavior among Muslims is reactive and related to military aggression and humiliating violence by superior military powers.

Muslims the world over do not see the mainstream media depictions of Islam as a true portrayal of their religion. Rather, they see a total contrast between these images and their own—one of moderation that characterized Islamic civilization. Muslims view Islam as a religion that valued truth and justice, shunned laxity on one side and extremism on the other. There is no denial, on the other hand, that extremism existed, in varying

degrees, among Muslims, as among other communities and traditions, almost everywhere and at any given time. Yet the Muslim world has evidently been witnessing escalation of extremism and violence in recent years. Even the rosy promise of the preliminary Arab Spring yielded to extremism across swathes of West Asia and North Africa.

Extremism has not, however, commanded a credible majority in Muslim societies. Extremists are usually small groups of people who advocate narrow and radical views and ideologies. They are not able to persuade and influence the majority through rational debate, which is why they usually take to the street and resort to violent methods to buttress their claims. Extremists are also groups of people who allege that they are championing the cause of justice and correcting wrongs resulting from the conduct of others. Extremism may also be a reaction against the leadership of a country or in opposition to a dominant ideology. The larger-than-real presence of extremism is felt due to views and claims clamorously expressed, and actions taken boldly beyond the ordinary, done in order to attract attention or merely to gain sympathy. Such daring and desperate tactics shock society, but they are short-lived and ultimately self-defeating.[2]

## *What Are the Hallmarks of Extremism?*

One of the first markers of extremism is fanatic advocacy of one view or opinion to the exclusion of all others, despite knowledge of additional existing views. This kind of fanaticism is in a state of denial to all else, including that which may be in the public interest and in harmony with the objectives of the religion he follows. This denial also extends to the prevailing conditions of time and place, dialogue, and search for balanced and well-moderated solutions. The extremist does not even stop at mere denial, but goes on to accuse others of ignorance and transgression, especially those who do not follow his or her views.

The extremists also tend to be certain of the correctness of their cause—so much so that they focus clearly and project unequivocal positions. They have a black-and-white view of their purpose, which helps them create certainty in an uncertain world. This also explains why they possess an ability to attract attention disproportionate to their numbers or percentage in any given population. By contrast, the moderates tend to be reflective, see nuances, and rarely exhibit certainty of that kind. Extremists tend to triumph not because of their inherent strength, but more often because of the weakness and hesitancy of moderates.

Furthermore, the extremists turn a blind eye to the needs and wishes of others and show eagerness to impose harsh and taxing demands on them. They are prone to ignoring people's weaknesses and refuse to acknowledge that some people may be weak, in poor health and unprepared to comply with their demands.[3]

The extremists are also inclined to confuse the essential with the subsidiary. One learns from a perusal of the Qur'an and guidelines of Sunnah of the existence of a certain order of priorities wherein emphasis is placed on essentials, and observance of subsidiary requirements is treated with a lighter touch and less emphasised. The Qur'anic guideline on this is found in the following verse: "If you avoid the most heinous of the prohibited conduct, We shall conceal all your sins and admit you to a gate of great honour" (al-Nisa', 4:31).

<div dir="rtl">إِن تَجْتَنِبُواْ كَبَآئِرَ مَا تُنْهَوْنَ عَنْهُ نُكَفِّرْ عَنكُمْ سَيِّئَاتِكُمْ وَنُدْخِلْكُم مُّدْخَلًا كَرِيمًا.</div>

The text clearly conveys the message that avoidance of major sins can by itself act as a concealer of the minor ones a person may have committed.

Al-Qaradawi recounts, in this connection, instances where the Prophet of Islam turned a blind eye to the misgivings of certain individuals even if they only did the bare minimum of obligatory duties and added little or nothing else by way of supererogatory practices of the religion.[4] To be overemphatic on every detail can be exhaustive and demanding and can also distract attention from that which is essential.

Reflecting on Islamic history, three varieties of extremist activities are distinguishable: theological, political, and practical—even though they are not always mutually exclusive of one another.

Theological extremism (*al-taṭarruf al-iʿtiqādī*) is noticeable when the extremist subscribes to particular beliefs that stand in conflict with the clear text of the Qur'an, authentic hadith, and general consensus (*ijma'*) of Muslims.[5] A reference is made in this connection to early theological movements that arose in the first two centuries of Islam, such as the Qadariyyah, the Jahmiyyah, the Murji'ah, and Batiniyyah as explained below.

The Qadariyyah (advocates of free will, or qadar) subscribed to the view that man is the sole creator of his own conduct. The Jahmiyyah (followers of Jahm bin Safwan) subscribed to total predestination; the Murji'ah (suspenders of judgment and upholders permanently of hope, or *rija'*) suspended passing any judgment on sinners, including those who held

extremist views concerning Companions of the Prophet Muhammad, such as, for instance, those who charged prominent Companions with infidelity and *kufr*.[6] The Batiniyyah (esotericists—also known as Isma'iliyyah, a Shi'ite sub-sect) held that every overt speech and word of God in the Qur'an had a hidden meaning known only to their imam. To these may be added perhaps the *ghulat* (extremists) of Shi'a as well as some of the contemporary movements that include the Takfir and Hijrah Association (*Jamā'āt al-takfīr wa'l-hijrah*) of Egypt, which charged the Egyptian state with infidelity that had allegedly turned into Dar al-Kufr (abode of unbelief). It was a duty, therefore, of Muslims to leave that country and emigrate.[7]

Political extremism (*al-tatarruf al-siyasi*) is marked by confrontation and challenge of the authority of a lawful government. Noted in this category are the Kharijites (lit. outsiders) who emerged in Iraq and boycotted the authority of the fourth caliph 'Ali Ibn Abu Talib, as well as declaring permissible the killing of all Muslims except for their own followers.[8] The Kharijites held the extremist view that committing a major sin amounts to renunciation of Islam. One of the Kharijites' factions, namely the Azariqah, further added that a person renounces Islam even if he committed a major sin by error or personal interpretation and *ijtihād*, which is why they charged the caliph 'Ali with infidelity over the issue of arbitration (*taḥkīm*). For the caliph had exercised his own *ijtihād* in that matter. The caliph was charged with infidelity for the mere fact of his agreeing to arbitration between him and his challenger, Mu'awiyah b. Abu Sufyan.[9]

Lastly, practical extremism (*al-taṭarruf al-'amalī*) consists of extremist conduct, such as self-immolation, excessive fasting and all-night vigil, renouncing marriage, and acts that depart from sound human nature (*fiṭrah*), valid Sunnah, and precedent of the Prophet. One may add to these such other instances of practical extremism as excessive dieting to keep slim, especially among younger women, excessively disciplinarian practices with one's children, and other practices that are injurious and harmful.

Terrorism is also practical extremism, be it local, national, or international, in peacetime or war, consisting mainly of acts of terror and violence—including bombing and use of explosive devices—that kill innocent people and cause destruction. Such activities may even occur in the course of a legitimate war that may have been duly declared by the lawful leader. The basic position of such acts of terror is the same in *Shari'ah* whether its victims are Muslim or otherwise, and whether it is against a weak or a more powerful party or state.[10] Terrorism may have different

causes that may, on that basis, be classified under one or the other variety of extremism mentioned above.

As we watch the fighters of the so-called Islamic State group ISIS rampaging through the Middle East, tearing apart states and cities, and massacring innocent civilians, it may be difficult to believe we are living in the twenty-first century. The sight of terrified refugees and indiscriminate violence is all too reminiscent of Crusaders and the Mongol hordes of Genghis Khan. The ferocious cruelty of these militants—that of the Taliban in Afghanistan and Boko Haramis in Nigeria, the *Charlie Hebdo* attacks in Paris, and so on—raise a distinctly modern concern over the connection between religion and violence.

Global security, safety, and well-being of people are also jeopardized in laws of some Muslim countries that violate citizen and human rights with impunity and uphold religious beliefs by force. The radicalization of Muslim youth within Western societies that turn them against the common values and ideals of their new domicile, and extremism that spreads like a cancer in failed states, are among the previously unknown manifestations of extremism we are witnessing in increasing proportions. State-sponsored terrorism is no less a manifestation of extremism than actions by non-state actors and may, indeed, even be the direct cause that provokes retaliation by non-state actors.

Media estimates mention that one-third of the ISIS forces are foreign, including hundreds, even thousands, of young Muslims from France, Belgium, Britain, and other countries of Europe. The dissatisfaction that the hardline elements of Taliban in Afghanistan and Pakistan feel toward the more moderate among them, added to the fact that the Taliban has generally become weak, has led to the beginnings of an alignment with ISIS. Media reports indicate that some of these new followers may have already started carrying the black banner of ISIS as their rallying point.[11]

Governments in both Muslim and non-Muslim countries are taking note of the need to work more closely with community partners, religious institutions, education centers, and the media to create an anti-extremist current of opinion and environment. With reference to Malaysia, among the factors prompting young Muslims to undertake these dangerous assignments of travel to Syria, one is "the lack of basic religious fundamentals, which cause them to be easily influenced by extremist teachings." Furthermore, the "West is seen as an enemy of the Muslims; and the Muslim community at the international level is seen to have failed to

protect the oppressed Muslim countries," which has in turn caused these individuals to join the ISIS militant group.[12]

Those who commit cowardly murder behind a mask of "Islam" and imagine they are taking revenge and waging jihad are in fact, in the eyes of the true Islam, murderers. It is despicable to hunt down defenseless people and shoot them in a vicious act of terror simply because they think wrongly, or insult or are hostile to Islam.[13]

Protection of life (*hifz al-nafs*)—of all human life—is one of the overriding goals and purposes (*maqasid*) of Islam and the *Shari'ah*. Human life must be safeguarded as a matter of priority. "One who saves the life of another," says the Qur'an, "it would be as if he saves the life of the whole of humankind." (5:35). The text also declares in the same verse: "And one who kills a human being without the latter being guilty of murder or corruption in the land, it would be as if he has killed the whole of humankind." Elsewhere the Qur'an enjoins: "Slay not the life which Allah has made sacrosanct unless it be in the cause of justice." (17:33).

Al-Bukhari and Muslim, the two most authoritative collections of hadith, have recorded the following hadiths from the Prophet:
One who raises arms against us ceases to be one of us;[14]

<div dir="rtl">من حمل علينا السلاح فليس منا.</div>

and a rehash of the same in another hadith in the same chapter and source: "One who unsheathes his sword against us is not one of us."[15]

<div dir="rtl">من سلّ علينا السيف فليس منا.</div>

In yet another hadith, it is provided: "All that belongs to a Muslim is forbidden to other Muslims; his blood, his property and his honour."[16]

<div dir="rtl">كل المسلم على المسلم حرام دمه وماله وعرضه.</div>

Terrorizing innocent people that may or may not lead to loss of life and limb constitutes the crime of *hirabah*, which carries the death punishment by the clear text of the Qur'an (5:33). The prohibition of *hirabah* in this text is conveyed in general and unqualified terms that subsume individuals, groups, and state and non-state parties alike.

Judging by the scale of violence in recent years in Afghanistan, Iraq, Syria, Palestine, Pakistan, and elsewhere, Muslims are themselves the principal victims of violence in the name of religion. The victims of crude brutality and indiscriminate drone attacks are also defenseless Muslim civilians, women and children for the most part. In a revealing interview published in January 2013 in *Foreign Affairs*, retired General Stanley McChrystal said about counterterrorism:

> Americans have got to understand that. If we were to use our technological capabilities carelessly—I don't think we do, but there is always the danger that you will—then we should not be upset when someone responds with their equivalent, which is a suicide bomb in Central Park, because that's what they can respond with.[17]

The ugly truism flies in our faces that violence begets violence; that militarism is itself a problem, not a solution. The unprecedented violence and terror attacks the world is witnessing is also not all religious—oppression, discrimination, humiliation, socioeconomic factors, exaggerations, and provocative media all come into the picture. Religion is also not the primary cause of violence in any of the countries mentioned, although it is being used and abused in so many ways that hardly need elaboration.

Local and regional dynamics that propel terrorism tend to differ in Europe, America, the Middle East, and Afghanistan, although this does not rule out similarities between them in certain areas. Europe and the United States tend to have one feature in common, for instance: Islamophobia. There are literally hundreds of websites, radio programs, and TV networks that specialize in anti-Islam propaganda. The Twitter hashtag #killall-Moslem has been around since 2011. While this abundance of offensiveness may comfort those concerned about freedom of expression, "it does not give me any comfort," wrote Sami Mahroum, "as a European Muslim."[18]

Europe's Muslims are by and large peaceful. There are no real home-grown Islamic terrorist organizations of any significance in Europe. Almost all terrorist acts in Europe are the works of a single umbrella organization—al-Qaeda. Western spy agencies are also widely suspected to be involved in provocative and tension-generating assignments. Yet it is comforting to know that violent ideology has very limited appeal among the Muslims of Europe. Radicalized European Muslims must look elsewhere for support. Sami Mahroum added the information that in late

2014, the mayor of Sarge-les-le Mans, a French town of about 3,500 people with 180 Muslim students, sought to impose pork meat on all schools. A couple of years earlier, then-French president Nicolas Sarkozy joined in a campaign to ban *halal* meat branding, which became an election issue. The Swiss, meanwhile, have banned minarets. The list goes on.[19]

Following the *Charlie Hebdo* attacks in Paris, US Senator John McCain commented to *The New York Times* on how to stop this from happening on US soil next: It would require a more aggressive American military strategy across the greater Middle East, with ground troops and no-fly zone in Syria and more troops in Iraq and Afghanistan. Fareed Zakaria, who quoted McCain, followed on with his own assessment: This theory was sometimes described in the Iraq War as "We fight them there, so we don't have to fight them here." "It was wrong then and it is wrong now."[20] Zakaria added that intervention has, on the contrary, been the cause of a great deal of suicide bombings and violent attacks in recent years. In this connection, he referred to a CNN report that back in 2007, Cherif Kouachi, one of the Paris terrorists, revealed the source of his radicalization. "I was ready to go and die in battle. I got this idea when I saw the injustices shown by television on what was going on over there (in Iraq). I am speaking about the torture that the Americans have inflicted on the Iraqis." Zakaria went on to quote the scholars Robert Pape and James Feldman, who analyzed all of the more than 2,100 documented cases of suicide bombings from 1980 to 2009 and concluded that the vast majority of the perpetrators were acting in response to American intervention in the Middle East rather that out of a religious or ideological motivation. The reasons vary from a sense of adventure to radicalism, but battling a foreign (Western) intervention is often high on the list. Another scholar Zakaria has quoted in support of his own assessment is Andrew Bacevich, who pointed out that before Syria, Washington had already launched interventions in thirteen countries in the Islamic world since 1980. Will one more really do the trick?[21]

The unqualified condemnation that Muslim religious and political notables have expressed against the ISIS and *Charlie Hebdo* atrocities and similar acts of despicable terror is to be welcomed. Muslim leaders, international organizations, and fatwa councils, including the Majlis Ulama Indonesia, the National Fatwa Council of Malaysia, and the Mufti of Saudi Arabia, denounced the brutality and violence of the ISIS group as violative of the core principles of Islam. This line of condemnation from Muslim quarters also became evident within days of the *Charlie Hebdo* attacks.

Condemnation alone will not, however, address the causes of such heinous violence, which in the case of ISIS is the political mess, power vacuum, and failure of good governance in Syria and Iraq, where states failed and social order collapsed. Angry and disillusioned men and women, Shiʿa, Sunni, Kurds, and others feel that the path of violence is the only one left for them to take.[22]

For decades the Arab world has been ruled by repressive dictatorships that, in turn, spawned extremist (mostly religious) opposition movements. The more repressive the regime, the more extreme the opposition. Islam became the language of opposition because it was a language that could not be shut down or censored. Now, the old Arab order is crumbling, but it has led to instability that created new opportunities for militant and extremist groups.[23] Unless the root causes of radical extremism are addressed, many have warned that extremism is likely to be on the rise. Once a radical group falls by the wayside, discredited or irrelevant, another, often more radical and violent, emerges. This is what ISIS is to al-Qaeda, by upping the stake in the radicalization contest and becoming even more destructive and violent than its predecessor.[24]

Razali Ismail, the former Malaysian envoy at the UN and president of UNGA, observed that contrary to the warning that "power corrupts, and absolute power corrupts absolutely," extremism is not caused singularly by unrestrained power. Rather, it is caused by the overzealous promotion of one view, one approach, and one thought, to the exclusion of all else. Long before extremism can congeal in the form of terrorist groups, rogue states, and ultra-violent social configurations, each of these bodies have acquired an orthodoxy that resists any form of intellectual challenge, or changes of time and circumstance.[25]

Extremism is also a co-traveler of the power-hungry, one that denies others their due in total pursuit of one's own interests. The issue is not always a lack of formula for a reasonable solution to a contentious issue, but refusal to accede to an obvious solution. This is the problem of one party's preference for the winner-takes-all option, as in the case of Israel, that generates belligerence—the very reason also for Palestine to burn on a regular basis. Given a huge imbalance of power and continuous reinforcement of Israeli military power by the United States and Israel's refusal to halt building new settlements, the prospects of realistic peace negotiations will remain limited. The long history of conflict, dashed hopes and lack of trust would suggest that unless the parties are prepared to take bold

steps to address their respective concerns—Israel's legitimate concern for security and recognition, and Palestinian rights to self-determination and return of the occupied lands, lasting peace in the Middle East is likely to remain an illusion.[26]

Rabbi Mark Winer wrote in a 2012 article "Fundamentalists versus Moderates" that the future of humanity may well depend on the ability of moderates within each religion to overcome their extremist co-religionists. It would appear, he added, that extremism spawns interfaith bigotry and sanctions violence, war, and terrorism. More people died in the name of religion during the twentieth century than in all of prior history. There is a real fear that the twenty-first century may even eclipse the grisly record for interfaith bigotry and terrorism of the previous century. A great deal therefore depends upon our understanding of the eternal conflict between extremism and moderation, and upon the strategies the religious moderates devise together to combat their common scourge.[27]

It is indicative of the wisdom of the early pioneers of Islam who called the Kharijites (Khawarij, lit. outsiders) by this name, and made it known from early on that this group has exited itself from the mainstream community of Muslims. They have the choice to change their behavior and rejoin the community or else to stay as outsiders. The same can be said of *ghulat* (lit. exaggerators), the name so unmistakably expressive of its purpose, that was given to a small group of Shiʿites who exaggerated in their interpretations of the doctrine of imamate so as to elevate the first Shiʿite imam, ʿAli ibn Abu Talib, to a deity. That said, we live in an admittedly more complex world today, yet let there be no doubt that massacre and mayhem can never be accepted in the name of Islam, and we all need to be vigilant and decisive on criminality of the kind that has become so frequent and keeps putting the good name of Islam and the vast majority of peaceable Muslims on the line.

One can hardly think that anyone could soil Islam's name so badly as the likes of ISIS and Boko Harami militants and perpetrators of *Charlie Hebdo* attacks. If there be enough realization of this among the extremists, when they are convinced that they are doing more harm than good to the cause of their religion, "as Islamic leaders all over the world are already pointing out, their numbers will eventually diminish."[28] Scott Thompson, who made this remark, also observed that "the Paris terrorists are not to be taken as representatives of Islam. Thousands of Islamic groups and convocations have joined the outrage and made clear. . . that such actions are contrary to the nature and central teachings of the Prophet."[29]

When dealing with instances of violent extremism, states and security forces need to avoid the trap of reacting to violence with greater violence. Should they respond in that manner, it would lead to a situation where the terrorists have won an even greater victory, for the whole country would then be in a state of constant fear. States and societies need to be firm and decisive, of course, but must not let the terrorists get what they want.[30] An early indication of this assessment could perhaps be noted in what President Francois Hollande of France and the German Chancellor Angela Merkel said in their speeches following the Paris killings. Speaking at the Arab World Institute in Paris, President Hollande said: "It is Muslims who are victims of fanaticism, fundamentalism and intolerance," adding that the Muslim community in France, Europe's largest, had "the same rights and same duties as all citizens" and must be protected. The German chancellor in her speech at the Bundestag declared her country's unity with France, adding the remark that Islam was not the cause, but rather it was extremism that was the common enemy.[31]

At a time when the self-styled Patriotic Europeans Against the Islamisation of the Occident, or Pegida, were planning several rallies in various German cities following the Paris attacks, Chancellor Merkel went on record to say that "Islam belongs to Germany... I am the chancellor of all Germans." She also announced she would join a Muslim community rally in Berlin against extremism along with her ministers, to be followed by attending a vigil at Berlin's iconic Brandenburg Gate, organized by the Central Council of Muslims in Germany under the banner "Let's be there for each other, Terror: not in our names." Merkel thanked the leaders of the four-million-strong Muslim community for "quickly and clearly condemning the violence committed in the name of their faith."[32]

Timely efforts by the Muslims of Germany and Merkel's announcement seem to have had a calming effect on curbing the prospects of further unrest in the country. It was also not accidental to see media reports that revulsion with "Pegida's xenophobic message" has sparkled growing counter demonstrations and rallies, which helped to dwarf the anti-foreigner movement and "its regional clones."[33] The World Economic Forum in Davos 2015 also followed in close succession, where the US secretary of state, John Kerry, made a statement on January 13, 2015, that extremists who are killing children and others in Iraq, Syria, Nigeria, and other parts of the world may cite Islam as a justification, but the West should be careful about calling them "Islamic radicals." He added that it would be a mistake to link Islam to criminal conduct that was rooted in

"alienation, poverty, thrill-seeking and other factors. . . The biggest error we could make would be to blame Muslims for crimes. . . that their faith utterly rejects."

These are encouraging developments, indicative, in the present writer's view, of a change of policy by Western leaders that could have long-term beneficial effects. This is due, in part, to the realization that much of the Muslim unrest in Europe had been related to equality and anti-discrimination issues rather than religious provocations. If there were instances of religious unrest at the early stages of the cartoon episodes, that phase seems to have passed and European Muslims seem to have developed fresh perspectives over issues, and have consequently become more proactive and quick to join hands with the anti-terrorism campaign.

Advocacy of public welfare, job creation, poverty eradication efforts, protection of the rights and dignity of all citizens, and good governance may well be the main solutions to nullify the strongest magnet of extremism in the Muslim world. This is all the more important in pluralist societies, where people of different persuasions need to stand together for the common good, advocate the values of moderation, and take a common stand on combating extremism.

Needless to say, those who offend in the name of freedom of expression and do more of the same in the wake of painful incidents of provocation and violence—as in the case of the satirical *Charlie Hebdo* publishers printing millions of additional copies with offending depictions of Prophet Muhammad—are certainly not helping the cause of peace or freedom. For if that is what freedom of expression must mean, then whoever advocates it is putting his credibility in question, and with it also the peace and tranquility of his own society and people. They have a cause for reflection and should take note, perhaps, of what President Hollande and Chancellor Merkel did, which was to show sensitivity and concern not to inflame situations any further. To do otherwise benefits probably no one, but if one were to name a beneficiary, then it would most likely be the terrorists.

# VI

## *Manifestations of* Wasaṭiyyah

THE ISLAMIC CONCEPTION of *wasaṭiyyah* visualizes a certain degree of parity between dialogic and co-related concepts such as reason and revelation, matter and spirit, rights and duties, individualism and socialism, compulsion and voluntarism, text and *ijtihād*, ideal and reality, continuity and change, and between the past realities and future prospects.[1] How *wasaṭiyyah* is manifested and achieves its desired purposes of equilibrium and moderation is the main theme of discussion in the following paragraphs.

No agreed-upon procedure or indicator exists to tell us how *wasaṭiyyah* is manifested and known. Just as it is exceedingly broad and wide-ranging, so must be the ways and means as to how *wasaṭiyyah* is known in different situations. In explaining the manifestations of *wasaṭiyyah* in historical settings, for instance, one can hardly be sure of one's conclusions. What is said below is, however, in the nature of probability as to how *wasaṭiyyah* played a role in bringing about well-moderated positions in reference to various situations and issues:

A. *Wasaṭiyyah* relates well to the central meaning and substance of a concept or phenomenon to which it is applied in a manner that all or most of its peripheries and related concepts are also taken into account. Being a divinely designated attribute of Islam, *wasaṭiyyah* has helped to keep Islam centered on its own essentials and has not allowed parochialist and rigidifying tendencies to dominate the religion. It has helped advocate a balanced vision of Islam that is inclusive of the interests both of the individual and society, keeping in sight also its spiritual, rational, and scientific dimensions, just as it seeks to

strike a middle ground between traditional and modernist understandings of Islam, not only for the present generation but also for those that follow. A *wasaṭiyyah*-based Islam also means that all or most of its important teachings and principles are kept duly in sight and none is given preference at the expense totally of others.[2]

B. Side by side with another, even more pervasive, Qur'anic principle, namely of *tawḥīd* (Divine Oneness), *wasaṭiyyah* tends to bind the various dimensions of Islam together, not only as a religion but also a legal system with its own economic and political characteristics.

Islamic history has witnessed contentious tendencies, ideas, and movements that pulled it in different directions, schools, sects, and factions, yet due partly to its moderating centripetal influence, *wasaṭiyyah* has helped to keep Islam focused on its center and enabled it to protect its integrity.[3] Notwithstanding sectarian developments and differential tendencies among Sunni, Shiʿa, Kharijites, Zahirites, and others, they still retained their Islamic identity and credentials; none has tried to dismember Islam into totally isolated sections by rejecting any of the essential articles of the faith.[4]

C. *Wasaṭiyyah* strikes a balance between the concerns of continuity and change by safeguarding that which is permanent and unchangeable (*thawabit*) as opposed to that which is liable to change (*mutaghayyirat*)—keeping the balance, in other words, between the dual concerns of continuity and change.

It is often said that the *Shari'ah* is immutable because it is divinely ordained. However, the divine law itself incorporates a certain amount of adaptability and change in its philosophy and outlook. Some of the basic principles and objectives of *Shari'ah*, such as justice, equality, public interest, consultation, and enjoining the good and forbidding the evil, are inherently dynamic and cannot be accurately characterized as either mutable or immutable. They are immutable in principle and yet remain open to adaptation and adjustment at the level of implementation, the means employed, and the conditions that need to be met for their realization and enforcement.[5]

D. Broadly speaking, the *Shari'ah* is immutable with regard to ends but mutable with regard to means. The higher goals and purposes (*maqāṣid*) of *Shari'ah* are, on the whole, constant but the ways and means (*wasa'il*) by which they can be realized and practiced are not fixed. Islam lays down a set of universals that are basic to its identity and values and they are, on the whole, not liable to change,

but it is flexible in regard to subsidiary rules that facilitate realization of its higher goals and purposes. The means of securing the recognized objectives of *Shari'ah* are flexible since they are not specified in the sources and thus remain open to consideration of public interest and justice. For example, vindicating the truth is an objective in its own right. Truth may be established by the testimony of upright witnesses or by other means as they become available, such as sound recording, photography, or laboratory tests, which may be even more reliable than verbal testimony. The *Shari'ah* specifies the objective of upholding the truth but leaves open the means by which truth is ascertained.[6] It is important that the two are not conflated, as a mix-up of the changeable and that which is not amenable to change is likely to be problematic and threaten the stability of basic values.[7]

The unchangeable parts of Islam include the pillars of the faith (*īmān*) such as devotional duties, and decisive injunctions upheld by universal consensus of the *ummah* throughout the ages. This can also be said of the basic principles of law and morality that are numerous, including human dignity, justice, accountability and the rule of law, honesty, trustworthiness, purity and cleanliness, honoring one's parents, fulfillment of promises, sincerity, patience, and courage, as well as avoidance of criminality and aggression, theft, murder, lying, and so forth.[8]

The changeable parts of Islam include the rulings of general custom (*'urf*), personal reasoning and opinion (*ijtihād* and *fatwa*), especially those that lack a firm textual foundation: rules derived through analogy (*qiyās*), juristic preference (*istihsan*), and considerations of public interest (*istiṣlāh*), which are usually founded in an effective cause and rationale (*'illah*) that may well become liable to change with the change of their underlying effective causes.

The unchangeable principles of Islam set in place a structure of values that gives the Muslim *ummah* its distinctive identity, and those that are changeable are important for keeping pace with the unfolding changes of custom, science, and civilization.

To be open to adaptation requires a sound sense of pragmatism, firm grounding in basic values, and ability to understand the need for change and how to address the excesses of one with the moderating influences of the other.

E. *Wasaṭiyyah* advocates gradualism (*tadarruj*) in social reform, propagation of the faith, and legislation in almost all areas. This was

the approach taken in the revelation of the Qur'an, and the development of *Shari'ah*, including its rulings on devotional matters and civil transactions (*'ibādat, mu'āmalāt*). Gradualism and moderation afford the opportunity for the leaders to educate the public and avail them of the time needed to reflect on their teaching and advice, as well as to absorb and better understand Islam. Gradualism is pragmatic and is in line also with the Qur'anic principle of removal of hardship (*raf' al-ḥaraj*). Thus, in the formative stages of Islam, the rules of prayer and almsgiving (*ṣalāh, zakāh*), fasting, and many of the penalties were revealed gradually. The Qur'anic revelations on wine drinking illustrate gradualism in their three separate stages: it was discouraged during the performance of prayer (*ṣalāh)* to begin with, and then through persuasive advice that drew attention to its harmful effects generally, and it was finally prohibited altogether. Most of the prescribed penalties, known as *hudud*, were similarly revealed after due preparation to facilitate a congenial environment for their reception—they were actually revealed during the last two years of the twenty-three-year long mission of the Prophet. Gradualism is thus an entrenched Islamic *Sunnah* and germane to its spirit of moderation, especially in the introduction of socio-political reforms that seek to change long-established customary and social behavior patterns.[9]

It is reported that 'Abd al-Malik, son of the pious Caliph 'Umar ibn 'Abd al-'Aziz (d. 721 CE), often referred to as the fifth of the Rightly-Guided Caliphs, spoke to his father one day about the many social reforms that his father had in mind and discussed with his son. Due to his sincerity and enthusiasm, the young man asked his father, "why don't you implement the reforms you are talking about; what is stopping you, especially that you so rightly want to eradicate corruption and mischief in society?" The caliph responded as follows: "Do not be hasty, for God the Most High denounced wine drinking twice in the Qur'an and forbade it on the third occasion. I fear if I compel the people hastily to reform themselves, even if I am right, they may also turn away en masse, and could precipitate a tumult (*fitnah*) which would be even more difficult to uproot."[10]

The Shi'i *'ulamā'* have advanced an additional understanding of gradualism in the context of Shi'ite theology concerning the institution of Imamate. Thus it is stated that although the Prophet Muhammad was the repository of the complete treasure of religious precepts, he revealed only some of them, leaving the rest undeclared because of

the inexpediency of that particular period of history. It was thus neces-
sitated by "wisdom of gradualness" (*hikmat al-tadrij*) for him to entrust
the "undeclared precepts to his Executors, namely the imams, and
through them to the *mujtahids* so that they would progressively reveal
them at appropriate junctures."[11]

This analysis is further extended to the Shi'ite understanding of
revelation, which is described as the process of growing religious con-
sciousness of Man, as the evolution of his knowledge from the uni-
versal to the particular, from the abstract to the concrete through the
agency of the imams and the *mujtahids*. This unfolding of revelation
occurs gradually in course of time.[12]

F. *Wasaṭiyyah* strikes a balance between perceived benefits and
unavoidable harms. This is where the moderating pull of *wasaṭiyyah*
is also needed most in our own time. In the event of a conflict arising
between benefits and harms (*maṣāliḥ wa mafāsid*) in respect of the one
and same subject, a jurist or judge may be faced with balancing the
odds in the light of *wasaṭiyyah*. He would need to observe the relevant
guidelines of *Shari'ah* but also to consider the greater benefit that may
be involved, even if securing it means tolerating a certain amount of
harm. This may place the jurist/judge in a situation where he has to
abandon the side that is overwhelmingly harmful, even if it involves
losing out on a possible benefit. Upholding the average mean in this
case, as in most other cases of reconciling conflicting interests, also
necessitates a careful assessment of the status quo and the likely con-
sequences of a decision, or a compromise solution, that secures greater
benefit and repels the anticipated harm, yet is not totally on one side
or the other.

The foregoing may be illustrated in the restrictions Islamic law
imposes on the legal dispositions of an idiot person (*al-safīh*) through a
judicial order, or interdiction (*al-hajr*). Thus it is ruled that in regard to
contracts and transactions that are amenable to adjustment and repeal,
such as sale, lease, and hire, in which the *safīh* is neither restricted
completely nor totally free, an intermediate position is taken to say that
when such a transaction is attempted by the *safīh*, it is valid subject
to the approval, even if obtained after the event, of his or her guard-
ian. The latter may decide to approve the transaction if it prevaricates
between beneficial and harmful. For instance, a purely harmful trans-
action, such as a gift made by an idiot person is detrimental as com-
pared to a situation when he receives a gift and is therefore deemed

invalid, but one that is beneficial, such as a gift or a share in inheritance received by an idiot person, is deemed valid and effective without anyone's approval. This is how the schools and jurists of *Shari'ah* have tended to take a moderate approach in situations of conflicting interests, which in this case are protection of the personal liberty of the person under interdiction on one hand, and protection of property against squandering and waste on the other.[13]

Available precedent suggests that when pressing issues of conflicting public and private interests were encountered by the early pioneers of Islam, including the second Caliph 'Umar al-Khattab, they attempted a moderate solution through a feasible interpretation of the Qu'ran and *hadith*, or by recourse to independent reasoning (*ijtihād*).[14]

A more recent instance of *wasaṭiyyah* was the willingness of the religious leaders of Uganda to join hands with the campaign against HIV/AIDS as of the early 1990s, and the success that has been achieved as a result. As Dr. Magid Kagimu Salonga, chairman of the Islamic Medical Association of Uganda (IMAU) explained, the situation was at first grim. In time, however, the Muslim religious leaders began to educate themselves about the epidemic disease and started attending training workshops on AIDS, eventually making the campaign an integral part of their sermons in the mosques. The project, which started with two districts in 1992, spread to ten of Uganda's forty-five districts in five years. "IMAU has trained 6,800 volunteers through the involvement of 850 mosques."[15] IMAU also undertook a project to reach out to Muslim children, with the Madrasah AIDS Education and Prevention Project. Under this project, local imams teach school and *madrasah* children about AIDS.

Initially, the condom was not allowed to be mentioned in the Islamic approach to HIV/AIDS, but at least it was now possible to discuss condom use in the context of marriage. With the necessary knowledge and understanding of the problem, "religious leaders, who are very influential in the community," proved to be instrumental in changing people's attitudes toward HIV/AIDS and in the elimination of discrimination and prejudice. Uganda became, as a result, the only African country to have reported a decline in HIV infections in various population groups since the mid-1990s. Uganda's successful experience even inspired a delegation of seven Malaysian religious scholars to visit IMAU operations. They attended an "International Muslim Leaders" consultation group on HIV/AIDS, where they networked with

religious leaders from other countries who were involved in AIDS edu-
cation campaigns.[16]

G. *Wasaṭiyyah* advocates engagement and dialogue. Moderation is
present when the attitude prevails in favor of maintaining amicable
relations among individuals and communities, and a degree of will-
ingness also to "refuse and resist resorting to violence with one's
opponents and those who may oppose one's own views on disputed
issues."[17] Dialogue is an Islamic imperative,[18] as is known from God
the Most High's address to humankind generally and to groups
and nations among them, that they should try to know one another
(al-Ḥujurāt, 49:13), and also that they cooperate with one another in
the pursuit of good and righteous works (al-Māʾidah, 5:2). The Qurʾan
also specifies that engagement and dialogue must be in the "best and
most courteous manner" (al-Naḥl, 16:125), conducted through reason-
able argumentation and persuasion that lead to cooperation.

$$وَجَعَلْنَٰكُمْ شُعُوبًا وَقَبَآئِلَ لِتَعَارَفُوا.$$

$$وَتَعَاوَنُوا۟ عَلَى ٱلْبِرِّ وَٱلتَّقْوَىٰ.$$

$$وَجَٰدِلْهُم بِٱلَّتِى هِىَ أَحْسَنُ.$$

Sidqi Dajjani has rightly noted that there is a need for building
bridges of communication and strengthening of a culture of dialogue
among the "contemporary larger Arab community in light of the
broader civilizational objectives of Islam."[19] Special attention is also
called for making all this inclusive of the youth and the manner of
engaging with them, which may well need diversified approaches in
accordance with their particularities and prevailing culture of their
societies.[20]

In the international arena and that of West-Islamic relations, one
can hardly deny that despite the many years of dialogue, the divide
between them remains as pronounced as ever. In his 2012 confer-
ence paper at the Global Movement of Moderates' conference in Kuala
Lumpur, the Regent of Perak, Raja Nazrin Shah, noted that any gains
that might have been made by the years of dialogue "appear to have
been nullified by other events detrimental to harmonious relations that
have intervened. Some of the worst episodes in the relations between
the two sides in fact occurred in the last decade, since 9/11, the attacks
on Afghanistan and Iraq and the continuing agony in Palestine."[21]

Dr. Nazrin Shah added that the root of the problem is quite clearly politics. It is issues like terrorism, Palestine, Iraq, and Afghanistan. It is not religion, culture, or civilization. Religion has, however, been perverted by various groups to serve their political ends. Similarly, political issues have been ethnicized and associated with specific religions and cultures, leading to prejudices and stereotypes. This situation provides fertile ground for exploitation by extremists on all sides, secular as well as religious. It would be more effective for inter-civilizational dialogues to address the political issues, while also not ignoring the other dimensions of the problem. "Many dialogues have not been as effective because they deliberately skirt the key political issues."[22] It would be helpful also for agenda-setting to be balanced and address the concerns of all sides. There are quite a number of forums that accommodate the particular interests of the organizing body, with the tacit assumption that "you are the problem." Such dialogues are clearly unbalanced and fail to consider the reciprocal concerns of the other.[23]

H. *Wasaṭiyyah* is inclined to be pluralistic and consultative. Well-moderated responses to issues are characteristically consultative and participatory in the context, especially, of community relations and politics. Politics and governance are moderated through consultation. Political inclusivity is shown, in turn, by opening the space for political parties. For these are, as Qaradawi observes, similar to scholastic pluralism (*taʿaddud al-madhahib*) in the *fiqh* tradition, which are like parties in *fiqh*, or jurisprudence parties that manifest acceptance in the Islamic tradition of pluralism. When more than one political party is active in a system, it works against political despotism and nurtures freedom of expression. Islam denounces compulsion even in religious leadership, let alone political leadership. It has resisted the Pharaohs and Nimrods of history and everyone that arrogated themselves to despotism and absolutist rule. Furthermore, consultation is a Qur'anic requirement, which favors, in turn, majoritarian rule, and democratic and egalitarian guarantees to curb political despotism and dictatorship.[24]

I. *Wasaṭiyyah* nurtures a peace-like environment and most likely prevails in a society that enjoys sustained periods of peaceful coexistence internally and externally in its relations with other communities and nations. Equilibrium is likely to be disturbed, on the other hand, when overt participation in extremist conduct goes unnoticed or

ignored and the society and its leaders turn a blind eye to challenges that threaten social harmony and peace.

When balance is disturbed and a need results for restoring the status quo ante, a question arises whether this should be attempted only through peaceful means and whether coercive means may also be employed. Sayyid Fadlullah's response to this question is that Islam only advocates understanding through reasoning and correct guidance, beginning with the individual and then the society at large. The peaceful methods of addressing contentious issues that disturb the state of equilibrium vary in countries and cultures. Countries that operate parliamentary democracy address such issues through democratic and majoritarian methods and are guided by their applied laws and procedures. The applied constitutions of contemporary states in both Muslim and non-Muslim countries propose formulas for addressing issues of checks and balances in government decision-making processes, which usually aim at restoring equilibrium when it is disturbed. The state has its own sphere of operation, laws, guidelines, and procedures that may, under certain circumstances, authorize recourse to coercive means when no other approach is deemed appropriate.

The learned Ayatollah continues: With regard to matters of concern to religion, however, Islam's guidelines in religious matters are conveyed in the Qur'an in terms of "wisdom and good advice," and disputation in courteous manner and style away from coercion and violence. It is therefore not for "the religious leaders and those in charge of religious affairs to compel people nor ask them to fight and give sacrifice, even if it be a question of resisting oppression and its perpetrators (*al-zalimin*)." This is evident from the verses of the Qur'an that proscribe compulsion in religion, and verses which addressed the Noble Prophet in such terms that his task was that of an advisor and reminder and not one who compelled.[25] It may therefore be concluded, Fadlullah adds, that "religious leaders deviate from their principal task when they interfere in politics, or resort to coercion in their attempt to confront certain political, social and economic situations that are a concern only of the state." For their natural place where they operate is the mosque, that is the place where they belong to, not the much wider and contentious arenas of economics and politics.[26]

In sum, it may be said that *wasaṭiyyah* is practical wisdom. It looks into the reality of a situation, within or outside the sphere of religion, with reflective insight, balancing the odds, understanding the rules,

regulations and incentives, advantages and disadvantages, and when to use or not to use certain options. Practical wisdom is about rationality and good judgment, about recognizing strength and weakness in the opinion of others, and not surrendering to undue pressure, or the dictates of mindless procedures, statistics, and machines.

Wisdom that is guided by revelation encompasses values of honesty and justice, compassion and kindness, avoidance of harm and prejudice to oneself and to others. *Wasaṭiyyah* is about real-life situations, which more often than not present one with a mixture of diverse elements and conflicting interests, and the challenge of *wasaṭiyyah* becomes one of practical wisdom that is also informed by the guidelines of custom, cumulative knowledge, and experience of one's own and other civilizations. Islam's vision of *wasaṭiyyah* makes practical wisdom an integral part of its messages and the way of life it has envisaged for its followers.

# VII

## *Identification of* Wasaṭiyyah

MODERATION IS NORMALLY a natural inclination in people of sound intellect and it is as such not difficult to identify most of the time. Uncertainties do arise, however, over identification of the middle path as to how it is known and identified in reference to complex and controversial situations and issues. The issue before us is also not likely to yield to a definitive methodology or mechanism of identification. The complexity of the task to identify correct and moderate responses to issues is, furthermore, not helped by the impact of changeable circumstances, which tend to minimize the role, in turn, of predetermined guidelines.

Willingness to engage in interfaith encounters is indicative of moderation. Extremists within every religion tend to resist and oppose interfaith activity. It is the relative moderates who attend interfaith dialogues and encounters. Admittedly, it can be difficult to ascertain what posturing takes place even in dialogues, yet the success of interfaith, indeed of all, dialogue depends on taking moderate positions over issues.

It is also indicative of relative moderation to participate in discourses relating to the role and status of women in all religions—such as women's access to education, and participation in elective assemblies and government. Listening to the voices of women tends to enhance every religious tradition and culture in many ways. Religious moderates are usually confronted by hardline conservatives over addressing issues of concern to women's rights and their role in the public sphere. I shall have more to say on this subject in a separate section on "*wasaṭiyyah* and women's rights."

One who attempts to identify the mid-most position between benefit and harm, especially when they combine together in a particular

subject or situation, must be in full possession of his faculties, knowl-edgeable of the custom and culture of society, and able to ascertain the consequences of conduct and available choices. One ought to be aware that when speaking of *wasaṭiyyah*, pure benefits and absolute harms would conceivably be quite rare. A great deal of real-life situations are thus likely to involve a mixture of both benefit and harm, and it is often a question of ascertaining the preponderance of values, benefits, and harms in particular situations. Only then would one be able to identify what would most likely seem to be a moderate position to take. When faced with such situations, the leading ʿulamāʾ have often started with a closer scrutiny of the issue before them in a quest to identify the strength and weakness, or benefit and harm, of the various options and their consequences, and issued considered judgments only after weigh-ing the various factors involved and the degree of clarity they were able to ascertain over them.

Well-moderated positions may have been identified by the *Shari'ah* in juridical matters, or more widely by general custom (ʿurf) and what sound-minded people may have considered to be moderate. General cus-tom is a recognized source of judgment in *Shari'ah* over matters that are not regulated by clear text. Social custom is an important indicator by which *wasaṭiyyah* can be ascertained with regard, especially, to issues of public concern. This is the purport of the Qur'anic address to community leaders, and indeed to the generality of Muslims, to "take to forgiveness, follow the ʿurf and turn away from the ignorant" (al-Aʿrāf, 7:199).

$$خُذِ ٱلْعَفْوَ وَأْمُرْ بِٱلْعُرْفِ وَأَعْرِضْ عَنِ ٱلْجَٰهِلِينَ.$$

The three indicators mentioned here are custom, enlightenment, and an inclination toward leniency. With reference, for example, to determin-ing the amounts of public expenditure allocations for welfare purposes, al-Shāṭibī (d. 1388 CE) recommended that this should be ascertained in the light of prevailing custom and preferred opinion of the people of sound intellect.[1]

With reference to legal and *fiqhī* matters that are regulated by *ijtihād*, schools and scholars have often recorded differential views, but credibility is usually attached to the majority position. Al-Shāṭibī has thus seen it a mark of distinction for a jurisconsult (*muftī*) or a *mujtahid* to consider mod-erate positions, and those which the majority have supported, in the issu-ance of their own *fatwa*, verdict, and *ijtihād*. He quotes in this connection

the reference in the first *surah* of the Qur'an, namely al-Fātiḥah, to "the straight path (*al-ṣirāṭ al-mustaqīm*)," which is the chosen path of moderation in Islam. Hence, moderation is a purpose (*maqṣad*) of the Lawgiver and it is expected that all Muslims, especially the learned among them, hold on to it and guard against indulgence in excessiveness or reductionism. "When the Mufti leaves the path of moderation he also neglects the *maqṣad* of the Lawgiver, and is likely to invite criticism from the leading ʿulamāʾ."[2]

With reference to the leading schools of law (*madhāhib*), al-Shāṭibī adds that all of them are different paths to the discovery of truth and gaining of God's pleasure, but the most preferable of them in one's quest to formulate a fresh *ijtihād* over a matter, or for an imitator (*muqallid*) who simply follows, is the one that comes closest to the purpose (*maqṣad*) of the Lawgiver, which is the median position of *wasaṭiyyah*. For the Lawgiver has expressly commended moderation, which is reflected, in turn, by the Sunnah of the Prophet and the practice of his leading Companions. Al-Shāṭibī concludes with a remarkable statement, which states that the median position is "the greatest [part] of *Shari'ah* and that of the Qur'an—*fa'l-wasaṭ huwa muʿẓam al-sharīʿah wa umm al-kitāb*."[3] This position is similarly reflected by ʿAbd al-Latif al-Farfur, who wrote that "the middle way of moderation is the norm and principle of Islam. Whenever a ruling of *Shari'ah* is found to depart from it, it is most likely due to exceptional conditions, necessity or need based on identifiable causes. The normative position of *wasaṭiyyah* must be restored when exceptional situations come to an end. Rationality and *Shari'ah* stand together in their rejection of both reductionism and excess, exaggeration and neglect."[4]

Moderation is also identified through rationality (*ʿaql*) and human judgment, which are key to all knowledge, including the knowledge of *Shari'ah*. Sound intellect is naturally inclined to opt for moderation, especially when it is enlightened and knowledgeable. This also means adequate attention to the existing body of specialized knowledge, including that of modern disciplines, as well as awareness of differing opinions among the learned. This is a responsibility one can hardly afford to neglect, for it is a reliable way to ascertain and verify moderate positions over issues. Among modern disciplines especially mentioned in this connection are sociology and psychology, one of which is informative of the conditions of society, and the other of the individual personality; together they provide insight into the consequences of conduct and help one to recognize when moderation has been breached in favor of extremism or of laxity and neglect.

Rational judgment will naturally not entertain the idea of rectifying an extremist position by one of its like, nor an erroneous one through another error, nor of abandoning rationality in favor of emotional indulgence, personal interest, and bias.[5]

No judgment in the name of moderation should contravene the essentials of Islam and rationality. Certain *Shari'ah* positions may at times appear somewhat strict, even excessive, due most likely to a particular consideration of public interest, or *maṣlaḥah*, that may be obvious to the naked eye or otherwise; they should not be set aside or overruled in the name of *wasaṭiyyah*. An example of this is the *Shari'ah* requirement of four eyewitnesses for the proof of adultery, and also the ruling that admits the testimony of one woman in preference to one or more male witnesses in matters privy to women, such as childbirth- and pregnancy-related matters. The Lawgiver has determined these in His infinite wisdom and we are not to overrule them in the name of *wasaṭiyyah*. Moreover, a decision taken in the name of *wasaṭiyyah* should not be such as to cause a greater harm than the one that obtains under status quo. When this is the case, priority must be given to the elimination of harm, not to *wasaṭiyyah*.[6]

An example of exceptional circumstances that led to a certain departure from an existing *fiqh* position was the construction of the Umayyad Mosque of Damascus under Caliph Walid ibn Abd al-Malik. This was an impressive edifice, exceptionally ornamental and expensive, which marked a change from the simplicity of structure and style the *fiqh* recommended for mosques, thereby ruling against grandiose and overly decorative constructions for a place of worship. It is reported that 'Abd al-Malik's successor, the pious Caliph 'Umar ibn 'Abd-'Aziz (d. 721 CE), had intended to destroy it but changed his mind when he was informed that Damascus was being frequented by courtiers of the Roman emperor and it was a question of prestige for the Muslims to have similarly impressive artifacts and buildings as those of the Romans in their vicinity. The caliph acceded, abandoning what he thought was moderation in favor of a certain amount of extravagance.[7]

Issues of concern to society and culture need to be looked at in light of their surrounding circumstances. With reference to technical issues of a specialized nature pertaining, for example, to applied sciences, it is not always the moderate or average position that may be wanting, but one that is correct in the light of the available body of knowledge. This can also be said, perhaps, with regard to legal and *Shari'ah*-related

matters of a specialized nature, which may have to be determined in the light of its relevant evidence. One might add to this the proviso that some parts of the *Shari'ah* are open to fresh interpretation, considerations of public interest, general custom, and *ijtihād*, in which case there may be room for evaluating the various available positions within the *Shari'ah* in one's quest to develop better and well-moderated responses. One is reminded, at this juncture, of the insightful statement of Ibrāhīm al-Shāṭibī, a reference to which has already been made, when he wrote that "the middle position manifests the greater part of the *Shari'ah* and of the Holy Book."[8] Extremism in *Shari'ah*-related matters can, for instance, be identified in any view or person who turns the *haram* into *halal* and vice versa without producing credible and convincing evidence.

General consensus (*ijmā*) of the learned and community elders or of community as a whole is another important indicator of balanced opinion and judgment in Islam. Notwithstanding a degree of technicality that has developed in the detailed formulations of *ijmā'*, its inherent strength as a source of law and judgment, and a great moderator as such, can hardly be overestimated. Consensus is normally preceded by consultation (*shūrā*), itself a Qur'anic principle of special significance in community affairs that must be solicited from all competent members of the public who are in a position to provide considered opinion and counsel over contested issues of public concern. Whenever consultation leads to consensus—and here I propose to depart from the somewhat technical concept of *ijmā'* in favor of consensus-based positions generally—it becomes an important indicator by which to verify balanced and moderate positions in the determination of issues. Consultation and consensus can take a variety of forms, from the relatively informal village and tribal councils, to the more organized elected assemblies and parliaments, all of which are acceptable provided they are genuinely representative and their participants enjoy the freedom to voice their views.

Islamic history has known a wide spectrum of doctrines and movements, some even pertaining to issues of concern to interpretation of the Qur'an that led to political upheavals and unrest. The Zahiri school of Daud al-Zahiri (d. 885 CE) declined and became extinct due to its rigidity and literalism and so did the school of the Ahl-al-Ra'y (partisans of opinion), who took liberties and engrossed themselves in speculative reasoning and analogies to the extent of distancing themselves from authoritative *Sunnah*. The middle course in between these two over many disputed

issues is believed to be that of the dominant majority (*jumhūr*). But even the majority have at times been unable to take a clear position over issues. Note, for instance, the diverging views, during the early decades of the advent of Islam, of the Kharijites (lit. outsiders), the Muʿtazilites (lit. secluders) and the Jabarites (lit. determinists) on such theological and philosophical issues as whether the Qurʾan was the created or uncreated speech of God, the exalted Self (*dhat*) and attributes (*sifat*) of God, free will and predestination, political issues of concern to governance and leadership, and so forth. No one, it seems, had the answers, let alone moderate ones—if one could employ the word in such situations at all. What was the middle course of *wasaṭiyyah* in regard to those issues? Some theological questions cannot be answered and thus remain indefinitely speculative and controversial.

Moderation may be recognized, according to al-Shāṭibī, by reference to the prevailing law [and constitution]; it may likewise be recognized through the benefits which accrue from a particular opinion or course of action, and by means also of the testimony/action of the majority of the wise and discerning people. In budgetary and financial matters, moderation may be discernible through observation of what might have resulted from the extremes of prodigality and niggardliness through quantitative assessment and experience. Al-Shāṭibī then adds: "if you find passages in the writings of recognized ʿulamāʾ and religious leaders which indicate a move away from moderation, you can be sure that this was a response on their part to a distortion of some kind that prompted them to take an actual or anticipated posture toward an opposite extreme."[9]

Al-Shāṭibī further observed that negligence and excess are both transgressions that should be eliminated and this, in turn, requires that we define them and clarify available guidelines on them and the proper manner of dealing with them. This may further call for delineation of what is deemed essential as opposed to that which may be optional and belong to the realm of enhancements (*taḥsīniyāt*). There is also a need to clarify the role of the state in observing the limits both of negligence and excess that would enable it, in turn, to focus on people's essential needs.[10]

Thanks to the moderating influences of consensus and public opinion, fresh perspectives were advanced and developed, in course of time, that reduced the scope of disagreement among various views and those that presented a middle course were often successfully identified. Extremist factions and advocates of excessive views were isolated and marginalized.

The views, for instance, of those who elevated the fourth caliph ʿAlī into a deity, or those, on the other hand, who charged him with infidelity and disbelief, and some among the Sufis who exhibited extremist tendencies concerning the Prophet Muḥammad [pbuh], were thus isolated for the most part. Mainstream Islamic scholarship and ʿulamāʾ have also denied recognition and support, for instance, to the Umayyad ruler Muʿāwiyah b. Abū Sufyān (r. 41–60AH), who turned the republican-style caliphate into a monarchy. This denial of support was due mainly to general consensus and the balance of learned opinion that materialized over time and met with approval and support of the mainstream community, although differences of opinion and *ikhtilāf* over many issues remained. Since *ikhtilāf* was accepted as a part of discursive engagement in intellectual issues, consensus on core issues coexisted with certain levels of divergence and disagreement over others.

Islamic political thought suffered, however, from the excesses of authoritarian and absolutist rulers who paid little attention to the necessity of integrating consultation and consensus into their methods of governance. Procedural and institutional mechanisms were needed to turn *shūrā* and *ijmāʿ* into decision-making processes within the Islamic system of rule. This might explain the propensity in Islamic history of political and theological differences to frequently lead to civic seclusion, withdrawal, or total boycott by the opposition factions, or else to open mutiny and *khurūj* (challenging the legitimacy of rule), which often perpetuated despotism and social imbalance. These shortcomings in Islamic political thought are manifested in the absence of mechanisms to identify moderate and consensus-based responses to political and leadership issues. Without wishing to delve into further details, a point that emerges from this analysis may be that *wasaṭiyyah* and the search for moderate positions is of relevance mainly to socio-political, religious, and cultural issues, and not so much to expert opinion and scientific knowledge. Yet *wasaṭiyyah* may have a role to play in the determination of how to utilize and apply the results of scientific knowledge to human affairs.

It remains to be said that the intrinsic strength of this golden mean of Islamic scripture and civilization can hardly be overestimated, even with reference sometimes to technical matters, expert opinion, and science. I shall avoid extending this discussion into the larger discourse of Islam and science, as this merits a separate treatment.[11] Suffice it to say that technology and science, crucially important as they undoubtedly are, are

nevertheless not expected to determine moral value nor can they provide balanced advice or a sense of direction informed by humanitarian factors of relevance to the health of society and civilization. Since the Prophet himself and his Companions have approved of *wasaṭiyyah* and opted for just and moderate positions at almost every opportunity, these principles become a beacon of light of universal significance in Islamic thought and civilization, as is indeed the case in almost all great religious and cultural traditions.

# VIII

## Institutional Developments

SIX INSTITUTIONAL DEVELOPMENTS of note, a conference declaration, and a Charter of Moderation for the promotion of *wasaṭiyyah* merit attention. One of these is the setting up of an International Assembly for Moderate Islamic Thought and Culture in Jordan, and the other a think tank of a similar kind in Kuwait in 2003 and 2004, respectively. These were followed in chronological order by the establishment in 2008 of al-Qaradawi's Center for Islamic Moderation and Renewal in Doha, and the setting up of the Global Movement of Moderates Foundation—GMMF—in Kuala Lumpur in 2012. Another development of interest in Malaysia was establishment in 2013 of the Institute Wasatiyyah Malaysia (IWM) at the prime minister's department in Kuala Lumpur, to be followed, in the same year, by inauguration of the International Institute of Wasatiyyah (IIW) at the International Islamic University Malaysia. Two other milestone developments, namely the Amman Message of 2005 and "A Common Word" 2007, will also be reviewed, even though they are not institutionalized. Also reviewed are the Mecca Declaration of December 2005 and a Charter of Moderation in Religious Practice by Singapore's Islamic Scholars and Religious Teachers Association in September 2003. I may start with a brief comment on developments in Malaysia.

The initial announcement on introducing the GMMF was made by the prime minister of Malaysia, Najib Razak, at an international conference he convened in January 2012. On that occasion the prime minister announced the setting up of a Wasatiyyah Institute, and a Global Movement of Moderates Foundation (GMMF) in Kuala Lumpur—as well as establishment of a university chair on *wasaṭiyyah* studies. The prime minister stated in his opening speech that the solution to extremism was

not simply for more Muslims to speak out. "We need to hear from moderates of all religions in all countries and from all walks of life, and when we do, the prize of peace is there for all to see."[1] This was a follow-up and culmination of his speech at the United Nations General Assembly (September 27, 2010), where he expounded his policy of recognition of religious diversity in Malaysia: "Although Islam is the official religion, we honour other religions . . . by making their religious and cultural celebrations as national holidays . . . It is this equilibrium that leads to moderation, or *wasaṭiyyah*, in the Islamic tradition of mutual justice." All these initiatives have placed the principle of *wasaṭiyyah* at the center of their agenda and activities, with the main purpose of developing the concept and practice of moderation in tandem with contemporary developments within their respective countries but also more generally in the context of relations with other countries and civilizations. A brief outline of the developments in Kuwait, Jordan, and Malaysia is attempted in the following paragraphs.

The International Centre for Moderation (*Al-Markaz al-ʿĀlami li'l Wasaṭiyyah*) of Kuwait is a government think tank set up under supervision of the High Council for Promotion of *Wasaṭiyyah* within the framework of the Ministry of Awqaf and Islamic Affairs of Kuwait. The Centre apparently does not designate itself as a place merely of intellectual activity and research but one that combines these with a pragmatic agenda involving networking activities and training. *Wasaṭiyyah* is projected, even in its nomenclature, as an objective in its own right. There is recognition of the cultural dimension of *wasaṭiyyah* and moderation as a behavioral concept of merit in almost all major religious and cultural traditions—as already stated. Being a governmental organization, the Centre's first priority is to disseminate the concept and practice of moderation in Kuwait, but its nomenclature evidently designates it as an international center that conducts its program of activities with wider international content, especially with reference to relations between the Muslim world and the West. The Centre specifies on its website a number of objectives that include developing the culture of moderation, deepening the culture of dialogue, and contributing to human resource developments that would promote these objectives. It is further stated that the Centre collects and disseminates selected literature on *wasaṭiyyah*, and develops cooperation between various stakeholders through the moderate approach connected to the original teachings of Islam and at the same time attaches importance to contemporary needs. The Centre also proposes to invite people

to the straight path of Islam and deal with extremism and behavioral deviation.

Furthermore, the Centre identifies the following among its principal tenets:

- belief in Divine Oneness, and Islam as a sacred religion;
- universality of Islam, its timeless validity, and its contemplation of benefit for the larger human community and civilization;
- freedom of conscience, personal liberty, and responsibility;
- cooperation for beneficial purposes and recognition of the different Other;
- attention to reality and taking suitable initiatives on its basis; and
- respect for accuracy and specialized knowledge.

In Jordan, the Assembly for Moderate Islamic Thought and Culture (*Jam ʿiyyat al-ummat al-wasaṭ fiʾl-fikr waʾl-thaqāfah*) was launched in 2004 to operate under the patronage of the king of Jordan and the organizational framework of the Royal Aal al-Bayt Institute for Islamic Thought, also known as the Royal Academy of Jordan. The Assembly (or association) has a secretary general and three committees composed of well-known Islamic and international figures, most of whom are also members of a larger (and a fourth) committee known as Global Forum for Moderation. The three other component committees of the Assembly are the Follow-Up Committee, Finance Committee, and Academic Committee.

The first of these, namely the Follow-Up Committee, is designed to follow up on the resolutions of an international conference, the second conference as such, the Assembly held on "The practical role of *wasaṭiyyah* in the reform and revival of *ummah*" in Amman (April 24–26, 2006). The conference came up with a set of resolutions that were subsequently ratified by its participating ʿ*ulamāʾ* and scholars, who then became the signatories of a convention in the name of *wasaṭiyyah*. The first conference the assembly organized in 2004 also focused on *wasaṭiyyah* and was a lead-up to the second, a larger and more significant of the two events. A large volume of conference proceedings and academic presentations was subsequently published.

Included in the resolutions of the 2006 conference was that the assembly convenes an annual "encounter workshop" on the "moderation movement," which is to select and take up a focus theme for further development. Some of the topics mentioned in this connection are the role of

educational institutions in promoting the moderate currents of thought and conduct; interaction and dialogue with the youth; interaction and encounters with the West; engaging with fundamentalists; developing plans and agenda for reform; and revisiting the *fatwas* to ensure that only the learned scholars issue them. The conference issued a detailed statement composed of a twenty-five-item agenda of activities running through some four pages. Below is a summary of a selected number of the planned activities and programs:

- confronting the erroneous understanding of Islam through teaching, institutional engagement, and media events;
- confronting all forms of extremism and fanaticism and the necessity of dealing with them through addressing their causes;
- cooperating with Islamic organizations and individuals that exhibit a moderate orientation conducive to the "moderation movement";
- corresponding with Arab and Islamic heads of governments and the league of Arab universities in order to accredit a special university course on the "culture of moderation." The Muslim leaders, the Arab League, and the Organisation of Islamic Conference (now Cooperation) will also be requested to accredit the International Moderation Assembly as one of the civil institutions with which cooperation is facilitated through the Arab League and the OIC;
- nominating a number of non-Muslim personalities from the West and East in consultation with relevant centers, especially those that foster mutual understanding, moderation, and acceptance of the (different) Other; cooperating with university bodies in the Islamic lands to coordinate with Western universities and engage in dialogue with them;
- launching an internal campaign of dialogue among different Islamic movements in order to reach common ground through understanding the Islamic intellectual heritage.
- affirming the Amman Message and continuing dialogue and coordination between the schools of Islamic jurisprudence for the purpose of greater proximity and understanding.
- encouraging Arab and Muslim artists to turn toward producing series of films and documentaries that serve the way of Islamic *wasaṭiyyah* on the level of local consumption and recognized marketing practices; and lastly
- serving Islam through its "middle-ground vision" that is free of partisan and pro-violence orientations.[2]

Al-Qaradawi Centre for Islamic Moderation and Renewal was established in 2008 in Doha under the umbrella organization of Qatar Foundation and its Faculty of Islamic Studies. The Centre is devoted to promoting moderation and the revival of Islamic thought through scientific research that addresses issues in democracy and economics, human rights, interfaith dialogue, jurisprudence of minorities, status of women and the family, environmental problems, challenges of war and peace, violence, terrorism, and corruption. The Centre plans to conduct its activities in cooperation with a number of other governmental and non-governmental organizations in Qatar and outside Qatar. The Centre plans to conduct research, conferences, and seminars on the training of Muslim scholars in the issuance of fatwa, promoting moderation among the youth, bringing closer together the various schools and sects of Islam, and improving relations between Islam and other religions and civilizations. The Centre collaborates with the following organizations:

- The Ministry of Awqaf and Islamic Affairs, Qatar.
- The Ministry of Awqaf and Islamic Affairs Kuwait.
- The Doha International Center for Interfaith Dialogue.
- The Higher Council of Education, Qatar.
- The Doha Organization for Combating Human Trafficking, and
- Qatar University.

The Makkah Declaration was issued by the Third Extraordinary Session of the Islamic Summit Conference, held in Makkah, Saudi Arabia, on– December 7–8, 2005. It was attended by the kings, heads of states, and governments and emirs of the member states of the Organisation of Islamic Cooperation. The detailed summit declaration advanced numerous resolutions and statements, some of which are summarized as follows:

- A firm and sincere reflection is called for to reform the *ummah* that would necessitate, in turn, confronting miscreants who work evil sedition, mislead and distort the lofty tenets of Islam on love, peace, harmony, and civilized behavior.
- It is a shared conviction of all the governments and people of the *ummah* that reform and development are the priorities to be molded within the framework of our Islamic social makeup. This framework

needs, in the meantime, to remain in harmony with the achievements of human civilization and steeped in the principles of consultation, justice, and equality in its drive to achieve good governance. Indeed, the Islamic civilization is an integral part of human civilization, based on the ideals of dialogue, moderation, righteousness, and tolerance as noble human values that counteract bigotry, isolationism, tyranny, and exclusion.

- As we affirm our unwavering rejection of terrorism, and all forms of extremism and violence, we strongly voice our feelings of stigmatization and concern over the growing phenomenon of stigmatization and Islamophobia around the world and declare our resolve to combat this phenomenon with all available means.

- While we affirm that terrorism is not confined to any particular religion, race, or country, and that it can in no way be justified or rationalized, we are determined to develop our national laws and legislations to criminalize every single terrorist practice and every single practice leading to the financing or instigation of terrorism. Our efforts to combat terrorism internationally include the establishment of an International Counter-Terrorism Centre as endorsed by the Riyadh International Conference on Combating Terrorism.

- Proceeding from a new vision of the Muslim world that tackles head on international challenges, we adopt a ten-year program of action to face the challenges of the Muslim *ummah* in the twenty-first century.[3]

The Charter of Moderation in Religious Practice was initiated by the Singapore Islamic Scholars and Religious Teachers (known as PERGAS) and adopted at their Convention of September 13–14, 2003, with the theme of "Moderation in Islam in the Context of the Singapore Muslim Society." This was prompted by the arrest of several Singaporean Muslims, alleged to be members of the underground militant group called Jemaah Islamiyah.

The Association scholars observed that the Muslims of Southeast Asia are generally peace-loving, tolerant, and moderate. However, because of the emergence of small clandestine groups of militant Muslims in Indonesia, Thailand, and the Philippines in the last decade, people of Singapore wanted to be assured that the Muslim community of Singapore (c. 14 percent of a total of about five million) would not be influenced by, or show sympathy to, the few extremist Muslims who may infiltrate Singapore from the neighboring countries.

The first paper of the convention, entitled "Islam—Ummatan Wasatan, An Ummah Justly Balanced," noted that:

> Moderation in Islam is neither subjective nor determined by rational thought alone. While thought may be taken into account, moderation in Islam is determined based on the Holy Qur'an and the *Sunnah* . . . The teachings of Islam as outlined in the Holy Qur'an and the *Sunnah*, advocate moderation.[4]

The Charter of Moderation noted that the binary *fiqh* concepts of *dar al-Islam* and *dar al-harb* (abode of Islam v. abode of war), emerged following prolonged wars and military invasions, adding that the more relevant *fiqh* concept to the contemporary world is that of *dar al-'ahd* (abode of treaty). The Charter of Moderation in Religious Practice that the Convention approved includes the following with reference to Muslim–non-Muslim relations:

- Muslims should base their relationship with non-Muslims on a positive foundation, not on negative ones like war, hate, and revenge;
- This positive foundation nurtures various other types of relationships such as cooperation, and feelings such as love and affection. Islam recognizes that it is natural to form various types of relationships and alliances with people;
- Difference of religion neither justifies hate for non-Muslims nor disallows feelings of love and affection for them;
- The community should be educated on the accurate worldview (*tasawwur*) and understanding of Islam. This should include the learning of comparative and also contemporary *fiqh* to open up the community's minds to the diversity of opinions of the ʿ*ulamā'* on issues; and
- The ʿ*ulamā'* should narrow the gap between themselves and the youth and other leaders. They should also engage with the extremist groups through dialogue and discussion to clarify issues, but stay clear of actions that create controversy and antagonism toward Islam and Muslims.[5]

The remaining portion of my discussion in this section consists of introductory notes on the opening of the Global Movement of Moderates (GMMF) in Kuala Lumpur, and that of the Wasatiyyah Institute at the International Islamic University Malaysia. This is followed by an overview

of Prime Minister Najib Razak's speech at the UNGA's 68th session, in particular with regard to his references to moderation and *wasaṭiyyah* at the 65th UNGA.

Prime Minister Najib, who announced the opening of the GMMF in Kuala Lumpur in January 2012, said that it was aimed at pursuing "respect for democracy, the rule of law, education, human dignity and social justice in the country." He further stated that the GMMF will "collect data and disseminate information to those who want to join the fight against extremism . . . Malaysia is a peaceful country—moderation has always been our chosen path."[6] The prime minister added: "I called for a Global Movement of Moderates that would see government, intellectuals, religious scholars, and business leaders across the world to take a united stand. For it is the spirit of *wasaṭiyyah*, 'moderation and balance' that must now prevail all around the globe."

The former CEO of the Global Movement of Moderates Foundation (GMMF), Khalek Awang, stated that GMMF will seek to be disseminator of vital information on moderation. Without a center to inform and consolidate the moderates through a well-informed campaign, extremists are left to their own devices and a state of indifference on the part of the general public is taken for granted. When this occurs, as, some have affirmed, is "indeed the case in Southeast Asia, where more and more youths are resorting to violence to defend their causes, the entire environment becomes unliveable."[7] Awang added that the GMMF will work closely with Asean and its dialogue partners, and, subsequently, through the East Asian Summit. It is reassuring to know, he added, that Asean is backing the Global Movement of Moderates with an Action Plan that will raise the profile of moderation nationally, regionally, and internationally.[8]

Khalek Awang also noted that the GMMF has conceived an operationalization strategy for the GMM that identifies five priority areas of concentration for a working agenda. These are peaceful coexistence, democracy and rule of law, economy and international finance, education, and conflict resolution. The proposed working modality also refers to different phases of progress. Tracks one and two involve diplomacy in pursuing government-to-government discourse on moderation across national, regional, and international lines. Track three includes dialogues between semi-governmental and independent think tanks in the region or globally, while track four contemplates non-governmental organizations.[9]

The GMM has been characterized as "not an interfaith or inter-cultural initiative. [Rather, i]t affirms the importance of moderation in all aspects of

international relations."[10] Thus, when governments and non-governmental organizations meet, deliberate on issues, mobilize for joint actions, or enter and exit from an issue or perhaps even conflict, the focus is not confined to interfaith relations.

The German Foreign Ministry director for diplomacy and dialogue among civilizations, Dr. Heinrich Kreft, in a global media forum in Bonn not only welcomed the GMM as a new initiative but said it may well have a unique role to play even if there is some overlapping with UN Alliance of Civilisations (UNAoC): "I embrace the central point of GMM fully. It is not a divide between countries and religions but within countries, societies, and religions. It is everybody's problem."[11] Every society has extremists, Kreft added, and with the Internet and social media, more and more people radicalize themselves—which is very difficult for a government or state to tackle.

When the UN Secretary General Ban Ki-moon visited Malaysia in March 2012, he said at a meeting with Prime Minister Najib that Malaysia was "making significant efforts to smooth tensions between Muslim majority countries and the West through your GMM"[12] Since the objective of both initiatives (UNAoC & GMM) "intersect significantly," they can be good partners in the struggle against extremism and intolerance." GMM is "now the patron of UNAoC's Partners Assembly" and took part in the UNAoC's first regional conference in Shanghai in November 2012. GMM is coming from a Muslim-majority country, what the German Foreign Minister Guido Westerwelle referred to as "one of the Next Eleven playing a more important role in the future . . . and not coming from the North." As a medium-sized country, it may be more effective in bringing everyone to the table, he suggested. There is a lack of Asian representation within the UNAoC, said Kreft, adding that the latter is "very much focused on the Arab world and Europe." It has southeastern Europe and Mediterranean strategies and is working on a Latin American strategy but there is nothing on Asia or Africa, except the North African Arab countries. It is also pretty much focused on Muslims and Christians. Maybe GMM, together with UNAoC. could work on an Asia strategy on dialogue to fill the gap. GMM could also work on bringing in the Buddhists, Hindus, and other faiths. Kreft further added: "We have to bring together those who share the same ideas. Sometimes radicals relate quicker because they are in the minority. The mainstream should do the same, in order not to leave the terrain to the extremists."[13]

IIW was launched in January 2013 within the organizational framework of the International Islamic University Malaysia by its president, Mohd.

Sidik Hassan, who in a speech on the occasion reminded his audience "of the need to restore civility in the international arena and to promote inter-faith goodwill and understanding ... Our strength is in our diversity; so let us not tolerate extremist views and sectarianism or militancy and radicalism that will only serve to destroy this social fabric."[14] Sidik Hassan added that the IIW was to be seen in the context of the prime minister of Malaysia's call at the United Nations General Assembly 2010 when he urged for the formation of a Global Movement of Moderates. This is necessary, he added, "in order to debunk the myth or distorted image that Muslims are terrorists or trouble makers where Islam and Muslims have become the primary targets of demonisation, Islamophobia, and ethnic prejudice in the West, particularly after the 9/11 incident."[15] The former rector of the university, Mohd. Kamal Hassan, who also spoke on the occasion, said that *wasaṭiyyah* is more than just moderation, "as it also embraces the concepts of justice, balance, and excellence. Islam exhorts its followers to embrace balance in life, and moderation in personal character and behaviour as prescribed by the holy Qur'an."[16]

The Institute of Wasatiyyah Malaysia (IWM) was officially opened by Prime Minister Najib Razak in March 2013. Headed by the renowned Malaysian Islamic scholar and advisor to the prime minister in Islamic affairs, Dr. Abdullah Muhammad Zain, IWM is commissioned to develop the Islamic dimensions of *wasaṭiyyah* in line with the policy orientations of the government of Malaysia. Unlike the International Institute of Wasatiyyah, reviewed above, IWM is active internally in the promotion mainly of *wasaṭiyyah* in conjunction with domestic developments in Malaysia.

In his speech at the 68th United Nations General Assembly (UNGA, September 28) Prime Minister Najib urged Muslims to unite in the fight against extremists who used religion as an excuse to commit violence. "And one of the most powerful tools we have is *al-wasaṭiyyah*: the practice of moderation." Addressing the UNGA for the first time after the May 2013 general election that returned him to power, Najib Razak urged the international community to give their all to resolving the political problems that have raised tensions in the Muslim world.[17] "It is time to end the killing and concentrate instead on building a common agenda for peace and prosperity." Najib drew attention to sectarian violence in Syria, Lebanon, Iraq, and Pakistan by extremist militants and noted that the conflict between the Sunnis and Shiʿis was threatening the lives of millions of Muslims. Islam was being twisted by extremists who were deploying false

arguments to foster division and justify violence. The corrosive influence of extremism cannot be easily countered. "But we are not powerless to act. I believe moderation in religion and the political process can stem the loss of life and liberty in the Muslim world . . . By reaffirming our commitment to moderation and solving the political problems that drive instability, we can seize back the centre ground. We can marginalise the extremists, and we can advance an agenda for peace, harmony and justice." Najib Razak added that one should not mistake moderation for weakness. To face those baying for violence and call for calm instead was a sign not of frailty, but of strength.

## *The Amman Message 2005*

In 2004 King Abdullah II of Jordan communicated with twenty-four of the most senior religious scholars representing all the three branches and schools of Islam to deliberate over issues of extremism and militancy and expound on the nature of true Islam, in order "to declare what Islam is and what it is not, and what actions represent it and what actions do not," emphasizing Islam's core values of compassion, mutual respect, acceptance, and freedom of religion.

The twenty-four scholars were asked to answer three key questions: (1) Who is a Muslim? (2) Is it permissible to declare someone an apostate (*takfīr*)? (3) Who has the right to issue *fatwas*? The opinions of these scholars then became the basis, in July 2005, of a major international Islamic conference of two hundred Muslim scholars from more than fifty countries. Based on *fatwas* provided by three of the most senior Sunni and Shiʿi religious authorities, among them Sheikh Muhammad Sayyid Tantawi of al-Azhar University, Iraq's Grand Ayatollah Ali al-Sistani, and the renowned Yusuf al-Qaradawi, scholars addressed intra-Muslim conflict and violence and tried to delegitimize extremists who issue *fatwas* to justify their agendas.

Participants issued a final declaration that emphasized the underlying unity and validity of the three major branches of Sunni, Shiʿa, and Ibadi Islam and agreed upon a precise definition of a Muslim: anyone who recognizes and follows one of the eight law schools of Sunni, Shiʿa, and Ibadi Islam (Ibadi is the dominant school of Islam practiced in Oman). The declaration added: anyone who forbade declarations of excommunication or apostasy (*takfīr*) between Muslims, and anyone who conformed to the

requirements of a valid *fatwa* especially the condition that no one may issue a *fatwa* without the requisite personal qualifications. The declaration further added that each school of Islamic jurisprudence determines the prerequisites of *fatwa* for its adherents, and anyone issuing a *fatwa* must therefore adhere to the prescribed methodology of the recognized schools of Islamic jurisprudence.

The original number of twenty-four signatories of the Amman Message grew over the years to more than 550 from eighty-four countries. From Iran alone the Amman Message has been signed by twenty top religious leaders in the rank of grand ayatollahs, and other high- and mid-ranking clerics.[18] Several leading ayatollahs from Iraq also signed and issued *fatwas* in support of the Amman Message.[19]

This was the first universal collection of *fatwas* in many decades by leading Muslim scholars from all the contemporary six leading schools of theology and law that have followers in all regions of the world, designed to launch a global process of intra-faith dialogue and cooperation among Muslims. It was also evident that this had to begin with intra-faith cooperation within each of the world's major religions. The noted leaders came together in the wake of their shared concern that intra-faith relations among Muslims were becoming tense for a variety of reasons, due partly to increased Western militarism and violence, especially in Iraq, where a dangerous situation of sectarian violence between the Sunni and Shiʿa had become a source of concern, and of fear that this may escalate beyond Iraq and engulf the whole region. Incidents of sectarian violence in Pakistan were similarly in the picture.

These guidelines were unanimously adopted in December 2005 by the Organization of the Islamic Conference (now Cooperation), which represents the political leadership of fifty-seven Muslim-majority countries, and by six other international Islamic scholarly assemblies, including the International Islamic Fiqh (Jurisprudence) Academy of Jeddah, in July 2006.

## A Common Word Between Us and You

The Common Word initiative also started in Jordan in response to Pope Benedict XVI's Regensburg Lecture of September 12, 2006, which was widely perceived as an attack on Islam and a radical change from the interfaith outreach of his predecessor, John Paul II. This prompted the Muslim leaders to send an open letter to the Pope on October 12, 2006, in which

thirty-eight prominent figures from every branch of Islam spoke with one voice about the true teachings of Islam. A year passed and the Pope had not responded. On October 13, 2007, 138 prominent Muslim leaders (scholars from both genders, Grand Muftis, academics, and intellectuals) from across the world sent another open letter, "A Common Word Between Us and You," to the heads of the world's major Christian churches. The message was simple yet profound: Let us come together in love of One God and love of the neighbor.

The letter emphasized that Muslims and Christians together make up well over half of the world's population. Without peace and justice between these two religious communities, there can be no meaningful peace in the world. The future of the world depends on peace between Muslims and Christians. The signatories noted the importance of the Two Great Commandments, love of God and love of neighbor, and their expressions in the Torah, New Testament, and Qur'an.

The response to "A Common Word" from Christian leaders and scholars was immediate and global. More than three hundred Christian leaders placed a full-page letter in *The New York Times*, and published a response, "Loving God and Neighbor Together: A Christian Response to a Common Word Between Us and You," organized by the Yale School of Divinity in November 2007. Muslim leaders were evidently impressed and sent delegations to thank Christian leaders for their welcome response. They also published an unprecedented Christmas greeting during Christmas 2007 in a dozen international newspapers. The Archbishop of Canterbury, Pope Benedict XVI, Orthodox Patriarch Alexei II of Russia, the presiding bishop of the Lutheran World Federation, and many others acknowledged the importance of these exchanges, as did many individuals and groups who posted their comments as well as criticisms on the official website of "A Common Word."[20] The number of Muslim signatories increased from the original 138 to over 300, with more than 460 Islamic organizations and associations also endorsing it.

Muslim and Christian leaders met at the Vatican and established a Catholic-Muslim Forum that has now become a continuing event. The Third CMF was held in the Vatican 11–13 November 2014 on "Working Together to Serve Others," in which the present writer also participated.[21] Initiation of The Cambridge Inter-Faith Programme (CIP—with Abdal Hakim Murad as its first dean) was another tangible result of "A Common Word." Sultan Qaboos of Oman instituted a chair at the CIP, and the Royal Aal al-Bayt Institute of Jordan under the leadership of Prince Ghazi bin

Muhammad has been leading the effort in organizing the Vatican Forum. The World Islamic Call Society and College have also been involved in interfaith work, especially with the Vatican. Similarly, the Grand Mufti of Egypt, Ali Gomaa, who is deeply committed to interfaith work, has managed to rebuild the Dar al-Ifta institution into a well-organized network of scholars, and also set up the spiritual practice of scholarly circles in the Azhar Mosque.[22] These pioneering efforts were further enriched by an international conference held by King Abdullah of Saudi Arabia in Madrid at the end of July 2008, to bring Jewish scholars into the process for the first time.

These and other interfaith and inter-civilizational initiatives and reform measures are significant not only because of their ideas and orientations but also because they are debunking entrenched perceptions, such as: Islam is incapable of change; Islam is a violent religion; Muslims do not speak out against religious extremism and terrorism; Muslims reject religious pluralism and interfaith dialogue.

Positive developments are also not absent from the overall pattern of intra-faith relations, even before the outbreak of factional violence in Iraq, Pakistan, and elsewhere. The present writer has participated in international events and conferences in the name of Taqrib al-Madhahib (bringing the *madhhabs* closer together), jointly held and sponsored by countries such as Egypt, Iran, Qatar, Kuwait, Jordan and others. Followers of the existing schools of Sunni and Shi'i persuasions have also cooperated in a number of academic projects, publication of encyclopedias, and formation of international forums. As a result of these still continuing efforts, improvements have been noticeable. Yet this must be seen as a work in progress that is not always uni-directional and has occasionally taken a turn for the worse. Yet the larger picture of intra-faith relations that obtains now compared to how it was in the nineteenth century and even earlier shows improvement. The Amman Message was a significant step forward and the spirit of tolerance it has advocated continues to be widely supported by Muslim thought leaders and the vast majority of Muslims.

# *Thematic Perspectives*

Part Two features the following thematic manifestations of *wasaṭiyyah*: moderation and justice—moderation and religiosity—the moderating role of reasoned disagreement (*ikhtilāf*)—spirituality and legalism: the moderating role of Sufism—harm must be eliminated—forbearance, bringing ease and removing hardship—environmental imbalance—financial imbalance, extravagance and waste—moderation and *jihad*—lifestyle, character and consumerism—*wasaṭiyyah* and women's rights—*wasaṭiyyah* and globalization—Islam between antiquity and the modern world—continuity and change: an analysis of *tajdīd* and *iṣlāḥ* (renewal and reform) in Islam, and conclusion.

# IX

## Moderation and Justice

JUSTICE IS THE closest conceptual synonym of *wasaṭiyyah*, which also underpins the Qur'anic designation of the *ummah* as a "witness unto mankind." It is through its commitment to justice that the *ummah* qualifies to be a witness. In a large number of verses, the Qur'an articulates the various manifestations of this commitment for both the community and the individual. Justice is thus made into an obligation of the rulers and those who are entrusted with management of the community affairs ('*ulu al-amr*). Without a firm commitment to serving the cause of justice, neither the individual Muslim nor the *ummah* as a whole would qualify for their designated roles. Possession of a just and upright character (*ʿadālah*) is a precondition of admissibility, in Islamic law, of a witness before the court of justice. It is reported on the authority of Abu Sa'id al-Khudri that the Prophet [pbuh] interpreted the word *wasaṭan* (mid-most) in verse (al-Baqarah, 2:143), to mean justice (*al-ʿadl*). Justice thus becomes synonymous with *wasaṭiyyah* in the sense that they both refer to a middle position between two or more opposing extremes.[1] The word *awsaṭuhum* (mid-most among them), which is a derivative of *wasaṭiyyah* in the Qur'anic verse (al-Qalam, 68:28)[2], has been interpreted by Qur'an commentators to mean *aʿdaluhum* (the most just among them), both signifying "the mid-most position, one which stands in equal relationship with all its peripheries."[3] Abu al-Su'ud further elaborates on this as follows:

> In this sense, *al-wasaṭ* describes the centre of a circle. Then the word was metaphorically used to describe praiseworthy human qualities. The qualities in question become praiseworthy simply because they

represent the median average, flanked by its blameworthy peripheries, namely excessiveness and laxity.[4]

Abdulaziz Sachedina wrote that the notion of justice in the Qur'an denotes moral virtues such as fairness, balance, temperance, and uprightness, which are universally objective values "ingrained in the human soul" (Q al-Shams, 91:8). The term '*adl* has a real, concrete, physical signification first, and an extended, abstract signification second. As such, it becomes comprehensible by logically appealing to the universally self-subsistent value of justice.[5] Certain basic moral requirements, like "being just or being forward in good work," Sachedina adds, are also self-subsistent and apply to all human beings, regardless of differences in religious beliefs.[6]

Another Shiʿite scholar, mid-ranking Iranian cleric Hasan Yousefi Eshkevari, is of the view that justice must be implemented fairly and in accordance with the people's free choice and conscious participation, otherwise it amounts to oppression and is doomed to failure. "One important reason for the failure of the justice-seeking revolutions has been that the people's will, choice and dignity have been ignored." To that effect, Eshkevari also quotes Gorbachev's admission in his book, *Perestroika*: "Our gravest mistake was that we wanted socialism without democracy and without attention to people's will, opinion and choice."[7]

A question is cogently posed: does one need to be moderate in pursuit of justice? In response to this, I may refer to what an American observer noted concerning the 1964 US presidential election, in which one of the candidates, Barry Goldwater, stated famously: "I would remind you that extremism in the defense of liberty is no vice. And let me remind you also that moderation in the pursuit of justice is no virtue." Goldwater lost by the largest popular vote gap in the US history—before or since. "Then, at least, America preferred moderation."[8] We too recommend moderation even in pursuit of higher ideals. When we speak of moderation, we do not focus on moderation in vice, nor on moderation in good causes, but of a holistic meaning of moderation that encapsulates its various dimensions. Some of the points highlighted in our review of Qur'an commentaries above reflected on at least one aspect of this question—to say that moderation is necessary not only in pursuit of justice, but indeed of all other virtues. The view has thus prevailed that the Islamic conception of *wasaṭiyyah* extends to virtues as well, which naturally include justice.

Justice is a virtue, of course, in its own right, indeed one of the cardinal objectives of Islam. There is no issue over the primacy of justice in an

essentialist sense, and no conflict is normally expected to arise between *wasaṭiyyah* and justice. Just as extremism is the immediate opposite of *wasaṭiyyah*, justice is its closest conceptual synonym, so much so that *wasaṭiyyah* finds its true expression in justice. Yet *wasaṭiyyah* can subsume justice and take a higher profile if and when an overzealous pursuit of justice poses a question of balance and wisdom in its implementation. For justice is essentially a measure-for-measure concept, which could well turn out, in exceptional circumstances perhaps, to be less than appropriate. This may be explained by reference to the Islamic public law doctrine of *siyāsah sharʿiyyah* (judicious policy), which is meant to integrate wisdom (*hikmah*) into the fabric of justice.

A widely reported case of a certain tension that arose between justice and judicious policy was the incident in which an aggrieved person complained to the caliph ʿUmar ibn al-Khattab about physical abuse and lashing he had suffered at the hands of the son of the then governor of Egypt, ʿAmr ibn al-ʿAaṣ, due also to a certain neglect on the part of the father. This was brought to the caliph's attention at a public gathering the caliph used to hold from time to time with the people of Madinah to hear their complaints. After hearing the case, the caliph showed annoyance over such unwarranted official abuse and ordered that the aggrieved person may retaliate against the governor there and then. At this point a senior Companion intervened to say that retaliation may be justice in that case but that it was not a good policy to punish and humiliate a leading government figure in that way. The caliph conceded and the issue was settled through financial compensation.[9] This case illustrates perhaps *wasaṭiyyah* in the sense, not necessarily of an average or moderate solution to an issue of justice, but one which is the best under the circumstances, and one which also combines balance and wisdom into the fabric of justice.

The Qur'anic conception of justice goes well beyond the confines of its legal connotations and courtroom proceedings. As their principal mission on building a just social order, Muslims are enjoined to act justly at all times, not only occasionally nor selectively, and to reject oppression and injustice (cf., al-Ma'idah, 5:8). For justice is an emphatic command; it is a universal objective and its impartiality may not be compromised, as far as possible, regardless of considerations of color and creed (al-Aʿrāf, 7:29). In their dealings with non-Muslims, Muslims are similarly enjoined that "you should be kind to them and act justly toward them. For God loves those who uphold justice" (Mumtaḥanah, 60:8).

أَن تَبَرُّوهُمْ وَتُقْسِطُوٓا۟ إِلَيْهِمْ ۚ إِنَّ ٱللَّهَ يُحِبُّ ٱلْمُقْسِطِينَ.

Another Qur'anic directive has it: "And when you speak, you speak with justice, even if it be to a close relative" (al-Anʿām, 6:152).

وَإِذَا قُلْتُمْ فَٱعْدِلُوا۟ وَلَوْ كَانَ ذَا قُرْبَىٰ.

And again in the adjudication of disputes, whether among themselves or with other people, Muslims are enjoined to be just, even with their enemies, and regardless also of the ties of kinship; they must not waver to advance the cause of justice, "even if it be against yourselves, your parents and relatives" (al-Nisā', 4:135).

كُونُوا۟ قَوَّٰمِينَ بِٱلْقِسْطِ شُهَدَآءَ لِلَّهِ وَلَوْ عَلَىٰٓ أَنفُسِكُمْ أَوِ ٱلْوَٰلِدَيْنِ وَ ٱلْأَقْرَبِينَ.

A proper understanding of divine justice renders absurd the shrill claims of religious fanaticism (ʿaṣabiyyah), often noted as a hallmark of tribalist mentality, especially of the pre-Islamic jāhiliyyah (lit. age of ignorance). It was this, the intolerant fanaticism (taʿaṣṣub) of pre-Islamic Arabs, that Islam challenged and sought to eradicate. Abu Hamid al-Ghazali (d. 1111 CE) has noted in his description of taʿaṣṣub when he wrote that it "usually comes together with a man's disregard for his neighbour, his neighbour's needs and wishes, and when certain ideas take root in his heart, they become a part of him so much so that he fails to distinguish between right and wrong."[10]

Those who are unjust, commit oppression, and break their covenant with the Lord, they shall be excluded from God's covenant for salvation and success (al-Baqarah, 2:124), and "Whosoever transgresses the bounds of God—those are the evildoers" (2:229).

تِلْكَ حُدُودُ ٱللَّهِ فَلَا تَعْتَدُوهَا ۚ وَمَن يَتَعَدَّ حُدُودَ ٱللَّهِ فَأُو۟لَٰٓئِكَ هُمُ ٱلظَّٰلِمُونَ.

Furthermore, the Qur'an and hadith make clear that those who commit acts of injustice and indulge in evildoing, they only do so at their own peril. They do injustice unto themselves when they depart from the right path and defy correct guidance.

One of the key Qur'anic symbols that often features together with wasaṭiyyah and justice, as an added dimension to them both, is al-mīzān (lit. weighing scales, meticulous balance). God created all things in correct

proportions, harmony and balance. As the Qur'an says, "And the earth We have spread out, set thereon heavy mountains, and We have caused to grow in the earth all kinds of crops in due [proportion and] balance" (al-Ḥijr, 15:19).

وَٱلْأَرْضَ مَدَدْنَـٰهَا وَأَلْقَيْنَا فِيهَا رَوَٰسِىَ وَأَنۢبَتْنَا فِيهَا مِن كُلِّ شَىْءٍ مَّوْزُونٍ.

The Divinely ordained balance is pervasive and applies to every level of reality, from the physical to the alchemical, psychological, and spiritual. There is a balance of the elements within healthy bodies, and in our psyche—a state of balance in their naturally endowed proportions signifies health, and wholesome living. And for the spiritually accomplished Muslim there is a balance among the soul, body, and spirit that impacts, in turn, the pace and proportionality of his quest for satisfaction of their respective demands. To give each and everyone its due (*ḥaqq*) in accordance with its God-ordained nature is to live in balance, which also means to live in justice.

Balance also applies to accuracy in measurements that often constitutes a component of justice, and a requirement also of fair trading and other levels of interaction with one's fellow humans. The Qur'anic directive on this addresses the believers to "Give full measure and full weight with justice" (al-Anʿām, 6:152)—which evidently signifies honesty and fair dealing as an important dimension of justice in financial transactions.

وَأَوْفُوا۟ ٱلْكَيْلَ وَٱلْمِيزَانَ بِٱلْقِسْطِ.

Divine dispensation of justice in the Hereafter also takes place, as the Qur'an declares (al-Anbiyāʾ, 21:47), through a symbolic application of "weighing with a balance to ensure accuracy in God's dispensation of Justice." Balanced measurement is thus depicted as the visible symbol of justice, as also of harmony and equilibrium in the cosmos. Elsewhere the Qur'an espouses the "Book and the Balance—al-Kitāb wa'l-Mīzān" as the principal criteria of the administration of justice among people (cf. Al-Ḥadīd, 57:25).

لَقَدْ أَرْسَلْنَا رُسُلَنَا بِٱلْبَيِّنَـٰتِ وَأَنزَلْنَا مَعَهُمُ ٱلْكِتَـٰبَ وَٱلْمِيزَانَ لِيَقُومَ ٱلنَّاسُ بِٱلْقِسْطِ.

To observe the balance in all things is to live with justice. Muslims are thus enjoined to be just unto themselves, to act justly toward others, to

speak with justice, and to give everyone his due when engaged in financial transactions and trading in the market place.[11]

The Qur'an and *Sunnah* also advise restraint in the application of penalties. Due to a strong undercurrent of emotion and frequent desire for revenge, it is easy to cross the line of moderation even in a quest for justice. A zealous attitude toward the implementation of penalties is thus not recommended. To observe moderation and restraint in the criminal justice system presents challenges that call for vigilance. The challenge one faces is to strike the right balance between forgiveness and resistance, between literalism and flexibility, between severity and firmness, between leniency and neglect.[12]

Qur'anic guidelines on criminal justice advocate moderation in many ways. To begin with, criminal responsibility is strictly attributed to the perpetrator and no one else: "No soul shall carry the burden of another soul" (al-Zumar, 39:7).

<div dir="rtl">

وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ.

</div>

The text is also categorical in declaring that everyone is to be treated fairly, such that "There shall be no hostility except against the oppressors" (al-Baqarah, 2:193).

<div dir="rtl">

فَلَا عُدْوَانَ إِلَّا عَلَى ٱلظَّـٰلِمِينَ.

</div>

Aggressive behavior without a just cause is prohibited, as in the following address: "Avoid aggression; for God loves not the aggressors" (2:190).

<div dir="rtl">

وَلَا تَعْتَدُوٓاْ ۚ إِنَّ ٱللَّهَ لَا يُحِبُّ ٱلْمُعْتَدِينَ.

</div>

All parties in criminal (and even civil) disputes are bound to observe the rules of reciprocity and equivalence: "Whoever is aggressive toward you, then your response must be proportionate to the aggression inflicted on you" (2:194); and "the recompense of an injury is an injury equal to it. But one who forgives and seeks reconciliation, his reward is with God. For God loves not the oppressors" (al-Shūrā, 42:40).

<div dir="rtl">

فَمَنِ ٱعْتَدَىٰ عَلَيْكُمْ فَٱعْتَدُواْ عَلَيْهِ بِمِثْلِ مَا ٱعْتَدَىٰ عَلَيْكُمْ ۚ.

وَجَزَٰٓؤُاْ سَيِّئَةٍ سَيِّئَةٌ مِّثْلُهَاۖ فَمَنْ عَفَا وَأَصْلَحَ فَأَجْرُهُۥ عَلَى ٱللَّهِ ۚ إِنَّهُۥ لَا يُحِبُّ ٱلظَّـٰلِمِينَ.

</div>

The disputing parties, as well as the prosecutor, witnesses, and the judge, indeed all responsible individuals, are instructed to incline toward leniency and forgiveness: "Should you decide to punish, then punish with the like of that with which you were afflicted. But if you remain patient, that is indeed the best (course) for those who are patient" (al-Naḥl, 16:126).

وَإِنْ عَاقَبْتُمْ فَعَاقِبُواْ بِمِثْلِ مَا عُوقِبْتُم بِهِ ۖ وَلَئِن صَبَرْتُمْ لَهُوَ خَيْرٌ لِّلصَّابِرِينَ.

Shi'ite sources quote the same Qur'anic verses on justice as their Sunni counterparts and speak at length on the value of leniency and forgiveness in dealing with crimes and penalties. Thus, it is stated that the Qur'an underscores the importance of equivalence and avoidance of excess in the infliction of penalties, while at the same time stressing the superiority of forgiveness as a great moral virtue that encapsulates the essence of dignity and compassion. To this effect, Sayyid Fadlullah quotes no less than seventeen verses from the Qur'an on the juxtaposition of justice with forgiveness and *Ihsan* (being good to others) as well as the elements of equivalence between the pain inflicted and its punishment. He then makes the point that the Islamic conception of justice is inclined to *tasamuh* (easy disposition, inclination to forgiveness), which is when a person suffers injustice and still maintains a peaceful encounter toward the offender as a manifestation of the spirit of fraternity and peace that Islam nurtures among its followers. The Qur'an entitles the victim of injustice to retaliate and seek redress but in the meantime encourages forgiveness on his part, especially when he has the power to take revenge. All of this on condition, however, that criminality and aggression are neither encouraged nor condoned.[13]

Islam's inclination toward leniency in the implementation of penalties is also conveyed in the comprehensive and unqualified instruction of a renowned *hadith*: "Drop the penalties in all cases of doubt as far as you can. For it is better to err in forgiveness than to make an error in punishment."[14]

ادرؤوا الحدود بالشبهات ما استطعتم والخطأ في العفو خير من الخطأ في العقوبة.

The instruction here lays down a principle of evidence and proof and subsumes all penalties, including the *hudud*, to be suspended whenever they cannot be proven beyond doubt.

The substance of this *hadith* is in harmony with the bulk of the Qur'anic dicta as well as the larger volume of *hadith* on criminal justice. It may be noted in passing, perhaps, what Intisar Rabb has observed through his research in the chain of transmission of this *hadith*, saying that the text before us may not be a *hadith* but a legal maxim that in course of time became known as *hadith*—probably in the works of renowned scholar of *hadith*, Ibn Shihab al-Zuhri (d. 124/742). Be that as it may, Rabb has added that as a legal maxim, the text before us does reflect a substantive canon of legal construction and that Muslim jurists have generally accepted it as such.[15]

Prescribed punishments (*hudud*) require a separate treatment, and a detailed discussion cannot be attempted here, but I have elsewhere treated the subject in fuller details, which the reader might wish to consult.[16] Yet it may briefly be added that the scholastic formulations of *hudud* and the manner in which they are treated in the standard *fiqh* manuals stand in some ways at odds with the Qur'an's textual specifications on the subject. A *ḥadd* punishment is by definition one that is prescribed in the Qur'an or authentic *hadith*. There are about half a dozen verses in the Qur'an that specify penalties for adultery, slanderous accusation, theft, highway robbery, and murder. There is also a *hadith* that supports the death penalty for apostasy, which does not, however, occur in the Qur'an, and which has been, in any case, taken out of context in its standard *fiqh* expositions. Whereas the Qur'anic text for every one of the *hudud* offenses imposes a punishment but also makes a provision for repentance (*tawbah*) and rehabilitation (*iṣlāḥ*) immediately following the punitive clause, the *fiqh* treatment of *hudud* has almost totally ignored this latter part of the Qur'anic dispensation. The standard *fiqh* conception of the *hudud* is thus one of fixed and mandatory punishments that leaves little room for rehabilitation and repentance—and the suggested sentencing procedures are also designed in a similar fashion.[17]

*Hudud* (lit. limits) also signify a certain commitment in Islamic law to limitation on the exercise of coercive power of the state and the rule of law. Some of the prescribed penalties specified in the scripture are probably meant not so much for strict enforcement as for their deterrent effects and the safeguarding of the moral standards of society. Rudolph Peters, author of a book on Islamic criminal law, has observed concerning the *hudud* crimes that "the doctrine has made it very difficult to obtain a conviction." This is achieved by (1) the strict rules of evidence for proving these crimes; (2) the extensive opportunities to use the notion of uncertainty (*shubha*)

as a defense; and (3) defining the crime very strictly, so that many similar acts fall outside the definition and cannot be punished with fixed penalties, but only at the *qadi*'s discretion.[18] The Qur'anic text (al-Nur, 24:2) on adultery (*zinā*) penalized this offense with one hundred lashes of the whip when the offense is proven beyond doubt, but the text then specifies that four eyewitnesses must testify to prove the charge of *zinā*, an extremely difficult requirement to fulfill. Peters thus wrote that "it is nearly impossible for a thief or fornicator to be sentenced, unless he wishes to do so and confesses. This occasionally happened probably due to a need felt by the perpetrator to atone for his sins."[19]

The Qur'an actually uses the words *ḥadd* and *hudud* in the more general sense of signifying the God-ordained limits concerning the wider arena of human behavior and conduct, which is not necessarily confined to crimes and penalties. Now, if one maintains that the *hudud* are fixed and demand mandatory punishments, there remains no room for repentance and rehabilitation, hence a departure, in regard to a sensitive subject involving grave punishments, from the Qur'anic conception of *ḥadd*. It would appear, furthermore, that as a result of the absence of material facilities, such as remand and rehabilitation centers, parole, suspended sentence procedures, and the like that became available in recent times, the *hudud* presented practical difficulties in dealing with serious crimes, and it seems that the *fiqhī* articulation of *hudud* could not accommodate the repentance/rehabilitation aspects of the Qur'an—which might explain their heavy bias toward punishment. If one attempts to integrate the repentance clauses of the text, as one indeed should, then one would have to depart from the notion of fixed and mandatory penalties in favor of penal measures over which the sentencing judge exercises a degree of selectivity and discretion.

The *hadith* on blasphemy/apostasy that simply reads "one who changes his religion shall be killed"[20] was, to all intents and purposes, meant for the offense of treason. All the instances of renunciation of Islam by certain individuals during the lifetime of the Prophet were in this context, as there were no lines of distinction between religion and state at that time. The *hadith* was pronounced in Madinah at a time when it was in a virtual state of war with the pagans of Makkah: note that within the space of ten years of the Prophet's life in Madinah, there were some eighty-five military engagements, and he himself took part in twenty-six. There were no neutral grounds in that situation. A person who renounced Islam in Madinah would immediately flee to Makkah, join the Quraysh of Makkah,

and fight the Muslims. This was the context, yet the tension so generated by those early years continued, and so did the *hadith* that remained unaffected even though the circumstances had changed. The *hadith* is, in any case, a general text that is in need of interpretation. Any text that is open to one level of interpretation is consequently downgraded, according to the principles of interpretation and *uṣūl al-fiqh*, from a definitive (*qaṭʿī*) to a speculative (*ẓannī*). The literal meaning of this *hadith* cannot be followed as it would render liable to capital punishment, for instance, a Hindu who embraces Islam, which was evidently not intended. It is important, therefore, to interpret the *hadith* and place it in its proper context, which would be treason, and not a peaceful change of religion, as it were, through personal conviction.[21]

The spirit and advice of *wasaṭiyyah* is extended to arrest and pre-trial procedures, suspicion, espionage, indictment, and prosecution.[22] This is the purport of the Qur'anic verse: "O believers, avoid indulgence in suspicion, for surely suspicion in certain cases is sinful, and spy not (on one another)..." (al-Ḥujurāt, 49:12).

يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ ٱجْتَنِبُوا۟ كَثِيرًا مِّنَ ٱلظَّنِّ إِنَّ بَعْضَ ٱلظَّنِّ إِثْمٌ ۖ وَلَا تَجَسَّسُوا۟.

Suspicion and acting on its basis is thus declared to be sinful for the most part, as the wording of the text indicates, thereby leaving some scope for reasonable suspicion that is founded on credible clues for crime detection purposes. Prosecution and arrest require a degree of probability beyond mere suspicion, and even reasonable suspicion is not enough on which to punish a person. The Prophet added his voice to this when he warned the believers to "beware of suspicion, for suspicion can be tantamount to the worst form of speech; do not spy on one another and do not revile one another."[23]

إياكم والظن . فإن الظن أكذب الحديث . ولا تحسسوا ، ولا تجسسوا ، ولا تنافسوا.

The worst form of speech is lying, and suspicion is the insidious lying of the heart that often goes undetected and can be most harmful as its victim is denied the opportunity to defend himself. Turning a blind eye to people's hidden failings while nurturing an atmosphere of fraternity and forgiveness among them is also a recurrent theme of many a renowned *hadith*.[24]

As for the manner of implementation of the prescribed and deterrent penalties (*ḥudūd wa taʿzīrāt*), the renowned Shafiʿi scholar ʿIzz al-Din ʿAbd al-Salam al-Sulami (d. 1262 CE), also known due to his prominence as Sultan al-ʿ*Ulamāʾ*, wrote that the implementation of *hudud* should be moderated so as to correspond with the conditions of the offenders. Some may be weak in stature and constitution, a factor to be observed in the enforcement of penalties on them. This guideline also applies, he adds, to whipping as a punishment, which should be moderate and free of severity and excess. Whipping should not break the skin nor cause bleeding, nor should it be so light as to be devoid of all deterrent effect. This median approach should also guide the choice of material the whip is made of, which should not be too hard as to be likely to break the skin, nor so soft as to have no impact. The same approach is also to be taken with regard to the timing of enforcement, which should preferably be during a mild season like spring or autumn, and not in very cold winter or hot summer. Furthermore, the whip is to be raised to the level of the elbow, not the shoulder. ʿIzz al-Din advises the same approach with regard to non-punitive and disciplinary strikes applied to children or animals, and even with regard to the choice and practice of sports, exercise, and racing.[25]

The Qurʾan accentuates the principle of equivalence in penalties in that punishment should not exceed the pain and injury inflicted by the offender, which is the essence of justice, but for those who grant forgiveness, there is the promise of great reward (Fuṣṣilat, 41:39). This message is repeated a few verses later in the same passage, where the text reads: "As for the one who remains patient and grants forgiveness, this is indeed the greatest of all deeds" (al-Shūrā, 42:43).

$$\text{وَلَمَن صَبَرَ وَغَفَرَ إِنَّ ذَالِكَ لَمِنْ عَزْمِ ٱلْأُمُورِ}$$

The severity of punishment is thus moderated by a sustained emphasis on forgiveness. Since the text typically combines the prospects of amnesty with its demand on justice, amnesty is not just a moral option but an integral part of justice, hence the ruler and judge should also consider them as such.

It is also instructive to find that the Qurʾan encourages a sense of fellowship among people that stands on the twin principles of justice and beneficence (ʿ*adl wa iḥsān*) (al-Naḥl, 16:90).

$$\text{إِنَّ ٱللَّهَ يَأْمُرُ بِٱلْعَدْلِ وَ ٱلْإِحْسَٰنِ.}$$

The text thus exhorts the believers to "be the agents of good, for God loves those who do good" (al-Baqarah, 2:195), and in another place calls on everyone to "speak to the people in good words" (2:83).

وَأَحْسِنُوٓا ۚ إِنَّ ٱللَّهَ يُحِبُّ ٱلْمُحْسِنِينَ.

وَقُولُوا۟ لِلنَّاسِ حُسْنًا.

All of this may be seen as a corollary of the unqualified bestowal of dignity on the children of Adam (al-Isrā', 17:70). People's personal safety, dignity, and honor are necessarily compromised by unfounded accusations, arrest, and espionage. The Prophet went a step further when he declared: "None of you is a (true) believer unless he loves for his brother that which he loves for himself,"[26] and that "thinking well of others partakes in service to God."[27]

لا يُؤمِنُ أحدُكم حتى يُحِبَّ لأخيه ما يُحِبُّ لنَفْسِه.

حسن الظن من حسن العبادة.

It is instructive to note that the Islamic concept of *ḥirābah* (brigandage, banditry, waging war on the community) encapsulates, as Sherman Jackson observed in a research article on the subject, a comprehensive understanding of terrorism. Jackson added on a comparative note that the concept is relatively new in American law. The term *terrorism* in American law was only introduced in the 1970s to replace a cluster of offenses collectively known as "domestic security crimes."[28] Terrorism is defined under the 1996 Anti-Terrorism and Effective Death Penalty Act as "the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political goals."[29]A prominent ingredient of this definition is clearly its focus on intimidation, that is, the desire to induce or spread fear among people. It is this kind of intimidation or spreading of fear that lies at the heart of terrorism in American law.

Turning to the classical Islamic definitions of *ḥirābah* (also known as *qat' al-ṭarīq*), one finds that here, too, the elements of intimidation or spreading fear are central. The Maliki jurist Ibn 'Abd al-Barr (d. 1070/463) defined the agent of *ḥirābah* as "Anyone who disturbs free passage in the streets and renders them unsafe to travel, striving to spread corruption in the land by taking money, killing people or violating what God has made it unlawful to violate—is guilty of *ḥirābah* . . . be he a Muslim or a

non-Muslim, free or slave, and whether he actually realizes his goal of taking money or killing or not."[30] The Shafi'i jurist al-Nawawi (d. 1277/676) stated that whoever brandishes a weapon and terrorizes the streets inside or outside the city must be pursued by the authorities, because if they are left unapprehended their power will increase and through their killing and robbery corruption and violence will spread.[31] It is thus concluded that in its fully developed form in the works of Muslim jurists, *ḥirābah* is "a much broader category than terrorism proper, covering as it does a spectrum of crimes ranging from breaking and entering to 'hate crimes' to rape to terrorism proper."[32]

Modern legal discussions of *ḥirābah* by Muslim scholars follow, for the most part, the contours laid down by earlier jurists in close adherence to the Qur'an (al-Ma'idah, 5: 33–34). Taking the earlier formulations a step further, Muhammad Rashid Rida (d. 1935 CE) defined *ḥirābah* "as the commission of acts in the lands of Islam that threaten the security of life, property and honour while seeking immunity in the power of one's group and refusing to submit willingly to the *Shari'ah*."[33] The tendency thus remained to view *ḥirābah* not simply as a threat to public security in general but more specifically as a threat to the sanctity of the religious law. The Syrian prolific jurist Wahbah al-Zuhayli also noted that the only difference between *ḥirābah* and *baghy*, that is, rebellion against a lawful government in power, is that the latter opposes the legitimate ruler on the basis of a plausible interpretation (*ta'wil*) while the former does so without any such pretense.[34]

# X

## *Moderation and Religiosity*

THE UPTREND IN religiosity in recent decades is a wider phenomenon not confined to Islam. It can broadly be attributed to the collapse of the Soviet Union and subsequent developments in Eastern Europe and China, which have seen large numbers of nonreligious strata of the populations of these countries turning to religion. Other factors include a certain search for meaning and purpose that took hold among people in the wake of indulgent materialism and secularist culture. But even before that, and for the Muslim world especially, there was widespread disillusionment with the inequities of colonialism, and failed promises of European powers to bring constitutionalism, democracy, and good governance to their former colonies.

More recently, Huntington's thesis on the "clash of civilizations," the so-called "war on terror," and events in Palestine, Iraq, Afghanistan, Kashmir, and elsewhere have widened the rift between Islam and the West. The West targeted Islam as the main enemy and Muslims turned increasingly to their own resources to find indigenous answers to their problems, with religion taking an important profile and role.

Another factor worth mentioning is globalization, which has come under criticism for failing to develop its promised benefits to weaker economies and, instead, becoming culturally counterproductive. People in the developing world, Muslims included, became increasingly inward looking and more apt to seek out religion. The often-quoted Arab phrase "Islam is the solution" (*al-Islam huwa'l ḥall*) accentuated and widened the presence of Islam in politics. The rise of religious fundamentalism is also a wider phenomenon not confined to Islam.

The rise of fundamentalism relates to the failure of good governance and disenchantment with dictatorship in Arab societies. The Arab-Israeli war of 1967 and the ensuing defeat of Arabs added to popular discontent. Dictators persisted, however, in their old ways and remained unresponsive.

By the 1990s the view was gaining ground that the fundamentalist promises of reform, accountability, and good governance had not materialized, and that it was time for the moderate voice to take over. The fundamentalists themselves were turning to the ballot box in much larger numbers and becoming less dogmatic and more service-oriented in their practices.

Then came the unfortunate 9/11 episode and its aftermath, which gave the religious radicals a new lease of life. Things have since gone from bad to worse with the widening scale of militarism and violence.[1]

I now turn to a review of the basic contours of moderate Islam, the voice that has been altogether marginalized and overshadowed by vociferous radicalization of the religion. Moderation is called for if interfaith and inter-civilizational encounters were to look for a better future and turn a page from the turbulent episodes of the past. Radical fundamentalism has undoubtedly inflicted more suffering and given rise to more problems rather than finding solutions for them.

A basic guideline on the manner in which Islam is to be practiced is provided in the Qur'anic affirmation that "God does not burden any soul with more than it can bear" (al-Baqarah, 2:286).

لَا يُكَلِّفُ ٱللَّهَ نَفْسًا إِلاَّ وُسْعَهَا.

This is endorsed elsewhere, when the believers are told to "Be mindful of God to the extent of your capability" (al-Taghābun, 64:16), and the affirmation, again, that "God wants to lighten your burdens" (al-Nisā', 4:28; see also 2:185, and al-Ḥajj, 22:78, respectively).

فَٱتَّقُوٱ ٱللَّهَ مَاٱسْتَطَعْتُمْ.
يُرِيدُ ٱللَّهَ أَن يُخَفِّفَ عَنكُمْ ۚ وَخُلِقَ ٱلْأِنسَـٰنُ ضَعِيفًا.
يُرِيدُ ٱللَّهُ بِكُمُ ٱلْيُسْرَ وَلَا يُرِيدُ بِكُمُ ٱلْعُسْرَ.
وَمَا جَعَلَ عَلَيْكُمْ فِى ٱلدِّينِ مِنْ حَرَجٍ.

One notes further the instruction, in a renowned *hadith*, conveyed in an open address as follows:

O people! Take of the good deeds those which you are able to carry out. For God is not impatient unless you yourselves become impatient. The most liked of all deeds to God are those which are done regularly, even if it be a little.[2]

يا أيّها الناس، خذوا من الأعمال ما تطيقون، فإنّ الله لا يَمَلُّ حتّى تَمَلُّوا وإنّ أَحَبَّ الأعمالِ إلى الله ما دام وإن قلَّ.

The contemporary Syrian author Wahbah al-Zuhayli quotes al-Shatibi (d. 1388 CE) to the effect that removing hardship and lightening the people's burden is a definitive (qaṭʿī, yaqīnī) ruling of Shari'ah beyond any doubt. God the Most High described Islam as a religion with the designations al-ḥanīfiyyah al-samḥah (compassionate and forbearing, inclined to easiness cf., al-Rūm, 30:30; al-Anʿām, 6:79 and passim) because of its commitment to facilitation and ease (al-tashīl wa'l-taysīr—see details below).[3] Hence, a basic precondition of a religious/legal obligation under Shari'ah is that it must not be beyond the capacity of the person to whom it is addressed, and that Shari'ah recommends the easier of available options.

Islam imposes a large number of practical duties on the believers, including, for instance, five daily prayers, fasting, the pilgrimage of hajj, giving obligatory poor-due (zakāh), and the like—performing them is an original requirement (ʿazīmah), some of which can be quite demanding. Yet in every area and with regard to all religious obligations, the Shari'ah grants concessions (rukhṣah, pl. rukhaṣ) that are to be read together with their relevant primary command (ʿazīmah). For the former alleviate the original rigor of the latter with regard to persons who may be unable to fulfill them due to illness or travel, pregnancy and breastfeeding for women, and indeed a large number of situations where the law specifies mitigating factors and seeks to moderate the intensity and scope of its original commands and obligations. The scope of such concessions also extends to civil rights, contracts, and transactions, including, for instance, a debtor who becomes insolvent, in which case a respite should be granted to him, subject in some cases, to issuance of a judicial order. This is due to the greater sensitivity of dealing with private rights that fall under the rubric of Ḥaqq al-Adami. God the Most High grants concessions in respect of His own rights, mainly in worship matters, which need no judicial endorsement, but with regard to civil rights and obligations, the scope of that flexibility is somewhat limited and often contingent on judicial intervention and agreement of the private parties involved.

The Qur'an provides examples of how to balance the concerns of its primary (*ʿazīmah*) and secondary (*rukhṣah*) *rulings* in stressful situations. Thus, when a person is compelled under conditions of overwhelming duress to renounce Islam and utter the words of disbelief, he may do so if he has the inner assurance of faith within him as a believer (al-Naḥl, 16:106), and when a person is at the brink of starvation and all he can find under the circumstances is prohibited substances, such as pig meat or carcass, he may take it to the extent that would save his life (al-Nisā', 4:29). In certain situations, however, making a decision over taking advantage of the available concession may require further reflection, as in the following example.

A person who falls ill during the fasting month of Ramadan may not be certain as to whether he is definitely incapable of observing the fast, and the question thus remains of whether he should observe the original obligation (*ʿazīmah*) or take advantage of the concession (*rukhṣah*) under the circumstances. Which of these is the preferable option? A general response recommended in this situation, which is also deemed to be in conformity with the spirit of *wasaṭiyyah*, is that he should start the day with fasting but should then break it when he actually feels that he would be unable to sustain it without hardship, in which case he would be able to take advantage of the concessionary rule.[4]

Taking unwarranted liberty or excessive restrictions with the religion can be violative of moderation on either side. The first can occur by declaring as permissible what is clearly prohibited or advising unjustified abandonment of the religious duties, or even declaring as permissible (*mubāḥ*) what the religion has clearly made obligatory on one hand, and permitting or recommending what is clearly reprehensible (*makrūh*) on the other. Similarly, downgrading a major transgression into a lower one or even to the level of *makrūh*, and taking unwarranted liberty with the interpretation of clear text without the required knowledge—all fall afoul of the advice of *wasaṭiyyah* in the treatment of religious ordinances. Issuing a judgment (*ḥukm*) or a *fatwa* without any supportive evidence in the sources in order to gain the pleasure of rulers, for self-enrichment or nepotism, or opening the doors to usury (*ribā*) by declaring dubious practices and transactions permissible, cannot be vindicated in the name of *wasaṭiyyah*. The list can be extended to include taking unwarranted liberties by treating lightly indulgence in commercial fraud, or hoarding and profiteering in response to pressure, self-advancement, or gaining favor of others.[5]

Other instances of taking liberties with the ordinances of religion (*al-tafrīṭ fi'l-aḥkām*) include advocacy of a weak *fatwa* or *ijtihād* that marks a departure from the views of the majority of learned scholars and imams, giving preference (*tarjīḥ*) to a weak and discredited opinion, or advocating a concessionary stance (*rukhṣah*) without giving or explaining the relevant evidence for it.

Instances of statutory legislation and indulgences in *ijtihād* and *fatwa* by lesser-qualified individuals and institutions who quote weak or unrelated evidence in support of their views have often been noted and criticized. Some of the weakest of such *fatwa*s may be ones that indulge in tricks and stratagems (*ḥiyal*, pl. of *ḥīlah*), hastily considered legislation in the guise of facilitation and flexibility in religion that can easily erode credibility and public confidence in religious scholars and ruling authorities behind them. Political leaders, financial institutions, and people in power who politicize religion for their self-interest and enlist the support of religious scholars and committees in the issuance of weak and doubtful verdicts must also take responsibility for their excesses. According to a renowned *hadith*, "there is no obedience in transgression. Obedience is only required in pursuit of righteousness."[6]

<div dir="rtl">لا طاعةَ في المعصيةِ ، إنما الطاعةُ في المعروفِ.</div>

Overly restrictive practices in religion, on the other hand, include declaring as forbidden (*haram*) or obligatory (*wājib*) something without sufficient justification or evidence. It is also no piety to declare a reprehensible (*makrūh*) activity to be forbidden (*haram*), as in the case, for instance, of smoking that was declared *haram* by some religious scholars in Malaysia, nor is it piety to elevate a recommended (*mandūb*) into an obligation (*wājib*). Instances of false religiosity of this kind have been on the rise in recent years not only in Muslim majority countries but also among nations with Muslim minorities. Those who indulge in them often rely on doubtful interpretation, a weak *hadith*, or a weak opinion that departs from authoritative interpretation and general consensus. This is often done by lesser-qualified yet perhaps well-meaning individuals in the name of *ijtihād*, but nevertheless departs from the guidelines of the Qur'an and *hadith*, which favor easing people's burdens whenever possible.[7] Rigidity and excessive restriction is often encouraged, as one observer noted, by the general public, who tend to see stricture and rigor in religious verdicts and *fatwa* as an indication of piety, thus praising the

scholar and *mufti* who engage in them, to the extent sometimes of giving them donation and financial help. Upon further scrutiny, such verdicts often rely on superficial evidence or weak opinion, which fail to satisfy the criteria of Islamic jurisprudence on *fatwa* and *ijtihād*.[8]

With reference to theological thought, debates on topics such as free will and predestination and the Attributes of God about which the human intellect could not reach final conclusions started quite early among the Mu'tazilites, the Ash'arites, Shi'ites, and others. Part of their differences were due to the way these subjects were treated somewhat differently in different parts of the Qur'an and the fact that various text may have remained open to interpretation. Some took extremist positions over issues, which were, however, eventually moderated and reconciled partially by themselves but also by the Maturidites.[9] The middle and now generally accepted position the latter took maintains that human beings are free and responsible for what they do or omit doing, but that this freedom is not absolute in that it is limited by the prior knowledge of God. This gave rise to the idea of acquisition (*kasb*), according to which all good or evil is the result of God's decree and fore-ordination, which no human can escape. It is then added, however, that God creates the actions of human beings but the latter acquire them and thus become liable to punishment or reward for it.[10] Most Shi'ite theologians took similar views with the proviso, however, of deferment to their imams, and derived theological principles from the teachings of the imams, thus refraining from expatiation in theological debates.[11]

An example of overzealous religiosity in contemporary Malaysia may be given of what Shahrum Sayuthi referred to as "the infamous Amanat Hadi," an episode that occurred more than thirty years ago in Malaysia and in some ways resembled the case of Sayyid Qutb of Egypt, to which a reference has already been made.[12] Sayuthi quotes in detail a speech made by the then firebrand PAS [short for Islamic Party of Malaysia] leader Abdul Hadi Awang, wherein he said:

> Dear fellow Muslims! We are against UMNO [the ruling party, United Malays National Organisation], not because its name is UMNO. We are against Barisan Nasional [the ruling coalition of various parties] not because it has been in power too long. We are against them because they have maintained the constitution of the colonists, maintained the laws of the infidels, and maintained the regulations of the *jāhiliyah* [or ignorance—similar to pre-Islamic

Arabs]. That is why we are against them. . . That is why we are try-
ing to fight them.

Our struggles are jihad, our speeches are jihad, our financial
contributions are jihad. Be dependent on Allah in facing these
groups because if we die, our death will be *shahīd* [martyrdom]. . .
but we will be considered infidels if we practise the separation of
politics and religion.[13]

As of this writing, Hadi Awang is president of PAS Islamic party, which
many believe has transformed over the years into a center-right conserva-
tive party similar to Turkey's ruling Justice and Development Party. Gone
are the days of fiery speeches. PAS has instead formed an alliance, known
as Pakatan Rakyat, with the secular Chinese DAP [Democratic Action
Party] as well as Parti Keadilan Rakyat [People's Justice Party].

Charging the ruling party UMNO (United Malay National Organisation)
with infidelity, declaring *jihad* against them, and bringing in the notion of
martyrdom into the picture, and the assertion that they deserve all this
because they separate religion from politics—all are unwarranted asser-
tions that can hardly stand the test of accuracy. Malaysia's government
was admittedly more secular then than it is now, thanks to the decades of
Islamic revivalism, but in the present writer's opinion, no circumstantial
factors of partisan politics can justify issuance of grave religious edicts of
the "Amanat Hadi!" variety, then or at any time.

In January 2013, at a time when active campaigning for the thirteenth
General Election[14] was in full swing, partisan politics was heating up
again and the Amanat Hadi rhetoric was revived with the idea that PAS
would change the constitution of Malaysia if it won the election. The issue
again became a media focus, so much so that the former Prime Minister
Dr. Mahathir found it necessary to address it in a full-sized article entitled
"PAS Amanat that splits the Malays: Hadi must explain how he would
change the constitution."[15] Dr. Mahathir noted that these pronouncements
have resulted in "a deep split among the Malay Muslims, who are all Sunnis
and followers of the same imam, Imam Shafie." He added that "PAS
declared that UMNO is *kāfir* because it works with *kāfirs*." Now that PAS has
done exactly the same (by entering a coalition with the Chinese Democratic
Action Party), their fanaticism seems to blind them to the hypocrisy of their
leaders. Dr. Mahathir continued to highlight the main features of the fed-
eral constitution, which included a constitutional monarchy, a parliament,

an executive prime minister, separation of powers, the rule of law and equality before the law, trials to be conducted by the courts, Islam as the religion of the federation, and freedom to believe in and practice other religions. Which part of this would PAS propose to replace, Dr. Mahathir asked? It should explain and clarify.[16] The incumbent deputy prime minister, Muhyiddin Yassin, added his voice to say that "Amanat Hadi (Hadi's message) has resulted in a split in the community, and does not follow Islamic teachings. . . It is the government's responsibility to ensure that people are not influenced or threatened by such deviant teachings."[17]

The extent of the split that Amanat Hadi caused is highlighted by another observer, who wrote that Muslims outside of PAS are being treated, in some places in the Malay villages, as "untouchables"—so much so that even shaking hands with an UMNO man was considered *haram.* Prayer houses began to be split up, where two imams would lead different congregations. PAS people would refrain from attending prayers for the deceased if he was not a PAS member or supporter; animals slaughtered by UMNO members were declared non-*halal.* Solemnizing marriages by imam other than from PAS was despised. Isolated cases of divorce started to occur because of political differences between husbands and wives. The climax was said to be the tragic Memali incident of November 19, 1985, in which an ardent PAS supporter and religious teacher, known as Ibrahim Libya, in a remote corner of Kedah, instigated an armed uprising against the so-called infidels. The resulting clampdown by security forces caused the deaths of Ibrahim and a few of his supporters, and a larger number were arrested.[18]

Islam's advice of moderation is also extended to worship matters. We have already cited instances where the Prophet warned his Companions against excessive fasting and observance of night vigil. In a clear *hadith* al-Bukhārī has recorded, the Prophet said in a general tone but one believed to be more specifically concerned with night vigil and prayers:

> Observe acts (of devotion) to the extent of your ability. By the (Exalted Name of Allah) no fatigue ever overtakes Allah until you are overtaken by it yourselves.[19]

<div dir="rtl">عليكم ما تطيقون من الأعمال، فإنّ الله لا يملُّ حتّى تملُّوا.</div>

The advice of moderation in devotional matters also applies to *duʿā,* or supplication, whether individually or collectively, for example, by the

prayer leader (*imam*) in congregational prayers. Supplication should be brief whether in the mosques or outside. This is the implied meaning of some of the Qur'anic verses (cf. al-A'rāf, 7:55 especially the word *taḍarru'*—humility, quietude—in *du'ā*) and the instructions the Prophet gave to his Companions, including the renowned Mu'adh ibn Jabal, who was prone to extending his prayers while leading the congregation. When one of his congregation members reported this to the Prophet, he was stern with Mu'adh, addressing him in such words as "*a-fattāni anta yā Mu'ādh*" (are you causing *fitnah*, O Mu'adh?). This warning was given so that prayers are not made burdensome on the congregation members that may well include older people and others who might even decide to abandon coming to the mosque for that reason.[20]

## The Shi'ite Struggle for Moderation

The Shi'i *'ulamā'* have struggled for moderation in two main areas, one being to address the extremists and exaggerators of Shi'i theological doctrines concerning the Imamate, and the other to moderate the conduct of governments and rulers who exceeded the limits of their authority. Additionally, leading Shi'i *'ulamā'* have issued *fatwas* to prevent harm and mischief spreading among the people.

### Moderation in Religious Thought

It is instructive to note how Shi'ism had an internal struggle with their religious extremists at the doctrinal level and Shi'ite *'ulamā* have for centuries tried to confront them with regard especially to the attributes of the imam and other esoteric aspects of the Imamate. Many prominent names are associated with tackling extremism in Shi'i thought. The Twelver School "now play down, if not totally reject, all the particularistic, elitist and esoteric accounts of their religion."[21] The Shi'ite imams are viewed as authoritative and inerrant expositors of the Qur'an and the teachings of the Prophet Muhammad, acquiring their status through a divinely ordained hereditary line. Some of these beliefs had been the subject of revision by leading figures including Ayatollahs Sayyid Muhammad Husayn Fadlullah of Lebanon (d. 2010), Mohammad Ibrahim Jannati, Mohammad Sadiqi, and Yusef Saanei of Iran. They do not subscribe to the view that the imams were the repository of all knowledge and hold instead that they are

revered and respected as virtuous and learned leaders (*ʿulamāʾ al-abrār*) without attributing to them any supernatural qualities such as infallibility and knowledge of the unseen.[22]

An aspect of this campaign is also manifested in the views of many twentieth-century Shiʿi scholars to bring about a Sunni-Shiʿi rapprochement and conciliation. Muhammad Husayn Kashif al-Ghita' (d. 1954), who enjoyed immense prestige among Twelver Shiʿis of all persuasions, tried to moderate and minimize, through his interpretation of Shiʿism, "many of its features which have drawn some of the most bitter vituperatives of Sunni polemicists."[23] The emergence of extremists and exaggerators, known as *ghulat*, among the Shiʿis became a perennial concern of mainstream Shiʿi theologians, who eventually prevailed, though splinter groups of extremists remained active, as explained below.

Writing under the chapter "Moderation or Shortcoming,"[24] Hossein Modarressi discusses in detail the doctrinal positions of the *ghulat* of Shiʿa and how they differed from mainstream theology of the Qur'an and leading Imamite theologians. The chapter expounds mainstream Shiʿite doctrines with citation of numerous verses from the Qur'an on the Oneness of God, His omnipotence and omniscience, and One who never dies and has knowledge of the unseen. That all of God's prophets and messengers, including Muhammad [pbuh], were ordinary human beings who lived normal lives, had families and friends, experienced the ups and downs of life like everyone else.[25]

Notwithstanding this, the idea that the Prophet or imam was a supernatural being started to spread from early on. A claim was thus heard after the assassination of the fourth caliph ʿAli ibn Abi Talib (41H/661 CE) that he was still alive and would not die until he conquered the whole world. It was again heard after the death of his son, Muhammad b. al-Hanafiyyah (d. 700/81), when many of his followers claimed that he did not die but only concealed himself from the people and would reappear before the end of time "to fill the earth with justice as it was filled with injustice and despotism."[26] The mainstream Shiʿa community labeled this idea as *ghuluww* (exaggeration, extremism) and its proponents as *ghulat*.

From the beginning of the second century Hijra/ninth CE, "numerous heretic persons and groups emerged" who proclaimed one or another figure from the House of the Prophet as God. The extremists of the now-defunct school of Kaysanite Shiʿism maintained that the imams were divine and supernatural beings who possessed knowledge of the unseen and had powers of disposal over the universe. Some of them did not claim

deity for the imams but held instead that God had vested them, by way of delegation, with the authority to create and provide for all beings, to legislate and abrogate the *Shari'ah* as they willed. They knew not only all the languages of mankind but also of birds and animals. This extremist trend soon came to be known as the *Mufawwidah* (delegationists, claiming God's delegated powers).[27]

Many Imamite scholars opposed the idea of any supernaturality of the imams and insisted that they were simply virtuous learned men. This was the view of the renowned Abi Ya'fur al-'Abdi (d. 131/748), who was close to Imam Ja'far al-Sadiq (d. 765). It is reported that on one occasion, when a servant of the imam by the name of Mu'alla had ranked the imams as prophets, Ja'far al-Sadiq strongly denounced it and confirmed Ibn Abi Ya'fur's moderate position.[28]

The leading Shi'ite scholar Shirazi wrote in denunciation of the *ghulat* that the scholars and *'ulamā'* of Imamite Shi'a have refuted in their writings the corrupt beliefs and attributions to Shi'ism that do not belong to it. The Noble Prophet and unerring imams decidedly denounce and disapprove the *ghulat* and the Mufawwidah claims.[29] To quote Shirazi:

> These extremist infidels -*kuffar-e ghali*- thus wrote that the Prince of Believers, 'Ali b Abi Ṭālib, was the origin of creation. When God Most High wanted to manifest Himself in the existential world, He manifested Himself in the person of 'Ali. They also wrote that all the prophets from beginning to end, even including the Seal of the Prophets Muhammad, peace be on him, rank below the authority (*wilayat*) of 'Ali. . . These heresies have appeared, explicitly or implicitly, in the name of Shi'ism, which can never belong to the (Twelver) Shi'ite beliefs.[30]

The Imamite scholars in Qum, which is one of the main centers of Shi'ite learning, began to "declare anyone who attributed any sign of super-humanity to the Prophet or the Imams as extremists and to expel such people from their town."[31] Extremist factions remained active nevertheless and produced voluminous literature, but the moderate majority prevailed and later led the Islamic Revolution. The Imamites of Iran and most other Shi'ites now subscribe to the doctrine that imams of the House of the Prophet are the ultimate source and authority of religious knowledge and true interpreters also of the Qur'an and *hadith*.[32]

Ayatollah Sayyid Fadlullah of Lebanon is no less critical of the *ghulat* extremists, many of whom subscribe to the belief that some Muslims shall not enter Hell "even if they were absolutely corrupt and committed crimes in their earthly life. From this, a number of Shi'ites have proceeded to say that Fire shall not touch a Shi'i because of his love of 'Ali." Fadlullah continues: "Does this mean that the love of Muhammad [pbuh] counts for nothing, and that the love of God is also not worth mentioning, but only the love of 'Ali?"[33] He then quotes the Qur'anic address to the Prophet Muhammad: "Say! If you do love God, follow me, God will love you and forgive your sins. For God is Forgiving, Merciful."(Aal-'Imran, 3:31).

قُلْ إِن كُنتُمْ تُحِبُّونَ ٱللَّهَ فَٱتَّبِعُونِي يُحْبِبْكُمُ ٱللَّهُ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ ۗ وَٱللَّهُ غَفُورٌ رَّحِيمٌ.

These exaggerators evidently belie the Qur'an!

Turning to the current state of Sunni-Shi'a relations, they are highly politicized, away from the middle ground, and marred by the persistent urge on both sides to dominate. The result has been increased conflict often leading to fratricide and loss of life. Morbid fanaticism and narrow-minded *madhhabi* tendencies in places such as Iraq and Pakistan have also taken their toll.

In the face of an evident background of unity in the essentials of Islam, it is hardly justified that the Shi'ites should proselytize among the Sunnis and for the latter to fear recognition of Sh'ism as a valid *madhhab*. Saudi-Iranian political rivalry has become the breeding ground of provocation and conflict, and has negatively impacted the Muslim world specifically, and world peace generally. In an article entitled "How the Sunni-Shi'a Schism Is Dividing the World,"[34] Robert Fisk wrote that the chasm between Sunni and Shi'i Islam is having worldwide repercussions. "Syria's civil war, America's craven alliance with the Sunni Gulf autocracies, and Sunni (as well as Israeli) suspicions of Shi'a Iran are affecting even the work of the United Nations."

There is urgent need, therefore, for better understanding, moderation, and restraint, as well as confidence-building measures to nurture cooperation for peace building. This is the purport, in fact, of a joint declaration and call, issued on May 22, 2013 by two Muslim leaders, former prime minister of Malaysia, Dr. Mahathir Mohamad and former Iranian President Mohammad Khatami, for Sunni and Shi'i Muslims to cease hostilities and to reflect on the root causes of intra-Muslim violence. They

urged the Sunni and Shi'i Muslims of all persuasions to lay down their arms and stop killing each other.[35]

## The Moderating Role of Shi'i *Ulamā*' in Politics

It should be noted at the outset that the Shi'i *'ulamā'* are better organized compared to their Sunni counterparts, and to that extent were able to establish theological seminaries and career-tracked positions among themselves, including conferment of titles such as grand ayatollah (*ayatollah al-'uẓmā*) and supreme authority commanding adherence (*marja'-e taqlīd*), which entitle their holders to issue authoritative ruling and *fatwas*. This is to some extent a function of their entitlement to a portion (usually one-fifth) of the donations known as the imam's share (*sahm-e imam*), which they receive from their constituencies and which enable them to operate fairly independently of the government. It is an undisputed principle of Shi'ite *fiqh* that the follower pays the imam's share to the *marja'* he followed. "Now if this Imam's share is paid to the *marja'*, which is still done, they gradually acquire economic power."[36]

Whereas previously the *'ulamā'* did not concern themselves directly with politics, by the end of the nineteenth century the ground was prepared for their involvement in the political currents of Iran and Iraq. Evidence shows that it was the power of public opinion under the influence of the Shi'ite intelligentsia and other dissatisfied groups that prompted the *'ulamā'*, especially from the office of the *marja'-e taqlīd* of the time, to take a more active role in politics. This was clearly demonstrated in the Tobacco Crisis of 1891/1308, when at the height of imperial rivalry between Russia and Britain and when heavily in debt, Nāṣir al-Dīn Shah Qājār (r. 1896–1906) was under pressure and sought to raise money from foreigners by selling them industrial and commercial concessions. In so doing, he granted the tobacco monopoly rights to a foreign company. This was widely interpreted, especially by the religious classes, as selling the country and Islam. The Tobacco Concession triggered a massive popular protest, orchestrated by the then-leading *mujtahid*, Mirza Hasan Shirazi, who issued a ruling boycotting the use of tobacco on grounds of harm prevention (*daf' al-darar*), in this case, to the public health, and also that the Shi'ite state should not be subjected to foreign influence. The shah called the *'ulamā'* of Tehran for consultation, and after two meetings, agreed to cancel the Tobacco Concession contract in exchange for the *'ulamā'* cooperation in stabilizing the situation. Shirazi's pronouncement not only

overruled the decision of the sovereign but also demonstrated that the *marja'iyyah* could check and moderate monarchical absolutism in Iran.[37]

Even before the Tobacco Crisis, however, the local *ʿulamāʾ* and *mujta-hids* often succeeded in inciting the townspeople to expel the local governors on the charge of oppression. The nineteenth-century biographer Tunakabuni has recorded the following: when Sayyid Mohammad Baqi Qazvini Mujtahid encouraged the townspeople of Qazvin to expel the oppressive governor, the governor was banished by Muhammad Shah Qājār to Najaf. Then again, the same Shirazi used his authority over the massacre of the Shiʿite tribe of Hazarah by a British protégé, named ʿAbd al-Rahman. Shirazi persuaded Nāṣir al-Dīn Shah to use diplomacy to stop the suppression of Shiʿis in Afghanistan.[38]

Another leading *marjaʾ*, Mohammad Kazim Khurasani (d. 1329/1911), along with two other influential *mujtahids* of Najaf, Mirza Hosayn Tehrani (d. 1326/1908) and Shaykh ʿAbdullah Mazandarani (d. 1914), played a leading role in mobilizing the people against what they considered as state tyranny. They issued a number of *fatwas* and guidelines to the people and government of Iran utilizing their authority as the leading *majaʾ* in balancing the power of government and the Majlis (parliament). It was Khurasani who, along with Mazanadarani, ruled in favor of the rebellion against the anti-constitution Qājār king, Muhammad ʿAli Shah (r. 1907–1909) and prohibited the payment of taxes to an oppressive government. These rulings led to public revolt, eventually toppling the shah in 1909.[39] Khurasani's disciple, Muhammad Husayn Nāʿini, also used his authority to support the legitimacy of an elected assembly, or parliament. In a special treatise he wrote on the subject, Nāʿini maintained that it would be a deterrent and a restraining power against oppressive system of rule.[40]

# XI

## *The Moderating Role of* Ikhtilāf *(Reasoned Disagreement)*

THEOLOGICALLY, WE KNOW from the Qur'an that religious diversity is divinely willed, which inspires, in turn, coexistence with, and tolerance of, others as a spiritual and not just an ethical imperative. Followers of other faiths are granted respect and the freedom to practice their own faiths.

The verse that tells us "there is no compulsion in religion" (al-Baqarah, 2:256) implies that differences of religion must be tolerated and not suppressed. Muslims are enjoined to let the followers of other faiths believe in their own religion: "O you who disbelieve, I worship not that which you worship, nor do you worship that which I worship. . . For you your religion, and for me, mine" (al-Kāfirūn, 109:1–6).

قُلْ يَـٰٓأَيُّهَا ٱلْكَـٰفِرُونَ. لَآأَعْبُدُ مَا تَعْبُدُونَ. وَلَآ أَنتُمْ عَـٰبِدُونَ مَآ أَعْبُدُ . وَلَآ أَنَا۠ عَابِدٌ مَّا عَبَدتُّمْ . وَلَآ أَنتُمْ عَـٰبِدُونَ مَآ أَعْبُدُ . لَكُمْ دِينُكُمْ وَلِىَ دِينِ.

It is further declared in another verse:

> Had your Lord so willed, all who are on earth would have believed. Would you then force people to become believers? (Yūnus, 10:99).

وَلَوْ شَآءَ رَبُّكَ لَأَمَنَ مَن فِى ٱلْأَرْضِ كُلُّهُمْ جَمِيعًا ۚ أَفَأَنتَ تُكْرِهُ ٱلنَّاسَ حَتَّىٰ يَكُونُوا۟ مُؤْمِنِينَ.

And again:

Say (O Muhammad): The truth is from your Lord. Let him who will, believe (in it), and let him who will, disbelieve (al-Kahf, 18:29).

<div dir="rtl">وَقُلِ ٱلْحَقُّ مِن رَّبِّكُمْ ۖ فَمَن شَآءَ فَلْيُؤْمِن وَمَن شَآءَ فَلْيَكْفُرْ.</div>

Muslims who emulate the Prophet are thus advised to deliver the message of Islam, but not to impose it, nor indeed to decline the opportunity when it arises to hold dialogue and peaceful discourse—as in the following verse: "call unto the way of your Lord with wisdom and fair exaltation, and hold discourse with them [the People of the Book] in the finest manner" (al-Naḥl, 16:125).

<div dir="rtl">ٱدْعُ إِلَىٰ سَبِيلِ رَبِّكَ بِٱلْحِكْمَةِ وَٱلْمَوْعِظَةِ ٱلْحَسَنَةِ ۖ وَجَٰدِلْهُم بِٱلَّتِى هِىَ أَحْسَنُ.</div>

The invitation (*da'wah*) to embrace Islam is not obstructed by the recognition of diversity: believers in Islam are called upon to bear witness to their faith and invite others to its fold, but the manner of doing so should be with tact and wisdom. This kind of courteous dialogue goes hand in hand with tolerant acceptance of the right of the different "other" also to disagree. Thomas Arnold has convincingly demonstrated the mendacity of the claim that Islam was "spread by the sword." It was the manifestation of tolerance, Arnold observed, that made Islam attractive to non-Muslims, citing numerous instances and documents that illustrate the veracity of that principle and how the Muslims practiced it in their treatment of others.[1]

Tolerating other people's opinions contrary to one's own is an important indicator of moderation, which raises, in turn, the question of freedom of speech and expression, and there is much affirmative evidence in the sources of Islam and its juristic heritage in support of that freedom. The present writer has elsewhere addressed this subject in fuller detail, citing in evidence not only the existence in Islam of a plurality of theological and juristic schools (*madhhabs*) but also a host of other principles that are only meaningful in an atmosphere of tolerance and freedom. Included in these are the Qur'anic principles of "promotion of good and prevention of evil," consultation (*shūrā*), giving sincere advice (*naṣīḥah*), and freedom of religion. Other principles that merit attention are *ijtihād* (independent reasoning), freedom to express an opinion (*ḥurriyat al-ra'y*), freedom to criticize (*ḥurriyat al-muʿāraḍah*), and freedom of association.[2]

The explicit recognition also in Islamic jurisprudence of a separate discipline under the rubric of reasoned disagreement (*ikhtilāf*) testifies to its flexibility, moderation, and openness to different influences and coexistence of views and perspectives. *Ikhtilāf* as a recognized component of Islamic jurisprudence is instrumental for *ijtihād*, the intellectual effort that seeks to find solutions to unprecedented issues. For without recognizing reasonable levels of disagreement, the value of *ijtihād* is likely to be greatly diminished. This can also be said of consultation (*shūrā*), which is key to participatory governance and realization of well-moderated responses to issues of public concern. It is through the understanding and recognition of different and sometimes opposing views to those of one's own, and one's openness toward reconciling divergent interests and concerns, that well-balanced solutions to issues can be expected to emerge.

In the spirit of encouraging intellectual effort and *ijtihād* in *Shari'ah* matters, the Prophet [pbuh] is reported to have said:

> When a judge or ruler exercises *ijtihād* and gives a right judgment, he will have earned two rewards, but if he errs in his judgment, he would [still] have earned a reward.[3]

<div dir="rtl">

إذا حكم الحاكم فاجتهد فأصاب فله أجران ، وإذا حكم فاجتهد فأخطأ فله أجر.

</div>

The Prophet's Companions are known to have disagreed in their understanding and interpretation of the Qur'an and *hadith*, and have respected reasonable disagreement within their ranks. They are also known to have frequently resorted to consultation to verify the meaning and authenticity of *hadith* and matters of interpretation also of the Qur'an on a wide range of issues.

At the opposite end of *ikhtilāf*, Islamic juristic thought also recognizes general consensus (*ijmā*ʿ) as an authoritative source of law and principle that must eventually prevail over *ikhtilāf*. For disagreement can enrich understanding and widen one's horizons, yet no society can live with disagreement on all issues all the time. Unlike *ikhtilāf*, general consensus has an intrinsic value of its own. Both *ikhtilāf* and *ijmā*ʿ occupy a much larger space in the detailed expositions of Islamic jurisprudence, which I have elsewhere addressed and discussed.[4] In the following paragraphs I present an overview of the salient aspects of *ikhtilāf* of concern to us here.

The first manifestation of *ikhtilāf* in Islamic juristic thought is the existence to this day of at least five different schools of law (*madhhabs*)

that are currently practiced by Muslims, with the Hanafi school commanding the largest number of followers, followed in that order by the Shafi'i, Maliki, Hanbali, and Shi'ite schools, respectively. The Shi'i school is subdivided, in turn, into three components, the largest of which is the Shi'ah Imamiyyah, then the Zaydiyyah and Isma'iliyyah, respectively. Other schools of theology and law that continue to be of historical and academic importance are the Mu'tazilah, the Ash'ariyyah, the Zahiriyyah, and minor other schools that have no active following today. The leading schools of law are recognized by their followers, and have also recognized one another as valid interpretations of the *Shari'ah*. Each of the various schools has interpreted the *Shari'ah* in light of the needs and realities of their time.

*Ikhtilāf* is of interest basically to issues of practical application, which is of main concern to Islamic law, or *fiqh*. Disagreement over the essentials of the faith, its five pillars, for example, and the essence of moral virtue, is generally not encouraged and the scope for *ikhtilāf* is in any case very limited concerning them.

*Ijtihād* is in the nature of a personal opinion to begin with, which is not binding on anyone, however sound and authoritative it may be, as everyone enjoys the liberty of having an opinion and conducting *ijtihād* if he or she possesses the prerequisite qualifications for it. In this way, disagreement is naturally expected before general consensus (*ijmā'*) materializes over a particular opinion or ruling. But *ikhtilāf* that is accepted at this level must meet two basic requirements, one of which is that each of the opposing views is based on valid evidence, and the other that none of the opposing views leads to what is unfeasible, or entirely unrealistic. Disagreement that fails to qualify these conditions has no credibility and should be abandoned. These two conditions also differentiate *ikhtilāf* from what is known as *khilāf*, that is, unreasonable disagreement, which is not supported by valid evidence and reason.

The recognition in principle of the validity of *ikhtilāf* in Islam also stands on a rational foundation, in addition, that is, to the support it enjoys in the Qur'an and Sunnah. It is generally thought that by far the largest portion of the Qur'an—about 90 percent perhaps—and an equally large bulk of the *hadith* are open to interpretation. Words and sentences of the text, even in parts that are classified as legal verses (*āyāt al aḥkām*), and legal *hadiths* (*aḥadīth al-aḥkām*), have received differential interpretations from schools and scholars across the centuries, hence the phenomena of scholastic pluralism and disagreement, which proved to be inevitable.

Disagreement over the meaning of a word may be due to it being in the nature of a homonym that carries more than one meaning, or that it is open to both a literal and metaphorical interpretation, and similar other features of words and sentences in the Qur'an and *hadith* that account for differences of interpretation. The same can be said of the structure of legal values (*aḥkām*) that are derived from the textual data of the sources, either directly or by way of interpretation and inference.

Another level of disagreement emerges over the degree of prominence, and the emphatic or otherwise manner of expression, with which an idea or principle has been delivered in the text. If the language and words used are emphatic and categorical, it is likely to give rise to an obligatory injunction (a command or a prohibition—*wājib* or *haram*, respectively). Should there be a level of flexibility, or when the text speaks of a mere desirability of a course of conduct, its abhorrence, or neutrality in terms of benefit or harms, and so on, the legal values derived may qualify as recommendable, reprehensible, or permissible (*mandūb, makrūh* and *mubāḥ*), respectively.

Yet another cause of *ikhtilāf* among the leading schools of Islamic law is due to the variation of localities, customary practice (ʿurf), and cultural milieu in which they originated and developed. The Hanafi school was developed in Iraq, whereas the Maliki and Hanbali schools emerged and developed in the Hijaz, the Shafiʿi school in both Iraq and Egypt. Lastly, *ikhtilāf* can also originate in the methodology and jurisprudential formulas the jurist may have adopted in the extraction of rules from their sources, and the schools of law have differed fairly widely on this. The Hanafis, for instance, relied more on juristic preference (*istiḥsān*) and custom (ʿurf), while the Shafiʿis, on the other hand, reject *istiḥsān* and apply presumption of continuity (*istishāb*) more widely than others, and whereas the Malikis rely mainly on considerations of public interest (*istiṣlāḥ*), and so forth. When applied to the same or similar issues, one is not surprised to see different results. The scope of *ikhtilāf* over methodology also extends to the rules of interpretation and the implied meanings of words and sentences of the text.[5]

# XII

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## *Between Spirituality and Legalism*

### THE MODERATING INFLUENCE OF SUFISM

SUFISM ACCENTUATES THE inner life and spirituality of Islam in contra-
distinction with its law, *fiqh* and *Shari'ah*, which are focused on its exter-
nalities and practical manifestations of human behavior. *Fiqh* and Sufism
are both valid manifestations of Islam each in their respective capacities. It
would indeed be erroneous to turn to one in total isolation of the other. The
purpose is to advocate a moderate stance between the two so that Islam is
not understood as a collection of rules driven by the dry logic of rules for
their own sake, as is often the case with the advocates of literalism, such
as the now extinct but well-known Zahiri school of law, which exaggerated
in the degree of emphasis they placed on the literal and obvious mean-
ing of the text. The Muʿtazilite rationalists are also known, at the other
extreme, to have exceeded the limits of moderation in their attempts to
rationalize even the dogmatic and theological aspects of the faith. It would
also be erroneous to equate Sufism with the whole of Islam and thus run
away from the notion of adherence to the rule of law and valid precedent.
*Wasaṭiyyah* instead favors the middle approach that endorses the validity
of both rules and their purposes yet seeks to strike a compromise between
externality and what may not be so obvious to the naked eye, the spiritual
import and essence of those rules. *Wasaṭiyyah* is meant to protect Islam
against extremist and tendentious views and interpretations that seek to
alienate an integral part of Islam as a faith and a legal system (ʿaqīdah wa
sharīʿah) and thus jeopardize a holistic understanding of the religion.

   It is conceivable that the inner life of Islam might have been suffocated
in the ever-narrowing net of scholastic definitions and legal prescriptions,

the external rituals that seemed incessantly to be increasing, had it not been for the moderating influence of Sufism that pulled Islam closer to its spiritual core. The initial rift between the ‘ulamā’ and worldly rulers occurred when the Umayyads changed the caliphate to monarchy (*mulk*) and the ‘ulamā’ refused to recognize the legitimacy of that momentous and unprecedented change. Persistent disagreement and a certain amount of disillusionment with the excesses of worldly rulers persuaded the religious strata and pious ‘ulamā’ to turn to spirituality and asceticism. Later it is noted that the salutary influence of numerous Sufi Orders that permeated the length and breadth of the Ottoman world softened the rigors of legalism with a spiritual fragrance and access to the core values of Qur’anic teachings. An overview of the variety of Sufi Orders in the different parts of the Ottoman Empire shows how these Orders performed particular functions in respect of different social, economic, political, military, and religious groups. All of these functions worked together to provide what Marshall Hodgson called a "subtle leaven" without which, he argued, the *Shari’ah* could not have operated so effectively.[1]

Maulana Jalal al-Din Rumi (d.1273), whom A. J. Arberry described as "surely the greatest mystical poet in the history of mankind," epitomized in his masterpiece, *The Mathnawi*, the ecumenical spirit of devotion. In one of his renowned couplets, he wrote: "The religion of Love is separate from all religions; for lovers, the religion and creed is God." He also wrote on the ultimate metaphysical meaning of *tawḥīd* (Divine Oneness), which indicates the transcendence of the essence of religion over all its forms, including even Islam:

> *What is to be done, O Muslims? For I do not recognise myself.*
> *I am neither Christian, nor Jew, nor* gabr *[Zoroastrian], nor Muslim.*
> *I am not of the east, nor of the west, nor of the land, nor of the sea.*
> *My place is the placeless, my Trace is the Traceless;*
> *’Tis neither body nor soul, for I belong to the soul of the Beloved.*
> *One I seek, One I know, One I see, One I call.*
> *He is the First, He is the Last, He is the Outward, He is the Inward.*[2]

## Why Is Sufism Important Today?

Sufism is widespread among Muslims almost everywhere, but interestingly also has significant following in the West, even among non-Muslims. The popularity of Sufism is partly due to a near-total preoccupation of

Muslims masses, not only in Southeast Asia but almost everywhere, with ritualism and conformity to the externalities of Islam, often at the expense of its spirituality and ethics. The mosques in this region are often full, especially on Fridays and other religious occasions. While this is to be commended, there is a tendency toward literalist conformity and ritualism, often at the expense of meaning and purpose. This critique also reverberates nowadays regarding the more recent phenomenon of Islamic banking and finance. People in the industry and practitioners say that they practice the *Shari'ah* in total isolation from its spirit and purpose, or *maqāṣid al-Shari'ah*. Secularist modernity and European colonialism disrupted the continuity and relevance of Islamic thought and institutions with the practicalities of Muslim life. The challenge to face is how the teachings of Islam and its *Shari'ah* can be meaningfully related to contemporary realities, not just as a set of rituals and rules but as a comprehensive guide to conduct.[3] The balance is clearly tilted in favor of dry legalism of Islam that calls for another corrective to pave the way for the revival (*tajdīd*) of its spiritual essence. This may resemble in some ways, perhaps, the thinking that prompted Imam al-Ghazali (d. 1111) to write his *magnum opus*, the *Ihyā' ʿUlūm al-Dīn* (revivification of the religious sciences) in face of the overwhelming tide of Hellenistic philosophy and thought that threatened the spiritual core of Islam.

To generate insight into this unbalanced focus on externality and form, one may also add that some of this is perhaps embedded in the nature of *fiqh*, which has a certain bias toward legality and positivism in the *juris corpus* of its rules—as I shall presently explain.

Law is characteristically concerned with the externalities of conduct, aspects of behavior that can be seen and proven before the court of justice. *Fiqh* is by definition concerned with "knowledge of the practical rules of *Shari'ah* pertaining to the conduct of the *mukallaf*" or a competent person, in contradistinction with morality and dogma, which fall outside the court jurisdiction. For dogma is a state of mind, whereas morality essentially consists of good advice, which unlike a legal command, is not binding. Yet there is widespread criticism among Muslims that one of the main impacts of modernity and secularism on Islam has been to reduce the *Shari'ah* to a set of rules, applied almost for their own sake. Hence the challenge faced is once again to establish a balance between the inner and outer self of Islam as not only consisting of devotional practices but of ethical substance and holistic understanding of its impact on the conduct of everyday life. Sufism thus continues to hold its appeal.

Sufi, an Arabic word derived from *ṣuf*, or "wool," signifies the originally ascetic character of the movement. Just as early Christian ascetics in the Near East used to wear woolen cloaks, early Muslim ascetics, too, donned a usually dark-blue woolen garb.[4] The term "wool-wearer" thus came to carry the connotation of "renuncient" or "ascetic." The origins of Sufism are attributed to Hassan al-Basri (d. 728CE), a leading figure in the science of scholastic theology (*'ilm al-kalam*) under whose influence the first-known ascetics of Iraq and Syria appeared. Men and women devoted themselves to nightly vigils and constantly fought against the *nafs*, the lower soul that "instigates to evil" (cf., Yūsuf, 12:53). For according to a saying of the Prophet, struggle against the *nafs* is "the greatest jihad," the true sacred struggle in the service of God. In one of his sayings, the fourth caliph, 'Ali ibn Abu Talib, referred to the forces that are engaged in this battle for the soul: the intellect commands the forces of *al-Raḥmān* (the Compassionate), while caprice (*hawā*) commands those of *al-Shayṭān* (the devil). The soul itself vacillates between these two poles, susceptible to the attraction of both (*mutajāzibah baynahumā*), and enters into the domain of whichever of the two will triumph.[5]

Success in the quest for self-mastery and disciplining the ego within oneself is undoubtedly the most challenging of all struggles. This is also a journey, not a destination. The unceasing struggle for control of each and every thought and action was in turn refined to become a science of its own, so that one's whole life could be led in sincerity—*ikhlāṣ*—and purity through remembrance of God and consciousness of Him that eventually:

> Dominates the zeal of your pride, the vehemence of your castigation, the power of your hand, and the sharpness of your tongue. Guard against these vices by restraining all impulsiveness, and putting off all resort to force until your anger subsides, and you regain self-control.[6]

In the course of time, this introspective pursuit for self-refinement developed into new discourses on spiritual states and stages of attainment in knowledge of the inner self, closeness to God, and love. This was accompanied, in turn, by a parallel effort to discern the inner meanings of the Qur'an and *Sunnah* by using methods of allegorical interpretation based on inference and allusion. The heart was understood as the spiritual organ of God's presence in the person, and its chief sustenance was the

remembrance of God through invocation (*dhikr*) and "hearing" or witnessing God in poetry and music (*samāʿ*).[7] Given the Qurʾanic affirmation that the entire creation is constituted of "signs—*ayat*," which also refer to Qurʾanic "verses," Sufi exegetes distinguished between the anthological Qurʾan (*al-Qurʾān al-takwīni*) and the written Qurʾan (*al-Qurʾan al-tadwīni*). For example, the fourteenth-century Sufi ʿAziz al-Din Nasafi wrote: "Each day, destiny and the passage of time set this book before you, *sūrah* for *sūrah*, verse for verse, letter for letter and read it to you."[8]

The essence of true religious life was absolute trust in God, which is a practical aspect of *tawḥīd*: one places his trust in God because there is no other bestower of good but Him. Another goal of Sufism is grateful contentment (*riḍā*) of whatever comes—all come from God. Gnosis, or non-discursive knowledge of God (*maʿrifah*), presents human life as a journey toward achieving "God-consciousness" and through it human beings experience wondrous experiential proximity to God. The first signs of genuine love mysticism were publicly manifested by a woman, the legendary Rabiʿah of Basrah (d. 801). Numerous are the legends that surround this great saint of Islam, including the one that follows:

> She was seen one day in the streets of Basra, carrying a bucket in one hand and a torch in the other. Asked the meaning of her action, she replied: I want to pour water into Hell and set fire to Paradise so that these two veils disappear and nobody worships God out of fear of Hell or hope for Paradise, but only for the sake of His eternal beauty.[9]

Most theologians and jurists did not use "love" to describe the relationship between man and God, but would instead speak of obedience to His will and command. Yet the strong element of love in this relationship could not be pushed aside, for it occurs often in the Qurʾan in various and often subtle ways. Like Rabiʿah, the Sufis and many others liked to refer to the verse in al-Māʾidah (5:54): "He loves them and they love Him unconditionally."

<p dir="rtl">فَسَوْفَ يَأْتِ ٱللَّهُ بِقَوْمٍ يُحِبُّهُمْ وَيُحِبُّونَهُۥ.</p>

This and certain other passages in the Qurʾan seem to prove the possibility of mutual love, which, like every act in the world, begins in and emanates in God.

Al-Qaradawi speaks of the imbalances of some "rigid traditionalists" (*al-salafiyyin*) who drew a hard message at every opportunity that so frequently diminished the softness of spirituality and living faith contained in those rules. They had scant share of the "hope, modesty, eagerness, contentment and love—what the Sufis classify into the three categories of conditions, stations, and ranks (*al-aḥwāl, al-manāzil, al-maqāmāt*), finely expounded by Shaykh al-Islam Ibn Taymiyyah (d. 1327) in his book, *al-Tuḥfah al-ʿIrāqiyyah fi'l-Aʿmāl al-Qalbiyyah*, and then by his disciple, Ibn Qayyim al-Jawziyyah, who authored several works on the subject."[10] Qaradawi added that both the teacher and disciple were leading jurists and Salafis, but have also gone a long way in their teachings to exemplify the "finely balanced approach of *wasaṭiyyah*" on the subject. The rigorous approaches of the hard Salafis were moderated and softened by the Sufis, who have in many ways excelled in their influence and in their conclusions.[11]

Al-Qaradawi had this to say: "Sufism that nurtures strength and purity of faith and ethics is an indispensible part of Islam, and so is the *fiqh* tradition and its role in regulating the externalities of human conduct."[12] Some people from the *fiqh* tradition have become extremely critical of Sufism to the extent of denying its rich contribution and place in Islam, which is an "unjust exaggeration, and also unrealistic." The truth is that all groups, be they theologians, jurists, traditionalist (*hadith* specialists), and Sufis, have made valuable contributions, but, at the same time, each had among them some who exaggerated their case or fell short in some ways. None should take extremist positions in their critique of others. True Sufism that advocates inner purity (*tazkiyah*), love of God, and avoidance of overindulgence in materialist dependencies is reflective of the spirit of Islam and closest to the guidance of the Prophet and his companions.[13]

Speaking of the possibilities of narrowing down the differences between the Sunnis and Shiʿis, Hamid Enayat singled out the role of Sufism as an important medium for bringing the two branches of Islam closer together. Sufism has a strong appeal on both sides, and it is a moderating influence due to its theoretical aversion to bigotry and prejudice, its exaltation of tolerance and humility in the quest for Truth or Right, and its inherent dislike of doctrinal regimentation.[14]

Sunni and Shiʿi Islam share vast ground between them in the essentials of beliefs and practices, their common orientation toward sanctity (*walayah*) and gnosis (*maʿrifah*) as goals of the religious life bringing them particularly close. In this connection Nasr noted that "Islamic esotericism

or gnosis crystallized into the form of Sufism in the Sunni world, while it poured into the whole structure of Shi'ism, especially during its early period."[15] Thus the esoteric core of Islam expresses itself in Sunni Sufism and in Shi'ite 'Irfan with different "accents" taking on different forms and expressions. Whereas Sufism is the principal arena of esoteric expression in Sunni Islam, in Shi'i Islam, "the esoteric and the exoteric are intermingled with the general structure of the religious doctrines and practices."[16] The esoteric enters, in other words, mainstream Shi'ite theology of the Imamate and operates more widely compared to its Sunni counterpart. Shi'ism actually began to spread in Iran during the Safavid dynasty in fifteenth-century CE, and Sufi *tariqas* or orders served as its main vehicles. Among the Sufi orders, the Nurbakhshiyyah and Ni'matullahiyyah played a leading role in the spread of popular Shi'ism, and closer relations were forged between Twelver Shi'ism and Sufism as well as between Isma'ilism (a branch of Shi'ism that has a living Imam, namely the Agha Khan) and Sufism in Iran.[17]

Enayat takes a glance at the controversy that raged between the Sunni Hanbali Ibn Taymiyyah (d. 1328CE) and the Twelver Shi'i, Mutahhar al-Hilli (d. 1325), but then adds that while controversy was raging at various levels, attempts in the opposite direction were also made at solving sectarian differences. One such attempt was made by the Kubrawiyyah, a Sufi order of the thirteenth and fourteenth centuries CE, shortly after the Mongol invasion. The absence at that time of an official creed appears to have been conducive for the sort of irenic campaign launched by the Kubrawiyyah. The founder of the order, Najmuddin Kubra, had both Sunni and Shi'i disciples. The method Najmuddin Kubra and his prominent disciple, 'Ala ud-Dawlah Simnani, employed was eclecticism, which combined benign rebukes to the quarrelling sects with convenient gleanings from their principles toward the creation of a Sunni-Shi'i synthesis for the unity of all Muslims. They condemned the Shi'i vilification of the Prophet's Companions but confirmed the authenticity of the Ghadir story about the Prophet's designation of 'Ali as his successor, and maintained that 'Ali had a greater right to the Prophetic succession than the first three caliphs. The Kubrawiyyah also quoted frequently from the *Nahj al-Balaghah*, a collection of maxims attributed to Imam 'Ali, not in defense of Shi'i thesis, but in refuting Shi'i extremism.[18]

The second factor that had the potential of moderating the Sunni-Shi'i differences, according to Enayat's 1982 publication, was modernism for its inherent tendency toward rationality, and its impact also on the structure

of loyalties. The idea of the nation-state was replacing religious devotion as the ruling civic virtue of the modern age. With Islamic unity being their motivator, the leaders of the first generation of modernists, Jamal ad-Din al-Afghani (d. 1897) and Muhammad 'Abduh (d. 1905), made strong pleas for Sunni-Shi'i unity.[19] It was significant in this connection that the leading Shi'i *'ulamā'* of Iran supported the constitutionalist movement that led to the Revolution of 1906. They came in support of legal restraints on kingly powers. The pattern of events and development of new political ideas among the Ottomans, Egyptians, and Iranians thus showed significant similarities and bode well for moderating the Sunni-Shi'i differences.[20]

Sunni-Shi'a unity is a larger subject in its own right, and not confined as such to Sufism or modernity, and many leading voices outside the Sufi and modernist camps have advocated unity on both sides. Several important initiatives were taken, which included the Amman Message (2005), as previously reviewed , and even long before then, the renowned *fatwa* of the then Rector/Sheikh of Azhar University, Mahmud Shaltut, in February 1959. Shaltut authorized instruction in Azhar University of Shi'i jurisprudence, which was widely seen as tantamount to recognizing Shi'ism as on an equal footing with the four orthodox legal schools in Sunnism. Shaltut advanced similar arguments in a more explicit *fatwa* confirming the "validity of worship according to the Imami Shi'i doctrine." (The word *sect* was deleted from the official document on the grounds that in Islam proper there are no sects, but only schools or doctrines.). Efforts of this kind have been taking place on both sides to advance the prospects of unity across the scholastic divides.[21]

# XIII

# *Harm* (Ḍarar) *Must Be Eliminated*

REMOVAL OF HARM and prejudice feature prominently in the Qur'an and *hadith*. "Harm must be eliminated" is the exact translation of the Islamic law maxim *"al-ḍararu yuzāl."*[1] It manifests the sum total of numerous pieces of evidence on the subject that occur in the Qur'an and *hadith*, which are, though scattered in different places, nevertheless expressive on the whole of the letter and spirit of Islamic teachings on the subject. To redress a harm inflicted on another person or party often means restoring the balance that was disrupted in the first place. This is also necessary for keeping societal relations in a state of equilibrium.

Legal maxims are theoretical abstractions in the form usually of short epithetic statements that express, often in a few words, the basic purpose and spirit of the *Shari'ah* in a given context and seek to provide general entries into the subject of their concern. Legal maxims have proven to be particularly useful in providing brief yet informative entries into the much larger mass of Islamic law and have, as such, attracted renewed attention as useful tools in the issuance of *fatwa* and *ijtihad*.[2]

The legal maxim under review derives from a much larger number of references in the Qur'an to situations where harm may arise. One example is a husband repudiating his wife through a revocable divorce, then refusing to finalize it and thus keeping her in limbo as neither a wife nor a divorcee. This is unlawful according to the Qur'an, which proscribes it by ordering the husband to avoid harming the wife and instructing him to either retain her or release her (al-Baqarah, 2:231). In another instance, the text addresses a mother who is unable to breastfeed her offspring, yet also refuses to hire a wet nurse. This is also proscribed, as the mother's refusal harms the infant (Q 2:233). In yet another passage in the same *sūrah*, the

Qur'an prohibits a witness from concealing testimony that may prejudice the cause of justice (2:282). There are similar instances in *hadith* and in the detailed expositions of *fiqh* on the prevention and elimination of harm. The maxim under review thus presents an epithetic summation of the source evidence. The maxim so derived is then generalized such that it applies to all areas and subjects of *Shari'ah* wherever it can properly apply.

The leading maxim quoted above has actually been taken from the renowned *hadith* "harm may neither be inflicted nor reciprocated."

لا ضرر و لا ضرار في الإسلام.

This *hadith* has also been adopted into a legal maxim in precisely the same wording as the *hadith* itself.[3] The ruling it contains subsumes all harmful acts and abusive exploitation of resources, even if by the owner, in a way that manifestly harms others, damages the environment, and violate the limits of moderation.[4] The harm so inflicted must be manifest and exorbitant, which means that negligible harm is usually tolerated, especially when it emanates from the normal exercise of one's rights, say of ownership, but harms another person. The owner's exercise of ownership rights may cause some harm to another person/s, but unless it is manifest and exorbitant, no legal action may be taken. Yet the owner's use of his own property may be captured by the rules of *ḍarar* if it inflicts harm on others. When the owner builds a structure, for instance, that blocks sunlight from the neighbor's living quarters, when he digs a well so close to the neighbor's house that it weakens or endangers its safety, or when his manner of use pollutes the neighbor's living quarters, and so on, the owner may in all these cases be stopped or ordered to indemnify the harm so inflicted.[5]

The Shiʿite sources also record this *hadith* and the legal maxims that derive from them in ways that do not differ much from the Sunni rendering of its relevant details. Renowned Sunni and Shiʿi scholars have authored monographic works on the legal maxim under review, which provide elaborate details on additional supportive Qur'anic and *hadith* data on the subject, the manner harm is to be understood, conditions it must fulfill, its subject matter and application, and so on. The renowned Syrian scholar Mustafa Ahmad al-Zarqa (d. 1999) and his prominent Shiʿi counterpart, Ayatollah Sayyid Fadlullah (d. 2010), have authored monographic works on the maxim under review. Al-Zarqa thus wrote: "This *hadith* lays down one of the pillars of the *Shari'ah* and provides a basis for prevention of all harmful action. But once committed, harm must be indemnified, be

it in financial or in punitive terms, just as it provides support for the promotion and encouragement of its opposite, namely all that which benefit the people and protect them against prejudice must be sought after and secured."[6] Zarqa adds that the *hadith*-cum-legal maxim subsumes harm inflicted to persons, property, and personal rights, to labor relations, commercial transactions, and the like. The owner of an animal, for instance, is accountable for the damage the animal inflicts on another's person or property, and so is the owner of dangerous weapons and instruments that are not properly guarded or used. An unqualified physician is held responsible for the harm his treatment has inflicted on the patient, and so is a witness who gives erroneous testimony that leads to harming its victim. Market operators and restaurateurs are responsible for keeping the market a safe place for the people, and so are food providers who are responsible for the purity and safety of their supplies. Both the principal actor and one who causes harm indirectly are held responsible, and there are rules that apply to inchoate harm that has begun but that remains incomplete.[7]

Ayatollah Sayyid Fadlullah covers much of the same grounds, also adding that the prohibited harm in *Shari'ah* includes inflicting injury on oneself through abusive practices and irrational indulgence in harmful activities, drug abuse, refusal to take food, and so forth—notwithstanding some differences of opinion that Shi'i scholars have recorded on the subject. As illustration, it is lawful for one to donate one of his kidneys in order to save the life of another, but not to donate both. Furthermore, an accurate evaluation of harm, and where the rules of harm should or should not apply, often involve rational judgment that may well require resort to expert opinion, which is what the *Shari'ah* would also advise.[8] It was on this basis, for instance, that the Shi'i *ʿUlamāʾ* of the Qājār period in Iran applied the principle of *lā-ḍarar* (prevention and elimination of harm) in their verdicts, which proscribed, on the ground of damage to human health, the use of tobacco and trading therein in the much-debated Tobacco Crisis in late nineteenth-century Iran—as discussed earlier.[9] In the interest of accuracy, a distinction is also drawn between harm (*ḍarar*) and hardship (*ḥaraj*). The former usually involves loss of property, loss of honor, bodily harm, and the like, whereas the latter inflicts hardship that is customarily considered intolerable, which can arguably involve some harm as well, although hardship does not always amount to harm or *ḍarar* as such.[10]

According to a supplementary legal maxim, "harm shall be removed to the extent possible."[11] Harm should, in other words, be eliminated within

reasonable bounds such that the remedial measure does not lead to more extensive damage. According to yet another Islamic law maxim, "harm shall not be eliminated by means of a similar harm."[12] And then again, "a private injury is tolerated in order to prevent injury to the general public."[13] Should there be a situation where harm could not be totally avoided, then the "lesser of the two harms/evils shall be chosen."[14] These last two maxims clearly contemplate protection of the public interest and aversion of harm to society as a matter of priority, for which the state bears responsibility to take remedial action.[15] According to yet another legal maxim of *fiqh*, "Harm cannot establish a precedent—*al-ḍararu lā yakūna qadīman*," which means that lapse of time cannot justify continuation of harm.[16] All of this is further to be guided by the maxim that "aversion of harm takes precedence over the acquisition of benefit."[17]

Clearly these and similar other legal maxims of *fiqh*, when read side by side with their relevant source evidence in the Qur'an and *hadith*, help to realize moderation and equilibrium in social relations and encapsulate between them most if not all instances of restoring the balance, when it is disturbed, through judicial relief and remedial action. They authorize the lawful government to take necessary measures for elimination of manifest damage to public interest and the natural environment, seek indemnity, and impose deterrent punitive sanctions on individuals, organizations, national and multinational companies, and governments, for the damage that results from their activities. While the *Shari'ah* rules dictate that harm should be eliminated to the extent possible, individuals, national governments, and NGOs may be powerless, especially in the case of weaker countries, to take deterrent action against multinational companies and more powerful entities. It is here that international conventions and binding covenants are necessary to develop consensus and common strategies to curb lawlessness by state actors, powerful multinationals, pirates, and bandits that endanger world peace and the natural environment through their pernicious and oppressive behavior.[18]

The *Shari'ah* also empowers government authorities to impose moratoria on activities, projects, and enterprises deemed to inflict real damage on people and their living conditions, particularly when the harm in question exceeds the possible benefits. Action may accordingly be taken under the legal maxim that "prevention of harm takes precedence over the acquisition of benefit."[19] If, however, the community encounters stressful situations and urgent action is called for to prevent further harm to public safety and the living environment, this may be considered as

a necessity (*ḍarūrah*), which must be given absolute priority under the principle that "dire necessities render the unlawful lawful—*al-ḍarūrāt tubīḥ al-maḥzurāt*."[20] The normal rules of law and procedure are thus suspended, if need be, in situations of necessity. For the *Shari'ah* does not subscribe to the idea of enforcing rules for the sake of rules. Law and order are there to secure justice and public interest, and if the law itself happens to stand in the way of these higher objectives (*maqāṣid*), then it must give way to alternative measures that vindicate the primacy of these higher interests. In this way the *Shari'ah* tends to moderate itself in line with the Qur'anic guideline on *wasaṭiyyah*.

According to a supplementary legal maxim, "necessity must be measured by its true proportions—*al-ḍarūratu tuqaddaru bi-qadriha*."[21] This may entail undertaking specific measures, including research, laboratory, and scientific methods of measurement, to ascertain the true proportions of necessity. Accuracy in the measurement of necessity also means returning to normal rules when the necessity comes to an end, and that necessity is not exaggerated beyond its true proportions. According to yet another maxim, "a need (*al-ḥājah*) may be elevated to the rank of necessity if it affects the general public—*al-ḥājatu qad tunzilu manzilat al-ḍarūrah*."[22] This is a recognition that even a less pressing need is enough to invoke the concessionary rules of necessity if it affects the society as a whole. It follows, then, that the concessionary rules of *Shari'ah* are of concern not only to individuals but to society and the international community as a whole, and some of the more rigorous requirements in them are moderated and reduced in order to accommodate the people's convenience.

The *Shari'ah* rules of necessity and need thus moderate the rigor of the law in situations of necessity and hardship and its guidelines on this help to inject a degree of pragmatism in its implementation when it becomes known that procedural technicality or strict enforcement is most likely to lead to unfair results.

# XIV

## *Forbearance, Bringing Ease, and Removing Hardship* (Taysīr, Raf ͨ al-Ḥaraj, Samāḥah)

THE MUSLIM PERSONALITY and social organization reach perfection by internalizing as many as possible of the qualities that receive God's approbation and approval that are stipulated in the scriptural sources of Islam. Bringing ease to the people and averting or removal of hardship from them are highly placed in the hierarchy of Islamic values—as the Qur'anic verses and *hadith* earlier reviewed on this subject clearly advocate.

The main difference between elimination of harm, as discussed earlier, and bringing ease and convenience to the people, is that the former is primarily concerned with harm that already exists, whereas bringing ease and convenience is not bound by that premise and refers mainly to fresh initiatives, even if there is no infliction of harm, that improve the people's living conditions. That said, the two themes of our discussion may overlap in some cases at least.

> The Prophet [pbuh] is reported to have said in a *hadith*: "The best of your religion is the easier options therein."[1]

إِنَّ خَيَر دينِكم أيسرُه.

Thus, when there are different answers to the same question and when easier options may be available in the practice of a religious duty, judgment, *fatwa*, and *ijtihād*, the easier option should be preferred.

One of the manifestations of extremism is an obsessive pursuit of finding faults in others and making exacting demands on them. The noble Prophet has condemned this in a *hadith* when he urged the Muslims to "avoid extremism (*al-ghuluw*), for people before you were led to destruction because of their extremism in religion."[2]

إياكم والغلو في الدين ، فإنما هلك الذين من قبلكم بالغلو في الدين.

He also condemned the extremists when he said: "Perished are the hair-splitters," and he repeated this phrase three times.[3]

هلك المتنطعون ، هلك المتنطعون ، هلك المتنطعون.

The spirit of Divine forgiveness, itself a major theme of the Qur'an, is also demonstrated in a verse addressing the believers in the following terms:

If you avoid the most heinous of the prohibited conduct, We shall conceal all your sins and admit you to a gate of great honour (al-Nisa', 4:31).

إِن تَجْتَنِبُواْ كَبَائِرَ مَا تُنْهَوْنَ عَنْهُ نُكَفِّرْ عَنكُمْ سَيِّئَاتِكُمْ وَنُدْخِلْكُم مُّدْخَلًا كَرِيمًا.

Avoidance of major sins is thus understood to conceal minor ones, an indication that God will forgive the latter when the believer exercises self-restraint. Al-Qaradawi has concluded from this verse that it is sufficient for us to comply with the principal teachings of Islam and avoid the major sins to gain the grace and pleasure of our Creator.[4]

When two of the leading Companions, Muʿādh b. Jabal and Abū Mūsā al-Ashʿarī, were leaving to serve as judges to the Yemen, the Prophet's instructions to them were that they "be gentle to the people and avoid harshness to them; bring them good news and not repel them (with gloomy predicaments)."[5]

يسروا ولا تعسروا وبشروا ولا تنفروا.

According to yet another *hadith*: "Compassion (*al-rifq*) fails not to bring beauty in everything, and it is not taken away from anything without causing ugliness."[6]

إن الرفق لا يكون في شيء إلا زانه، ولا نزع من شيء إلا شانه.

The Prophet's widow ʿAʾishah reported that the Prophet was always inclined toward preventing hardship and lightening the people's burdens as far as possible. Thus, she reported that, "he [the Prophet] did not choose but the easier of the two options so long as it did not amount to a transgression."[7]

إنه ما خيّر من الأمرين إلا أيسر هما ما لم يكن إثما.

The Prophet has also advised the believers to take advantage of the concessions God has granted to them, for "God loves to see that His concessions are taken, just as He loves to see that His commandments are obeyed."[8]

إن الله يحب أن تؤتي رخصه كما يجب أن تؤتي عزائمه.

The purport of this message is illustrated in another *hadith* text with regard to fasting (of Ramadan): "It is not a virtue to observe the fast when one is travelling."[9]

ليس من البر الصوم في السفر.

From his review of the source evidence, al-Qaradawi concludes that due to the emphatic tone and repeated references of the Qur'an and *Sunnah* to this theme, facilitation and encouragement of optimism (*al-taysīr wa'l-tabshīr*) become the hallmarks of *wasaṭiyyah* not only in the explanation of Islam and invitation to it but also in juristic analysis and *fatwa*. The opposite of these, that is, opting for hardship and repulsiveness (*al-taʿsīr wa'l-tanfīr*), are markers of extremism and excess, especially in *fiqh* research pertaining to worship matters, civil transactions, and matters of concern to individuals and societies. Opting for difficult solutions and scare-mongering in Islamic discourse, inquiry, and research only help to shun people away from the path of God.[10] Qaradawi added further: in our time, people are in greater need of easier approaches to religion than ever before due to the alienation of religion, scantiness of certitude, widespread temptation to sin, and barriers in the way of piety. Hence it is imperative for the priest and jurist alike to bring the people closer to God and to

adherence to His commands in an easy style that is informed by the spirit of easiness (*taysīr*).[11]

Yet the recommended inclination toward ease (*taysīr*) of Islam is not meant to lead to compromise on principles, nor on the substance of clear textual injunctions, but on matters of interpretation and subsidiary rules (*al-furuʿ*). It is to incline toward interpretations that bring ease and leniency to people and help to reduce their burden. Giving good news and encouraging optimism (a*l-tabshīr*) relates more to the matter of *daʿwah*, or call to the faith. Speaking from his own experience, al-Qaradawi writes: "I see many preachers these days inclining toward scare-mongering (*al-tarhīb*) and casting fear instead of encouragement, compassion and hope."[12] Al-Qaradawi quotes, in this connection, no less than six verses from the Qur'an in which God the Most High refers to both His boundless mercy and painful punishment,[13] but then draws the important conclusion that the mercy and forgiveness are used such as to signify God's own illustrious names, whereas references to punishment are indicative of His acts but not of His names and attributes. This is also why the Qur'an begins with the *sūrah* al-Fātiḥah and the phrase "*al-Rahmān al-Rahīm*," which appears at the very outset of the Qur'an and virtually all of its other chapters. The basic message in all of these is that God Most High makes the climate of mercy pervasive and all-inclusive to humankind and the rest of His creation.[14]

In his discussion of the salient guidelines he himself observes in the issuance of *fatwa*, al-Qaradawi includes the following:

(1)  To shun scholastic fanaticism and blind imitation;

(2) To let the spirit of facilitation and ease dominate over that of severity and hardship;

(3) To address people with the language they are familiar with and avoid outdated concepts and unfamiliar terminologies;

(4) To turn away from that which does not benefit the people, such as expatiation in questions as to who was the more virtuous or otherwise among the Prophet's Companions, and in idle talk about dreams and nightmares;

(5) To explain adequately the *fatwa* one issues and make it clearly understood; and

(6) To keep to the golden means of moderation (*wasaṭiyyah*). This last, al-Qaradawi adds, is what he has insisted upon most: To find balanced positions that shun both excessiveness and laxity often requires

clear-sighted distinction between the requirements of continuity and those of change. One ought not to be carried away by the talk of change for its own sake nor by the urge to cling to past heritage when change may evidently be advisable. One who issues a *fatwa* should be looking with his one eye to Islam, its principles and guidelines, and to the prevailing conditions of one's time, its main contours and its challenges with the other. One should in all cases remain true to one's conviction and the imperatives of truth and justice, regardless of who is pleased or displeased by the conclusion one arrives at.[15]

Another concept that strikes a close note with *wasaṭiyyah* is *samāḥah*, easy disposition and forbearance in one's own conduct and treatment of others. *Samāḥah* is a comprehensive term, not easy to define in a few words. It has, nevertheless, been given a definition as "commendable easiness in matters in which people usually incline toward sternness and severity (*tashdīd*) provided it does not lead to a mischief."[16] *Samāḥah* is closely associated with the attitudes of liberality, generosity, gentleness, and dignified resistance to temptation and anger, and compassionate forbearance (*ḥilm*). Ibn 'Ashur defined *samāḥah* as "taking the median stance between severity and laxity... to be inclined toward easiness and moderation."[17] The Qur'an has a word of praise for "those who swallow their anger and grant forgiveness to the people. For truly God loves those who are good to others" (Aal-'Imrān, 3:134).

وَٱلْكَٰظِمِينَ ٱلْغَيْظَ وَٱلْعَافِينَ عَنِ ٱلنَّاسِ ۗ وَٱللَّهُ يُحِبُّ ٱلْمُحْسِنِينَ.

God's pleasure is also granted to the faithful "who turn away from indulgence in vain talk" (al-Mu'minūn, 23:3).

وَٱلَّذِينَ هُمْ عَنِ ٱللَّغْوِ مُعْرِضُونَ.

To avoid futile speech is an indication of good faith and a dimension of *samāḥah*, as in the following *hadith*: "Whoever believes in God and the Last Day, let him speak when he has something good to say, or else remain silent."[18]

من كان يؤمن بالله واليوم الآخر ، فليقل خيرا أو ليصمت.

One who practices *samāḥah* in his daily life also records an act of merit as in the following *hadith*: "May the mercy of God be on one who is lenient (*samḥan*) when he sells, lenient when he buys, and lenient when he pays and lenient when he makes a demand."[19]

رحم اللهِ عبدا سمحا اذا باع ، سمحا اذا اشترى ، سمحا اذا اقتضى.

Another key Islamic concept that comes close to both moderation (*wasaṭiyyah*) and *samāḥah* is *ḥanīfiyah* (equilibrium, being steadfast in commitment to right conduct), which is in fact juxtaposed in a *hadith* text with *samāḥah* to characterize Islam and all true religion. It is reported that when someone asked the Prophet the question as to which religion was the most beloved to God, the Prophet replied "the primordial, generously tolerant faith—(*al-ḥanīfiyyah al-samḥah*)."[20]

قيل لرسولِ اللهِ,صلَّى اللهُ عليه وسلَّم, أيُّ الأَدْيانِ أَحَبُّ إلى اللهِ ؟ قال:الحَنيفِيَّةُ السَّمحَةُ.

An alternative rendering of this *hadith* records from the Prophet: "I have not been sent to [advocate] Judaism nor Christianity. I have been sent in order to promote the primordial, generously tolerant faith."[21]

إنِّي لم أبعث باليَهوديَّةِ ولا بالنَّصرانيَّةِ ، ولَكنِّي بعثتُ بالحنيفيَّةِ السَّمحةِ.

Hence, any religion that is most successful in the realization of these objectives becomes "the most beloved religion to God." Conversely, religion is ruined by those who lack these qualities, and instead give full rein to all the vices produced by unrestrained egotism, intolerance, fanaticism, and tyranny.[22]

The Qur'an describes the patriarch Abraham as a *ḥanīf*: "Abraham was neither a Jew nor a Christian, rather he was a *ḥanīf*, one who had surrendered [*hanifan musliman*] and was not one of the idolators" (Aal 'Imrān, 3:67).

مَا كَانَ إِبْرَاهِيمُ يَهُودِيًّا وَلَا نَصْرَانِيًّا وَلَكِن كَانَ حَنِيفًا مُّسْلِمًا وَمَا كَانَ مِنَ ٱلْمُشْرِكِينَ.

The Qur'anic language may be symbolic to some extent, intended to underscore true monotheism, as chronologically the Prophet Abraham came before the Jewish prophets and before Jesus; by the same token, the

word *Muslim* in the said verse is also meant in its literal sense, one who surrenders to God.

Commenting on this verse and the meaning of '*hanif*' therein, the Shi'i Qur'an commentator Sayyid Fadlullah maintains that it means upright religion that is averse to falsehood, deviation, and excess that may have originated in subjective and prejudicial tendencies, such that may have nothing to do with God's original teachings and guidance to his prophets and messengers. He then refers to some very specific interpretations of other commentators to say that '*hanif*' in this verse means commitment to purity and cleanliness, and/or the hajj pilgrimage (since hajj is an Abrahamic legacy), but then adds that the focus of the verse under review is that Ibrahim was resolute in his belief in the Oneness of God (*tawḥīd*), aversion to idolatry and association of other deities with God (i.e., *shirk*), and commitment to devotion and prayer.[23]

Clearly *samḥah* and *hanif* are nurtured by upright religion, devotion to monotheism, and *tawḥīd*. But as the following verse signifies, *hanif* similarly refers to God-ordained primordial nature (*fiṭrah*) as in the Qur'anic address to Prophet Muḥammad:

> Set your face in devotion to the true faith (*li'l-dīni ḥanīfan*). Be steadfast in the religion of Allah. Verily that is the religion which Allah created for mankind (al-Rūm, 30:30).

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فَأَقِمْ وَجْهَكَ لِلدِّينِ حَنِيفًا فِطْرَتَ ٱللَّهِ ٱلَّتِى فَطَرَ ٱلنَّاسَ عَلَيْهَا.

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Thus, a person who is *ḥanīf* and possesses *samāḥah* is one who inclines permanently toward the *fiṭrah*, the natural "stamp" impressed upon human nature and soul, regardless of his color and creed.[24] *Fiṭrah* is essentially supra-religious and permanently inclined to the *Fāṭir*, the Creator of *fiṭrah*, as in Qur'an (al-Anʿām, 6:79).[25] *Fiṭrah* comprises here the potentiality of spiritual perfection, and this implies that the seeds of all knowledge are contained within the human soul. The two interrelated attributes, *samāḥah* and *ḥanīfiyah*, are thus connected with existential human nature and its potentiality for greater accomplishments and perfection. The common designation of Islam as "the religion of primordial nature (*dīn al-fiṭrah*) strikes a close note with *al-dīn al-ḥanīf*, one that is also inclined toward *samāḥah*."

A graphic expression of *samāḥah* in practice is found in a well-attested incident in the life of the Prophet: In the ninth year of the Hijrah (631

CE), a prominent Christian delegation from Najran, an important center of Christianity then in Yemen, came to Madinah to negotiate a treaty and engage the Prophet in theological debate. The main point of contention was concerned with the nature of Christ: was he one of the messengers of God or the unique Son of God? What is of interest for our purposes here is not the disagreement voiced, but the worship the Christians conducted on that occasion. When the Christians expressed their desire to pray, the Prophet invited them to accomplish their rites in his own mosque. Reports indicate that the Christians were affiliated with the Byzantine church that subscribed to the fully developed Trinitarian theology and the divine sonship of Christ. Although the debate held with the visiting Christians yielded no fruit as regards the fundamental points in dispute on the nature of Christ, the Prophet nonetheless allowed them to perform their rites in his own mosque.[26]

*Samāḥah* in the sense of a light but dignified encounter, and its parallel virtue *hanifiyyah*, are praiseworthy in all human affairs, including religious rites, trading activities, and transactions. Yet an exception to *samāhah* is noted in the case of an affluent debtor who refuses to repay his debt. This is conveyed in a *hadith* that provides: "procrastination by an affluent (debtor) is oppression."[27]

مطل الغنى ظلم.

As for the debtor who is unable to pay, the Qur'an provides the following directive: "Should the debtor be in hardship, then grant him a respite until his condition eases, but if you make a charity of it, it is indeed better" (al-Baqarah, 2:280).

وَإِن كَانَ ذُو عُسْرَةٍ فَنَظِرَةٌ إِلَى مَيْسَرَةٍ ۚ وَأَن تَصَدَّقُواْ خَيْرٌ لَّكُمْ ۖ إِن كُنتُمْ تَعْلَمُونَ.

*Samāḥah* is thus inclined toward forgiveness and turning a blind eye to minor shortcomings, but not when doing so compromises the basic values of upright behavior and justice.

In a personal interview with Hamid Mavani on the subject of *fatwa* and legal research, Ayatollah Saanei, a close associate and disciple of Ayatollah Khomeini of Iran, underlined that he observes three general rules when deducing legal rulings from the textual sources. One is that religion should be easy to follow and not a cause of burden or entanglement with excessive precautions (*iḥtiyāṭ*) in the performance of one's religious duties. This

is based on the Qur'anic address that "God wants ease for you, not hard-ship" (al-Baqarah, 2:185). Second, the ruling must be in harmony with the principles of justice. Lastly, there must be provisions for concessions and dispensations in cases where the implementation of a legal ruling would entail hardship that would be regarded as excessive in the estimation of ordinary persons.[28]

Saanei then refers to a tendency on the part of the Muslim jurists toward taking difficult positions that prevent them from undertaking *ijtihād* in order to resolve challenges confronting Muslims in the twenty-first cen-tury. They are oblivious that the purpose of Islamic law is to provide ease and comfort, along with spiritual guidance, to the people in every age, and not to impose on them rulings that stand at odds with the requirements of the present age. Then there are those, at the other extreme, who are eager to satisfy all and sundry without evaluating the harmony or conflict of their positions with Islamic principles. Saanei proposes a middle course approach that accords reverence to the Islamic principles but at the same time recognizes that the law must be relevant to the present-day context and its special circumstances.[29]

A general conclusion drawn from these guidelines is that bringing ease to the people and inculcating optimism and hope in them are among the goals and purposes of *Shari'ah*. These are among the virtues that should be embraced and practiced by all believers. It is also not advisable for a ruler, judge, or professional jurist (*mufti*) to act in the opposite direction through imposition of harsh verdicts and difficult conclusions that spread despair and pessimism among people.

# XV

# *Environmental Imbalance*

## *Situation Analysis*

Modern economic development and new advances in technology and science have taken an aggressive course that is known to be prejudicial to the living environment for humans and animals. Rising earth temperatures and climate change and the escalating scale of climatic disasters have been detrimental to the natural environment in the name of economic development and progress. The economic wealth accumulated is also extremely unevenly distributed, often feeding on sheer greed and generating spiritual insecurity and distress. The age of economic growth has coincided with an age of insecurity and anxiety, shown by the relentless drive for weapons of mass destruction that can annihilate the human race and the planet earth many times over. Bertrand Russell proclaimed this as the age of "unyielding despair," and his commentator Adi Setia recounted and concurred, adding that "modern man is despaired of paradise and therefore has to create hell on earth."[1]

Environmental degradation affects the whole of humanity. While no country or community is immune or entirely accountable for the damage caused, some countries and nations are clearly known to be the biggest polluters. It is ironic also that the latter are better equipped to take preventive measures to reduce the actual or potential damage inflicted on their economies and people. Climate change has accelerated environmental damage and its negative effects on the poor strata of world populations. It has undermined a wide range of human rights both of present and future generations and continues to push people deeper into poverty and underdevelopment.

The world today is locked in environmental crises. Resource depletion and biodiversity loss continue at rapid rates. Air and water pollution from agro-chemical and industrial processes continue to cause serious economic, social, and health problems. Greenhouse gas emissions continue to rise, causing dangerous climate change. The world's richest 10 percent soak up more than half of the world's income, while 2.5 billion people in the developing world live on less than $2 a day. People in wealthy countries consume as much as ten times more natural resources than those in poorer countries, where more than one billion have no access to clean water. The world's economic and natural resources are used to accumulate wealth for the few powerful countries that control them rather than serve the common good of humanity or even their own societies; they write the rules of environmental action in the interest of their corporations and banks.[2]

Excessive use of plastics in packaging threatens environmental safety. Plastic does not biodegrade. This is a major hazard, as today plastic can be found in places as remote as the South Pole. Research findings on the examination of some varieties of seabird carcasses and regurgitated stomach contents contained 90 percent plastics. Fish and seabird mistake plastic for food. Plastic debris also releases chemical additive and plasticisers into the ocean. "These pollutants accumulate in the tissues of marine organisms, magnify up the food chain, and find their way into the food we eat."[3] While plastic bags are useful in holding our household rubbish, there are now biodegradable options made of plant matter that should be encouraged by all concerned in the supply chain, marketing, and the general public.

Sustainable development must be based on the observance of human rights norms, including the rights to food security, health, water, and education. Countries and communities have the right to access, control, and protect the means of food production and its outcomes, and the right to maintain systems of food production and distribution that are ecologically sustainable, socially just, and culturally appropriate.[4]

The colossal degradation of the earth's environment that humanity is witnessing is due for the most part to excessive industrial pollution, carbon emission, and abusive applications of technology and science. This is, in turn, propelled by the untrammelled expansionist policies of the great industrial powers and the earth's biggest polluters. Oil-producing countries and companies are also opposing measures to reduce fossil–fuel

production regardless of its damaging effects. The lessons of moderation are clearly disregarded in relentless drives for commercial gain.

Mohan Munasinghe, a Noble laureate and leading expert on energy and environment, said that countries, especially "the developed ones"[,] have been backsliding in their efforts to address the human-caused global warming issue since the first United Nations conference on environment and development, the Rio Earth Summit, held in 1992."[5] Very little progress has been made. The Kyoto Protocol that followed in 1997 was a weak climate agreement where rich countries reluctantly agreed to reduce their emission of greenhouse gasses (the cause of global warming) by 5.2 percent on average for the period between 2008 and 2012. Since more than 80 percent of excess carbon dioxide in the air is emitted by the rich countries, it is only fair they should take the lead in reducing it. However, many of them, led by the United States, did not ratify the agreement, and compliance has, in any case, been extremely weak. Instead of reduction, reports indicate that on the contrary there had been a 2.7 percent annual increase in carbon dioxide emission over the succeeding ten years. To make matters worse, following the UN Climate Change Conference in Durban in 2011, it has been decided that a legally binding agreement on climate change (although due in 2015) can wait until 2020 to take effect. Mohan Munasinghe added: "As a scientist I can say that if we defer action until 2020, we will exceed the dangerous limit of temperature rise of 2 degrees Celsius."[6] This will increase the risk of floods, destructive storms, droughts, and rising seas. Munasinghe further added that the changes in weather and ecosystems would primarily affect the poor. Climate change is very inequitable, because it will affect the poor people more not only in the poor countries but also those in the rich countries.

Then came the UN Secretary-General Ban Ki-moon's dire warning at a news conference in Copenhagen on November 2, 2014, just a month before the UN climate change conference of 190 nations was due to open in Lima. In an effort to devise a new global treaty to limit emissions, Ban Ki-moon presented salient findings of a new report that made clear the urgency of decisive action in Lima. The report was a 175-page summary of a much longer series of reports that the Intergovernmental Panel on Climate Change,[7] had prepared since 1990 on climate research, underlining the conclusion that human activities were the primary cause of climate change.[8]

The report warned that the cumulative risks of climate change were so profound they could stall or even reverse generations of progress against

poverty and hunger if greenhouse gas emissions continued at a runaway pace. Failure to reduce emissions could threaten society with food short-ages, refugee crises, and the flooding of major cities and entire island nations, the mass extinction of plants and animals, and a climate so drasti-cally altered it might become dangerous for people to work or play outside during the hottest times of the year. The report cited mass die-offs of for-ests, the melting of land ice around the world, an accelerating rise of the seas withincreased coastal flooding, and heat waves that devastated crops and killed tens of thousands of people.

"In the starkest language it has ever used," the expert panel made clear how far society remains from having any serious policy to limit global warming. Serious action would require finding a way to leave the vast majority of the world's reserves of fossil fuels in the ground, or developing methods to capture and bury the emissions resulting from their use. If governments are to meet their own stated goal of limiting the warming of the planet to no more than 3.6 degrees Farenheit, or two degrees Celcius, above the preindustrial level, they must restrict emissions from additional fossil-fuel burning to about one trillion tons of carbon dioxide.

At current growth rates, energy companies have already booked coal and petroleum reserves equal to several times that amount, and they are spend-ing some $600 billion a year to find more. Utilities and oil companies are still building coal fired power plants and refineries, and governments are spending another $600 billion directly subsidising the consumption of fossil fuels. "Science has spoken. There is no ambiguity in its message," Ban Ki-moon said. "Leadrs must act, and time is not on our side." [9]

Yet there has been no sign that national leaders are willing to curb the trend. On the contrary, they are moving toward a weaker agreement that would essentially let each country decide for itself how much effort to put into limiting global warming, and even that document would not take effect until 2020. Michael Oppenheimer, a climate scientist at Princeton University and a principal author of the new report, said that a continua-tion of the political paralysis on emissions would leave society depending largely on luck. "Personally I think it is a slim reed to lean on for the fate of the planet."[10]

After two weeks of negotionations, no action plan emerged in Lima to fight climate change. Instead what the participants agreed was to continue negotiations in Paris in 2015. It was decided that governments will submit national plans for reining in greenhouse gas emissions by an informal

deadline of March 31, 2015 to form the basis of a global agreement in Paris. Most decisions on how to slow climate change were postponed until then. The UN Climate Change Secretariat said the combined pledges by nations likely in Paris would be too weak to achieve limiting of warming to an agreed goal of two degrees Celcius above pre-industrial times.[11] What is even more worrying is that countries, including Japan, Canada, Russia, and Australia, have all indicated they no longer saw climate exchange as their priority national agendas. Even the European Union has not been as vigorous as they used to be. Their new targets are much less ambitious.[12]

## *The Islamic Perspective*

There is no sacred scripture that speaks about nature and earth as much as does the Qur'an. It contains numerous guidelines about our treatment of the earth and the rest of God's creation, so much so that the Qur'anic revelation intimately connects itself with the notion of sacredness of nature. A whole eco-theology unfolds as a result, which distinguishes Islamic spirituality with characteristics of its own. A closer look at the Qur'an and Prophetic *hadith* reveals a set of principles that point to a rich reservoir of environmental ethics with far-reaching socioeconomic and political ramifications.

From the Islamic perspective, the human species is part and parcel of a cosmic equilibrium that is vital for humanity's preservation and survival. The God-ordained order of nature is endowed with the capacity to correct its own imbalances. This capacity must be understood and protected against reckless interference, which humanity is capable of bringing about in catastrophic proportions. Instead of preserving and safeguarding the natural balance of the world environment, as they should be in their capacity as the *khalīfah* and vicegerents of God in the earth, human beings have been actively engaged in disturbing it at their own peril. This sinister contemporary scenario is not only the result of materialistic exploitation and greed, but also indicative of a parallel imbalance in ourselves. The alarming environmental degradation we are seeing is a result of modern man's neglect of the affinity between his spiritual self and his external environment.

Seyyed Hossein Nasr laments on how man, by "dissecting of nature and raping her with animal ferocity to satisfy his never satiated passions, ultimately dissects and destroys himself. What seems to him 'the conquest

of nature' becomes ultimately the conquest of his own higher nature."[13] Nasr continues, on the same page, that he whom God has endowed with the power of contemplation seeks not to conquer nature but to come to know it intimately and to benefit spiritually from it. Such a person knows that nature participates in man's spiritual perfection. He sees in nature the operation of the same spiritual principle that inwardly governs him.

The Islamic principle of *tawḥīd*, or Divine Oneness, also implies integration and unity of the created world. *Tawḥīd* is premised in a holistic vision of man and environment and an innate interrelatedness of all that exists in the natural world. This is also subsumed by the Qur'anic notions of the vicegerency (*khilāfah*) and trusteeship (*amānah*), which designate mankind, individually and collectively, as God's custodians of the earth, and place upon them the responsibility to safeguard not only the rights of their fellow humans, but of nature and other creatures. Thus it is declared in the Qur'an, "And [one of the favours of Allah is that] He spread the earth for (all of) His creatures" (al-Raḥmān, 55:10), and also that man is charged with the responsibility to be just to all of them.

وَٱلْأَرْضَ وَضَعَهَا لِلْأَنَامِ.

*Tawḥīd* underlines the unicity of nature as an ecological principle and a distinctive feature of environmental science. The mineral kingdom supports the vegetable, they in turn support the animal, and there is a linkage of mutual dependence between them. The waste of one is made the food of the other, and an innate process of cleanliness exists in the natural world. There is an infinite chain of gradation and interdependence that points to a common destiny and ultimate unity of the existential world.[14] Thus one may speak of the unity of the natural world, or on a grander scale, of the whole of the cosmos. One may also speak of the unity of living species and organisms on earth or of the unity of the human body—all of which are facets of His Unique Reality reflecting the various manifestations of a collective unity and interdependence.[15]

In numerous other places, the Qur'an is expressive of the qualitative and quantitative balance God has ordained in the natural world, revealing interdependence and connections between parts as well as relationships of the parts to the whole: "Verily all things We have created are in due measure and proportion" (al-Jāthīyah, 54:49 and al-Raʿd, 13:8); "We have produced therein [the Earth] everything in balance" (al-Ḥijr, 15:19).

إِنَّا كُلَّ شَيْءٍ خَلَقْنَاهُ بِقَدَرٍ.

وَكُلُّ شَيْءٍ عِندَهُ بِمِقْدَارٍ.

وَأَنبَتْنَا فِيهَا مِن كُلِّ شَيْءٍ مَّوْزُونٍ.

The sun and the moon move according to a fixed reckoning. And "He has raised the heaven high and set up the measure, that you may not transgress the measure. So weigh all things fairly and fall not short of the balance" (al-Raḥmān, 55:7–9).

وَٱلسَّمَآءَ رَفَعَهَا وَوَضَعَ ٱلْمِيزَانَ . أَلَّا تَطْغَوْا۟ فِى ٱلْمِيزَانِ . وَأَقِيمُوا۟ ٱلْوَزْنَ بِٱلْقِسْطِ وَلَا تُخْسِرُوا۟ ٱلْمِيزَانَ

God has determined, to borrow Husaynī's phrase, the earth's "geographic and hydrologic characteristics."

All parts of the natural world, with its enormous diversity, have a value to each other and to the total global system over and above their value to mankind. The text repeatedly alludes to biological revival of the lifeless earth through rain which is likened to man's resurrection on the Day of Judgment: (Cf., Fāṭīr, 35:9). All the produce of the earth is duly proportioned (*bi-qadar^in mawzūn*; al-Ḥijr, 15:19), not just in what is evident, but as to their internal composition of nutrients, water, minerals, salts, and so on. God blessed the earth and made it safe such that "you shall not see imperfection in the creation of the Most Merciful" (al-Mulk, 67:3).

مَّا تَرَىٰ فِى خَلْقِ ٱلرَّحْمَٰنِ مِن تَفَٰوُتٍ.

When man acts, instead of a trusted custodian and architect of the earth, as its most dangerous destroyer, driven by greed rather than need, and becomes an extravagant and insatiable consumer, the natural balance is disturbed. When the earth is made into a testing field for deadly atomic bombs with immeasurable radioactive emissions, its *fiṭrah* (innate nature) is subjected to dangerous distortion.

In his commentary on several Qur'anic verses on the elimination of corruption and degradation of the earth's resources (in particular al-Baqarah, 2:205; al-Aʿrāf, 7:85; al-Rum, 30:41), al-Qaradawi identifies conservation of the natural environment (*ḥifẓ al-bay'ah*) as one of the higher objectives (*maqāṣid*) of *Shari'ah,* side by side with the protection of life (*ḥifẓ al-nafs*) and protection of property (*ḥifẓ al-māl*). He elaborates that environmental pollution, resource depletion, and disturbance of ecological balance constitute major threats to human life and safety, "as we are experiencing

today. For as long as this course of corruption (*fasad*) continues, the danger to human life can only be expected to increase."[16]

The Qur'an and *Sunnah* are emphatic on cleanliness in terms both of personal hygiene and the living environment. The Prophet has thus been quoted to have said that "cleanliness is one half of the faith."[17]

<div dir="rtl">الطهور شطر الإيمان.</div>

Much attention to the details of cleanliness is given in the Qur'an (cf., al-Mā'idah, 5:6; al-Anfāl, 8:11; al-Muddaththir, 74:7). The text thus declares: "Truly God loves those who return to him in repentance and those who insist on cleanliness" (al-Baqarah, 2:222; see also al-Tawbah, 9:108).

<div dir="rtl">إِنَّ ٱللَّهَ يُحِبُّ ٱلتَّوَّابِينَ وَيُحِبُّ ٱلْمُتَطَهِّرِينَ.<br>وَٱللَّهُ يُحِبُّ ٱلْمُطَّهِّرِينَ.</div>

As an integral aspect of beauty (*jamāl*) within and outside the rituals of the faith, the Prophet has also said that "God is beautiful and He loves beauty."[18]

<div dir="rtl">إنَّ الله جميل يحبّ الجمال.</div>

Commentators have viewed that the reference here is to one's body, living quarters, and surrounding environment. The Companion, Samurah bin Jundab, is quoted to have stated that "The Prophet ordered us to build mosques in our living quarters and ordered us to keep them clean."[19]

<div dir="rtl">فإن رسول اللهِ صلى الله عليه وسلم كان يأمرنا بالمساجد أن نصنعها في دورنا ونصلح صنعتها ونطهّرها.</div>

When the natural purity of the earth's produce is incessantly eroded by chemical infusions for commercial gain, and when dense carbon emissions, traffic, and industrial pollution poison the air that inflicts harm on humans and other life forms, its God-ordained balance is disrupted. When the cattle and grass-eating animals are fed with animal-sourced protein until it is manifested in such problems as "mad cow disease," and when genetically modified fruits overtake the natural variety for commercial gain, the God-ordained balance in them is no longer immune against distortion.

The appreciation of beauty is not merely a question of subjective aesthetics; it is also an objective aspect of the function of the intellect. Beauty thus takes one to the heart of ethics. The Arabic *iḥsān*, which is also a recurrent Qur'anic word, is often translated as "virtue" or "excellence," also means "making beautiful"—*ḥusn* and means to beautify. Virtue and *iḥsān* can thus be understood as that which makes the soul beautiful. In this light, the relationship among the intellect, ethics, and aesthetics is captured in one of the sayings of Imam 'Ali: "The excellence of the intellect is in the beauty of things outward and inward (*jamāl al-ẓawahir wa'l-bawāṭin*)."[20] Beauty is comprehensive when the outward beauty of form and action is complemented by inward beauty, that is, beauty of the soul, or virtue.[21]

# XVI

# *Financial Imbalance, Extravagance, and Waste* (Isrāf, Tabdhīr)

I MAY BEGIN with a brief review of the source evidence on extravagance and waste, and how these and indulgence in the excesses of capitalism are manifested in the financial crises the world has seen with an increasing frequency in recent decades.

The two Arabic expressions, *isrāf* and *tabdhīr*, that occur in the Qur'an are basically synonymous, yet a technical distinction has been drawn between them. *Isrāf* signifies extravagance and wasteful use of what is otherwise permissible. *Tabdhīr* on the other hand, is spending on that which is unlawful in the first place. Thus, one who exceeds the limits of moderation in what is lawful to him is a prodigal (*musrif*), such as one who consumes food in excess, or uses water wastefully even if for purposes of cleanliness and ablution.[1] Those who spend money on procuring what is unlawful, such as purchase of drugs and gambling tools, even by small quantities, are *mubadhdhirūn*—described in the Qur'an as the "devil's brethren" (al-Isra', 17:27).

إِنَّ ٱلْمُبَذِّرِينَ كَانُوٓاْ إِخْوَانَ ٱلشَّيَـٰطِينِ.

This is because extravagance of one person leads to deprivation of another and the excess of one limits the accessibility right to resources of another.

Rāghib al-Isfahani distinguished the two words differently in saying that *isrāf* is broader and inclusive of *tabdhīr*. I*isrāf* is any action an individual performs that exceeds the natural limits and can apply to instances of

excess in behavior, emotions, or even cultural or social characteristics. That *tabdhīr* covers the spoiling, corruption, and waste of financial resources especially relating food and clothing. *Isrāf* is the stem while *tabdhīr* is the branch. Isfahani is thus inclined to reserve *isrāf* to non-material aspects of behavior while applying *tabdhīr* to materialist excesses.[2] It seems that the distinction of the general and specific between *isrāf* and *tabdhīr* may have originated in a statement of Imam Ja'far a-Sadiq who is quoted to have said that "*tabdhīr* is a form of *Isrāf—inna'l- tabdhira min al- isrāf.*"[3] *Isrāf* is, in other words, the wider of the two concepts.

Three factors are used to identify actions that fall into the boundaries of waste: Firstly, permissibility in Shari'ah, which means that forbidden acts exceed the limits even if there is no extravagant monetary spending. Secondly, rational judgment, which proscribes spending considered as being wasteful and foolish—such as destroying one's wealth for no good purpose. Thirdly, societal norms, which indicate the limits of normal expenditure from that which is excessive and wasteful—and this can vary from individual to individual. Permissible levels of expenditure on the personal as well as family levels are consequently not the same for everyone in a given society. One individual may spend his money in a certain way that will be considered as *isrāf*, while another individual may do the same but will not be considered wasteful.[4]

Imam Sadiq is also reported to have said: "Many a poor people might be more extravagant than the wealthy!" It was asked of him: How can this be so? The Imam replied: "The wealthy spends out of what he has but the poverty stricken individual spends beyond his financial position."[5] According to another report, when Imam Sadiq was reciting the Qur'an verse (al-Furqān, 25:67): "Those who, when spending, are neither wasteful nor tight fisted, but hold a just balance between those [extremes]"—he picked up a handful of pebbles and while holding his fist closed, said: "This is the rigidness which God the Most High has mentioned in His Book." He then picked up another handful and opening his fist, dropped them all, and said: "This is *isrāf*." He then picked up another handful and poured out a portion while holding onto another portion thereof, and said: "This is the middle limit."[6]

Yet in matters related to economics and finance these semantic differences are not perhaps all that significant, although in legal and cultural terms and in matters of public opinion they may well have consequences.

The basic guideline on utilization of resources and spending is moderation in consumption and spending that avoids both the extremes of

niggardliness and extravagance.[7] The leading thirteenth CE/seventh AH
Shi'ite authority, Mohaqqiq al-Hilli, quoted the same verse and para-
phrased by way of elaboration one of the sayings of the Prophet [pbuh] that
one who squanders God will make him needy, adding that the Prophet also
said regarding a person who keeps to the middle course between prodigal-
ity and meanness that such a person will not become indigent. With regard
to spending one's wealth, it is obligatory, al-Hilli added, that one starts on
meeting one's own personal needs while refraining from greed and glut.
After seeing to one's own needs, supporting one's immediate family at the
level of affordability and moderation that is devoid of meanness is also an
Islamic obligation, but generosity is recommended. If one makes prom-
ises to please one's family, these must be truthful. It is narrated from (the
eighth Shi'i) Imam Reza (d. 819) that whenever one makes a promise to
one's children, one must fulfill it. One should not, therefore, refrain from
making extravagant promises to children as it has negative consequences
on their upbringing. It is then added that God the Most High is not dis-
pleased over anything more than lack of care and ill-treatment of one's
wife and children.[8]

Al-Hilli further commented that prodigality is the co-traveler of greed,
and one who is greedy is more likely to be involved in *haram* activity. God
Most High apportions and distributes His creature's *halal* sustenance
among them and does not distribute that which is *haram* to them. Anyone
who refrains from *haram* and is moderate in spending, God will open the
doors of *halal* to him.[9]

The rules of *fiqh*, both Sunni and Shi'a, are clear to the effect that
use of water for drinking takes priority over its usage for ablution. One
may eat and drink, preferably with a sense of gratitude to God, but not to
waste unnecessarily. The Qur'an declares that "God loves not the wasters"
(al-A'rāf, 7:31).

إِنَّهُۥ لَا يُحِبُّ ٱلْمُسْرِفِينَ.

Further instruction on this is found in the *hadith* advising moderation in
eating even to the extent that one should finish the food one takes on one's
plate. Moderation is advised also in clothing, which should be devoid of
extravagance and self-glorification.[10] Furthermore, the Qur'an equates the
wasters with the agents of corruption (*musrifūn, mufsidūn*) and warns the
faithful "not to follow the bidding of the *musrifīn*, those who cause corrup-
tion in the earth and do no good" (al-Shu'arā', 26:152).

ٱلَّذِينَ يُفْسِدُونَ فِى ٱلْأَرْضِ وَلَا يُصْلِحُونَ.

*Al-Iqtiṣād*, which is the Arabic word for economics, literally means a middle position between the two extremes. In describing *al-iqtiṣād, ʿIzz al-Dīn ʿAbd al-Salām* (d. 1262 CE) thus distinguished three positions with reference to material benefits, one of which is laxity and negligence, the other excessive pursuit of material gain, while *al- iqtiṣād* signifies the median posture between the two. He then referred to a saying of the Companion, Huzayfah al-Yamānī, who tersely stated that "good is between two evils" (*al-ḥasanatu bayn al-sayyiʾatayn*), which means that negligence is an evil, and so is extravagance and excess, and good is that which strikes the middle position between the two.[11] *Iqtiṣād*, or moderation, in the *Sunnah* of the Prophet is illustrated by his practical example in the use of water for the purpose of ablution for prayers, which should be neither too much nor too little, but moderate, and it is this amount in the use of water that the Prophet himself practiced, hence it becomes his *Sunnah*. The quantitative indication of this is found in several *hadith* reports to the effect that the Prophet used to wash his hands, face, and feet three times each, not more nor less—unless there was a reason to do otherwise.[12]

Destruction for no purpose is also sinful according to the directives of several *hadiths*. Thus, it is reported that the Prophet cursed one who needlessly destroys the life of a living creature in pastime. The Prophet said this in a *hadith* when it was reported to him by 'Abd Allah ibn 'Umar that he had passed by two youths from the Quraysh tribe who had tied a bird, or a chicken (reporter unsure), for a shooting-target. The Prophet cursed it as unwarranted aggression.[13]

إنَّ رسولَ اللهِ صلَّى اللهُ عليهِ وسلَّمَ لعن من اتَّخَذَ ، شيئًا فيه الروحُ غرضًا.

In a supportive *hadith* the Prophet is also reported to have warned that "anyone who killed a sparrow in vain, God Almighty will take him to account for it on the Day of Judgement. The sparrow will plead: O Lord, So and so killed me in futility, not for benefit!"[14]

مَن قتلَ عُصفورًا عبَثًا ، عجَّ إلى اللهِ عزَّ وجلَّ يومَ القيامَةِ يقولُ : يا ربِّ إنَّ فلانًا قَتلني عبثًا ، ولَم يقتُلني لِمنفعةٍ.

The same sense of self-restraint is advised with regard to plants and trees. In a frequently quoted *hadith* the Prophet has reportedly said that

one who (wastefully) cuts down a tree invokes upon himself punishment of Hell in the Hereafter.[15]

Passive destruction due to neglect, such as letting an animal die of hunger and disease, neglecting crops until going to waste, or allowing farmland or houses to deteriorate due to prolonged neglect would all fall under loss of valuable assets (*iḍāʿat al-māl*) that violate the *Shari'ah*, and more particularly its higher objective (*maqṣad*) pertaining to protection of property (*ḥifẓ al-māl*). This is because ownership in Islam partakes in trust (*amānah*) and it is the owner's responsibility to take good care of what he owns and use it for his own benefit and that of the community at large. Thus, the owner is not entitled to destroy or set fire to his own property for no good purpose.[16]

*Shari'ah* advocates economic activity and enterprise for all without discrimination of color and creed, though within the bounds of social support and cooperation. Differentials in talent and entitlement to benefits are recognized, however, not at the expense of extreme deprivation and poverty. Economic development and opportunities for growth, employment, and welfare benefits must be evenly distributed across the wide spectrum of population. Property rights and ownership are recognized provided they are not utilized such that they inflict manifest harm (*ḍarar*) on others. The *Shari'ah* neither authorizes nationalization of ownership nor its expropriation, but takes a middle posture between the two, yet also imposes limits that if violated may entail either or both: expropriation is permitted for public welfare purposes but only against fair compensation, and private property may be expropriated if unlawfully obtained in the first place. The *Shari'ah* also sets in place detailed provisions to curb abusive exercise of ownership (*al-taʿassuf*) and other personal rights.[17] In this regard, many observers have made the point that Islamic economics takes a middle posture between liberal capitalism and restrictive socialism, while making adequate provisions to avoid the excesses of both.[18]

Islamic transactions and finance generally favor equity participation as well as trading and exchange of values in the real economy, and rely very little on pure debt. Debt is accepted if it involves only one of the two countervalues in a transaction, but not both, as that would amount to sale of debts, which is proscribed on grounds of caution and the desire to avoid excessive risk-taking (*gharar*). For excessive risk-taking that approximates gambling (*maysīr*) jeopardizes market stability and the prospects also of due fulfillment of contracts.

Ayatollah Sayyid Fadlullah made the following observation: One of the economic pillars of civilization is its human capital, which is developed through creation of opportunities for efficient utilization and evaluation of labor. The Islamic perspective on capital maintains that it is mainly generated from the productive power of labor. This is why Islam does not attach the first order of importance to capital but visualizes its generation through the merger of labor and capital together. This combination is conducive to health and dynamism in the economy. Economic health from the Islamic viewpoint must lead to social health, and both are dependant on a balanced combination of labor and capital together.[19] Fadlullah further adds that wealth is not an end in itself but a means toward the fulfillment of human needs. Human well-being is therefore the measure of successful utilization of wealth. The balance is disturbed, however, when wealth is made the measure of all value, and when the wealthy become egotistic and arrogant, quoting the Qur'anic warning: "Nay, but man transgresses all bounds when he looks upon himself as self-sufficient" (al-'Alaq, 96:6).

Islamic transactions must be free of the giving or taking of banking interest, or *ribā*, as this is deemed to be exploitative and favor only the capital owner at the expense of the borrower. Money and essential food items must not be commodified. Hoarding and profiteering are also deemed to be prejudicial to public interest and must be avoided. The ethical substance of Islamic transactions is similarly manifested in their avoidance of trading over firearms, narcotics, and a number of other prohibited substances. Contracting parties in Islamic banking and finance transactions—if consisting of corporate bodies and companies—must also have assets and would most likely be disqualified from trading if more than 50 percent of their balance sheet consists of debt.

It is due mainly to these and a number of other rules expounded in the *fiqh* of *mua'amalat* (Islamic law of transactions) and applied regulatory controls that *Shari'ah*-compliant transactions and finance have shown a degree of resistance to volatility and have on the whole outperformed their conventional counterparts, especially in times of crisis. Studies have shown that "low debt, non-financial, socially responsible and ethical ways of investing did well when there was an external shock to the financial/capital markets."[20] Thus, it is shown that in 2011 *Shari'ah*-compliant indices generally outperformed their conventional counterparts in twenty-three of the twenty-five developed countries (excluding Portugal, which has no *Shari'ah* index), most of which were encountering turmoil. This included the United States, Greece, Spain, Ireland, and Italy. In most of these

countries the *Shari'ah*-compliant indices consist mainly of companies that pass primary *Shari'ah* business screens, which closely resemble social and ethically responsible investment screening, and financial tests that exclude companies with high debt, high account receivables, and non-operating interest income above certain allowable ratios.[21]

The moral and spiritual dimensions of Islam are further manifested in the nurturing of contentment (*qanāʿah*) and in pursuit of a "good whole-some life" (*ḥayātan ṭayyibah*) as aspects of an Islamic personality and character . A leading Sufi master of Khurasan, al-Qushayri (d. 1072 CE) characterized *qanāʿah* as being content with what one has while abandon-ing greed (*ḥirṣ*) for what one does not have.[22] The literary thinker, Ibn Bahr al-Jahiz (d.868CE/ 255AH), held a broader view of *qanāʿah* to say it is to limit oneself to what life offers; being satisfied with that which makes life easy; abandoning greed for amassment of material goods; and controlling one's urge for high status.[23] In his commentary on the Qur'anic verse "Eat and drink but waste not by excess, for God loves not the wasters" (al-A'raf, 7:31)—Said Nursi (d.1960) observed that using one's sustenance with frugality is reflective of one's inner gratitude (*shukr ma'nawi*) because of which God our Creator will bestow blessing (*barakah*) on His servant. People go into poverty when they are not moderate in spending and go to excess in their materialist indulgences.[24] The renowned Hanabali jurist (and Sufi), Ibn Qudamah al-Maqdisi (d.1223 CE/620AH) also advised that one who intends to achieve contentment should make a deliberate effort by mentally preparing to control one's consuming habits, limiting one's desire to that which is necessary, and curbing one's indulgence in luxuries.[25]

A good wholesome life (*ḥayatan ṭayyibah*) is a multi-faceted Qur'anic expression, which some commentators, including the revered ethicist, Ibn Hibbān al-Busti (d. 965 CE) have, however, considered to mean con-tentment. The verse in which the phrase occurs proclaims thus: "Whoever works righteousness, man or woman, and has faith, verily to them We will grant a *good wholesome life*, and We will reward them according to the best of their deeds" (al-Naḥl, 16: 97). The text is broadly expressive of trans-formation to a life of purity and inner peace, but the main reason why it has been narrowed down to mean contentment is probably due to a had-ith. Al-Alusi (d.1853 CE), the renowned author of a (Sufi-oriented) Qur'an commentary thus wrote that the Prophet taught in a hadith that the correct interpretation of the phrase "a good wholesome life" was *contentment*, and that transformation to a wholesome life mentioned in the verse referred

to life in this world, which could only be wholesome if lived with content-ment.[26] The leading Qur'an commentator, Ibn Jarīr al-Ṭabari (d.923 CE) presented, beside contentment, several other aspects of the phrase *good wholesome life*, which included lawful sustenance (*al-rizq al-ḥalāl*), pure and pleasant provisions (*al-rizq al-ṭayyib*), contentment (*qanāʿah*), and happiness (*saʿādah*). Yet among all these interpretations, al-Ṭabari also preferred contentment. He then quoted the hadith that the Prophet used to supplicate "O Allah! Make me content with whatever you have provided me, bless it for me, and for all that I do not have, recompense me with goodness."[27]

Chandra Muzaffar, a well-known figure in Malaysia and president of the International Movement for a Just World (JUST) recounts some of the benefits of liberal capitalism, which has brought a degree of prosper-ity for segments of society in many parts of the global south, including China, India, and Malaysia, but then turns to many of its damaging con-sequences: more than converting basic needs into commodities for profit, contemporary capitalism has descended into a new low. Food, fuel, and currencies are all the targets of rampant speculation today. Contemporary capitalism, in other words, "thrives on gambling. Hence the term casino capitalism."[28] Contemporary capitalism has evolved from wealth accumu-lation and profit maximization to the "commodification" of basic needs and the "casinosation" of economic endeavor. Another fundamental of contemporary capitalism is that it has widened income and wealth dis-parities between those who have a lot and those who have a little. This is happening on a global scale just as it is happening in a number of coun-tries in both the global north and the global south. Since capitalism opts for competition rather than cooperation as the hallmark of success, it has contributed to social conflict.[29]

Willy Brandt, the renowned (former) German chancellor and Nobel Peace Prize winner (1971), in the introduction to his seminal Brandt Report entitled "North-South—A Programme for Survival," produced by a commission of eighteen leading figures from the North and South, looked at the imbalance between the poor and rich and its underlying causes. Fundamental to the report was the whole question of power and who holds it, a question as relevant today as it was then. Why was it at that time, on the one hand, that men were traveling to the moon from the US at inconceivable expense while people were simultaneously dying of star-vation in Africa? Questions were raised not simply about the very strong moral arguments for addressing this imbalance, but, just as importantly,

the argument of self-interest. It was clear that we were moving into an era of globalization. It was also clear that there was beginning to be a geo-political shift from the focus on East-West relations to the North-South relations. There was the beginning of an understanding, as Nick Maurice recounts, "that if we were to allow the huge global disparity between the very rich and the very poor to continue, if the imbalance between those holding the power and those suffering as a result of political decisions made by the powerful were to continue, we would be providing fertile ground for the development of extremism and ultimately conflict."[30] This is precisely what the world has experienced during the ensuing decades.

World financial turmoil is marked by a succession of crises, beginning with the Asian currency crisis of 1997 that was followed by the US sub-prime crisis of 2007; it spread fast and became a world financial crisis in 2008. Only three years later came the Eurozone debt crisis and the bail-out of Greek monumental debts. These are important illustrations of the inherent instability and devastating consequences of the capitalist market economy. Economists and financial experts may differ in their assessments, but the crises and economic turbulence the world has witnessed essentially all originate in imbalance, disequilibrium, and excess, and in making decisions "often involving what is too much or too little." Policy measures are taken "without due regard for moderation. Global financial crisis is therefore the product of economic or financial extremism."[31] Moderation does not mean no progress, mediocrity, and closing the door to modernization. Rather, it means doing things with good reason and balanced judgment. In economic terms, moderation means not to overspend, not to underspend, not to overinvest nor to underinvest. One should not make decisions to do what is far beyond what one can afford or far beyond what the society can afford, thus damaging one's own financial security as well as resources and environmental safety for the next generation. Moderation may be said to be anti–economic cycle: Invest reasonably during crisis and don't overinvest during boom time. Moderation, as such, guarantees financial sustainability and prevents major upheavals.[32]

The American subprime mortgage crisis, according to Robert Peston, has been brought about not so much by greed but by debt. "Households, you and I, borrowed too much, banks that lent to us also became too indebted. And now we are concerned that our governments too have borrowed more than they, we, can afford."[33] The episode apparently began with a noble desire to make house ownership accessible to the poor but which soon evolved into a bonanza of predatory practices also involving a

conspiratorial Wall Street. Banks and financial firms took outrageous liberties with borrowed money, including lending to an unbelievable number of "mugs" who could not repay. The same happened internationally with Greece and others. They got money and huge bailouts for which there was no conceivable payback source.[34]

The next episode that followed hot on the heels of the American subprime, and that of the Eurozone debt crisis, was one of monumental moral failure and greed. This is the shocking scandal within the banking sector. The one institution expected to be the bastion of ethics and integrity was for quite a while involved in fraudulent practices within their four walls. The first scandal that came to light in mid-2012 was the UK banking giant, Barclays Plc, which had to pay US$450 million fines for rigging the LIBOR and the Euro interbank offer rates. Barclays' chief executive, his deputy, and the group chairman resigned as a result but made it known that Barclays was not the only banking institution involved. In December 2012 the UK Financial Services Authority announced that the UBS AG, a large Swiss banking group, would now have to pay US$1.5 billion fines to regulators in three countries to settle similar charges of rate rigging. The UK authorities had discovered more than two thousand attempts to rig the rates between 2005 and 2010, either with direct knowledge or direct participation of at least forty-five UBS AG employees. Investigators announced that the rate riggings were committed both to make the affected banks look financially healthier, and also for profit.

UBS and Barclays are two among the sixteen banks that submit their data to set the daily LIBOR rate. Then came the news that Europe's largest bank, HSBC, also had to pay US$1.9 billion in penalties to settle a money-laundering probe. The bank was found to have been transferring billions of dollars on account of their involvement in money laundering and questionable dealings with certain countries and the Mexican drug gangs. Mustafa Kamil, who reported these findings, also observed that the "increasing scandals within the banking sector has a lot to do with declining ethics among bankers."[35] Kamil added that such attitudes, within the increasingly murky world of global finance where financial instruments are becoming more complex and where the banks make more money in the trading rooms than from the traditional saving and lending businesses, signal that "we have not seen the last of their moral-hazard-induced troubles."[36]

As Princeton professor of bioethics Peter Singer has observed, the Millennium Declaration 2000, signed in New York by various world

leaders, had pledged to halve the proportion of people suffering from extreme poverty and hunger (which, according to a UN definition, means living on an income below USD$1.4 per day) by 2015. The world leaders had also made a similar promise in Rome back in 1996—that by 2015, they would reduce extreme poverty to no more than 828 million persons. Currently, however, they are pledging only to reduce the number to 1.324 billion! Since extreme poverty is responsible for about one-third of all human deaths, the new promise means that each year, about six million more people would die from poverty than would have died had the original promise been kept![37]

In his inaugural speech at the Global Movement of Moderates' International conference in Kuala Lumpur (January 17, 2012), Prime Minister Najib Razak offered the insight that extremism wasn't always violent. The global financial crisis was perhaps the most non-violent, yet without a single bullet fired the extremes and excesses of Wall Street in a matter of days took the world as we know it to the brink. The Eurozone was still in crisis. Millions lost their jobs, their homes, and their security. In addition, US$14 trillion had been spent on rescue plans, which is ten times the total cost of the wars in Afghanistan and Iraq. Moderation could not only solve the problem of violent extremism, but could guide people through the global economic crisis. People should look into how to create a truly moderate global economy that works in the interests of the many, not the few, and how nations could devise a system that delivers fairness for "the 99 per cent, not just those at the top."[38]

In his speech at the Oxford Centre for Islamic Studies, titled "The Coalition of Moderates and Inter-Civilisational Understanding," Malaysia's prime minister, Najib Razak, observed further that it was no coincidence that financial institutions working according to Islamic principles survived the worst of the economic crisis. Islamic finance puts the public good ahead of individual gain. It is perhaps worthy to note also that an Islamic bank would not have been permitted to spend and lend so much more money than it actually possessed. The great potential of Islamic finance is not hard to see. There are more than four hundred Islamic banks in over fifty countries, including the United Kingdom.[39] To quote Prime Minister Najib:

In this regard I believe we should look closely at how the structures of Islamic finance can support the new global economic architecture that is emerging. Indeed in place of excess, Islamic finance

offers moderation and transparency. In place of greed, Islamic finance offers fairness.[40]

Khalek Awang, former CEO of the Global Movement of Moderates Foundation of Malaysia, illustrates how financial crises led to the spread of extremism in some hitherto peaceful communities. Take the Ferghana Valley in Uzbekistan, for example. Due to massive unemployment, various youth groups have turned to a life of crime and radicalism to make ends meet. "They are radicalised more by the extreme circumstances of their lives rather than mere phrases in a scripture."[41] Awang further observed that extremist groups can also jeopardize the climate of understanding among neighboring countries and beyond. "The hyper-violent groups, especially Lashkar-e Taiba" in the border regions of India and Pakistan have marred relations between the two neighboring countries thanks to their radicalism and violence, crippling also the economic life of the places where they operate.[42]

# XVII

## Moderation in Jihad

I MAY START with an observation from Seyyed Hossein Nasr, who wrote: "in modern times in the West no vocabulary in the Islamic religion has been so distorted, maligned, misunderstood, and vilified as the word *jihad*."[1] Nasr added that this is due not only to the Western media's demonizing epithets and constructions, but also to those extremist Muslims who readily provide them with examples to justify their propagation of the distorted image of this term.

Extremism often begins with the use of excessive language that violates the truth and the essence of morality and justice. This is the purport of a renowned *hadith*, as I shall presently review, that speaking truth against a tyrant is the highest *jihad*. The purpose of speaking truth in that context is, of course, to alert the tyrant of the true nature of his conduct. Jihad thus begins with generating a correct understanding through the proper use of language. Islam's conception of justice is therefore inclusive of justice in one's speech—as in the following verse: "And when you speak then do so with justice" (al-Anʿām, 6:152).

وَإِذَا قُلْتُمْ فَٱعْدِلُواْ وَلَوْ كَانَ ذَا قُرْبَى.

It follows, then, that the essence of moderation and justice in the use of words and concepts is to employ them for their true and fair meanings.

The Qur'an also declares that "God loves not the public utterance of evil/hurtful speech except by one who has been wronged" (al-Nisāʾ 4:148).

لاَّ يُحِبُّ ٱللَّهُ ٱلْجَهْرَ بِٱلسُّوَءِ مِنَ ٱلْقَوْلِ إِلاَّ مَن ظُلِمَ ۚ وَكَانَ ٱللَّهُ سَمِيعًا عَلِيمًا.

Broadcasting of evil and hurtful speech is thus forbidden except for the victim of injustice, or a witness in the courtroom. They are permitted to speak out and expose the facts even if it involves utterance of hurtful words.[2] We know, of course, that distortion and misuse of *jihad* is by no means confined to the Western media, as Muslims themselves have become a party to this distortion. What needs to be emphasized is the power of words and how it can be used, now more pervasively than ever before, such that they can influence public opinion for divisive and partisan purposes over contentious issues. Whereas reasoned and constructive speech, attempted in the true spirit of good advice (*naṣīḥah*) and reasoned disagreement (*ikhtilāf*), can generate spirited and honest discourse in a quest to find solutions to issues, our media, especially the social media, often play on people's insecurities and generate unease and tension. It is trite perhaps to repeat that bad news make good media stories, ones that sensationalize public sentiment and exacerbate a divisive climate of understanding among religions, communities, and nations. The somewhat trite nature of this statement aside, the media users and operators should pay heed to the measured and moderate approach in the use of words that Islam, indeed all great religious traditions, strongly advise and advocate.

In a similar vein, the concept of "striving in the path of God" (*jihād fī sabīl Allāh*), as contained in the Qur'an and *hadith,* "has been misused by the perpetrators of violence and terrorism against non-Muslim targets to justify their aggression. There is an urgent need for Muslims and non-Muslims alike to understand the most important yet totally marginalised meaning of *jihad*."[3]

Not many are aware that the verses of the Qur'an which relate to armed combat, or which urge the believers to engage the enemy fearlessly, were revealed in the context of violence and military offensive the pagans of Makkah started on the nascent Muslim community, initially in Makkah and later in Madinah. For the first twelve years or so, the Muslims were not permitted to engage in military campaigns. They were attacked in the Battles of Badr and Uhud (624 and 625 CE, respectively) by Mekkan warriors, who were invariably more numerous than the Muslims. In the face of such aggression, Muslims were not allowed to fight, but later it became a religious duty to wage *jihad* to repel enemy aggression. The Makkans also broke their covenants with Muslims, as the Qur'an recounts: "They are those with whom you make a covenant, but they break their covenant every time and they have no fear of God" (al-Anfāl, 8:56).

ٱلَّذِينَ عَـٰهَدتَّ مِنْهُمْ ثُمَّ يَنقُضُونَ عَهْدَهُمْ فِى كُلِّ مَرَّةٍ وَهُمْ لَا يَتَّقُونَ.

Matters are made worse by the fact that the word *jihad* has gained commercial appeal in Europe and America. "A number of writers seeking to attract a larger public and make their books commercially successful have been trying hard to use the term in their titles in any way possible."[4] It is important therefore to explain the correct meaning of *jihad* and the prevalent misunderstanding that unfortunately continues to be perpetuated in mainstream media concerning Islam. To restore moderation and balance to a distorted picture, one needs to begin with what one believes to be the truth about *jihad*.

*Jihad* is derived from the root word *jahada*, meaning to strive or to exert effort. Its translation in the Western media as "holy war" would in Arabic be equivalent to "*al-ḥarb al-muqaddas*," which is totally unfamiliar and unknown to Arabic speakers. *Jihad* literally consists of the effort one makes to do something good and to prevent or oppose evil. The effort may be directed toward oneself or to the world outside. To struggle against the evil within oneself, to conquer ignorance, to discipline one's own base desires and ego are the *jihad* of the self (*jihad al-nafs*). Similarly, the Sufi contemplation in combating the distractions of the soul is a form of *jihad* called *mujāhadah*. To combat poverty and disease, to build housing for the poor, to fight against corruption and abuse would all qualify as *jihad* that serves a social purpose of great benefit. We are cast into a world in which there is disequilibrium and disorder both externally and within ourselves. To create a life of equilibrium based on surrender to God and following His injunctions involves constant *jihad*. For ordinary believers, praying five times a day regularly all their lives, or fasting from dawn to dusk during the month of Ramadan, is certainly not possible without great effort, or *jihad*. To defend one's rights and reputation, to defend the honor of oneself and one's family is itself a *jihad* and a religious duty. So is the strengthening of all those social bonds within and outside the family and the society at large which the *Shari'ah* emphasizes and expounds.[5]

According to Seyyed Hossein Nasr, "*jihad* means exertion in the path of God rather than war."[6] "Only rarely does this exertion become external war, as when the life or the borders of Islam are threatened. The concept is found both in Sunni and Shi'i Islam. In fact, during most of Islamic history and especially in Twelve-Imam Shi'ism, which distanced itself from political entanglement during most of its history, *jihad* has been understood as exertion in the field of religious sciences and an inner struggle to

establish equilibrium among the various forces that surround the human soul and prevent it from experiencing peace."[7]

A Muslim who works long hours to earn a living and support a large family is also engaged in *jihad.* Hence the saying of the Prophet [pbuh] that "*Jihad* remains valid until the Day of Resurrection"[8] must be understood in this universal sense of *jihad* as an inherent ingredient of the human condition in this imperfect world.[9]

والجهادُ ماضٍ إلى يومِ القيامةِ.

In Malaysia and Indonesia, it is now common to hear Muslim intellectuals speak of the need for *jihad* in business, *jihad* in the acquisition of science and technology, and *jihad* against social ills afflicting the Muslim youth, such as drug abuse and the spread of AIDS.[10] When the Prophet returned from a battle with the idolators of Makkah who sought to defeat and destroy the nascent Islam, he said "We have returned from the lesser *jihad* to the greater *jihad*." When asked what that greater *jihad* was, he responded, "it is the *jihad* against your passionate souls." The greater *jihad* is therefore the inner struggle at purifying the soul of its imperfections.

رجعْنَا مِنَ الجهادِ الأصغرِ إلى الجهادِ الأكبرِ . قالوا : وما الجهادُ الأكبُر ؟ قال : جهادُ القلبِ.

The manner of struggling to purify one's soul is explained by Imam 'Ali, who is quoted to have said, concerning the importance of this inner struggle,

> "Struggle against the soul through knowledge—such is the mark
> of the intellect."
> "The strongest people are those who are strongest against their own
> souls."
> "No jihad is more excellent than the jihad of the soul."[11]

It is not a question of destroying the lower soul but ridding it of the destructive influences of its caprice. According to yet another saying of Imam 'Ali, "The intellect and passion are opposites, the intellect is strengthened by knowledge, passion by caprice. The soul is in between them, pulled by both. Whichever triumphs has the *nafs* (individual self) on its side."[12] On the same subject, Sayyid Fadlullah adds that the struggle against one's soul should not be taken to excess, nor does it require self-denial and overexertion of the kind that involves renunciation of

legitimate pleasures. Some people make a virtue of physical exertion and discipline to the extent of seeing it as a kind of spiritual strength that may lead to visionary insight and spiritual states. This is not the way Islam would see physical exertion, nor can it be said to be a way of seeking closeness to God. It remains to be said, then, that natural strength arises from moderation in physical exertion. Sayyid Fadlullah goes on to quote a *hadith* wherein the Prophet advised 'Ali in these terms: "O 'Ali! The best *jihad* is when a person starts a day and he is not engaged in acts of injustice against anyone." Quoted in this connection is also a saying of Imam Ja'far al-Sadiq that "One who owns (controls) his own self when he desires something, or when in a state of fear, anger and lust, God protects his body against the fire [of Hell]."[13]

According to a renowned *hadith*, "The best form of *jihad* is telling the word of truth in facing an unjust ruler."[14]

أفضلُ الجهادِ من قال كلمةَ حقٍ عندَ سلطانٍ جائرٍ.

As for the lesser *jihad* in the sense of outward struggle in fighting aggression, most of the Sunni jurists and all Shi'ites, especially in modern times, maintain that *jihad* is legitimate only in defense against aggression. The Sunni doctrine is explicit on the point that *jihad* must be declared by the legitimate leader, a condition that is all too often ignored by the vocal yet small minority of radical interpreters of Islam.

The Jeddah-based Islamic Fiqh Academy affiliated to the OIC, in its sixteenth session (January 5–10, 2002), defined terrorism as follows:

> Terrorism is an outrageous attack carried out either by individuals, groups or states against the human being. It includes all forms intimidation, harm, threatening, killing without just cause and everything connected with any form of armed robbery, banditry, every act of violence or threat intended to fulfil a criminal scheme individually or collectively so as to terrify and horrify people by hurting them or by exposing their lives liberty, security or conditions to danger. It can also take the form of inflicting damage on the environment or on a public or private utility.

Richard Falk has provided a shorter definition of terrorism as "any type of political violence that lacks an adequate moral and legal justification, regardless of whether the actor is a revolutionary group or a government."[15]

No group, party, or organization has the authority to take up arms in the name of *jihad* without explicit authorization of the legitimate authorities. For there will otherwise be disorder and anarchy. Consequently, there is a consensus among the schools and scholars of Islamic law that only the Islamic state has the authority to wage *jihad*. Sayyid Sabiq thus wrote: "Among collective (*kifāyah*) obligations [of Muslims], there is a category for which existence of a ruler is necessary. For example, *jihad* and administration of punishments."[16] A perusal of the Qur'an further reveals that the Makkan suras, that is, the part of the Qur'an revealed to the Prophet during the first thirteen years of his campaign in Makkah, do not contain any directive on *jihad* for the simple reason that in Makkah the Muslims did not have their own government.[17] According to a *hadith*:

> A Muslim ruler is the shield [of his people]. A war can only be waged under him and people should seek his shelter [in war].[18]

<div dir="rtl">إنّما الإمام جنّة يقاتل من ورائه ويتّقى به.</div>

The military meaning of *jihad*, which has unfortunately dominated all its other meanings, has in course of time departed from a balanced and inclusive understanding of this important principle of Islam. The departure in question is reflective of the historical patterns of events that eventually also affected the juristic thinking of some schools and scholars. Furthermore, Islamic law provides a clear set of rules that regulate military engagement, which have not, however, been consistently followed.

There are two aspects of the law of war, one of which relates to the conduct of warfare and what is called *jus in bello* in modern humanitarian law, and the other as *jus ad bellum*, which relates to the grounds of warfare. Islamic law is elaborate in respect of the former but commentators differ as to whether it is less than well developed in regard to the latter.[19] It will be noted, however, that unlike the Romans, for example, who subscribed to the notion that *silent enim legis enter arma* (laws are silent during wars), the Prophet of Islam issued strict instructions to warriors, prohibiting them from all forms of brutality and maiming, as well as any harming of women and children, the aged, monks and priests, and the blind and insane. Destruction of livestock, trees, and crops is also forbidden, unless it is for the purpose of sustaining life. Of utmost importance is the Qur'anic injunction that innocent human life must not be destroyed in any warfare: "Whosoever kills a human being for other than

manslaughter or corruption in the earth, it shall be as if he had killed all humanity." (al-Māʾidah, 5:32)

مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِى ٱلْأَرْضِ فَكَأَنَّمَا قَتَلَ ٱلنَّاسَ جَمِيعًا.

The Qurʾan refers to *jihad* in twenty-four verses. Cherif Bassiouni has reviewed them and observed that most of the verses emphasize the more spiritual and non-violent aspects of *jihad*, such as being steadfast in the faith and sacrifice of its cause, migration from Makkah to Madinah, and peaceful propagation of the faith. *Jihad* as armed resistance against the enemies of Islam is also referred to in a few verses. The verses in Madinah were less conciliatory because that was a critical time in the early days of Islam, when Muslims could have easily been defeated by their enemies. During the Makkan period, Muslims were persecuted by the idolators of Makkah that eventually forced them to migrate and leave behind their tribal and family ties, work, houses, and fortune.[20] The distinctive characteristic of armed jihad at the Prophet's time was self-defense. This was particularly evident in the battles of Badr (624 CE) and Uhud (625 CE), where the Muslims were attacked in Madinah by the superior forces in much larger numbers some 270 kilometers away from Makkah.[21] The Qurʾanic verse was consequently revealed ordering the Muslims to "Fight in the way of God those who fight against you, but begin not hostilities. Verily God loves not aggressors" (al-Baqarah, 2:190), which provided the scriptural basis and principle for judging the legitimacy of *jihad*.

وَقَٰتِلُوا۟ فِى سَبِيلِ ٱللَّهِ ٱلَّذِينَ يُقَٰتِلُونَكُمْ  وَلَا تَعْتَدُوٓا۟ ۚ إِنَّ ٱللَّهَ لَا يُحِبُّ ٱلْمُعْتَدِينَ.

When a legitimate *jihad* is waged, it must not be based on anger and hatred. The Qurʾan thus warned the Muslims further to "Let not the hatred of a people cause you to be unjust. You must do justice" (al-Māʾidah, 5:8).

وَلَا يَجْرِمَنَّكُمْ شَنَـَٔانُ  قَوْمٍ عَلَىٰٓ أَلَّا تَعْدِلُوٓا۟ ۚ ٱعْدِلُوا۟.

Grievance can turn to anger and hatred, but that cannot be the basis of retaliation or revenge. Even the enemy should be treated with justice. One should "repel the evil deed with one that is better, then verily he, between whom and thee there was enmity (will become) as though he were a protective friend" (Fuṣṣilāt, 41:34).

ٱدْفَعْ بِٱلَّتِى هِىَ أَحْسَنُ فَإِذَا ٱلَّذِى بَيْنَكَ وَبَيْنَهُ عَدَوَةٌ كَأَنَّهُ وَلِّ حَمِيمٌ.

Early Sunni doctrine also maintained that military jihad, even when waged under a lawful ruler, was for self-defense and permissible only in the face of aggression.[22] In the Twelver Imami Shiʿite doctrine, "all the eminent authorities have asserted that *jihad*, except for defence, is forbidden in the absence of the *maʿsūm*, that is 'the inerrant Imam.'"[23]

In her article on "The Revolt of Islam," Nikkie Keddie, an American professor of Middle Eastern history, explains the rise of militancy among Muslims. She notes that with the curious exception of Wahhabism, militant *jihad* movement in the modern era began and grew mostly as a response to Western colonialism. The earliest ones in the eighteenth century in Sumatra and West Africa emerged in the face of "disruptive economic change influenced by the West." In the nineteenth century, broader waves of *jihad* movements cropped up in Algeria, Sudan, the Caucasus, and Libya as "a direct response to French, British, Russian and Italian colonial conquest."[24]

Western media has become wont to associate war and violence with Islam. The truth, however, is otherwise. It would indeed be difficult to argue that the history of the Christian West has been more peaceful than that of the Muslim world. The number of wars, instances of religious persecution, and forced conversions waged by Christian governments and armies, as well as their Muslim counterparts, are legion. But "western historians have shown that on the whole the record of Muslims compares very favourably with that of Christians in this regard. In particular, state-sponsored persecution or forced conversion of non-Muslims was quite rare in the Islamic world."[25]

Mahmud Shaltut, the Shaykh of al-Azhar University from 1958 to 1963, lends considerable weight to the argument that the Qur'an only allows warfare to be waged in self-defense, and he quotes verses from the Qur'an, including al-Anfāl (8:61) and Mumtaḥanah (60:8–9), which together with al-Baqarah (2:190) and al-Ḥajj (22:39–40) uphold that principle.[26] Another Shaykh of al-Azhar, Muhammad Sayyid Tantawi, issued a *fatwa* in 2001 to condemn the hostage taking in the Philippines: "Islam rejects all forms of violence. These acts of violence have nothing to do with Islam."[27] He also condemned the terrorist act of September 11, 2001, in America.[28] The Chief Mufti of Saudi Arabia, Abdulaziz bin Abdallah al-Ashaykh, also declared in 2004:

You must know Islam's firm position against all these terrible crimes. The world must know that Islam is a religion of peace... justice and guidance... Islam forbids the hijacking of airplanes, ships and other means of transport, and it forbids all acts that undermine the security of the innocent.[29]

Islamic law also proscribes use and deployment of certain types of cruel and indiscriminately destructive weapons, which is why many modern Muslim thinkers, including the present writer, consider manufacture and use of weapons of mass destruction to be unlawful and contrary to mankind's mission as God's vicegerents and custodians of the earth.[30] Seyyed Hossein Nasr has similarly observed:

Those who carry out terrorism in the West or elsewhere in the name of *jihad* are vilifying an originally sacred term, and their efforts have not been accepted by established and mainstream religious authorities as *jihad* in the juridical and theological sense of the term.[31]

Vigilance against the widespread misuse and misunderstanding of *jihad* that swerve the Muslims away from the path of moderation is thus to be strongly recommended. To advance correct knowledge and understanding of this important principle of Islam would also partake, in my opinion, in the meaning of *jihad*.

# XVIII

## Character and Lifestyle

ISLAM'S CONCEPTION OF a moderate lifestyle is inclusive of the physical, moral, and spiritual well-being of the individual, a subject on which Islamic sources and scholars provide much persuasive information and advice. A balanced lifestyle begins with the physical aspects of daily life and interaction with one's fellow humans and surrounding environment, the quantitative and qualitative aspects of eating, drinking, work, sociability, worship, entertainment, and relaxation.

Our review of contemporary trends in consumer behavior that has led, inter alia, to rampant obesity across national boundaries and cultures shows that not all of it is due to personal overindulgence but, rather, involves what one observer termed "coronary capitalism," the excesses of food industries, advertisements, and marketing operations.

Obesity is on the rise and its chronic complications kill 3.4 million adults yearly. A staggering 2.1 billion people are either obese or overweight. According to research findings by the University of Washington's Institute for Health Metrics Evaluation in Seattle, reported in the *Lancet* medical journal, described as "the most comprehensive to date" and using data covering 188 countries from 1980 to 2013, obesity increased by 28 percent in adults and 47 percent in children. During that span, the number of obese or overweight people rose from 857 million in 1980 to 2.1 billion in 2013. The researchers said obesity, once a malady of rich nations, now gripped people of all ages, incomes, and regions, with not one country succeeding in cutting its obesity rate. "Two-thirds of obese population actually reside in developing countries," said Marie Ng, a global health professor who was one of the researchers.[1]

The biggest obesity rises among women were in Egypt, Saudi Arabia, Oman, Honduras, and Bahrain. Among men, it was in New Zealand, Bahrain, Kuwait, Saudi Arabia, and the United States. The US was home to the biggest chunk of the planet's obese population, at 13 percent. Obesity is a complex problem fueled by the availability of cheap, fatty, sugary, salty, high-calorie "junk food" and the rise of sedentary lifestyle. It is a major risk factor for heart disease and stroke, diabetes, arthritis, and cancers.[2]

## *Coronary Capitalism And The Negligent Rich?*

Writing under the title "The costly issue of coronary capitalism," Kenneth Rogoff, former chief economist of the International Monetary Fund, commented that "obesity rates are soaring around the entire world, though among the large countries, the problem is perhaps more severe in the United States... roughly one-third of US adults are obese."[3] Rogoff then explored the food industry's link to broader problems with contemporary capitalism, which "has certainly facilitated the worldwide obesity explosion." Obesity affects life expectancy in numerous ways, ranging from cardiovascular diseases to some types of cancer. The costs are borne not only by the individual but also by society through huge budgetary allocations for healthcare systems. Its negative effects on the quality of life are, of course, a separate matter of even greater concern.

Highly processed corn-based food products, with lots of chemical additives, are well-known to be a major driver of weight gain, but also major revenue earners for their multinational manufacturers. Coronary capitalism is "fantastic for the stock market, which includes companies in the food industry. Highly processed food is also good for jobs, including high-end research employment, advertising and healthcare." Along the way, scientists are paid for finding just the right mix of chemicals to make the latest instant food maximally addictive, and advertisers are paid for peddling it. Even in Malaysia, the kind of tantalizing exposures, time slots, and vacuous recommendations that KFC, McDonalds, and chocolate products and promoters (all high in junk food content) get on television are in near-total disconnect with their nutritional values.

So who could complain? Certainly not the politicians, who get reelected when jobs are plentiful and stock prices are up, and get donations from food-processing industries. In the United States, politicians who dared to talk about the health, environmental, or sustainability implications of

processed food would, in many cases, "find themselves starved of campaign funds."[4] With few resources for high-quality public television in most countries, children are co-opted by advertisements, including by the food industry. "The pathological regulatory-political-economic dynamic that characterises these industries is far broader." But one can certainly begin to strike a healthier balance than the one we have by giving the public far better information across a range of platforms, so that people can make more informed consumption choices and political decisions.[5]

Krisana Kraisintu, a scholar and public intellectual of Thailand, wrote: "It is beyond dispute that we are in the midst of a global health crisis." Millions of people around the world, the majority of them living in developing countries, are dying because they lack access to life-saving medications for diseases like AIDS, tuberculosis, and malaria. Cost is a crucial factor in this crisis.[6]

Two-thirds of the value of medicine produced globally is accounted for by companies in five major countries, namely, the United Kingdom, the United States, Japan, Germany, and France. Large-volume markets for lower-price medicines exist in the highly competitive markets of China and India. For the period between 1985 and 1999, the low-income countries' share of medicine production in the world market declined from 3.9 percent to 2.6 percent, and that of middle-income countries fell from seven percent to 4.5 percent. The share of high-income countries increased from 89.1 percent to 92.2 percent.[7]

As the economic gap between industrialized and low-income countries widens, so, too, does the health gap between the rich and the poor. This is particularly evident in relation to AIDS, tuberculosis, and malaria epidemics in Africa. "For too long we have accepted the access gap as a fact of life. Twenty-eight million people have died from AIDS and, if things stay as they are, the number of such deaths will be close to 100 million by 2020."[8] In 2001 five hundred thousand persons in high-income countries took antiretroviral (ARV) therapy and fewer than twenty-five thousand died. Contrast this with Sub-Saharan Africa, where fewer than thirty thousand persons took ARVs and 2.2 million died. "The huge gap in care has been called a crime against humanity and a holocaust of the poor. It certainly brings realisation that we need to put an end to the global apartheid of poverty and health."[9] The development and manufacture of medicine must be aimed at improving public health and well-being, thereby contributing also to economic growth. There should be an alignment of the profitability goals of industry with society's needs of improved access and affordable

healthcare.[10] One of the possibilities of increasing access to ARVs lies in the transfer of technology for domestic production in the target countries. Yet so far experience in this regard is also not encouraging.

## Food Wastage

A report on wasted food revealed that as much as half of the world's food, amounting to a billion tons worth, is wasted. Dr. Tim Fox, head of energy and environment at the UK-based Institution of Mechanical Engineers, reported: "The amount of food wasted and lost around the world is staggering. This is food that could be used to feed the world's growing population—as well as those in hunger today."[11] The report drew heavily on work carried out over a number of years for the Food and Agriculture Organisation of the United Nations. It was further revealed that the waste is being caused by poor storage, strict sell-by dates, bulk offers, and consumer fussiness. The study also found that up to 30 percent of vegetables in the United Kingdom were not harvested because of their physical appearance. On the consumer behavior side, it was further added that "half the food bought in Europe and the United States ended up in the bin." This also meant unnecessary waste of the land, water, and energy resources that were used in the production, processing, and distribution of this food. Commenting on this report, Tom Tanner, from the Sustainable Restaurants Association, noted: "It is the power of major retailers—convenience shopping and supermarkets on everyone's doorstep—you can nip out and buy a readymade meal in two minutes rather than make use of what's in your fridge."[12] Tanner added that the weight of food equivalent to three double-decker buses is thrown away per restaurant per year in the United Kingdom—30 percent of that is off the consumer's plate.

A Malaysian observer develops a storyline over Malaysia's cuisine as follows: A CNN survey has placed Malaysia in seventh place among the world's fifty most flavorsome food locations, much to the displeasure, apparently, of some of its neighbors. Thailand and Singapore have claimed that some of the most renowned Malaysian delicacies originated in their respective countries, yet they did not get the placement! Let that be as it may. The ugly side of this story is also noted in these words: "As it is, nutritionists are alarmed by the rapidly increasing number of obese Malaysians." And then comes the advice: "what we need to do is to learn to eat in moderation, and not argue over food. Especially not over dishes that

are unequivocally Malaysian."[13] Another Malaysian observer and dietician refers to the Confucian advice, which has many followers in present-day Japan, to stop eating when the stomach is 80 percent full. Again, it is noted that people in countries with high longevity scores eat their smallest meal in the late afternoon and then abstain from eating for the rest of the day. The Malaysian dietician added that adhering to the advice just noted is likely, as studies show, to extend one's life by eight years.[14] This would appear to be tantamount to the two-thirds-full advice from the Prophet of Islam as I shall presently review.

## *Islam's Perspective on Moderate Eating*

The renowned Hanbali scholar Ibn Qayyim al-Jawziyyah (d. 1350 CE) observed that excessive consumption and indulgence in eating is one of the major causes of disease. Many types of illnesses originate in excessive eating and drinking, which obstruct the natural pace of digestion, bodily movements, and activities. When one is busy eating food in rapid succession, not allowing the body time to digest one lot before devouring more in disregard to what is actually the needed quantity for one to survive and live, the quality of life is adversely affected. The temptation to eat more is even greater with more varieties, which means mixing a myriad of types and quantities frequently, and that in turn makes the stomach used to larger portions. The net result of this is that the good effect of food turns into a harmful one, gradually reducing physical fitness and vitality. But when food is taken in moderate quantity and variety, it sustains and benefits the body. Food can be taken firstly to the extent of need (*al-ḥājah*), then to the extent of sufficiency (*al-kifāyah*), and then to the level of indulgence and excess (*al-fadlah*). This last should be carefully guarded against.[15]

Ibn Qayyim added further that the Prophet [pbuh] ate little, often a few mouthfuls that sustained him, without losing his physical vitality and strength. While the Prophet has repeatedly cautioned against indulgence in eating, he also warned against eating and drinking too little, as this, too, was harmful, even if done with noble devotional intentions, such as fasting too frequently and practicing self-abnegation from eating for ascetic reasons. The Prophet thus forbade connected fasting (*ṣawm al-wiṣāl*) and said that there was no spiritual reward to be gained by it. Thus, according to a *hadith*: "One who fasts perpetually has not fasted at all,"—a sentence that is repeated three times.[16]

In a longer *hadith*, it is reported by 'Abd Allah ibn 'Amr ibn al-'Aaṣ that the Prophet, [pbuh] told him: "O 'Abd Allah! Is it true that you fast in day time and then also observe night vigil? I said: yes O Messenger of Allah. He then told me: do not do this. You should fast and open it; observe vigil, then sleep. For your body has a right over you. . . , and so has your wife who has a right over you."[17] Later it is reported that during the twilight of his life, 'Abd Allah was weak and was heard saying "I wish I had acted on the Prophet's advice and his concession (*rukhṣah*) earlier."[18]

Recommendable moderation in eating and drinking implies the following:

1) One should try to choose one's intake from clean and healthy food (*al-ṭayyibāt*), thus avoiding consumption of the forbidden substances, and food that is obtained through unlawful means. This is the clear message of the Qur'anic address to all the believers to eat the *ṭayyibāt* (al-Baqarah, 2:172; al-Mu'minūn, 23:51). According to the purport of a *hadith*, a person who leads a life of indulgence in unlawful activities, eating forbidden food, wearing clothes of doubtful permissibility and so on, even though he may be a pious person by his apparent observances of the religious rituals, his prayer and supplication will not earn him any reward.[19]

Commenting on this *hadith*, one observer stated that anyone who wishes his supplication (*du'a*) to be granted must observe these instructions and lead a clean lifestyle that is free of indulgences in *haram*.[20]

2) One should not fill one's stomach to capacity. It is a hallmark of piety for one to follow in this regard what the Prophet has practiced himself: the one-third rule as stated above; one-third for food, one-third for drink, and the last one-third for his vitality and ease. This manner of food intake was of great benefit to body and heart.[21] The Shi'ite authority Mohaqqiq al-Hilli (d. 1325 CE) also quotes this *hadith* in identical terms, while adding that the Prophet has also said that overeating hardens the heart and makes the limbs heavy and ill at ease for worship, especially the night vigil.[22] Al-Hilli also elaborated on the virtues of patience and contentment. He paraphrases a long *hadith* wherein the Prophet asked the Archangel Gabriel: how do you explain patience (*sabr*), to which Gabriel replied: it is to remain patient at times both of hardship and happiness, and to do the same in poverty and

affluence, and one who is patient restrains from complaining to others at times of adversity. Then the Prophet asked Gabriel about contentment (*qana'ah*), to which the answer was given: it is to be contented with even the little one has of the share of worldly wealth and be thankful to God for it.[23]

If one indulges on an odd occasion, there is no blame, provided it does not become a habit, which would then amount to a violation of the Qur'anic guideline to the believers that they should avail themselves the enjoyment of eating and drinking but avoid indulgence and excess (*iṣrāf*), for "O children of Adam! Wear elegant clothes when you visit the mosque, and eat and drink but do not be wasteful. For Allah loves not the indulgent prodigals—*al-muṣrifīn*" (Al-A'rāf, 7:31).

3) Fasting from dusk to dawn during Ramadan is a religious obligation of every able-bodied Muslim. Meeting the challenge of completing a month of fasting is a personal triumph that can be a source of great confidence. Fasting is a Qu'ranic duty and act of worship, but also an act of physical and spiritual self-discipline that was enjoined on all Prophets and pious people from time immemorial. To fast means to abstain from food and drink, sexual contact, conflict, arguments, and unkind language or acts. The *Shari'ah* grants concessions, however, to a traveler, who may break the fast and make up for the lost days later after Ramadan, as also for menstruating women.

People who are ill or whose condition would make fasting a health risk, including women who are pregnant or nursing, may break fast but need to compensate for it by feeding the poor or donating money to charity. The Prophet [pbuh] taught that while he himself went on fasting for long periods outside of Ramadan, other Muslims should not fast more than every other day during other months of the year. The Prophet preferred Mondays and Thursdays for supererogatory fasting, and forbade fasting on the day of *Eid* that marks the end of Ramadan, and the day of 'Arafah (during the *hajj* season) and the day of 'Āshūrā (the tenth day of Muharram marking the tragic martyrdom of Hussein, the Prophet's grandson on the event of Karbala at 680 CE).[24] Many commentators of the Qur'an have gone on record to say that avoiding indulgence in one's food intake, especially if made a regular part and pattern of one's lifestyle, is the essence of good health and good medical advice.[25]

Seyyed Hossein Nasr, a Shiʿite scholar who also speaks with author-
ity on Sunni Islam, underlines "the necessity for an ascetic element
in human life. Without an element of self-denial and asceticism no
religion and therefore no human culture is possible."[26] One must with-
draw occasionally from the full life of the senses even in order to be
able to enjoy the fruit of sensual perception. Nasr adds that in fasting
the rebellious tendencies of the carnal soul are gradually dampened
and pacified through a systematic submission of these tendencies to
the Divine Will. That is why the fast includes not only food but also
abstention from every form of lust and carnal passion. It is also a form
of charity toward the poor and the needy through actual participation
in their hunger and thirst.[27]

At the end of Ramadan, Muslims celebrate *Eid al-Fitr*, itself an exercise
in spirituality and celebration marking the completion of the Ramadan
fasting duty. Muslims are required to give the charity of *Fitr*, consisting of
certain quantities of foodstuffs or their monetary equivalent to the poor.
Among the social benefits of fasting often noted is that it inculcates a
sense of responsibility and heightened awareness of hunger and discom-
fort faced by the less fortunate. Furthermore, fasting often acts "like a
therapeutic programme in controlling and managing anger."[28]

At an International Congress on Health and Ramadan, held in
Casablanca in 1994, Muslim and non-Muslim researchers noted that fast-
ing did not worsen the patient's health or baseline medical condition.
Shahid Athar, MD, author of *Medical Benefits of Ramadan*, also underlined
the psychological benefits of fasting, and some of its other health ben-
efits, such as the lowering of essential hypertension, and mild to moderate
non-insulin diabetes.[29]

Yet on the other side of the equation, many are known to indulge in
overeating at times of breaking fast at the sunset (*iftar*) and the early morn-
ing (*saḥūr*) meals, which tends to negate the beneficial effects of fasting.
There is a temptation to overeat, and many seem to find comfort in the
plausible thought that indulgence will be compensated for by the next day
of fasting. Eating irregularities and swings from total refrain to total indul-
gence has become a feature, among the vast majority, of the Ramadan fast-
ing month. Hospitals often report higher rates of admissions due to eating
disorders. Any health benefits gained from fasting are consequently nul-
lified and illness sets in.

Meat consumption is far too high almost everywhere, one might say
well beyond the limits of moderation, and should be reduced not only as

a matter of Islamic advice on moderation but as a general health advice for all concerned. Food specialists and dieticians also give the same advice when reflecting on the health hazards of meat consumption in large quantities, and frequent meat-eating indulgence.

Added to the foregoing is also the reminder that mass meat production is responsible for about 20 percent of the world's $CO_2$ emissions.[30] People's eating habits also relate to their buying habits. People are not careful enough in taking time to read labels when buying food in supermarkets so as to ascertain the amount of processed and junk food sold at "bargain" prices. Processed food often contains harmful chemicals emanating from careless use of pesticides, fertilizers, and preservatives. There is no "mystery to the rise of diseases like diabetes and other [food related]... disorders in teenagers and children these days."[31] Farmers, food processing plants, restaurateurs, media, government authorities, individuals and families all play a role, and all have a responsibility, to ascertain, revise, and control the consumption of meat in what they grow, produce, and offer for public consumption.

4) Food wastage is yet another aspect of the problem of resource depletion as discussed earlier. Scientists estimate, moreover, that between 30 to 50 percent of all food produced in the world is wasted at the table and lost in the production process. If this food is saved, the number of undernourished and those facing starvation can be drastically reduced. And if one is a vegetarian, one knows that he or she has enriched the Earth, and helped to reduce the threat of global water crisis. One's decision to go meatless, or minimize meat consumption, also contributes to slowing down a global food shortage and climate change.[32] This advice stands sound. In my opinion, all of us—Muslim and non-Muslim alike—should encourage a vegetarian diet among themselves and their families. Climate scientists point out that meat production creates greenhouse gasses. It is estimated that livestock account for 51 percent of greenhouse gasses. While it is for government agencies, farmers, and agribusiness players to take care of the larger issues, there are two simple things that individuals can do: (1) make sure not to waste food or water, and only cook or order what one can eat; (2) go vegetarian, or at least take vegetarian food a few days a week, and stop eating meat of ruminant animals, or at least reduce eating meat to a few times in the week.[33]

## *Moderation in Speech and Humor*

In matters of speech and sociability, the key Shāfiʿi scholar ʿIzz al-Din ʿAbd a-Salam (d. 1262 CE) has highlighted moderation in speech, remarking that it is highly recommended that a Muslim says that in which there is some benefit, either immediate or in future, or engage in speech that helps to prevent corruption and evil. This is the purport, in fact, of several passages in the Qur'an, as follows:

> And when you speak, speak with justice (al-Anʿām, 6: 152).
>
> O you who believe, be mindful of Allah and speak or say a word in pursuit only of a righteous cause (al-Aḥzāb, 33:70).
>
> And tell my servants to say (only) that which is best (al-Isrā', 17:53).
>
> The Prophet has added his voice to these guidelines when he said in a *hadith* that "pleasant speech is a form of charity."[34]
>
> To quote two other *hadiths* to which a reference has already been made:
>
> Whoever believes in God and the Last Day, let him speak when he has something good to say, or else remain silent.[35]
>
> The hallmark of a good Muslim is to remain silent regarding that which is of no concern to him.[36]

Islam's advice of moderation in speech also extends to the tone of voice in which one conveys a message. One should speak in loud voice only to the extent of making himself audible to his audience. There is emphasis on lowering the tone of one's voice in almost all contexts involving devotional matters, recitation of the Qur'an in supplication and prayer (al-Aʿrāf, 7:55) simply because: "God the Most High hears supplication even when uttered quietly, in which case, there is no need to say it loud."[37] The Prophet's Companions were consequently instructed not to raise their voices in the presence of the Prophet. The guideline here was for them to speak in the manner the Prophet spoke himself and not to raise their voices above that of the Prophet (cf. Qur'an, al-Ḥujurāt, 49:2; Luqmān, 31:19). It goes contrary to the tenor of this guideline to note in some places the uncomfortably high decibels of the call to prayer (*ādhān*), especially in busy residential areas of mixed populations of Muslim and non-Muslim residents, as the present writer has heard in some places in

Kuala Lumpur. *Ādhān* should be loud enough to inform but not so loud as to shock or make the neighborhood uncomfortable with high-volume loudspeakers.

This advice of moderation in the tone of one's voice and the length or otherwise of one's speech is extended, in turn, to teaching and preaching, what 'Izz al-Din 'Abd Al-Salam has phrased as "*al-iqtiṣād fi'l-mawāʿiẓ.*" The Prophet has been quoted on more than one occasion to have cautioned his Companions against excess in their sermons and in their teachings lest they make them cumbersome to the audience and tax their attention. For when one goes to excess even in these essentially recommendable activities, they fail to make the desired impact on the heart and mind of listeners and may well nullify the anticipated benefit in them.[38] The audience is also more likely to forget if the sermon is too lengthy. Brevity in speech is a sign of wisdom and knowledge of the speaker, who knows where to stop before inflicting fatigue on the listeners. Similar instructions in the *hadith* are found concerning visits to friends and relatives—that these should neither be too frequent nor too sparing. For diminished visitation encourages estrangement (*hijrān*), and excess in visitation amounts to imposition and boredom (*malāl*).[39]

Humor is recommended in principle and is deemed to partake in recreation (*istirwāḥ*) both for the joker and his audience. The Prophet is known to have had a sense of humor and practiced it in his own interaction, words, and action, both with children and adults. It is a condition of a permissible joke, however, that it is clear of lies. Similarly, jokes, whether in words or in action, are either forbidden or reprehensible (*mahẓūr, makrūh*) if they are tactless and harmful to one's audience or to those who may not be present, or when it involves taking of someone's belonging in the name of a practical joke. According to the instruction of a *hadith*:

> None of you may take the belongings of your brother, in jest or in earnest.[40]

Something that belongs to another person is taken playfully, if done so with the intention of returning it, otherwise it is in earnest and constitutes an offense. The *hadith* guidelines on humor also proscribe telling a lie even if it be in jest. Thus it is provided that "Faith is not perfect of a believer unless he abandons lying in the jokes he makes and abandons acrimony even if he is truthful."[41]

Moderation is recommended in one's love and affection just as it is the case with anger and reprimand. In a *hadith* recorded by al-Bukhari and Muslim, the Prophet spoke in a prohibitive language:

> Do not hate nor envy one another and avoid attacking one another behind your backs. You must act as God's servants and brethren unto each other. It is not permissible for a Muslim to boycott his brother for more than three days.[42]

According to *hadith* commentators, "do not hate one another" means that "you avoid creating the causes of hatred." In a similar vein, "boycotting one another" in the *hadith* under review means "stopping to speak to one another." A total break of communication is the beginning of mutual hatred, which should not be allowed to continue for long. Muslims are enjoined in several places in *hadith* to try to eradicate hostility among themselves through reconciliation efforts. It is a great act of merit for a Muslim to bring peace by reconciling two hostile parties, known as "*iṣlāḥ dhāt al-bayn*."[43] In his *Adab al-Dīn wa'l-Dunya,* Abu'l-Hasan al-Māwardī (d. 1058 CE) has quoted the second caliph 'Umar to the effect that exuberance in the show of affection begets shortcoming (*taqṣīr*) and comes in the way of a desired state of relations that leaves space for love to grow. Thus said Caliph 'Umar: "let not your love become a burden nor your rancour to become destructive (of the prospects of improvement)."[44] In a *hadith* narrated by Abu Hurayrah, the Prophet is reported to have said, concerning a husband and wife:

> Let not a believing man allow hatred in himself toward his believing wife. For if he dislikes her for some aspect of her character, he surely likes her for some of her other qualities.[45]

The Shi'ite authority Mohaqqiq al-Hilli explains that charity (*ṣadaqah*) is of five kinds, the first of which is charity with one's wealth, and the second with one's power and influence, which according to the authority of *hadith* from the Prophet consists of intercession for a good cause when it helps to save someone's life or relieve one from hardship. Third, charity may consist of the giving of counsel and good advice to someone in need of it. Fourth is the charity of the tongue. This is when words are used to bring peace between two feuding parties and reconcile them. The last of the five types of charity is charity with one's knowledge by one who is learned that

leads to proliferation of good understanding and enlightenment. To this effect, the Prophet [pbuh] has said that "teaching is the zakat of knowledge." Al-Hilli quotes this and also the following verse of the Qur'an in denounciation of secretive and futile whisperings:

> No good comes out of most of their secret talks, unless it be to encourage a good deed, charity, justice, or conciliation among people. To him who does this, seeking God's good pleasure, We shall soon grant him the highest of rewards. (al-Nisa', 4:114)

لَّا خَيْرَ فِي كَثِيرٍ مِّن نَّجْوَىٰهُمْ إِلَّا مَنْ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ أَو إِصْلَـٰحٍ بَيْنَ ٱلنَّاسِ ۚ وَمَن يَفْعَلْ ذَالِكَ ٱبْتِغَآءَ مَرْضَاتِ ٱللَّهِ فَسَوْفَ نُؤْتِيهِ أَجْرًا عَظِيمًا.

## *Work and Leisure*

One often comes across media reports of work- and study-related imbalances among workers, professional classes, executives, and students, who drive themselves to exhaustion due to long working hours they impose upon themselves. The pattern is not confined to the industrial West but also found in other countries across the boundaries of geography and culture. Stress is taking its toll on the health and well-being of a wide spectrum of the most productive strata of the world populace.

A recent survey by jobstreet.com in Malaysia revealed that almost 70 percent of employees spend between two and five hours working beyond their official work hours every day, with 63 percent admitting to not spending enough time with their families. It also found that nearly 54 percent of the respondents did not get the chance to finish their annual leave entitlement.[46] The situation had obviously not improved from the previous year, when another survey showed that 32 percent of Malaysian workers worked between nine and eleven hours a day, higher than the global average. Malaysian women were also ranked the sixteenth most stressed in the world. An extreme example was the tragic death recently of a young Indonesian advertising writer after reportedly working thirty hours straight. The story of her death through overwork went viral on social media.[47]

One hardly needs studies and surveys to tell one what the results of overexertion and fatigue are: depression, obesity, heart disease, hair loss, sexual dysfunction—to mention a few. Reports are also seen often of rising suicide rates among youth beset with negative thoughts due to stress,

parental pressure, loss of purpose, and despair. The perception holds in Malaysia that the longer the hours put in, the more prolific and praiseworthy becomes the employee. Those who choose to leave the office on time often get a suspicious look for not fulfilling what is expected of them.

Australia has performed exceptionally well in measures of well-being, as shown by the fact that it ranks among the top countries in the Better Life Index. People in Australia work an average of 1,686 hours a year, less than most nations. Most workers are back with their families after 5pm, with those staying back viewed with disapproval by other workers and colleagues. It is not so much up to the employer but the employee himself/herself to pause and make the needed adjustment toward leading a balanced pattern of work and leisure.[48]

Turning to the Islamic sources, one finds clear instructions in the teachings of the Prophet, who went on record to ask the workers to avoid a work regime that would drive them into exhaustion: "You are required to work to the extent of your abilities, for God is not impatient unless you yourselves become impatient."[49]

عليكم بماتطيقون من الأعمال، فإنّ الله لا يملُّ حتى تملُّوا.

This is an advice, evidently, of caution to workers to be aware of their own limitations and avoid overindulgence and fatigue. For this is not what their faith expects of them. The same message is endorsed in another *hadith* wherein the Prophet instructed the believers to "Refresh your hearts hour by hour (every now and then)."[50]

روحوا القلوب ساعة فساعة.

There is also an addition to this *hadith* that says, according to a report by ʿAbdullāh ibn Masʿūd, the hearts tend to go blind when they are denied of a (needed) reprieve.

فإنّ القلوب إذا كلت عميت.

Rest and relaxation is just as necessary for the well-being of people as is the work itself. Leisure time and vacation should therefore be given due attention in the determination of rules that regulate labor relations. This is also the purport of the *hadith* in which the Prophet has reportedly said: "Your body has a right over you," and one of those rights is to avail

it of rest and relaxation at regular intervals.[51] One should be able in the meantime to see to one's other responsibilities as a spouse, father, mother, and offspring, as the case may be. For these are likely to suffer in the event where a worker is exhausted and overtaken by fatigue. The Prophet has in yet another *hadith* warned against overexertion, infliction of severity upon oneself, and indeed of developing such into a recurrent practice and expectation:

> Do not be harsh with yourselves lest you be dealt with harshly, for some people were harsh with themselves, and Allah dealt with them harshly.[52]

<div dir="rtl">

لا تُشدِّدوا على أنفسكم فيُشَدَّدَ عليكم، فإنَّ قَوماً شدَّدُوا على أنفسهم فَشَدَّدَ اللهُ عليهم.

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The renowned Hanafi jurist Qāḍi Khan (d. 1195 CE) has recommended that a certain amount of the public treasury funds be allocated for the medical and welfare needs of workers. Since the workers' only asset that enables them to earn a living is their fitness and good health, and the community's welfare also depends on their well-being, their health is a joint responsibility of the employer and that state.[53]

The pattern of rest and recreation, according to *fiqh* rules, is to be determined by reference to the prevailing custom. Workers should be treated such that their productive energy remains a source of sustained benefit for themselves, their families, and the community at large. Working hours and workload, as well as the physical environment of work, are among the factors that call for particular attention. These are also some of the conclusions contemporary writers and commentators on the subject have drawn from their reading of the basic data of Qur'an and *hadith*.[54] The broad message of this evidence is conveyed in the Qur'anic verse that "God intends for you facility and ease and He intends not to put you in hardship," (al-Baqarah, 2: 185) which is endorsed, in turn, in another verse that states, "God intends not to make religion a means of hardship upon you" (al-Hajj, 22:78 and al-Ma'idah, 5:6).

The Shi'ite leader Sayyid Fadlullah writes that Islam encourages permissible recreation, which refreshes and regenerates the body and soul and energizes the individual to face his responsibilities in leading a productive life. He then quotes a *hadith* from the Prophet: "When the heart is oppressed, it goes blind." So let not your heart be burdened by overexertion and fatigue. Fadlullah also quotes a saying of Imam 'Ali to the

effect that "A believer should divide his time into three portions, one of which is devoted to worship, another is devoted to work, and the last to leisure—which is occupied with rest and permissible recreation. This last becomes an aid to the other two."[55] Sayyid Fadlullah concludes that when a person uses his leisure time well and stays clear of *haram* activities, this becomes a kind of worship (*'ibadah*). This is because rest and leisure energize and enable him to see to his other religious and temporal responsibilities.[56]

The 1989 Islamic Declaration of Human Rights, which has been ratified by member countries of the Organisation of Islamic Cooperation in its 17th session in Tehran, entitles every employee to break periods during the daily work hours, and periodical holidays during which the employee remains entitled to his or her normal emoluments.[57]

## *Art and Music*

The overly restrictive view many Islamic religious scholars and others are inclined to take of music, art, and entertainment needs to be moderated as it is not only unrealistic but also not quite in line with Islam's vision of itself as a comprehensive religion. For Islam pays attention to all aspects of human existence: physical, spiritual, intellectual, and emotional, and seeks ways and means to fulfill them within the limits of moderation. If physical exercise and movement stimulate the body, if worship nourishes the soul, and knowledge nourishes the intellect, then music, art, and entertainment nourish and moderate emotions.[58] Art and music that elevate but not degrade the spirit bring beauty, which is an important part of Islam. This is because *Jameel* (beautiful) is one of the Most Beautiful Names (*al-asmā' al-ḥusnā*) of God—He loves beauty and desires it so that everyone tries to bring it out in oneself and one's outside environment and living conditions.

For beginners, much of the Qur'an appears to be a catalog of different divine names, which they simply tend to overlook. Yet these are a central theme of Islamic theology and spirituality. Indeed, the very goal of human existence is portrayed in the Qur'an, in repeated accounts of Adam's creation and his inspired "knowledge of the names," as the gradual discovery and manifestation of the full range of attributes expressed in the divine names. The school of earthly existence, with its constant presentation of

spiritual and ethical choices, culminates in the active realization of what the Qur'an terms "the Most Beautiful Names" (al-Aʿraf, 7:180).[59]

Muslim theologians have divided the ninety-nine Names of God into the three categories of *Jalāl, Kamāl*, and *Jamāl* (majesty, perfection, and beauty), but it is significant that God Most High has Himself chosen beauty above them all, hence the collective Qur'anic reference to all of them by the word *al-ḥusnā* (most beautiful) (Q al-Isra', 17: 110; al-Hashr, 59:24).[60] If art is all about beauty and positively contributes to emotional health, then that is what Islam also desires in its followers.[61] Islam's view of beauty, rhythm, and psychologically penetrating language is an integral part of what is known as imitability (*iʿjaz*) of the Qur'an. Qur'an psalmody (*tilawah*) in musical rhythm and incantation in human voice by renowned Qur'an readers, and the rhythmical call to prayer (*ʾādhān*), penetrate the senses and help establish a closer identity with the Qur'anic language and message. The modes of chanting the Qur'an tend to express different rhythmic motions of the spirit.

Islam promotes beauty—and art manifests it in ways that words often fall short of doing. Al-Qaradawi has quoted numerous verses from the Qur'an where the text mentions beauty (*zinah, ḥusn, jamāl*) frequently in God's creation, for instance, in the human person, whom He created and fashioned "in the best of forms"; the earth, the mountains, and the skies that "He fashioned and beautified"; the animals in which there is "beauty and comfort"; and that "He beautified everything He has created."[62] He is the source of beauty, which is why the highest art in Islam, as in Christianity, is related to the Word of God. The writing of the Word of God, that is, calligraphy, and the chanting of it, that is Qur'anic psalmody, stand at the top of the hierarchy of arts in Islam.

The non-figurative or abstract features of arts in Judaism and Islam invite attention. The former art was revealed in the Torah and is exclusively sacerdotal. Islamic art is akin to Judaic art by its exclusion of human and animal representations. Islamic art takes its origins from the sensory form of the revealed Book, that is, from the interlaced letters of the verses of the Qur'an, and also paradoxically in some ways, from the forbidding of images. This restriction in Islamic art, by eliminating certain creative possibilities, intensified others, the more so by the express permission to represent plants, hence the capital importance of arabesques, and of geometrical and botanical decorative motifs. Calligraphy developed, thanks not only to the richness and plasticity of the Arabic characters, but also to the concentration—due to religious reasons—of the pictorial instinct on

writing alone. Islam, being possessed by the idea of unity (*tawḥīd*), if one may so put it, also has an aspect of the simplicity of the desert, of whiteness and of austerity.[63] The rhythmic chanting of the Qur'an, calligraphy, and architecture occupy center stage in the sacred art of Islam and have always played a fundamental role in the expression of Islamic spirituality. The same could be said of traditional Sufi music (*samāʿ*) and poetry that "bring man back to the inner courtyard of the Beloved."[64]

*Tawḥīd* explains the abstract character of Islamic art. Islam is centered on unity, and unity is not expressible in terms of any image. Art consists in fashioning objects in a manner conformable to their nature, for that nature has a virtual content of beauty, since it comes from God; all one has to do is to release that beauty in order to make it apparent. According to the most general Islamic conception, art is no more than a method of ennobling matter.[65]

The strong literary qualities of the Qur'an have also been influential in making poetry a highly appreciated art in Islamic lands. Major works of poetry appeared in Arabic, Persian, Turkish, and other languages, some of which are among the widely acclaimed masterpieces of world literature. Wherever Islam has gone, poetry has flourished, and is very much alive to this day as a major cultural force in nearly every Islamic society.

Nasr explains that the traditions of music in the Islamic world are among the richest in the world. Over the ages, they have not only enriched the lives of countless numbers of Muslims and played an important role in Sufi practices, but have also influenced Western music in many ways. When one hears flamenco music, one is reminded of classical Arabic or Persian music. The Western lute was adopted from the Arabic *ʿūd*, and the guitar is the offspring of the Persian *tār*. Today there is much interest in the Islamic musical traditions in the West, in a musical language that speaks of the deepest realities of Islam, even by those who have little familiarity with the rest of this religion.[66]

There are certain things that no text and *fatwa* can regulate and moderate better than the person who actually experiences them. Singing, music, entertainment, and the manner in which excessive indulgence in them can be avoided in favor of beneficial enjoyment are perhaps among them. Singing is rhythmical speech, and the good and bad in it depends on what it might be saying. One cannot denounce all singing just like one cannot denounce all speech, whether it is accompanied by musical sounds or not. Instruments have no intrinsic value of their own, but the value in them can be ascertained by reference to the manner of their use, surrounding

conditions, and context. This is precisely what the Qur'an also says about poetry: the good and the bad in it is to be determined by reference to what it says (al-Shu'ara', 24: 224–27). If songs and music are accompanied by drinking, gambling, and promiscuity, these are prohibited and so will be the song and music that promote and encourage them, not the song or musical instrument as such.[67]

The famous theologian and Sufi al-Ghazali (d. 1111 CE) wrote that music intensifies the passions within the soul. If the passion is directed toward God, it makes this passion more powerful and increases the fire of love for God. If there exists passion, however, for worldliness, music increases the soul's worldly proclivity and indulgence.

There is general consensus among Muslim scholars on the permissibility of song and music that celebrate weddings, births, Eid festivals, safe return of travelers, the march of caravans, and military expeditions. Some genres of song and poetry that praise God and pay tribute to Muhammad partake in devotional remembrance (*dhikr*). This can also be said of many of the Sufi practices that are accompanied by incantations and devotional remembrance with or without music. The sound of spiritual songs (*nāshīd*) in Egypt and Malaysia, the *ney* (flute) of the Mawlawis in Turkey, the genres of classical Persian music in Iran, the Andalusian orchestra in Morocco, the *qawwāli* in Pakistan and Muslim India, the *naʿt* and *munājāt* (praise and supplication) in Afghanistan, and many other forms of spiritual music permeate and fill the socio-cultural spaces of the Islamic world. Far from being un-Islamic, as some have claimed, the art of music is one of the most powerful manifestations of what lies at the heart of the Islamic message. Music and singing are permissible and moderation in them advised. For the good therein touches human consciousness and emotion with the essence of beauty.[68]

Beauty and enjoyment can also be derived from intellectual nourishment and learning. To pay attention to one's intellectual and emotional well-being is a question, to a large extent, of finding a correct balance between them in the true meaning of moderation. Al-Qaradawi has subscribed to the permissibility of singing and music, however, with the following provisos:

- The contents do not violate Islamic principles;
- The style of singing and/or performing art is clear of both debasement and over-indulgence; and

- The context and audience are dignified and clear of depraving and lascivious influences.[69]

The leading Shi'i scholar Sayyid Fadlullah's views on music closely resemble those of al-Qaradawi. In response to questions on "music and singing," Fadlullah has categorically stated that playing music, singing, listening to it, going to places where it is played and displayed, as well as manufacture, selling, and buying of musical instruments are allowed. They are, however, "not allowed when the words that are sung harm morals and chasteness, and encourage obscenity and lewdness, when the music is such that it stirs lust... and it is regarded as the music of corrupt people (*alḥān ahl al-fusūq*)." If this is the case, "then it is forbidden."[70] The learned Ayatollah was further questioned as to whether some songs that stir painful emotions and sorrow and "often make us cry—are they forbidden?" He answered as follows: "They are not forbidden if the words do not contain falsehood, but express real feelings."[71]

## Islam's Model of a Moderate Personality

Is there an Islamic model of personal conduct? Can one find in the sources of Islam an ideal character or attributes of character that in a positive sense offers an example to be emulated—one that could be said to epitomize the best of what Islam teaches on moderation? This may well be the Qur'anic conception of *ḥalīm*—one who possesses the qualities of *hilm* (compassionate forbearance) to which a reference has already been made. *Ḥilm* is a comprehensive behavioral concept that combines many features, most of which relate closely to character and lifestyle, and merits some elaboration as follows.

In the Arabic dictionary, *Tāj al-'Arūs* by al-Zabidi, the word *ḥilm* is defined as "the act of reining one's soul and holding back one's nature from the violent emotion of anger," and in *Muḥīṭ al-Muḥīṭ* by al-Bustāni as "the state of the soul remaining tranquil, so that anger cannot move it easily." Al-Bustāni adds to this the inclination of "being slow in requiting the wrong-doer."[72] In its characteristic manifestations, *ḥilm* inclines toward gentleness, kindness, and compassion that also integrate the ability to resist temptation to anger and provocation by the miscreant. A person who possesses the quality of *ḥilm* is likely to avoid conflict and seek

instead peace and reconciliation. It is the quality that enables one to resist extremism, prejudice, and injustice.

Ḥalīm is one of the Most Beautiful Names (*al-asmā' al-ḥusnā*) of God. The Qur'an also characterizes the Prophet Muhammad as one who set a "beautiful example" (*uswah ḥasanah*) (al-Aḥzāb, 33:21). For Muslims it is highly recommendable to make an effort to emulate his example. Then, if one inquires as to what, precisely, were the actual virtues that the Prophet integrated into his exemplary character—the answer we are given in the Qur'an is almost invariably related to *ḥilm*, that is, gentleness, kindness, and compassion. This is also how the Qur'an characterized the patriarch Abraham, who was almost singularly described by the attribute of *ḥilm*: "Surely Abraham was tender-hearted and compassionate—*la-awwāhun ḥalīm*;" and again, "Indeed Abraham was forbearing, tender-hearted and devout-*ḥalīmun, awwāhun munīb*." (Tawbah, 9:114; Hud, 11:75).

Toshiko Izutsu writes, in a section of his highly acclaimed book on *God and Man in the Qur'an*, that it is not just the Prophet's character, but also that:

> The Qur'an as a whole is dominated by the very spirit of *ḥilm*. The constant exhortation to kindness (*iḥsān*) in human relations, the emphasis laid on justice (*ʿadl*), the forbidding of wrongful violence (*ẓulm*), the bidding of abstinence and control of passions, the criticism of groundless pride and arrogance—are all concrete manifestations of this spirit of *ḥilm*.[73]

Izutsu further observed that as a divine attribute, *ḥilm* is that particular kind of gentleness that emerges as the surface expression of underlying power: "God forgives sins committed by men and is [He is] gentle, but it is not a simple gentleness; it is gentleness based on power, forbearance based on calm wisdom, which is possible only because it is coupled with an infinite power."[74] So if *al-Ḥalīm*, on the divine level, is one whose gentle forbearance is based on infinite power, *al-ḥalīm* on the human level describes one whose forbearance is based not on infinite power but on self-mastery and control. There is no power greater, on the human plane, than that required to dominate one's own ego and soul.[75]

*Ḥilm* is far from being a passive quality of simple patience and forbearance in the face of provocation, although it definitely comprises these virtues. *Ḥilm* must also be understood as "a positive and active power of

the soul that is strong enough to curb her impetuosity. . . calm it down to patience and forbearance. It is a sign of the power and superiority of the mind."[76] Ḥilm is thus closely related to compassion and peace as well as the power necessary for self-control. Engaging oneself in excessive indulgence or extremism of any kind would be alien to ḥilm.

Izutsu's analysis would be incomplete, however, without adding what he has to say about humility and kindness as salient components of Islamic ethics, and an aspect also of moderation:

> Thus it comes about that the element of meekness, or humbleness, as the human counterpart of the benevolence of God, is made the very pivotal point of Islamic ethics. Most, though not all, of the recognised moral duties of Islam derive in fact from this pious benevolence. Kindness is enjoined upon the believers upon every possible occasion. Kindness should be the governing principle of all human relations in society as well as in family. . .[77]

## Recommendations

My review of the source evidence and scholarly heritage of Islam on moderation in character and lifestyle sustains the following recommendations to individuals, government policymakers, NGOs, and the media:

- Reduce and minimize empty and misleading advertisements on television and in the mass media that promote excessive consumerism and unhealthy practices in food consumption patterns and lifestyle.
- Promote and encourage healthy eating: less sugar, less fat, and less red meat, for example. Provide information and advice on suitable alternatives.
- Educate the public on Islam's viewpoint and advice on moderation. Muslims have shown increased interest in religion on lifestyle matters—Islamic scholars, personalities, and imams have a certain responsibility, therefore, to provide it.
- Reduce noise and uncomfortably high loudspeakers in densely populated areas on social and religious ceremonies and occasions. Science and technology experts, car and machinery manufacturers, sound equipment designers, and others are also urged to make noise reduction and control an integral part of their production plans.

- Integrate and encourage values of modesty, self-restraint, and honesty in speech, social interaction, and humor within social relations and culture, as these values are central to the ethos of Islam.
- Encourage and appreciate art, recreational entertainment, and music that bring beauty and enjoyment without violating moral and religious principles.

# XIX

## Wasaṭiyyah *and Women's Rights*

THE RESTRICTIVE CURRENT of Muslim opinion on women's rights and the role they can play in public affairs and governance draws a distinction between public authority and private authority (*wilāyah ʿāmmah*, and *wilāyah khāṣṣah*), respectively. The advocates of this binary division entitle women only to the latter, which preclude women's eligibility to leading government positions, but include positions such as teaching, nursing, and the like.

The restrictive current of opinion is, broadly speaking, championed by the conservative strata of religious leaders, rural and tribal folks, and advocates of entrenched patriarchal customs. They go to the extremes sometimes of denying women their rights to education beyond a certain stage, which usually preclude tertiary education, the right to work for the most part, voting and participation in public affairs that entail mingling of the sexes in the public sphere, and socio-cultural and political affairs. This attitude of denial may sometimes even include rights that are clearly recognized by *Shari'ah*, such as women's property rights, inheritance, and education, which are to all intents and purposes denied them in the tribal belts and regions of Afghanistan, Pakistan, and elsewhere in many Asian and African countries.[1]

One also notes, still in the conservative camp, extremist views and movements taking questionable positions in the name of Islam. Note, for instance, the "Obedient Wives Club's" international vice president, Dr. Rohaya Mohamed of Malaysia, who said upon launching the club branch in Kuala Lumpur in 2011, in addition to a branch they have in Indonesia, that wives should "serve their husbands as first-class prostitutes" so as to keep them away from straying and thus prevent "infidelity,

prostitution, domestic violence, abandoned babies," and other social ills.[2] Dr. Rohaya was also quoted to have said that women were already being treated as sex objects in magazines and television programs and advertisements; hence, they could likewise be treated as sex objects by their own husbands! Many in Malaysia saw this as insult to women's dignity as wives, mothers, and equal partners, giving support, advice, and service to their husbands, their children, and the society at large.[3]

The other extreme is the pro-liberty current of opinion, often embraced by some advocates of feminism and gender equality, who are inclined to replicate Western models and go to excesses of the kind that ignore the family and cultural characteristics of their own societies. Some Muslim feminists, as Saʿdiyya Sheikh observes, "more easily discard judicious analysis and reiterate negative stereotypes... [and] persist in making sweeping claims about Muslim women or Islam without engaging the necessary level of complexity and specificity."[4] The feminist discourse is, however, far from being monotonous or monolithic. It is important for us to note that a more refined version of Muslim feminist discourse has emerged and developed since the 1980s, which maintains a critical view of the sweeping generalizations of Euro-American negative stereotypes concerning Muslim women. Third World and African American feminists argue that Western feminists regularly assumed that they could speak for the experience of all women. However, such presumptions of a universal womanhood represented only the realities of a particular group of women, namely First World, white, middle-class women. Such discourses marginalized and eclipsed the realities of women with different experiences. The post-modernist approach to feminist studies undercuts singular feminist narratives through embracing cultural diversity and recognition of multiple epistemologies of reconstruction, while simultaneously criticizing neo-colonial feminist discourses on Islam.[5]

Many Muslim feminists see their feminism as emerging out of their faith commitment on the assumption that the possibility for equality already exists in the Qur'anic vision of justice and human dignity. The problem as they see it is malpractice or misunderstanding of the sacred text—so much so that countless Muslim women experience injustice in the name of religion. For these "Muslim women, the first goal of a feminist movement is to re-understand and evaluate the sacred text and for women to be involved in the process, which historically has been reserved for men."[6]

Another point of concern to be voiced, however much in passing, is that gender justice issues have often been politicized and used by governments in power for their own partisan objectives. Politicians have often tried to elicit support from tribal, religious, and conservative strata of their populations, or as the case may be, to enlist support of the more liberal-minded classes, youth, and women, at election times and other occasions. They become opportunistic as it may suit their immediate purpose, debating issues when politics play up on substantive and sensitive matters of text and interpretation, which are given a certain angle and context that may well depart from the path of moderation merely to serve their vested interests.

The diversity and sophistication of the feminist and gender justice discourse also calls for a note of caution perhaps over the pitfalls of sweeping generalizations in our own discourse. Speaking of "conservative," "pro-liberty," and "moderate" currents of opinion is meant to facilitate discourse, with the understanding, however, that the discourse over women's rights and gender justice is internally varied and complex. The facts are that people in all of these categories often share certain views of one another, and this includes, one might add, the religious leaders and ulema, who are also not a monolithic category as there are among them some who take different and often unexpected positions on gender-related issues.

Ali Allawi is of the view that women's rights in Islam is an issue that will not be explained away by reference to the fact that Islam honored women in the Arabia of the seventh century, that women's rights are enshrined in the Qur'an, or that women dominate the private space in Islamic life. All of these are true, but they bear little relation to the real condition of women in Muslim societies and the raw deal they receive under the camouflage of the *Shari'ah*. Seeking a balance in the male-female relationship in Islam requires not only a reexamination of the roots of inequality but also a redefinition of the role of men according to the Qur'an and the *Shari'ah*. Balance is not a compromise between equality and inequality, but a separate state that strives for a harmonious, just, and stable outcome. Women's rights in Islam cannot be enhanced without a parallel insistence that men must also adhere to Qur'anic injunctions concerning their behavior and conduct. Not only the women are to observe modesty and courtesy in their outer behavior and inner disposition; men are also obliged to do the same. But Muslim societies are mainly patriarchal, often reflecting historical, tribal values that privilege males over females. These

attitudes have persisted into modern times, so that the Qur'anic standards of conduct demanded of men, especially in terms of fairness to women, are often ignored or flouted in practice.[7]

The textual data of Qur'an and *hadith* can accommodate different understandings of gender equality, if one is open to attempting such and willing to moderate one's views and approaches to issues. Without wishing to delve into details, I want to stress the need for a corrective to extremist currents of opinion on both sides over issues of concern to gender equality and justice. Both sides should seek to moderate and learn from one another and accord due recognition to the fundamentals of Islam as well as the realities of socio-cultural change. The textual guidelines of *Shari'ah* should not be read so rigidly as to insist on closing the door to healthy adjustment and *ijtihād* as well as to reasonable acceptance of the often inevitable influences of science and civilization. The decline of *ijtihād* and the decidedly damaging prevalence of blind imitation and *taqlīd*, the influence of entrenched patriarchal custom, as well as the prevailing demands of modern society and secularist culture are among the factors responsible for the present state of imbalances in gender justice and Islamic family laws of many Muslim societies. It is now widely recognized that certain aspects of the *fiqh* rulings that bear the vestiges of medieval society values call for revision and systematic reform in the true spirits of *tajdīd* (renewal), *Iṣlāḥ* (reform), and *ijtihād* that resonate to the spirit of Qur'anic guidelines on promoting and accepting that which is beneficial and good, and rejecting that which is harmful, excessive, oppressive, and unjust. "It is an obligation of the Muslim society," writes al-Qaradawi, "to protect women against the hallowed remnants of imitations in both the Islamic camp and the predominant West that are intent on stripping women of their essential dignity and womanhood."[8] He adds that extremism on one side is only expected to invoke the like of it on the other, which is what we are seeing. We are not obliged, however, to accept either, nor are we beholden to the old or to the modernist new, but to ascertain a balanced posture that shuns exaggeration and extremism.[9]

With regard to women's work and occupation outside the home, al-Qaradawi maintains that it is permitted, however, with the following provisos: (1) That it is permissible in its own right; (2) that it is needed especially for those who have to earn a living; (3) that it helps with the family income like what Asma' the daughter of the first caliph Abu Bakr did to assist her husband, Zubayr ibn al-ʿAwwam; (4) when the society is in need

of it, such as work in education and medical services; and (5) that family obligations, especially that of motherhood, are not neglected.[10]

With regard to women's participation in government and representative assemblies, al-Qaradawi discusses the restrictive views of Muslim scholars on this but concludes that they do not have clear and convincing evidence for their views. Moreover, juridical fatwas must take into account the changing conditions, custom, and culture of society in line with the *fiqh* maxim that "fatwa changes with the change of time and place."[11] There is no evidence in *Shari'ah* to warrant a ban on women's participation in government and representative assemblies, but the matter should, more specifically, be determined in the light of public interest, interest of the family unit, and preservation of the Islamic ethos.[12]

With regard to women's participation and presence in the public sphere, al-Qaradawi is also critical of the two extremes of opinion in the two opposing camps and advises moderation between them in line with the Islamic vision of *wasaṭiyyah*. He maintains that women were active participants in public life during the time of the Prophet and that of the Pious Caliphs. Women sat in the mosque, visited the sick, and even participated in the battles both on land and in the sea, as numerous *hadith* reports recorded in many a renowned collection of *hadith*, al-Bukhari, and Muslim, clearly show. There is sound authority then in support of women's participation in public life, provided, however, al-Qaradawi adds, that the Islamic ethical advice of modesty and dignified encounter is observed. As for the question whether a man may greet a woman with "salam," al-Qaradawi replies in the affirmative but says that the answer depends to some extent on circumstances and situations. Greeting is permitted, for instance, when the man is a visitor, teacher, or physician. Whether a man may do the same on the street to a woman, al-Qaradawi allows it among family members, relatives, and colleagues, but not among strangers.[13]

Qaradawi is of the view that the moderate current of *wasaṭiyyah* should take its cue from the Qur'anic guideline and recognition that "the believers, men and women, are protectors and supporters (*awliyā'*, pl. of *walī*—guardian) of one another. They promote good and prevent evil." (al-Tawbah, 9:71).[14]

وَٱلْمُؤْمِنُونَ وَٱلْمُؤْمِنَٰتُ بَعْضُهُمْ أَوْلِيَآءُ بَعْضٍ ۚ يَأْمُرُونَ بِٱلْمَعْرُوفِ وَيَنْهَوْنَ عَنِ ٱلْمُنكَرِ.

A key term in this verse, namely of *awliyā'*, signifies the same role of protection and support on both sides, which evidently proceeds on the

recognition of basic equality. Then also the fact that the verse entitles women to the promotion of good and prevention of evil, *amr bi'l-maʿrūf wa nahy ʿan al-munkar* (*ḥisbah* for short) is important in that *ḥisbah* signifies public authority, a comprehensive Qur'anic principle that entitles its carrier to participation in government and management of public affairs. State and government in Islam are the principal carriers of *ḥisbah* and women are clearly not excluded.

The advocates of inequality have also exaggerated over the meaning and implications of *qiwāmah* (maintenance, or giving support) in verse (al-Nisā', 4:34) where men are designated as "maintainers of women because God made some of them to excel others, and because of what they (men) spend of their wealth."

$$\text{ٱلرِّجَالُ قَوَّامُونَ عَلَى ٱلنِّسَآءِ بِمَا فَضَّلَ ٱللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَآ أَنفَقُواْ مِنْ أَمْوَالِهِمْ.}$$

The text employs the word "*qawwāmūn*" to say that men are supporters of women. *Qawwāmūn* derives from the root word *qawama* or *qama*, that is, to stand or stand for one another. The text explains its own rationale and effective cause in that men are charged with the duty to provide maintenance for women. Hence if men actually fail to provide material support and maintenance, it would follow that they will not be entitled to *qiwāmah*. Yet the advocates of inequality have sometimes translated *qawwāmun* as "holders of sovereign power," "masters," "rulers," and the like, which have been considered by many, including the Federal Shariah Court of Pakistan, as "inaccurate.": "The superiority, if any, is not about the natural proficiency of one and the deficiency of another, but is only on account of the responsibility for maintenance."[15] This is not the place to delve into details, as I have elsewhere attempted a fuller treatment of the issues, but for current purposes, a bird's eye view of salient changes in the law will suffice.[16]

Exaggerations in the traditional *fiqh* interpretations are also noted in some of the scholastic positions even of the leading *madhhabs*, excepting the Hanafis perhaps, in reference, for example, to *diyyah* (blood money) of a woman as being one half that of a man—in the face, apparently, of the clear Qur'anic declaration of "life for life—*al-nafsu bil'-nafs*" that establishes total equality in this regard. Twentieth-century Islamic family law reforms that effectively transferred the unilateral power of polygamy and divorce from the husband to the court of justice were also a corrective to a certain imbalance that had put women at a disadvantage within the family

and society. Many countries have followed suit and generally adopted the renowned Qur'an commentator Ibn Jarīr al-Ṭabarī's (d. 923/310) interpretation that men and women stand on an equal footing in the eligibility for appointment as judges, and then also of the key Hanbali jurist Ibn Qayyim al-Jawziyyah's (d. 1350CE) *ijtihād* that minimizes the differential between men and women in respect of their qualification to be witnesses in the court of justice.[17] "It is imperative for us to recognise," according to al-Nabhan, "that in Muslim communities by and large women are victims of manifest injustice (*ẓulm wāḍiḥ*) in the due recognition of their rights and essential dignity. It follows then that (measures should be taken) so as to enable them to enjoy the dignified status that Islam has accorded them."[18] Nabhan further asserts that it is due mainly to patriarchal customary practices concerning matrimony, divorce, and inheritance that women are made to suffer injustice. It is not possible to change all this through the introduction merely of new laws, without undertaking a more comprehensive cultural revival of the society to vindicate women's essential dignity, and ensure an appropriate status for them in family and society. This would also require judicial activism side by side with (enabling) statutory legislation. In this endeavor, we should also avail ourselves of the best contributions and guidelines of our *fiqh* heritage that can help us to enhance the rights and dignity of women.[19]

The Iranian scholar and activist Ali Shari'ati (d. 1977) was critical of Muslim scholars who are often satisfied by pointing out that Islam establishes progressive rights for women. Unfortunately, women do not actually benefit from these rights. This would change if we were to act according to the understanding that we acquire from the authentic teachings of Islam.[20] Shari'ati further added that custom and religion are often mixed up and conflated. This mixture of customs, which are changeable, and vary from one social, tribal, and local system to another, as also influenced by economic factors and unchangeable Islamic values contained in the revelation and prophetic teachings, is defended in the name of religion. The intellectual, seeing the deprivations and abuse of women on one hand and the semblance of social freedom, class advantages, and sexual liberty on the other, becomes confused. When the religious group in a community (those who are acquainted with religion and follow it) is unable to distinguish between the religion and the local, tribal, and cultural customs, how can we expect young, modern intellectuals (who are willing to fight against ancient customs) to make a distinction between religion and customs? If the distinguished scholars of Islam, who are acquainted with

Islamic truths, do not perform this task, then what organization, what power, can be expected to do so?[21]

Hamid Enayat, also a Shi'i scholar, is critical of "the increasingly one-sided interpretation of the Shariah. . . which was used by the ruling monopolists throughout history to confine women to a secluded passive life of subordination to men."[22] He then refers to two particular verses of the Qur'an (al-Baqarah, 2:228 and Al-'Imran, 3:195) that can be the basis of equal rights for women in Islam. Further affirmation of this comes from the Prophet's encouragement of his wife 'Ā'ishah to take an active role in the political, legal, and scholastic activities of the young Muslim community, further substantiated by compelling examples of idealism of Fatimah, the Prophet's daughter, and revolutionary resistance of Zaynab, 'Ali's daughter.[23]

Somewhat similar to al-Qaradawi's views, Ayatollah Yusef Saanei, a leading scholar of Qum seminary studies since 1973, and a one-time member of the Council of Guardians under Ayatollah Khomeini, has advanced a cogent argument for women's equality rights. Saanei is critical of the *fiqh* positions, upheld by general consensus (*ijmā'*) but which "contravene the overarching ethos of justice in the Qur'an," in reference, for example, to blood money, inheritance, and guardianship (*wilayah*). [24]

Saanei advocates women's equality in all of these in more details than we can cover in the limited space here.[25] He argues that the Qur'anic term "*ma'rūf*" (known and approved) is an important ethical category, which together with its other ethical concepts, such as righteousness (*al-birr*), benevolence (*iḥsān*), and goodness (*khayr*) provide a powerful argument for a merger of ethics (*akhlāq*) with law (*fiqh*). That has not happened, as the *fiqh* scholars disconnected the two by not paying enough attention to the ethical impulses of the Qur'an and *hadith*. The moral categories just mentioned, Saanei adds, are applied to both genders in the Qur'an, where both are asked to vie with one another in good deeds (Q al-Baqarah, 2:148) and both are enjoined to order what is right (*ma'rūf*) and forbid what is wrong (*munkar*) (cf., Q Aal-'Imrān, 3:114). Saanei develops this argument in respect of the mother's entitlement to guardianship, and draws the conclusion that the mother would be eligible, upon the death of her husband, to be the trustworthy guardian of her child based on her good character and competence in management of the affairs of the child. Whereas the *fiqh* rules give priority to the grandfather over the mother, Saanei concludes that "she is no less qualified than the grandfather in carrying out these functions, and the Qur'an makes no reference to gender

when enumerating the ethical attributes necessary to carry out these objectives."[26]

In a similar vein, Saanei says that the *fiqh* ruling that quantifies the blood money of a woman to be half of that of man contravenes the Qur'anic affirmation of inherent human dignity that is endowed equally in all (Q al-Isrā', 17:70) To deny this to any human being (women and non-Muslims included) is a "flagrant violation of the Qur'anic worldview." With reference to homicide, the Qur'an makes no distinction based on gender, Saanei adds, on the amount of blood money. He quotes the long Qur'anic verse on the subject (al-Nisa', 4:92) and says that the *hadith* literature, juristic precedent, and consensus (*ijmāʿ*) "are unjustifiably and improperly given greater weight than the Qur'an." [27] He then advances a detailed analysis of the fourteen *hadiths* Muhammad b. Hasan al-Hurr al-'Āmili (d. 1692) has gathered on the subject. His analysis of the narrators of these and some internal discrepancies also in the textual contents of these *hadiths* leads him to the conclusion that "the Qur'an has priority and, accordingly the hadiths and consensus must be dispensed with in favour of the Qur'an and the faculty of reason."[28]

Saanei then takes up women's inheritance rights in considerable detail, but focuses on the specific case of the husband and wife inheriting from one another. The husband would inherit the whole of his deceased wife's estate in the event he is the sole survivor, whereas the wife would inherit only one quarter of the husband's estate in an identical scenario. This conclusion is arrived at by scholars including Shaykh Mufid (d. 1022 CE), Shaykh Ḥasan al-Ṭūsi (d. 1067), 'Allamah al-Mutahhar al-Hilli (d. 1325), and Shaykh Murtazā Anṣāri (d. 1864). Saanei is careful in emphasizing that rejecting the consensus of previous scholars that contradicts the Qur'an in no way represents disrespect to them. Instead, he calls for cultivating a culture of dissent within the parameters of ethical discourse. He then quotes the Qur'an (al-Nisā', 4:12) on the inheritance of the husband and wife from one another, commenting that no mention is made of the remaining portion of the inheritance when the deceased is survived by only her spouse and no children. Just as the residual is handed over to the husband, rather than the imam or the public treasury, in the event of the wife's death, the same rule should apply if the husband predeceases the wife.[29]

The mid-ranking Iranian cleric Hasan Eshkevari cites the *fiqh* principle on the inevitability of change. In Islamic *fiqh* we have a principle that the ruling must follow the subject matter (*ḥokm tābeʿ mawzuʿ ast*). Muslim

scholars have discussed this principle in detail and it is fairly self-evident. It means that when there is a change in the subject matter, its ruling, too, will change.[30] We now live in a different era. The issues of family, "women's rights, relations between men and women, hijab (veiling), inheritance, whether women should be maintained, custody of children and many other issues that we have in Islamic fiqh—Shiʿa or non-Shiʿa—must all be reconstructed from the foundation."[31]

Leading Shiʿite scholar Sayyid Fadlullah advances a penetrating Qurʾanic analysis on women, which he begins with a question: why is it that when a woman leaves home to accomplish what she needs to do in the social, political, or cultural spheres, she is exposed to charges of deviation as if she is a human that lacks ethical and inner restraint, but not so when a man does the same? Is deviation not a possibility also in his case?

The learned writer's detailed response is as follows: Issues are evidently still looked at through the lenses of worn-out customary practices, an outlook that is also extended to scriptural interpretation and textual data that may well have been meant for a set of particular circumstances.[32] We know that the Qurʾan sets authoritative standards; we also know that the Qurʾan speaks of good works by men and women, just as it speaks of bad deeds by both from exactly the same footing. It speaks of the woman in exemplary terms, just as it does of the man in the same way, in both positive and negative terms. In addition, when speaking of "commanding the good (*al-maʿruf*)" to elevate the standards of human conduct, and of forbidding evil (*al-munkar*) that signifies human failings, the Qurʾan remains gender-blind. So also is the case when the Qurʾan speaks of both men and women as guardians and protectors (*awliyāʾ*) of one another; it makes no distinction between them whatsoever.

It follows, then, that it is for us to confront the hallowed usages and strip them of the false sanctity they often command. It is possible, of course, that some people misunderstand "sacred scripture" or exaggerate their purpose. We must, in any case, "have the courage to confront those hallowed usages and also understand our Islamic reality now rationally, such that we do not conflate the beneficial with the harmful... we retain the former and reject the latter." If we fail to do so, Fadlullah continues, then what would be the difference between us and the logic of ignorance (*al-manṭiq al-jāhilī*) depicted in the verse: "We found our forefathers following on a certain path and we will certainly follow in their footsteps" (Q al-Zukhruf, 43:23)?[33] The Sunni Ibrahim al-Shimri, who authored a book on *wasaṭiyyah*, reminds his readers: "we should not forget that Islam

recognises the rights of women to work, their right to cultural advancement, education and training. When a line of work is lawful for women, they enjoy equal entitlement with men [in remuneration, for instance] provided that their career concerns do not clash with their responsibilities as mothers and also the ethical norms and principles of Islam."[34]Translating the implications of *wasaṭiyyah* to the detailed aspects of gender justice thus means, according to both the Sunni and Shiʿi authors whose work we have reviewed, taking corrective measures to address a legacy of imbalances in the interpretation of text and doctrine on one hand, and corrective action also to some of the exaggerated assertions of oppressive patriarchal custom, on the other. One should similarly beware of the hazards of runaway feminism that pits men and women against one another, and gloss over the essential commonalities of interests of men and women in family and society. The spirit of moderation would also advise a guarded approach toward opening the door to the tides of modernity, youth culture, and secularism that may well be disruptive of family values and culture of societies, and come into conflict with the spirit of the Qur'anic directives on modesty (for both men and women). It is hardly advisable, from the Islamic perspective of *wasaṭiyyah*, to take a totally negative view either of modernity or tradition. The advice of moderation would clearly favor a selective and carefully nuanced receptivity of all that is good and beneficial in modernity and secularism.

Before concluding this section, I would like to present an overview of the law reforms in Morocco as illustration of healthy adjustment in family relations.

The Moroccan Family Law Code 2004, known as the Mudawwanah, also brought important changes to the *fiqh* laws of guardianship and custody (*wilāyah* and *qiwāmah*) in giving equal status to both the mother and father in family affairs. The wife is to share joint responsibility with her husband for the management and well-being of the family unit. This is the purport of Article 51, which spells out "mutual rights and duties of the spouses" under five subsections, including:

> The wife's assuming with the husband the responsibility of managing and protecting household affairs and the children's education. . . consultation on decisions concerning the management of family affairs, children, and family planning. . . mutual respect, affection, and the preservation of the family interests.

The wife's traditional obligation to obey her husband has been removed, and women are no longer placed under the guardianship of male relatives. The minimum age of marriage has also been set at 18 for both men and women (Art. 19), and adult women are entitled to conclude their own marriage contract.

Polygamy is "forbidden when there is the risk of inequity between the wives. It is also forbidden when the wife stipulates in the marriage contract that the husband will not take another wife" (Art. 40). Polygamy is allowable, however, upon obtaining a court order and permission when the case meets the code's conditions.

Women have, furthermore, the same right as men to obtain divorce—both must go through the courts. Thus it is provided under Article 78:

Repudiation is the dissolution of the bonds of matrimony exercised by the husband and wife, each according to his or her respective conditions, under judicial supervision and according to the provisions of this *Moudawana*.

The Code's chapter on divorce regulates in details the court proceedings pertaining to the various types of divorce, which includes the following under Article 98:

The wife may petition for divorce on one of the following grounds:

1. Non-respect by the husband of one of the conditions in the marriage contract;
2. Harm;
3. Non-maintenance;
4. Absence;
5. Latent defect;
6. Abstinence and abandonment.

Constitutional reforms passed in July 2011 in Morocco also included greater recognition of gender equality and prohibition of gender-based discrimination. Whereas equality under the 1996 constitution (Art. 8) was expounded within the context generally of political rights, under the 2011 constitution (Art. 19) equality is framed within the comprehensive definition of human rights. The new constitution forbids all forms of

discrimination, including explicitly, gender-based discrimination. Article
19 further exhorts the state to make equality a reality through the creation
of a specific authority for equality and elimination of discrimination.

Islam's own legacy of dogma and doctrine is, in my view, inclined
toward nurturing a culture of restraint against certain aspects of moder-
nity and secularism that conflict with the theocentric and spiritual core
of Islam, although a qualified acceptance of some of their positivist and
civilian features in science, technology, economics, and governance can
be justified. One ought to bear in mind, perhaps, that the unitarian
(*tawḥīdi*) Islamic vision of humanity and its universalist teachings on
basic values have been manifested in its history of active interaction with
other civilizations. The teachings of *hadith* on the quest for knowledge and
*hikmah* (wisdom) has in so many ways advocated an open and interactive
approach with other countries and cultures. The Mudawwanah marks a
step in the right direction that merits attention of other Muslim countries
and jurisdictions.

# XX

# Wasaṭiyyah *and Globalization*

TWO CURRENTS OF opinion concerning Muslim responses to globalization are noted, one of which views it with suspicion and the other with optimism. The correct advice would naturally not support either of these, but rather an approach that is carefully moderated and weighs the advantages and disadvantages of globalization for what they actually are. Expert opinion on the economic and financial impacts of globalization leans more heavily toward its negative effects for the weaker economies and nations. Highlighted in this connection are trade liberalization, financial globalization, cross-border flows of capital, and social impacts of globalization.

Globalization is a complex and multidimensional phenomenon that goes beyond the internationalization of capital and information technologies. Globalization also involves cultural and moral values and has had particular impact on taste and lifestyle. The impact of the current globalization on the Muslim world has been varied, with positive and negative outcomes for different nations. Whereas Malaysia, for instance, has benefited from one particular aspect of globalization, namely, trade, the interwoven international financial networks proved disastrous to the Indonesian economy, and that of Malaysia, during the 1997–1998 Asian financial crisis. The globalization of communication technologies, for its part, is exerting tremendous impact across the Muslim world, particularly on youth.[1]

A question arises as to the differences, if any, between globalization and Westernization. It is suggested in response that globalization is a process in which "the whole world becomes like a small village, where the less advanced communities can develop their capacities" and that "tends to be a two-way process, which makes it possible for each community to

take as well as to give." Westernization, on the other hand, tends to be a one-way street, meaning that one region attempts to dominate and control other regions in the name of globalization.[2]

Many Muslim individuals and communities are ill-equipped to understand and face the challenges of globalization in "the new world order." Some of the features and themes of the new world order we are facing are transformation from a bi-polar to a uni-polar world, as well as the triumph of capitalism and liberal democracy, with the US emerging as the sole "policeman" of the world and principal beneficiary of globalization.[3]

In Kurt Seinitz's assessment, for all the talk of globalization bringing increased diversity, most Westerners continue to demonstrate a widespread lack of basic knowledge about Islam. That lack is compounded in the West by social secularization and the accompanying death of religious taboos, which decreases interest in and empathy with non–Western religions. On the contrary, Islam is a globalized world in and of itself, including some of the richest and poorest countries in the globe. By and large, however, few Muslim countries appear to have made notable contributions to the current field of information technology. One reason is because the basic components of a viable and fertile economy—a good investment climate, inexpensive manufacturing, and market availability—are often missing in the Muslim world. To compete economically, the Muslim world will need to renew its golden age of scientific progress and enlightenment.[4]

The advantages of globalization include cheaper and easier communication, which has helped disseminate knowledge in many fields and disciplines. Matters such as human rights, public accountability problems and corrupt dictators, women's issues, and so on are exposed faster and are more likely to be addressed. The expansion of trade and foreign investment has similarly accelerated social mobility and strengthened the middle class.[5] Globalization makes it possible for humanity to have compassion for one another when calamities—natural or man-made—affect others.

Chandra Muzaffar offered Malaysia as an example of a country that has had success with modernization despite the pressures of globalization. This, he says, is due to five major reasons: (1) a lasting balance of power among national ethnic groups; (2) a socially responsible and relatively honest political leadership since the late 1950s; (3) a sustained economic growth accompanied by redistribution to bridge the gap between indigenous and non-indigenous peoples; (4) an emphasis on education,

irrespective of gender; and (5) an ever–more ingrained cultural sense of tolerance at the societal level.[6]

On the negative side, it is further noted that globalization means wider but not necessarily equal access for all, which tends to bring about greater disparity between the haves and have-nots. Millions of people around the world experience globalization not as an agent of progress but as a disruptive force, almost hurricane-like, in its ability to destroy lives, jobs, and traditions. Globalization has also popularized a consumer culture and greater emphasis on materialist possessions that erode traditional values. It has internationalized crimes of all kind and made diseases more rampant and difficult to control. Formal education systems are emphasizing technical skills that respond to market demands and, as a result, marginalize traditional academic subjects and moral education. Furthermore, environmental degradation has grown to unmanageable proportions due to unrestrained carbon emissions by richer countries and corporations, just as it has accelerated deforestation and logging activities to multiply profit for the few.[7]

Jomo K. S., a Malaysian economist and formerly economic advisor to the UN secretary general, noted that globalization is associated with trade liberalization, which has generally "favoured the rich over poor countries in various ways."[8] Financial globalization has played a significant role in bringing about the 2008 financial crisis, as it did the preceding crisis of 1997–1998. Proponents had claimed that financial globalization would increase capital flows from rich to poor countries, but actually the converse has happened.[9] On cross-border capital flows, it is again noted that contrary to the claims of its advocates, financial globalization has generally increased the flows of capital from poor countries to rich countries. Cross-border flows of capital also contribute not to growth or real investment but instead to asset market bubbles in property markets, stock markets, and consumer binges or overinvestment.[10] Finally, the systemic financial fragility and crisis have wrought havoc on developing countries and weaker economies, including higher food prices, reduced capital inflows, unemployment, and social and political instability.[11]

Harvard philosopher Michael Sandel's critique of globalization highlights the rampant marketization of society and its transgression of the moral limits of markets.[12] Over the last three decades we have drifted from having a market economy to becoming a market society. The former is a tool for organizing commercial activity, but a market society is a place where everything is up for sale. It is a way of life where market values

govern every sphere of existence. Sandel argues that market values are crowding civic spaces. When public schools are plastered with commercial advertising, they teach students to be consumers rather than citizens. When we outsource war to private military contractors, or bring in shorter waiting lines for airport security for those who can afford them, the result is that the affluent and those of modest means live increasingly separate lives. "The great missing debate in contemporary politics," Sandel wrote, "is about the role and reach of markets."[13] This reach of markets into every aspect of life was partly a result of the end of the Cold War, when America's victory was interpreted as a victory for unfettered markets, thus propelling the notion that markets are the primary instrument for achieving the public good.[14]

The Shiʿi scholar Saied Reza Ameli wrote that culture is active and dynamic. People normally practice their own cultural and historical heritage. When some culture cannot consume its own literature, art, and tradition, then that culture is not really alive. If Malaysians, Chinese, Indonesians, and Iranians don't consume their own culture and wish to consume Western culture, that means there is something wrong in that society. Globalization penetrates people's lives and this is happening by the indigenization of American culture. MTV is now presented all over the world in more than twenty languages—you can see Malaysian MTV, Pakistani MTV, and Arab MTV everywhere.[15]

In the eyes of many in predominantly Muslim countries, the free flows of finance, trade, and information are seen through two distorting lenses: suspicion and insecurity. The suspicion is the residual effect of resource exploitation under colonialism. The second view, uniquely Muslim, stems from insecurity over whether Islamic civilization will ever reassert itself after its prolonged period of stagnation. It is particularly an issue of the Muslim world because, unlike other civilizations, only Islam ever had a cultural dominance over the West.[16]

Saied Ameli recounts his visit to Indonesia in 2012. "I was really shocked when I went to the rural areas of Indonesia." According to Ameli, the poor people there have problems finding enough to sustain them for their everyday life, yet they are practicing MTV culture and Hollywood culture, wearing the same clothes as people wear in Europe. If one comes inside their homes, however, there is not the same standard of life that people have in Europe. With regard to the impact of globalization on culture, Ameli further added that globalization can gradually create a cognitive change, but this change is not a transformation from one religion to

another religion—it's a transformation from religion to non-religion, it's transforming from values to non-values. We can see the signs of this phenomenon in today's young generation. This is problematic because most of the youth exposed to globalization "don't understand what is going on. If someone doesn't know what they are facing then they can't stop it." [17]

It is sad, Ameli added, if someone doesn't like himself, his culture, or his values, he may decide to bring changes, and that is not a problem—if it is done in a rational manner—but it is sad and unacceptable if others impose changes on our society that have no root in the indigenous culture of our people.[18]

There are Muslims who say that, in the midst of globalization, you have to reassert the essence of Islam. And that is its universalism, its inclusiveness, its accommodative attitude, its capacity to change and to adapt, while retaining the essence of faith—in other words, expressing faith as something that is truly ecumenical and universal. This is a trend that has its adherents in almost every Muslim country, but has nevertheless remained on the margins.[19]

Al-Qaradawi has observed that globalization in economics, culture, communication, and the like has benefited the dominant powers and harmed the weaker ones. Yet he adds that a totally negative attitude toward globalization is also likely to close the door of beneficial exchange in various spheres of contact and interaction among countries and cultures. The Islamic position, in principle, advocates opening the door to wisdom and beneficial advice regardless as to where they originate from. A certain degree of interaction and exchange is not only advisable but also unstoppable given the realities of the scientific age in which we live. As for the scale and frequency of such interaction, "I believe that the moderate approach (*al-manhaj al-wasaṭī*) is the most advisable."[20]

Without proposing to draw parallels with contemporary globalization, in line with its principle of *tawḥīd* (Divine Oneness), Islam maintains a unitarian outlook in its beliefs and values. *Tawḥīd* is the first article of the Muslim faith and a major theme of the Qur'an. Every discussion of law and morality in Islam manifests the influence of *tawḥīd*. There is only one God and, by implication, one humanity. Every part of the universe reflects the unity of its source, and *tawḥīd* does not admit of divisions in the value order governing the various facets of human life. *Tawḥīd* also binds the Muslim community, and the latter also with the rest of humanity, thus constituting a source of essential equality for all members of the human

fraternity. God has bestowed "dignity on the children of Adam," says the
Qur'an (al-Isrā', 17:70).[21]

<div dir="rtl">وَلَقَدْ كَرَّمْنَا بَنِىٓ ءَادَمَ.</div>

All humans are created from a single soul (Q al-Nisā', 4:1), and the
Qur'anic narrative of the creation of man has it that God our Creator
breathed a breath of His Divine Self into Adam (Ṣaad, 38:72). The children
of Adam are all of the same origin and are as such brethren in human-
ity, whereas the Muslim community, or *ummah*, constitutes a fraternity
in faith.

In his renowned Farewell Sermon (*hajjat al-wadā'*), the Prophet
addressed a large audience of Muslims and pagans in Makkah with this
message: "O People, your Creator is one, you are all from the same ances-
tor. All of you are from Adam, and Adam was created from earth."[22]

<div dir="rtl">يأيّها الناس, ان ربكم واحد, كلكم لآدم وآدم من تراب.</div>

Islam's vision of humankind is therefore one of a single, unified entity
regardless of any differences of origin, race, color, and creed. Muslims
and non-Muslims are equal in essential human dignity and entitled to
the same standards of justice and fair treatment (*'adl wa iḥsān*—al-Naḥl,
16:90). Islam is cognizant also of the differences of nations and cultures,
which is a part of the grand design of God's creation. But while the differ-
ences are meant to facilitate recognition (*ta'āruf*), it is declared immedi-
ately after *ta'āruf* that "the most noble of you in the eyes of God is the most
righteous of you" (al-Ḥujurāt, 49:13).[23]

<div dir="rtl">إِنَّ أَكْرَمَكُمْ عِندَ ٱللَّهِ أَتْقَىٰكُمْ.</div>

Al-Qaradawi draws the conclusion from his reading of the Qur'anic
evidence that Islam recognizes two levels of fraternity, namely frater-
nity in religion (*al-ikhā' al-dīnī*), and the wider human fraternity (*al-ikhā'
al-insānī*).[24] Righteous conduct is not defined separately for any race and
nation: they will all be judged by the same standards without discrimi-
nation or distinction of any kind. The fourth caliph 'Ali went on record
to say that if anyone sleeps the night in comfort and affluence while his
neighbor suffers from deprivation and hunger, he is held accountable for
it. Waḥbah al-Zuḥayli made the observation that Islam's vision of building

a human civilization in the earth (*iʿmār al-arḍ*) and its assignment of the role of God's vicegerency to humankind constitute the essence of its universalist outlook. This essential mission draws no distinction between men and women, or Muslims and non-Muslims, and is inspired by the outlook of prosperity and success (*al-falāḥ*) for all alike.[25]

Formulating suitable responses to the challenges posed by globalization in its multi-layered manifestations should be carefully investigated and moderate positions taken in light of its likely consequences. The question also arises as to how the *wasaṭiyyah* approach can be ascertained and identified in the complex situations and scenarios globalization is likely to pose: When it is known that globalization is an instrument, for the most part, of the strong and powerful to extend its sway over the weak and the powerless, is it then advisable to look for moderate approaches and positions therein? There is no easy answer to this question, although one would imagine that globalization would need not only be understood and investigated in broad outline, but in respect also of its various components. Some of the component parts may require different responses to those of its other parts. That said, to make appropriate choices and nuanced decisions on aspects of globalization is evidently not a facile task and certainly not for the uninitiated. One may here also recall our previous analysis on the various meanings of *wasaṭiyyah*, one of which is to make the best and most appropriate choice, if there is a choice, that is, which may or may not, in the case of globalization, be one of choosing an average or a middle position, but one which is the best possible. A separate section of this book on "identification of *wasaṭiyyah*" has reflected on this very question and identified indicators by which moderate and balanced choices can be known and verified.

To conclude, culture should be guided by moral universal values whereby a strong ethic of restraint within one culture is applied to prevent the dominance of another culture.

The internationalization of the ethical values within the consciousness of the individual and the community is the only real hope for humanity. It is almost impossible to effectively censor all information through the Internet, satellite, and so on. The individual who derives his or her value system from religion will be guided by time-honored principles of what is right and wrong, and vindicate justice out of deep faith. For Muslims this would require scientific planning and action within the framework of a true Islamic sense of cooperation, coordination, and solidarity, since the burden is too big for a single state among the Islamic states to bear.

# XXI

## *Islam Between Antiquity and the Modern World*

AN EARLIER SECTION of this book focused on advancing a scriptural understanding of *wasaṭiyyah* from our reading of the Qur'an and some of its commentaries. I made the point then that the principal verse on *wasaṭiyyah* (i.e., 2:143) was revealed soon after the Prophet's migration from the predominantly pagan environment of Makkah to Madinah, where Islam came into contact with other religions and communities. This was a momentous event, commonly known as *hijrah*, which also marked the beginning of military confrontations and brought the new community under military attacks of much larger powers that placed Islam virtually at a crossroads of survival or collapse.

The Muslims eventually triumphed, a new *ummah* came into being, and Islam entered a level of conversation with entrenched Arabian tribalist traditions, Judaism, and Christianity. The event of the *hijrah* is in many ways seen as Islam's own transition from Age of Ignorance (*jāhiliyyah*) to "Enlightenment"—Islam's own version, in some ways, of what Europe experienced centuries later. The following paragraphs provide an overview of how Islam conducted its conversation with the biblical tradition, and the discussion raises, in turn, the question as to how, if it all, the nascent *ummah* played its scripturally designated role of a witness and a moderating influence in that relationship. The discourse that follows has two aspects, one of which is concerned with the Qur'an and its identification of Islam as an Abrahamic faith. The discussion then proceeds to the other aspect of our discourse, which is to review and examine

Islamic civilization's encounter with modernity. The main question posed here is: how do *wasaṭiyyah* and witnessing project themselves in these encounters?

A perusal of numerous passages in the Qur'an would show that in very concrete terms the Holy Book links its own identity to the Abrahamic/biblical tradition—which is the very tradition that it is also criticizing in its Jewish and Christian variations. The Qur'an in this way provides an unequivocal affirmation of the biblical narrative. The Qur'anic narrative transcends, in the meantime, the grounds on which it engages Judaism and Christianity—yet as will be shown, transcending would simply make little sense in the absence of that initial affirmation and engagement. In other words, the Qur'an never questions the legitimacy of the common grounds that it shares with Judaism and Christianity and affirms them on several occasions as containing "guidance and light," but goes further to assert that it consists of a culmination and fulfillment of the biblical narrative.

Moderation in Islam is an endorsement of Islam's middle position in the historical cycles of civilizations. In explaining the civilizational portrait of Islam in relationship to other civilizations, Tahir ibn 'Āshūr (d. 1973) refers to the laws of Hammurabi, and of ancient Egypt, Moses, and Zoroaster, as well as ancient India, but adds that none had the characteristics of universality that would transcend the geographical and socio-cultural confines in which they appeared.[1] Islam, on the other hand, emerged in an era and setting that had preserved its simplicity in isolation from major civilizational spheres of the ancient world. Arabia, the original birthplace of Islam never confined its outlook to that context, and as the Qur'an proclaimed, brought a universal message for human guidance.[2] The Qur'an also views the diversity of peoples and cultures, their laws and languages as conducive to recognition and friendship among them (cf., al-Mā'idah, 5:48; al-Rūm, 30:22; al-Baqarah, 2:136). The Muslim community is then described as the mid-most community committed to moderation and justice. Thus it is affirmed that the essence of all virtues (*faḍā'il*) and of sound natural disposition (*fiṭrah*) lies in moderation in all matters.

Islam contains the resources to be an affirming witness and critic in its relations with other religions and that of the post-Enlightenment modernity. In its engagement with Judaism and Christianity, the Qur'an turns to the Torah and Bible mainly as an affirming witness but also critiques certain aspects of that relationship. The fact that the Qur'an contains the resources to be an affirming witness from outside the modern world has

also prompted commentators to scrutinize Islam's encounter with secularist modernity of the post-Enlightenment period.

Robert Bellah and Ernest Gellner are of the view that the Qur'anic event anticipates certain "modern" ideals, being open to them and affirming them. Gellner has also observed that Islam appears to be better suited than any other pre-modern religious tradition to integrate itself into the new milieu of rationalist modernity while maintaining the integrity of its foundational principles. Yet they note that certain historical and institutional developments in traditional Islamic culture and law short-circuited the process of the complete rationalization and integration of modernist ideals into the relevant institutions. This means that constructing a picture of essential harmony between Islam and modernity may entail rejection of the uncritical affirmation of certain aspects of the tradition, or a particular school thereof.[3]

Seyyed Hossein Nasr explains the relevance of the Unitarian outlook of *tawḥīd* to Islam's standing vis-a-vis other world traditions. In considering itself as the last religion of man, Islam has always believed that all that confirms its truths—which can be ultimately summarized in the axial and central doctrine of Unity (*al-tawḥīd*)—is "Islamic" and legitimately its own. Moses and Christ are stars in the firmament of Islam irrespective of their role in Judaism and Christianity. Seen in this light, all that affirmed "unity" in both its metaphysical and cosmological sense in the pre-Islamic sciences and philosophies belonged legitimately to Muslims, and the Islamic intellectual elite did not feel any religious inhibitions in making these ideas his own.[4]

Another influential Shi'ite voice, Sayyid Fadlullah, noted that among the leading world religions Islam is more open and receptive toward other religions than they are toward Islam. This is due to clear affirmation in the Qur'an that connects the essence of faith and spirituality in Islam with the Abrahamic faith, the Torah, and the Bible. Each succeeding scripture has in fact maintained the substance of that continuity over the course of history. The Torah did not abrogate the Scrolls of Abraham (*suhuf Ibrahim*), the Bible did not abrogate the Torah, and the Qur'an continued that line of continuity by recognizing them both as valid scripture, to the extent of even integrating many of their laws within the legal corpus of the *Shari'ah*.[5] The Qur'an retained this continuity but keeps the door open, in the meantime, to dialogue with the older traditions. This is the clear purport, Fadlullah adds, of the Qur'anic call: "O People of the Scripture! Come to a common word between us and you," and the remaining segment of the verse to the effect that the essence of faith in One God and submission to Him is in

common between all of "us and you." (Aal 'Imrān, 3:64). The common ground between us is belief in one God (or *tawḥīd*) and recognition also of our shared humanity. Fadlullah then refers to other Qur'anic passages on the etiquette of constructive dialogue and disputation with the followers of other religions. It would follow, then, that Islam does not seek to discontinue the common course of history, and part ways, as it were, with other faith traditions, nor does it abrogate what had transpired to other prophets and messengers before it. The Islamic outlook may thus be characterized as one of openness (*infitāh*), recognition, and peaceful coexistence with the different Other.[6]

The abolition of priesthood and hereditary kingship in Islam, the constant appeal to reason and experience in the Qur'an, and the emphasis it lays on nature and history as sources of human knowledge—all manifest different aspects of the same idea of universality. There are strong affinities between the Qur'anic conception of the human being as an individual, that of humanity on a universal level, the material/profane world on one hand and the Enlightenment ideals of individualism, universalism, and materialism on the other. John Makdisi's research on the rise of colleges, Marcel Boisard's work on the rise of humanism, and that of Richard Bulliet on the rise of modern culture in the modern West, among others, all suggest that "there is causal link between the Islamic affirmation of these ideals and the emergence of these ideals in the post-Renaissance Europe."[7] A growing body of research suggests that these affinities are not mere theoretical possibilities, but rather historical realities on which a different construct of future relations can be envisaged. On a historical note, Islamic civilization has contributed directly to the growth of science in Europe. It was not just mathematics or medicine or techniques in agriculture and architecture that Europe imbibed from the Muslim world. The fundamental principles of scientific thinking—observation, experimentation, inductive reasoning, and verification—were all vital elements in Islam's monumental contribution to Europe.[8]

But the debate, at the same time, raises troubling queries about the past. If it is indeed the case that Islam affirms the irreducible dignity of the individual, equality of all before the law, and the inherent goodness of the material world, then the question emerges: Why is it that the modern, secular West has succeeded in institutionalizing these ideals with a higher degree of consistency and effectiveness than has traditional Muslim society? Even in modern times, "Muslim religious leaders and other Muslim intellectuals have not been able to harness the universal

values and principles of the Qur'an. . . and construct a methodology of their application to the 21st century."[9] How do we read the Qur'anic paradigm and in the meantime provide a rational evaluation and response to these questions?

Enlightenment thought embraces ideas such as "the primacy of reason" and the "inevitability of progress." On the minus side, it is a vision that relegates intuitive truth, revelation, and religion to the margins of society, and in the past legitimized colonial conquest and domination of "less enlightened people."[10]

Despite the differences that exist between Islam and Christianity, and that must exist if each religion is to preserve its own spiritual authenticity, the Islamic conception of Jesus provides a firm basis for an understanding of Christianity by Muslims, and meaningful engagement with Christianity through a close study of their own traditional sources. This became challenging, however, in view of centuries of confrontation by the Christian West, intense missionary activity in Muslim lands, invasion, and colonization. As Nasr articulates the issue, "in response to the aggressive attack made upon Islam by so many Christian sources during the past, certain modernized Muslims have tried to forget or push into the background the clear teachings of Islam concerning Christianity."[11] There have been even more extreme reactions among Muslims of the Indian subcontinent. As a result, they have created a Christology in certain quarters that is, to say the least, completely removed from the traditional Islamic teachings on the subject.[12]

One may also reflect, in this connection, on the Qur'an, especially on the manner and frequency with which it has addressed *'aql*, or reason and rational thought, which seems to substantially concur with its valuation in the biblical narrative. Hence, an argument can be made as to whether there is Qur'anic warrant for engaging with the Enlightenment paradigm. Even though the Qur'anic conception of *'aql* differs in material parts from its Enlightenment understanding of "reason" and "rationality," the difference between them is not so wide as to preclude the possibility of "reason" providing a common ground for conversation and exchange. For if there is no recognition of the similarity between the *'aql* of the Qur'an and the Enlightenment "reason" and "rationality"—or no similarity to be recognized at all—then any encounter between Islam and the Enlightenment tradition will most likely be an exercise in polemics rather than a meaningful interaction and exchange.[13]

What perturbs us is the apparent trend in contemporary civilization to legitimize greed and to sanctify self-centeredness leading to the myriad crises humanity is witnessing today. What has brought human civilization to this stage? Responding to this question, Chandra Muzaffar underlines the contributions of Islam and those of other religions to human civilization in many ways that include the following:

- In Islam as in other religions one is reminded of the importance of not separating means from ends. Politics in particular requires this reminder. The means or methods one uses to achieve power is perhaps more important than the end itself.
- Another unique contribution of religion to society is the "golden rule of life: treat others the way you want to be treated." This occupies a central place in almost all religions.
- An equally insightful feature of Islam is the concept of "limits" *ḥadd* (pl. *ḥudūd*): One should not go beyond the limits. One should, rather, be moderate in one's lifestyle. The concept of limits is not only applicable to delinquency and lawlessness, but also to consumption, and a human being's relationship to the environment and the exploitation of natural resources.
- Doing good, promoting benefit, and preventing prejudice and corruption are equally important Qur'anic concepts. We are God's trustees tasked with the responsibility of carrying God's mission on earth.
- Today Islam at the doctrinal level continues to prohibit usury, which is equated with banking interest. Usury leads to exploitation and encourages accumulation of wealth by a few at the expense of the many. Global financial crises have in recent decades wreaked havoc on the world economy, particularly the weaker countries.[14] The currency turmoil of the late 1990s, the American subprime mortgage crisis of 2008, the Eurozone debt crisis, and the monumental bailouts to salvage the institutions of capitalism have been particularly detrimental to society and have led to what is now known as "privatization of profits and socialization of losses," to the detriment of the poorer segments of populations almost everywhere.

On a historical note, I may briefly draw attention perhaps to two major and hugely disconcerting impacts of alien traditions on Islam, one of which was the onslaught of Hellenistic philosophy and metaphysics, and the other the secularist Enlightenment legacy of the modern West. It was

due mainly to its moderating centripetal pull that Islam is believed to have held its own, while maintaining in the meantime a measure of receptivity in both of these inter-civilizational encounters. Al-Qaradawi recounts the magnitude of the first tide of Greek philosophy that fascinated Muslim scholars to the extent almost of losing their own bearing and anchor with Islam. The fact that Greek philosophy also penetrated into natural sciences and metaphysics attracted its Arab admirers even more. They translated and took everything from that source and they moved far until it was arrested by the momentous yet timely reminder of Abu Hamid al-Ghazali, who challenged the excesses of that exercise and played a major moderating influence through his distinctive contributions, especially *al-Munqidh min al-Ḍalal* (awakener from misguidance) and *Iḥyā' ʿUlūm al-Dīn* (*revivification* of the religious sciences).

The second time that an overwhelming tide confronted Islam is that of Western modernity, which started with military conquest and colonization of the Muslim lands but which also penetrated almost all aspects of Muslim life, and its cultural and intellectual heritage. The impact of Western modernity became so pervasive as to put Islamic scholarship and its initially strong component of intellectual originality in deep crisis, not only halting originality in juristic thought and *ijtihād*, and renewal (*tajdīd*) but also in science and technology, literature, and the social sciences, areas where Muslim scholars had excelled for centuries and made significant contributions to other civilizations.

Whereas the Hellenistic tide was basically limited to philosophy and affected the intellectual strata of Muslim society, the Western influence was generic and pervasive, affecting not only the thought leaders but virtually all strata of society, including youth and women, and reaching its zenith in the age of globalization.[15]

There are signs as of late, however, that the moderating pull of Islam is once again playing its role of rejection and selection, taking from the secularist West that which it finds acceptable, and rejecting, with varying degrees of success, the excesses of Western modernity and culture. The Islamic revivalism of recent decades manifested a demand on the part of the Muslim masses to revive not only aspects of Islamic culture but also of the *Shari'ah* in such areas as Islamic economics and finance, education, law, and governance. The excesses of liberal capitalism are now visited not just upon Muslims but also all others, and even more worrying is the excessive use of brute military force that is unleashed in the Western military invasions of Muslim lands, including Afghanistan, Iraq, Libya, Mali,

and the many newly emerging hotbeds of conflict, with direct or indirect Western involvement. The world has seen too much conflict and since Western militarism thrives by war and violence, perpetuation of conflict becomes a persistent threat to humanity and world peace. All of this is likely, in the final analysis, to remind us of the urgency for advocacy of peace and strengthening the voices of moderation.

The core of *wasaṭiyyah* in Islam defies subjugation and surrender, manifested by the fact that Muslim countries and leaders have issued the call to moderation on at least three significant occasions. The first of these was in 1997, when former President of Iran Mohammad Khatami called for "dialogue of civilizations" as opposed to that of Huntingtonian "clash of civilizations" at the United Nations General Assembly, followed in 2004 by the call to "Alliance of Civilisations," spearheaded by Spain and Turkey, again through the United Nations, and then in September 2010 by Prime Minister of Malaysia Najib Razak, who called in his landmark September 2010 speech at the UNGA for a "Global Movement of Moderates" and advocacy of the Qur'anic principle of *wasaṭiyyah*. This was followed, in January 2012 and ever since, by a series of supportive developments in Malaysia and abroad as earlier reviewed. Malaysia has continued with her quest in the hope of turning her call for the "Global Movement of Moderates" into an engaging movement and process.

To quote Prime Minister Najib Razak's address at the UNGA 2010:

> The real issue is not between Muslims and non-Muslims but between the moderates and extremists of all religions, be it Islam, Christianity or Judaism. Across all religions we have inadvertently allowed the ugly voices of the periphery to drown out the many voices of reason and common sense. . . .

> I therefore urge us to embark on building a "Global Movement of the Moderates" from all faiths who are committed to work together to combat and marginalize extremists who have held the world hostage with their bigotry and bias. We must, and I repeat, we must, urgently reclaim the center and the moral high ground that has been usurped from us. We must choose moderation over extremism. We must choose negotiations over confrontation. We must choose to work together and not against each other. And we must give this effort utmost priority, for time is not on our side.

The fact that Malaysia's call for moderation has been anchored in a Qur'anic principle reverberates the affirmative stance Islam has taken toward engagement with other religious and cultural traditions. Malaysia, Iran, and Turkey have taken important initiatives to collaborate with the West in their advocacy for peaceful engagement. These are also indicative of the affirmative posturing of the Muslim community, as manifested in the Qur'an, of a continuing conversation of affirmation, critique, and engagement with other world communities and civilizations.

# XXII

## Continuity and Change in Islam

### AN ANALYSIS OF *TAJDĪD* AND *IṢLĀḤ*

### (RENEWAL AND REFORM)

THIS CHAPTER IS a continuation in some ways of the previous one. Whereas the preceding chapter looked at how Islam played its role as an agent of moderation in its relationship with other traditions, this chapter looks at a similar scenario from within. How did Islam seek, in other words, to moderate itself by adaptation to change through self-renewal and reform?

In his discussion of "traditionalism and renewal—*al-salafiyyah wa'l-tajdīd*"—al-Qaradawi elaborates that a balanced understanding of both of these is often missing in the thinking of some groups and movements. There are exaggerated interpretations among the Salafiyyah traditionalists that demand a return to the past and deny the need for renewal and regeneration to contextualize Islam's fundamental messages with the currents of modernity. This is contrary to *wasaṭiyyah*, for Islam validates renewal and *tajdīd* that is cognizant of healthy adjustment to social change without, however, sacrificing on its fundamentals. In Qaradawi's phrase, "Islam is not only in the past, and expired, as it were, but also concerns itself with the present and future. God's words and guidance in the Qur'an are certainly not confined to the past. Hence the tendency on the part of some to shun renewal and *tajdīd* is indefensible."[1] Qaradawi added, however, that a balanced reading of the *salafiyyah* is interconnected with *tajdīd*, as can be seen in how the Companions of the Prophet understood adherence to the fundamentals of Islam side by side with the need for renewal

and *tajdīd*. If true *salafiyyah* is to manifest that precedent, it can never deny *tajdīd*, nor should *tajdīd* be read independently from valid precedent, nor indeed should it be exaggerated in the way that some modernist thinkers have done. A balanced reading of these two equally valid influences and their acceptance in mainstream Islam is what *wasaṭiyyah* is all about.[2] To all this, twentieth-century Islamic thought has added a new dimension, which is that *tajdīd* is no longer wholly internally generated, but is substantially influenced by, or consists of a reaction to, external challenges from Western and non-Western ideas and doctrines.[3]

Furthermore, *tajdīd* for its own sake means little unless it is aimed ultimately at reform (*iṣlāḥ*), and *iṣlāḥ* often challenges the predominant status quo. The *iṣlāḥ-tajdīd* tradition has thus consistently prompted fresh interpretation of the Qur'an and *Sunnah*, understood and implemented through the methodologies of interpretation and *ijtihād*, as well as rejection of unwarranted accretions to the original message of Islam.[4] The nexus between *tajdīd* and *iṣlāḥ* can be seen, for instance, in the context of Malaysia's Muslim Youth Movement (ABIM) that emerged in 1971 and drew much of its motivation from a combination of both *tajdīd* and *iṣlāḥ*, calling for spiritual and moral transformation of individuals and visualizing, in the meantime, a more equitable and just society.[5]

## *Definition and Textual Origins of* Tajdīd

Muslim scholars have differed over the definition of *tajdīd*. Whereas many have taken the Qur'an and *hadith* as the focus of their vision of *tajdīd*, some have said that *tajdīd* means revival of the neglected teachings of the leading schools (*madhhabs*); still others have maintained that *tajdīd* is not confined to any particular framework; it is broad and comprehensive, and looks not only to past precedent but also new socioeconomic and scientific developments that affect the life of the community.[6] According to Azimabadi (d. 1858 CE), "*tajdīd* means revival of what has been marginalised of the Qur'an and *Sunnah* and issuance of judgment on their basis; it also means eradicating pernicious innovation (*bidʿah*) that contravenes the established *Sunnah*."[7] Whereas this definition corresponds, for the most part, with that of the famous *hadith* scholar Ibn Shihab al-Zuhri (d. 724 CE/124 AH), the renowned Qur'an commentator Jalal al-Din al-Suyūṭi (d. 911/1505) wrote that "*tajdīd* in religion means renewal of its guidance, explanation of its truth, as well as eradication of pernicious innovation

(*bidʿah*), extremism (*al-ghuluw*) and laxity in the religion." He went on to add that *tajdīd* also means "observance of people's benefits, societal traditions and the norms of civilization and *Shari'ah*."[8] Writing in the late twentieth century, al-Qaradawi understood *tajdīd* as "combining the beneficial old with the appropriate new" and being "open to the outside world without melting into it." He juxtaposed *tajdīd* with *ijtihād* and added that "*ijtihād* captures the intellectual and knowledge dimensions of *tajdīd*, but *tajdīd* is wider in the sense that it also encapsulates the psychological and practical dimensions [of revival]."[9] *Ijtihād* and *tajdīd* may be said to be about the same on the intellectual plane, but *tajdīd* has an emotive component that is manifested in collective activism and movement. Many of Qaradawi's contemporaries have endorsed him: Kamal Abul Majd, Munīr Shafiq, Umar Ubaid Hasanah, and Fatḥi al-Darīni—to name a few.[10]

"The true *mujaddid* (renewer) is one," Qaradawi added, "who rejuvenates religion by the religion itself. *Tajdīd* through syncretism and implantation of what has no basis in the religion does not qualify as *tajdīd*."[11] Yet Qaradawi also refutes the assertion by some that the religion, its tenets, and principles are not open to *tajdīd*—saying that while Islam is open to *tajdīd* by the authority of a clear text, it would be incorrect to change the essential pillars of its beliefs in the name of *tajdīd*.[12] Outside this particular framework, in other words, Islam remains open to *tajdīd* in all areas.

*Tajdīd* originates in the authority of a renowned *hadith:* "God will raise for this *ummah*, at the head of each century, someone who will rejuvenate for them their religion—*inna'llāh yabʿath li-hādhihi'l-ummah ʿalā ra's kull mi'ah sanah man yujaddid lahā dīnahā*.[13]

إنَّ اللّٰهَ يبعثُ لهذه الأمةِ على رأسِ كلِّ مائةِ سنةٍ من يُجدِّدُ لها دينَها.

Commentators have analyzed almost every word of this *hadith*. The key term here is *yujaddid*, from the root verb, *jaddada*, to renew something. *Mujaddid (*renewer) is one who renews and revives neglected aspects of the religion to their original state.[14] Restoring and disseminating the purity of those principles among people and their acting upon them is the main task of the renewer.[15]

The *hadith* under review also implies that Islam will not die nor become redundant and that God will help this *ummah* to be on the right path and reconnect with the original messages in its endeavors to face new challenges.[16]

The word *mujaddid* (renewer), although occurring in the singular, also applies to a multitude. *Tajdīd* may thus be attempted by one person, a group, party, or movement. Notwithstanding the emergence of individual renewers that featured prominently in the past, modern interpretations of *tajdīd* favor collective endeavor by groups of ʿulamāʾ, specialists and scholars in various disciplines. One renewer may be a jurist, another a political scientist, yet another an economist, and so forth—their collective impact and action tend to acquire renewed prominence in modern times.[17]

Another question presents itself: is it the religion of the time in which the renewer lives that he is supposed to revive in the light of the conditions of that time, or that of the Islam that prevailed during the lifetime of the Prophet? In response it is noted that the phrase "*yujaddid lahā dīnahā*" in the *hadith* means that the renewer revives for the *ummah* the religion that they practice at the time when the renewer emerges. The *hadith* does not say, for instance, "the religion of Allah, or of the Prophet Muhammad, or Islam as such," but visualizes instead the religion that the *ummah* observes.[18] The renewer, to be sure, "is not out to create some past scenario in the history of the *ummah*. Rather he is to reapply the principles of Islam in their contemporary context so that the community is enabled to live and symbolise those ideals and principles."[19]

Whereas many have taken the phrase "every one hundred years" literally and consequently engaged in a series of minor questions, we need not, elaborate on all the questions here, but merely to say that the *hadith* simply signifies that *tajdīd* will occur frequently enough to ensure that the Muslim community remains in touch with its roots. This signifies that God will send learned renewers whenever the *ummah* is in need of them, and it may indeed happen at any time or segment of a given century.[20] Some writers have highlighted the need for renewers in times of tumult and external aggression. To this effect, Abu Dawud al-Sijistani, author of the renowned *Sunan Abu Dawud*, has recorded the *hadith* of *tajdīd* as the first in his chapter on "tribulations and tumults" (*kitāb al-malāḥim*).[21]

We now come across yet another question: does the *hadith* under review visualize a renewer for the whole of the *ummah*, or whether each country and community could have their own renewers? In response, it is said that *tajdīd* for the renewal of Islam must in principle mean that it is for the whole of the *ummah*. Yet it is added, on a practical note, that due to the vast territorial domain of Islam, different regional and geographical segments of the *ummah* may have their own *mujaddids*.[22]

Some commentators have added combat of harmful innovation (*kasr al-bidʿah*) to the understanding of *tajdīd*, which addition seems to have

emerged following the emergence of Kharijites, the Muʿtazilah, and the *fiqhī* schools in the first two centuries of Islam. *Hadith* scholars then tried to bring in the notion of *bidʿah* within the purview of this *hadith*. The Andalusian jurist Ibrāhīm al-Shāṭibī (d. 1388) rightly observed that the *hadith* contains a positive message and contemplates the common good and *maṣlaḥah* of the *ummah* generally.[23] It should not, in other words, be given a sectarian or factional interpretation. The prominent Moroccan scholar Muhammad ʿĀbid al-Jābirī (d. 2010) commented that renewal and *tajdīd* in our time means finding practical solutions to the issues of common concern, issues that were not encountered in the past.[24]

## *Allied Words and Concepts*

*Iḥyāʾ* (revival), is closely allied with *tajdīd*, but there is a difference between them. *Iḥyāʾ* means restoring the status quo ante without necessarily improving or reforming it. Some authors have, however, used *iḥyāʾ* in a generic sense that did not preclude renewal. This may be said of Imam al-Ghazali's (d. 1111 CE) renowned work, *Iḥyāʾ ʿUlūm al-Dīn* (revivification of the religious sciences), whereas the prominent Indian author Waḥīduddin Khan's (b. 1925) choice of *Tajdīd ʿUlūm al-Dīn* (renewal of the religious sciences) for the title of his book is actually meant to convey the notion only of revival (*iḥyāʾ*) rather than that of *tajdīd*. Jalal al-Din al-Suyuṭī (d. 1505/911) has used *tajdīd* in his writings in the sense mainly, however, of *ijtihād*.

Two other expressions that partake in the meaning of *tajdīd* are *al-nahḍah* and *al-ṣaḥwah* (awakening and resurgence, respectively), both of which signify a demand or agitation for change. Some movements using these words in their mottos call for a total revival of the past heritage, whereas others are critical of modernity and Westernization, and still others take a more balanced view of these diverse interests.[25]

Two other Arabic expressions that occur in the Islamic reformist discourse are *al-taghīr* and *al-taṭwīr*. *Al-taghīr* (change) could either mean regeneration and renewal of what had existed before, which is tantamount to *tajdīd*, or it could mean seeking to change the status quo without reference to a precedent, which is *taṭwīr*. Both of these partake in gradual reconstruction and reform, but if the change is sudden and unprecedented, it would then qualify as *thawrah/inqilāb* (revolution). Some change may consist, in addition, of purification and the purging of unwanted accretions that originate in questionable practices in the name of religion—this would most likely be in the nature of *al-tanqīḥ* (lit. purification, purging) and not of renewal as such.[26] The prominent

Sudanese scholar-cum-politician Hasan Turabi commented that religious *tajdīd* has two aspects, one that looks at the *Shari'ah* from within and consists essentially of its revival (*iḥyā'*), and another that stretches the perimeters by bringing in new elements that may partake in *taṭwīr li'l-dīn*, that is, diversification of the resources of religion.[27] It thus appears that no black-and-white categories can be visualized, as in reality, many of these concepts partake of one another and overlap.

## *Major Contributors*

Islam's long history has witnessed instances of both rejuvenating *tajdīd*, and of deadening stagnation and *taqlīd*. The weight of excessive imitation even led, at some point around the fifth/eleventh century, to the closing of the door of creative thinking and *ijtihād*, and by implication also of *tajdīd*. Yet inspiring thinkers and renewers have continued to emerge and have made significant contributions to renewal and reform, including Abū Ḥāmid al-Ghazālī (d. 1111); Ibrāhīm al-Shāṭibī (d. 1388), Taqī al-Dīn Ibn Taymiyyah (d. 1328), ʿAbd al-Raḥmān Ibn Khaldūn (d. 1406), Shāh Walī Allāh Dihlawī (d. 1762), and many others. Some have even cited Ṣalāḥ al-Dīn al-Ayyūbī, or Saladin, (d. 1193) as a *mujaddid* of a different kind.

Well-known twentieth-century contributions to the *tajdīd* discourse include Muhammad Iqbal's *The Reconstruction of Religious Thought in Islam* and the Egyptian 'Abd al-Muattaʿāl al-Saʿīdī's *Al-Mujaddidūn fi'l-Islām*.[28] Other authors of note include Yusuf al-Qaradawi, Muhammad al-Ghazali, Hasan al-Turabi, Ismāʿil Rāji al-Fārūqi, Fazlur Rahman, Taha Jabir al-'Alwāni, and many others. One may hesitate to identify them as *mujaddidūn* in the traditional sense, yet there is little doubt that they have made substantial contributions to *tajdīd*. It thus appears that the conventional notion of *tajdīd* itself has been changing, perhaps due to the advent of globalization, and the sheer bulk and rapidity of ideas and contributions.[29]

## Tajdīd *and* Iṣlāḥ

*Ṣalāḥ* and *iṣlāḥ* in the Qur'an often refer to the general good of the people. The believers are thus called upon to engage themselves in righteous conduct—*'amal ṣāliḥ'*, which may consist of that which is good and recommendable (*maʿrūf*) or which seeks to bring peace and reconciliation among people (*iṣlāḥ bayn al-nās*) (al-Nisā', 4:114). *Iṣlāḥ* may also consist of eradication of corruption, or *fasād*, which is the opposite of *iṣlāḥ* (al-Aʿrāf,

7:56). God has promised to reward the *muṣliḥin* (agents of *iṣlāḥ*) and those engaged in works of benefit to humankind (cf., al-Aʿrāf, 7:170).[30]

No consensus exists on a definition of *iṣlāḥ*. This is partly because almost every sectarian movement has claimed to be involved in *iṣlāḥ*. By some accounts, even the ultraconservative Wahhabiyah is considered reformist, because it, too, aspired to purify the religion from harmful innovation and call for the original simplicity of Islam. Muhammad ʿAbduh's (d. 1905) perception of *iṣlāḥ* was to "liberate one's thought from the shackles of imitation (*taqlīd*) and understand religion as the predecessors (*salaf*) did prior to emergence of disagreements—through direct recourse to the sources of Islam and in due regard also to the norms of rationality which God has endowed in the human intellect. It is to eliminate confusion and accomplish God's messages for the preservation of humanity and world order."[31]

Abduh's views invoked some criticism for the attempt to integrate Western modernity and rationalism in the fabric of *iṣlāḥ*. Other figures in the *iṣlāḥ* movement, such as Jamal al-Din al-Afghānī (d. 1897), Khayr al-Din al-Tunisi (d. 1899), and ʿAbd al-Rahman al-Kawakibi (d. 1903), were also critical of blind imitation of the West. They maintained that reason was compatible with faith (*īmān*), and held that the reformist movement would fail if Muslim clerics continued to preach the virtues of *taqlīd*.[32]

The Salafiyah-cum-*iṣlāḥ* movement may be distinguished from Wahhabism in that the latter aimed at cleansing religious thought and practice from all its alien elements to save Muslims from divine wrath; they were opposed to all Sufi manifestations of Islam, and were more concerned with fighting *bidʿah* than with the positive aspects of reform. Wahhabism also saw no need for reinterpretation of text or *ijtihād* to adapt to conditions of modern life.[33] In the modern context, *iṣlāḥ* primarily refers to the works of ʿAbduh, Riḍā (d. 1935), and their mentor, al-Afghānī.

The Abduh-Riḍā *iṣlāḥ* movement was subsequently divided into two branches, one of which leaned toward modernity (*al-ḥadāthah*), and the other toward revivalism of past precedent (*al-salafiyah al-iḥyāʾiyah*). The former is associated with the thoughts mainly of twentieth-century scholars Qassim Amin, Lutfi al-Sayyid, Husayn Haykal, and the latter mainly with ʿAbduh and Riḍā. There remained a centrist *iṣlāḥī* school of thought that was manifested in the works mainly of leading Azharite scholars Muṣṭafā al-Maraghi, ʿAli ʿAbd al-Rāziq, Mahmud Shaltut, ʿAbdullah Darrāz, and others.[34] Writing in 2012, Nasar Meer has inserted a note of caution to say that the *Salafiyah* (from *salaf*, "pious ancestors") should not

be confused with al-Qaeda terrorists, and that *Salafis* are not involved in terrorist activities.[35]

Renewal and reform gained further traction after the fall of the Ottoman caliphate in 1924. Some reformers, such as al-Afghānī and al-Kawakibi, associated renewal in religion with major political reform. There is emerging consensus, for instance, on the integration of the Qur'anic principle of *shūrā* (consultation) in governance, and its accountability to the electorate. The advocates of reform also stressed the revival of Islamic education, and integration of scientific knowledge into the curricula of Islamic institutions of learning.

*Tajdīd*, renewal, and reform in Shiʿi thought acquire two somewhat opposing dimensions, one indicative of openness and the other of restriction in the exercise of *tajdīd*. The open scope of *tajdīd* takes its cue from the pervasive authority of rationality (*ʿaql*), which is the principal agent and carrier of change in Shiʿi thought, and inclusive also of ijtihad, *iṣlāḥ*, and *raʾy* (considered opinion). This aspect of Shiʿi thought has been influenced by the Muʾtazilah rationalists—in contrast to the somewhat restrictive legalism of Sunni Ashʿarism. Shiʿi scholars and *mujtahids* were thus able to posit responses to issues that were influenced by time and context—outside the sphere of dogma and worship that left little room for rationalist inquiry. This wider understanding of *ʿaql* tended to equip Shiʿi thought with greater flexibility and pragmatism.[36] The scope and reaches of *ʿaql* have also been changing in the thoughts of leading Shiʿi scholars over the ages, due largely to "Muʾtazilite rationalism and intellectual arguments, which found a place in the works of both Imami traditionists such as Kulayni and Ṣadūq, and *kalam* theologians such as Mufīd, Murtza and Ṭūsi."[37]

The Shiʿi sources do not record the *hadith* of *tajdīd*, and it seems that the first Shiʿi scholar who mentioned it from Sunni sources was Muhammad Baqir Mussavi (d. 1895). Shiʿi scholars have discussed the *hadith* of *tajdīd* since then, some agreeing with it and others criticizing it. Hence, there is no scriptural basis for *tajdīd* in Shiʿi sources, but it has been discussed, nevertheless, on rationalist grounds.[38] Interestingly enough, Seyyed Hossein Nasr, also a leading Shiʿite thinker, has spoken of *tajdīd* as the fount of some of the most significant Islamic responses to the modern world. He also spoke of *iṣlāḥ*, but not in the same light, as he wrote that "the stronger scriptural roots of *tajdīd* are undeniable."[39]

In response to a question on theological *tajdīd* (*al-tajdī al-dīnī*), Sayyid Fadlullah (d. 2010) acknowledged that the essence of dogma and religion must remain as God Most High revealed them to us, but we should study

them from fresh angles, and in this we do not stop where the ancestors did, for they were not infallible (*ma'ṣumīn*). Whether you call it *tajdīd* or anything else, we subscribe to freedom of understanding (*istiqlāliyyat al-fahm*), to studying the Qur'an and the *Sunnah* of the Prophet in new lights and drawing new conclusions from them. "This is how we understand *tajdīd* [in religion]."[40]

The restrictive dimension of renewal and reform in Shi'ism is a function largely of the pervasive authority of the imam. Just as certain other concepts, such as Tradition (*Sunnah*), general consensus (*ijmā'*), and considered opinion (*ra'y*), were overshadowed by the authority of the Shi'i imam and lost much of their original rigor, so were *tajdīd* and *iṣlāḥ* and the scope of their application in theology and law. This is a paradox, perhaps, of Shi'ite thought, which theoretically speaks of the wider reaches of *'aql* and *ijtihād*, but in practice the towering authority of the imam, and those who represented him, his deputies, the *mujtahids*, and the *marja'*, especially in the period of Occultation, actually curtailed much of the elasticity and scope that Shi'i rationalism tended to advocate. That said, it is also true that leading Shi'i *'ulamā'* have expanded the scope of inquiry over certain aspects of the theory of Imamate—as reviewed above. Shi'i *'ulamā'* have also moderated many of the esoteric features of Imamate, and exaggerated assertions of the extremist groups (*ghulāt*). Ayatollah Khomeini's (d. 1989) doctrine of Guardianship of the Jurist (*vilayat-e faqih*) was in reality also a reformist manifestation of the doctrine of Imamate by formally recognizing the *faqih* as a vicegerent or representative of the Occult Imam in political leadership.

## *Widening the Discourse: Modernity* (Ḥadāthah) *and* Tajdīd

Expressions such as "Islamic modernism," "Islamic revivalism," and "Islamic reform" are embedded in the notions of *iṣlāḥ* and *tajdīd*. Islamic modernism in the works of al-Afghānī, 'Abduh, Riḍā, and others sought to reconcile modern values such as constitutionalism, scientific inquiry, modern methods of education, women's rights, cultural revival, and so on, with the tenets and principles of Islam. Islamic revivalism of the latter part of the twentieth century has generally had the effect of strengthening the affinity of *tajdīd* with the scriptural guidelines of Islam.

Fazlur Rahman (d. 1988) praised 'Abduh for recognizing the need for reform, just as he commended Hasan al-Banna (d. 1949) and Abul A'lā

Mawdudi (d. 1979) for defending Islam against secularism. However, he criticized them in the meantime for not having a "method" and for the ad hoc and "atomistic" nature of the solutions they proposed to major issues.

The methodology of the jurists, Fazlur Rahman added, lacked a broad and systematic socio-ethical theory that should underlie the law.[41] Rahman expounded as to how the Qur'anic guidance was intimately connected with the religious, political, economic, and cultural life of the people of Arabia and the Hijaz (Makkah and Madinah). However, this connection was weakened by the lengthy disputations of Islamic theology and law, creating an ever-widening gap. Revelation came to be seen as ahistorical and transcendent beyond the reach of humankind. The occasions of revelation (*asbāb al-nuzūl*) that played a vital role in explicating certain texts were marginalized and the link among exegesis, law (*tafsīr, fiqh*), theology, and real life of Muslims was further attenuated.[42] It is remarkable, Rahman added, to note that Muslim writings on ethics were mainly developed outside the *Shari'ah* framework and were explicitly based on Greek and Persian sources.[43]

The renowned Egyptian jurist Muhammad Salīm al-ʿAwa raised a number of issues over which innovative responses were wanting. He noted, for instance, that political jurisprudence has failed to integrate the Qur'anic principles of consultation and accountability. He also observed that limiting the tenure of office of the head of state is no longer an option but a necessity, and that in many other areas, *fiqh* needs to be developed through comprehensive *ijtihād*: to provide relevant responses to issues of citizenship, women's equality, freedom of association, political parties in the context of nation state, and peaceful relations with other states.[44]

Al-ʿAwa discusses Jamal al-Banna's book, *Naḥw Fiqh Jadīd* (*Toward a New Fiqh*), and agrees with many of his views, yet differing with him in some respects: whereas al-Banna departs from the established methodologies on renewal and reform, al-ʿAwa thinks that most of the issues can be addressed through the accepted Islamic methodologies of *ijtihād*.[45] Some progress has admittedly been made, with regard to women and family, for example, through twentieth-century family law reform legislation and scholarship, although progress is uneven in various countries and generally eclectic.[46]

Twentieth-century "Islamic resurgence" has included both the *salafiyyah* type of revivalism and modern reform through statutory legislation. However, one area that did not see tangible *tajdīd*-based improvement was constitutional law and government. But even here the Arab Spring, which has admittedly run into problems, may yet resume its momentum for

political reform and progress on justice, accountability and human rights. Yet the future remains uncertain.

The Muslim world has reaffirmed its commitment, it seems, to renewal and reform—as may be seen in the Makkah Declaration of the Organisation of Islamic Cooperation Summit of heads of states (December 2006):

> All the governments and peoples of the *ummah* are unanimous in their conviction that reform and development are the priorities to which all efforts should be channelled within a framework that is intimately moulded in our Islamic social make-up. At the same time this framework needs to remain in harmony with the achievements of human civilisation and steeped in the principles of consultation, justice and equality in its drive to achieve good governance, widen political participation, establish the rule of law, protect human rights, apply social justice, transparency and accountability, fight corruption, and build civil society institutions.[47]

## A Plea for Theological Renewal

Aref Ali Nayed, a specialist in Kalam (theology), director of Dubai-based Kalam Research & Media (KRM), and formerly professor at the Pontifical Institute for Arabic and Islamic Studies (Rome) has issued a passionate plea for a renewed theology of compassion. Here I summarize a conference presentation he made in Cambridge, then published under the title *Growing Ecologies of Peace, Compassion and Blessing*. Nayed spoke of theological stagnation to say that Kalam had become overly ritualistic, politicized, radicalized, and caught in a vicious cycle of violence in the name of religion. There is a need and a calling upon us all to be "on vigilant guard against abusive and distorting mutilations of our traditions. We must all unite in condemning all cruelty against even a single soul of God's creatures, for that is equivalent to attacking all humanity."[48]

A renewed Kalam must be rooted in the guidance of the Qur'an and the traditions of Prophet Muhammad, and show that the best way to God's love is the practice of love, compassion, and service toward His creatures. The Kalam of compassion should be grounded in the Islamic traditions of "renewal (*tajdīd*) and scholarly spiritual striving (*ijtihād*)."[49] Good theologies are authentically rooted in the tradition, and are abundantly fruitful of goodness for humanity. Bad theologies are superficially connected to, or even cut off from, the tradition, and produce nothing but thorns that injure humanity.[50]

Nayed reviews numerous passages from the Qur'an and *hadith* in support of his plea. Striking in this connection is God's own affirmation in the Qur'an that:

Your Lord has prescribed mercy (*al-raḥmah*) upon Himself (al-Anʿam, 6:54).

كَتَبَ رَبُّكُمْ عَلَىٰ نَفْسِهِ ٱلرَّحْمَةَ.

And the *hadith* from the Prophet Muhammad:

God shows mercy to the merciful servants. Be merciful to the inhabitants of the earth and He who is in heaven will be merciful to you.[51]

الراحمون يرحمُهم الرحمنُ. ارحموا من في الأرضِ يرحمْكم من في السماءِ.

It then becomes our assignment to build compassion "into the very centre of our theological ecologies, and make it the very centre of our living together."[52] Furthermore, Sunni Kalam traditions (Ashʿari, Māturīdi, or Hanbali) cannot be renewed, Nayef adds, without mutually respectful engagement with renewed Shiʿi Kalam (be it Twelver, Zaydi, or Ismaʿīli) as well as with Ibādi Kalam. Sunni Kalam can also not be revived and renewed without respectful interfaith engagement with Jewish, Christian, Buddhist, and Hindu theologies of today. For God's creativity is the very source of the reality of our pluralistic diversity. No renewed Islamic theology will therefore thrive in isolation from the God-decreed complexities of theological diversity.[53]

Different communities and schools with different doctrines and theologies must, of course, witness to that which they believe and know to be true. They will therefore disagree and argue, but they "must do so humbly and meekly," and Muslims must keep true to the Qur'anic guidance on kindness, judicious exhortation, and courteous reasoning (al-Naḥl, 16:125). When we encounter disputes that are simply irresolvable, let that be acknowledged as such, and place our trust in God to show us the right path.[54]

## *A Critique of* Tajdīd

The climate of crisis that dominated the post-colonial Muslim world also began to erode the credibility of *tajdīd*. Public opinion grew increasingly critical of the *tajdīd* movements in Turkey, for example, which saw the

collapse of Ottoman caliphate and the rise of questionable *tajdīd*-cum-*iṣlāḥ* groups, such as that of Ataturk with his Westernized and secularist overtones—which Rashīd Riḍā later called imitative *tajdīd* infected by Western models. *Tajdīd* was seen no longer to be grounded in the Prophetic *hadith* but in Western modernity, and thus of doubtful authenticity. Some even began to equate *tajdīd* with secularism, and others with pernicious innovation (*bidʿah*) in the guise of Islam.[55]

The major contours of *tajdīd* may now be seen under four clusters as follows:

1. Precedent-oriented *tajdīd* that seeks to address new issues through *ijtihād*. Yet advocates of this position link *tajdīd* to past precedent, which is what the *Salafiyah* also do. Precedent is here understood not only to mean text and scripture but also schools of thought, learned personalities, and imams of the past, which evidently brought *tajdīd* closer to imitation (*taqlīd*), except that the advocates of this current remain open to *ijtihād*. Rashīd Riḍā, Saʿid Ramadan al-Buṭi, and Mahmud al-Tahhan manifested this current of opinion.[56]

2. Islamization of knowledge and epistemological reform movement that seek to address a perceived crisis of civilization through methodological innovation and reform. *Tajdīd* to the advocates of this current means reforming the methodologies of thought. The focus is evidently on tools and methodologies more than on subject matter and content. What is also meant by *Islamization* here is basically to make human knowledge cognizant of God's presence, and restore the link, in other words, that was severed by the Enlightenment and secularist paradigm. Advocates of this current include Abd al-Hamīd Abu Sulayman, Tāhā Jābir al-'Alwāni, 'Imād al-Din Khalil, and Muhammad Kamal Hassan.[57]

3. Advocacy of open *ijtihād* that read scripture and rationality side by side. Muhammad Iqbal, Abd al-Muttaʿāl Saʿīdi, Amīn al-Khūli, and Yusuf al-Qaradawi manifested this current in their call for innovative *ijtihād* in tandem with modern realities and developments.

4. *Tajdīd*-cum-globalization, which proposes a broader understanding of *tajdīd* that is not tied to any particular methodology or framework but seeks to address the challenges of modernity in their own context and the nature of the challenge. Advocates of this current include Abd al-Raḥmān al-Kawākibi, Muhammad ʿĀbid al-Jābiri, Hasan al-Turabi, and Muhammad al-Talbi, who maintain that *tajdīd* movements of the

past failed to realize their objectives due to their eclectic approaches and inclination to read modern reality through the lenses, mainly, of heritage and religion.

In a 2005 Cairo University conference on "Dialogue of Civilisations," the renowned Syrian scholar Ṭāriq al-Bishrī observed that, "modernism (*muʿāṣarah*) in the Muslim usage of the post-colonial period has on the whole been premised on Western modernity and Western civilization. Muslims looked at themselves through Western lenses."[58] Bishri illustrated this in the works of Qassim Amin, who advocated gender equality under the influence of ʿAbduh's ideas, but he soon succumbed to the currents of Western modernity such that his Islamic credentials became increasingly overshadowed by Western thought.

## *Conclusion*

The Islamic discourse on renewal and *tajdīd* has exhibited internal diversity and scope to meet new challenges. We have shown that the relatively open understanding of *tajdīd* to begin with was subsequently subjected to restrictions with the crystallization of the leading schools of theology and law in earlier times. Twentieth-century *tajdīd* was inclined to look to new horizons but then entered the tense environment of confrontation with Western modernity and internationally challenging conditions, and had to acknowledge that issues of economic development, science, and technology could not be wholly addressed through looking at past precedent of law and religion. Broader challenges of science and civilization also impress the need for more diversified responses that do not, in the meantime, contravene Islamic values.

Renewal and reform are a permanent feature of the Muslim life "precisely because their ingredients are contained in the Qur'an and *Sunnah*."[59] The quest for *tajdīd* and the *ummah*'s capacity to attempt it is clearly borne out by the emergence of Islamic revivalist movements in many Muslim countries. "There is clearly a latent energy for *tajdīd* in every Muslim community, even those that may appear to have strayed away from the centre."[60]

I now draw the following conclusions:

- *Tajdīd* evidently applies to religion and rituals of worship, although not in an essentialist sense, but in the sense of removing unwarranted accretion and deviation from them, and also of attaining greater levels of refinement in the integration of rational thought with the essence of belief and worship. If religious practices have become too dry and ritualistic to the extent of isolating their meaning and spirit, then renewal may evidently be wanting. Similarly, if uncertainty in the impact of secularist modernity and science raises questions of authenticity, then a corrective may be in order through the vision of *iṣlāḥ* and *tajdīd* to restore desired credibility.[61]

- Without suggesting a monopoly of any group over these ideas, it is important that *tajdīd, iṣlāḥ*, and *ijtihād* over specialized subjects and issues are undertaken by the experts, be it individuals or bodies and institutions.

- *Tajdīd* is neither a *fiqhi* theme nor can it be subsumed by the particularities of any one discipline. It is multidisciplinary and draws inspiration and support from all areas of Islamic learning, and those of the modern sciences that do not contravene Islamic values. That said, *tajdīd* is not regulated by a methodology of its own, whereas *ijtihād* and its sub-varieties are enriched by the elaborate methodology of *uṣūl al-fiqh*. Without proposing that *tajdīd* should be subsumed under *ijtihād*, it should nevertheless draw support from its well-developed methodological tools.

- *Tajdīd* should not involve syncretism and mixing of discordant Islamic and secularist doctrines that originate in differential philosophies and outlooks. Superficial compatibility is not a substitute for genuine harmony. Only the latter can offer potential for growth, whereas plausible compatibility is short-lived and can even sow the seeds of discord, which should be avoided.

- The Islamic fundamentalist discourse of the twentieth century, although not internally monolithic, has narrowed down, nevertheless, the horizons of debate on compassionate religion, revivalism and reform. This is undoubtedly an internal issue for Muslims, but has also been made more intractable by Western colonialism and military aggression. It will be difficult to realize equilibrium and balance in a climate of tension, heightened Islamophobia, and mainstream media bias against Islam. When turbulent politics, extremism, and violence overwhelm the social climate, *tajdīd* is likely to decline. Genuine *tajdīd* benefits from a conducive environment of normality and peace, which

should be the common objective and responsibility of both the Islamic and Western thought leaders and governments.

- More specifically, *tajdīd* and *iṣlāḥ* should address and develop the jurisprudence of minorities (*fiqh al-aqaliyyāt*) for minority Muslims in non-Muslim majority countries. This should be based on the Qur'anic principles of removal of hardship, elimination of harm, and bringing of facility and ease to the people.[62] This also implies a certain commitment to common citizenship for minorities in non-Muslim majority countries in line with the principle of equality before the law, and that of reciprocal treatment (*muʿāmalah bil'-mithl*) with the larger community.

- *Iṣlāḥ*-related adjustment and mending of relations are urgently needed to minimize and eliminate conflict among the Sunni and Shiʿa followers of Islam. This is a call for taking all-round measures to make the Qur'anic vision of "Verily the believers are brethren; so make peace among your brothers" (al-Ḥujurāt, 49:10) a reality of relations among all Muslim communities and nations. The essence of this theological unity is evidenced by the truism that all the six articles of faith (*īmān*), and those of five pillars (*arkān*) of Islam are identical among the Sunni and Shiʿa followers of Islam.[63]

# XXIII

## Conclusion and Recommendations

IT WOULD BE stating the obvious to say that doctrine and scripture on issues of concern to real-life situations would be of little practical value unless implemented by its adherents. One of the reasons I attempted to write the present volume was for it to serve as a reminder to its readers of what transpires from our understanding of the sources of Islam and learned opinion of scholars about an important aspect of Islam that has fallen into neglect. A part of the explanation may be the prevailing state of tension, or Islamophobia, that the September 2001 nefarious attacks and their aftermath have brought about, leading, on occasion, to irrational and exaggerated responses from the Muslim masses. But the present work is not confined to any particular period or episode.

Extremism and violence beget the like of themselves, not moderation, but if one is moved too far by the logic of violence and retaliation, the result would be more of what the world has been witnessing in recent decades. It is now time for reflection for all of us, especially those who are in a position to correct imbalances and do what it takes to restore normalcy and equilibrium. One can hardly deny that humanity is suffering from distortions and excesses of all kinds: political, military, economic, climatic, and cultural imbalances, most of which are of humanity's own making.

I believe the Islamic advice of *wasaṭiyyah* merits attention by the Muslims but also the wider humanity, mainstream media, and world leaders in the midst of a multitude of misinformation depicted and propagated in the name of Islam. Correct information and understanding are, by common acknowledgment, prerequisites of corrective action. This, I believe, is a shared responsibility of all concerned, Muslims and non-Muslims alike.

I now summarize my conclusions and recommendations in the following paragraphs:

1. Peace is an absolute priority and a prerequisite of normality for all of us. The rising tides of extremism, radicalization of religion, militarism and violence, unwarranted provocations, and Islamophobia are threatening humanity's survival and pose new challenges to world peace. There is a pressing need for reflection and effective leadership on how best to contain conflict and restore normality in international relations. A resolute renunciation of violence and war of domination and revenge by all sides is therefore essential to restoring normality and balance.

2. Militarism, extremism, and violence, whether by individuals or states, evidently signify the failure of *wasaṭiyyah* and a departure from its path. They must be prevented and controlled through negotiation and dialogue that is cognizant of the reality of the problems, and efforts along that path should be made with the spirit of recognition and willingness to compromise. One ought to learn from best practices and examples of how some nations and communities have managed to end violence through negotiation and meaningful dialogue.

3. Waging a campaign against criminality and aggression may call for strong measures to protect society against lawlessness. Yet disproportionate responses even to crime and violence are likely to be self-defeating. One ought to be able to moderate one's responses through accurate identification of problems and bringing the perpetrators to justice, and strictly condemn acts of aggression against individuals, communities, and nations. Acts of violence, resort to weapons of mass destruction, aerial bombardment of population centers, and suicide bombing against civilian populations, the innocent, and the uninvolved violate the recognized norms of Islam, human rights, and justice, and cannot be justified in any form and guise. Islamic law, like most other legal traditions, advocates fighting injustice and the right to self-defense against aggression. Yet it does not take a strained logic to know that violence breeds violence and solutions imposed through violence are no solutions—they are the problems.

4. Good governance is a potent instrument and facilitator of moderation and balance in public affairs. Consultative leadership that listens to the voice of its people while remaining alert to extremism and imbalance is indispensible to addressing issues as and when they

arise. It is often a question of understanding the people's concerns through good advice, effective communication, receptivity, and trust between the people and their leaders. Consultative engagement with experts and community leaders as well as effective decision-making mechanisms often facilitate and articulate balanced and comprehensive responses to issues.

5. In the sphere of government, national constitutions are the principal tools of establishing a system of checks and balances in the exercise of power. One of the challenges of concern in many Muslim countries is lack of effective enforcement of their existing constitutions. One can hardly expect equilibrium in an environment characterized by disrespect for the rule of law. Government under the rule of law and due enforcement of constitutional provisions need to be nurtured and carefully guarded.

6. A constitution that is cognizant of the essentials of Islam, and enacted through consultative methods and promulgated by the lawfully designated leader in a Muslim majority country, may well qualify as the command of the *ulu'l-amr* that inspires obedience (cf. al-Nisā', 4:58). Our religious scholars and ʿ*ulamā'* should also play a proactive role in the realization of a law-abiding society, due enforcement of constitutions, and government under the rule of law.

7. Education and the media play crucial roles in the realization of a state of socio-political equilibrium in society by providing balanced and truthful advice, identifying and drawing attention to imbalances as and when they arise. Media bias is, however, a problem. The most commonly discussed forms of bias occur when the media takes sides, such as supporting or attacking a particular political party, person, or ideology. Media bias toward the sensational over the ordinary, corporate, and ownership biases are well known. Moreover, commercially driven, ultra-powerful mass market media is primarily loyal to their sponsors, advertisers, and governments such that their advocacy of the public interest may become significantly compromised. When mainstream media and education are influenced by partisan interests, commercial gain, or cultural prejudice, and engage themselves in provocative and offensive publications in the name of freedom of expression, the advice of moderation is suffocated and the prospect of peaceful relations is undermined.

8. Misinformation on Islam and Islamophobia can only be addressed by parallel efforts to call attention to the often neglected

peace-like, humanitarian, and compassionate teachings of Islam and its advocacy of moderation in human relations. It is important for Muslim political and religious leaders to spearhead the effort, showing in their own behavior that Islam shuns violence and extremism and that good governance, stewardship, and vindication of people's rights are in the forefront of their agenda.

9. There is a need also to develop the discourse of *wasaṭiyyah* among Muslims themselves, especially with reference to teachers and preachers who exaggerate and misinform their audiences about Islamic tenets and doctrines but are often themselves in need of enlightenment. Mass media, institutions of learning, and the *ʿulamāʾ* have the responsibility of leading this effort at all available opportunities at their disposal.

10. Pluralist societies are difficult to manage, as pluralism often presents challenging prospects of ensuring a correct alignment of divergent demands and the need to balance conflicting interests within the crucible of unity. Disequilibrium of the major components of pluralism often bodes instability and unrest. If taken positively, however, pluralism itself is a powerful moderator that ensures accommodation of differential interests from within. The essence of a positive approach to pluralism is in the openness of its various component parties and groups to recognize each other's legitimate concerns and work together to address them. Imbalances arise when pluralism is mismanaged and when one or more of its component groups refuse to accommodate the legitimate concerns of others. Facile answers are obviously neither available nor adequate, and pluralist societies, including Malaysia, must remain open to healthy adjustment at all times. Yet it should be mentioned that compared with many other Muslim countries, Malaysia has a relatively favorable record of adjustment to the challenges of pluralism.

11. It was in Malaysia, however, where a specious debate arose in late 2011 concerning the matter that Islam stands for plurality but not interactive pluralism—the difference being that pluralism entails engagement, negotiation, and compromise, whereas plurality does not. The advocates of this anti-pluralism discourse were voicing the view that all religions are not equal—but this is merely repeating the obvious, as no one really denies that truism. The view was initially voiced by only a few individuals, but rapidly gained ground in the midst, perhaps, of the then parallel anti-multiculturalism debate in Europe. Both of these developments are,

I believe, circumstantial and somewhat contentious, as they tend to depart from the long-cherished principles of Islam and democracy, respectively. I personally think that the anti-pluralism opinion in Malaysia is not likely to hold for long, as it is not supported by general consensus. Furthermore, Islamic scripture accepts the validity in principle of monotheist religions and Muslims have through history lived amicably, engaged, and interacted with other faith communities in their midst. Text and history cannot be expected to be reversed by opinion trends of this kind. Almost all societies in our times are pluralist in some ways.

To say that we only live side by side with each other without consulting or negotiating with one another, let alone joining hands together behind good causes, even in matters of concern to all of us as common citizens, is hardly realistic. When the Qur'an enjoins justice (*'adl*), the "promotion of good and prevention of evil," cooperation (*ta'awun*) in the pursuit of good, and prevention of harm (*darar*), it does not limit the application of these principles to any particular group, society, race, or religion. These are what can actually make pluralism a source of enrichment and benefit in social relations. A religion that requires all of this cannot be aloof to what happens to one's neighbor next door or to groups and communities in which we live. No one would really expect that pluralism would seek to alter the prevailing religious dogma and beliefs. Pluralism has almost always meant mutual recognition of differences in the true Qur'anic spirit of mutual recognition (*ta'āruf*), regardless as to whether one viewed one's own religion as equal or unequal to others. If Islam requires justice and protection of book rights for non-Muslim citizens, then it is interactive. Social harmony is a valid purpose to pursue in pluralist societies and settings, even at the expense of some compromise, give and take. Consultation, interaction, and exchange of views can help develop beneficial cooperation among the various religious communities and facilitate social harmony and moderation.

12. The call for civilizational regeneration and renewal of the Muslim world, which Malaysia spearheaded through its 2004 Civilisational Islam, or *Islam Hadhari*, initiative under the then Prime Minister Abdullah Ahmad Badawi, called for attention to the broader civilizational goals and objectives of Islam. *Islam Hadhari* sought to prioritize ten objectives as representative of the civilizational vision of Islam.[1] These are generally valid, even though the expression *Islam Hadhari* (*IH*) came under some criticism. The ten principles of *IH* merit

attention as they are premised in the quest for Muslims to engage in self-renewal over a set of priorities that arose from mainstream Islamic teachings. One may replace the term *Islam Hadhari* with *Manhaj Islam Hadhari*, or *al-Manhaj al-Hadhari li'l-Islam* as Tun Abdullah Badawi himself now prefers to call it, or even take an essentialist view of its message of self-renewal and *tajdīd*, under the rubric of *tajdīd ḥaḍārī*.

13. The Islamic revivalist discourse of recent decades has, on the whole, been dominated by legalistic interpretations of Islam that focused attention on relatively minor issues of mannerism, the *ḥijāb*, *fiqh* issues, what one eats or wears, and so forth. The larger challenges of good governance, poverty eradication, economic development, quality education, and the like hardly became engaging themes of the Islamic revivalist discourse, which is why they remain largely unmet. The Islamic discourse has also fallen short of engaging meaningfully with the challenges of modernity and the quest to integrate the universal values and vision of Islam in the formulation of imaginative and well-considered responses to those challenges. Extremist tendencies and radicalization of Islam need to be addressed by fresh, relevant, and inclusive interpretations of the religion, such as the attempt made in the ten principles of *Islam Hadhari* and that of Prime Minister Najib's call for a Global Movement of Moderates provided, however, that they are not politicized and not placed in the forefront of partisan political discourse.[2] These initiatives merit earnest engagement and should be translated into specific actionable programs. The spirit of the proposal that Najib made at the 65th United Nations General Assembly, and his follow-up initiatives to set up a Wasatiyyah Institute, Wasatiyyah Foundation, and an International Institute of Wasatiyyah actually correspond with that of Yūsuf al-Qaraḍāwī's call, some years earlier, for the establishment of an Ummatic Foundation for Moderation in Thought and Culture (*Jamʿiyyat al-ummah al-wasaṭ fī'l-fikr wa'l-thaqāfah*) to vindicate *wasaṭiyyah* and promote it in the spheres of education, social mores, and culture: "This would be an invaluable gift we can pass on to the next generation of Muslims."[3]

14. The colossal environmental damage the world is witnessing needs to be addressed at both national and international levels. At the national level, a comprehensive environmental education program should be introduced in public schools at an early stage, to be followed up by suitable programs in industrial centers, health care facilities, farms and factories, and so on. At the international level, a rigorous

campaign should be waged for ratification of international treatises and binding instruments that safeguard the environment from the menace of cumulative pollutants, carbon emissions, nuclear tests, and technologies, and curb proliferation of nuclear weapons, uncontrolled arms sales and exports by all states, including Israel and North Korea.[4]

15. The Islamic public law principle of *Shari'ah*-oriented policy (*siyāsah sharʿiyyah*) empowers government authorities to introduce procedures, licensing provisions, and policy measures that encourage moderation in the use of resources and prevent or minimize environmental damage.[5] Self-seeking individuals and institutions should be made responsible for repairing the environmental damage they have caused. Condensing too many skyscrapers in congested areas has become commonplace in cities such as Kuala Lumpur, leaving onlookers often doubtful as to whether any amount of ethical education will constrain greedy developers and their co-travelers in municipal offices to change their ways and take care of environmental safety and well-being of the general populace. Private or local interest should not take preference over the public interest and damage to the larger society.

16. New institutions and platforms for the advancement of *wasaṭiyyah* in other countries, but also the Global Movement of Moderates Foundation in Malaysia, should facilitate project-based works, including high caliber research on well-identified issues, exchange of specialists and scholars through study visits, seminars, and interactive engagements among Muslim and non-Muslim countries. Research so undertaken should lead to policy-relevant actionable recommendations of interest to Malaysia and other countries and organizations, especially within the framework of the OIC.

17. Balanced economic development, poverty eradication and social justice efforts should be stepped up through various initiatives and networks of cooperation between national and international organizations to spur economic growth, ensure food security and create employment opportunities. For these will have a great impact on curbing extremist tendencies among those who are easily provoked or have little incentive to keep them focused on self-development and service to their communities. Tapping the potentials of *zakat*, charitable endowments (*awqāf*) and *fiṭr* religious charities (*ṣadaqāt al-fiṭr*) should be attempted and better methods of collection and utilization should be sought to fight poverty and create investment opportunities for local communities.

18. It is important for mosque leaders (*imāms*) to make poverty eradication, as well as combatting extremism and violence, an integral part of their teachings at Friday sermons and other occasions. Muslim masses listen to their religious leaders, who are obviously influential yet have hardly taken advantage of their privileged position for the common good. The main thrust of Friday sermons still remains on worship matters and hardly transcends to real community issues and challenges, youth and women issues, drug abuse, corruption, human trafficking, and the like.

19. Malaysia, Turkey, and Morocco, and perhaps Tunisia, are viewed, especially in the wake of the still-unfolding consequences of the so-called Arab Spring, as moderate influences among the Muslim countries and members of the Organisation of Islamic Cooperation. Turkey's relatively recent policy orientation and shift from arch-secularist to moderately Islam-friendly postures have certainly not gone internationally unnoticed, and Turkey herself has not denied its pro-Islam postures under its current prime minister, Tayyip Erdogan. The May 2013 events in Turkey's Gezi Park that led to confrontation and violence between the authorities and demonstrators, however much short-lived, as well as Turkey's questionable policy orientations on the Syrian conflict, plus the military coup of July 2013 in Egypt and its recourse to ruthless methods, have introduced new questions that cast clouds of darkness over the initial exuberance of the Arab Spring experience and how these countries were seen as examples of moderation among Muslim nations. Yet events still seem to be unfolding, and thus drawing final conclusions seems premature.

Some observers have drawn the plausible conclusion from Egypt's return to military rule under al-Sisi, now president, that Islam and democracy are incompatible. More accurately, however, the main problem is the Muslim Brotherhood's failure at good governance and refusal to be inclusive of others. The economy declined, the crime rate rose, social divisions became more pronounced, and the quality of life suffered.

It seems clear, however, that the Egyptian masses have not given up on their struggle for accountability and good governance. Both the Islamic fundamentalists and secularists are now protesting against undemocratic measures by the military state. The failure of Brotherhood does not necessarily mean that Islam and democracy are incompatible. People in the countries that experienced the so-called Arab Spring (Tunisia, Egypt,

Libya, and Yemen) had all selected a democratic alternative as their first choice and there is little indication that this has changed.

The February 2014 election results in Turkey and electoral success of Erdogan and his Justice party provided some indication to substantiate the prospect of Turkey's continuity on its moderate policy postures. Malaysia's Prime Minister Najib Razak's September 2010 speech at the United Nations General Assembly and his call for a "Global Movement of Moderates," further endorsed by the repeat of that call in his speech three years later at the 68th UNGA, as well as other follow-up measures, are by far the clearest policy proclamations in favor of *wasaṭiyyah*. Morocco has exhibited similar tendencies under its incumbent monarch Muhammed V and has introduced constitutional and policy reforms that manifest pragmatic *wasaṭiyyah*-oriented measures among Arab and OIC member countries. The Arab Spring that spearheaded the call for democracy, good governance, and fight against corruption has altogether changed the traditionally authoritarian pattern of ruler-ruled relationships in the Arab world in favor of the general public, who now have greater freedom to make their voices heard, even though events are still unfolding and the end results are yet to be known. The cost in human life had simply been too high thanks to the brutal ways of intransigent dictators who have shown their ugly sides. The Arab Spring is under dark clouds as of this writing, but then Arab politics has also fundamentally changed with the deep-seated realization that the dictators have to change their ways, and gradual changes, not always noticeable perhaps, do seem to be taking place.

Without wishing to engage in further detail, most of these countries are faced with internal challenges of their own on a myriad themes, including good governance, economic development, and education, and have much to do to bring greater refinement into their action plans along the path of moderation. Yet what has been said can, on a broader note, also imply that given a degree of coordination among them, the above-mentioned countries that have chosen the path to regeneration and reform are influential enough to present a pragmatic agenda of *wasaṭiyyah* for the OIC member countries to adopt, however gradually, and thus make *wasaṭiyyah* an engaging principle and movement of wider impact within their countries and beyond.

    20. Terrorism is absolutely prohibited in Islam, whether committed by individuals or states regardless of the religious affiliation of the perpetrator. It is a crime in Islam and can never be justified in its

name. Terrorists must be brought to justice and it is an obligation of all Muslims and concerned to make this possible.

21. Financial crises, poverty, and disequilibrium in the distribution of resources are major causes of tension that provide fertile ground for extremism and violence. Economic development, creation of employment opportunities, and social justice are the prerequisites of restoring equilibrium and balance in national and international relations.

22. Provocation by state actors, interference in the affairs of other communities and states, and aggressive hegemonist policies that exacerbate existing conflicts and threaten tranquility and peace among nations should be stopped.

23. There is a need for institutions and mechanisms specifically designed to formulate and communicate rapid responses in inter-religious crises and terrorist attacks. These should be designed to manage crises quickly and prevent misunderstandings that threaten peace and exacerbate inter-community relations.

24. Climatic disasters and environmental crises show a parallel pattern to that of the financial crises, which evidently suggest some kind of correlation. Climatic disasters are extremely inequitable in that they hit the weak and poor strata of people the most. It is a shared responsibility of all countries, and most of all of those who are the biggest contributors to carbon emissions and industrial pollution. They must lead the campaign and rectify the hitherto disappointing record of their contribution to suggested quota that aim at addressing the causes of climatic degradation.

# *Notes*

CHAPTER I

1. As quoted "Indonesia: Moderate Muslims need to speak up," *The Jakarta Post* (Indonesia), September 5, 2012, p. 4.
2. Ibid.
3. W. Scott Thompson. "Radiating moderation," *New Straits Times* (Kuala Lumpur, Malaysia), January 18, 2012, p. 24.
4. Ibid.
5. Cf., Feisal Abdul Rauf. *Moving the Mountain: Beyond Ground Zero to a New Vision of Islam in America* (New York: Free Press, 2012), pp. 143–4.
6. Robert D. Crane. "A Grand American Strategy of Counter-terrorism." *Arches Quarterly* vol. 5, no. 9, (Spring 2012): p. 34.
7. Ibid.
8. Cf. Rabbi Mark L.Winer. "Fundamentalists vs. Moderates: The War within Judaism," *Arches Quarterly* vol. 5, no. 9, (Spring 2012): p. 116.
9. Crane, "A Grand American Strategy," pp. 27–8.
10. Raja Nazrin Shah. "Bridging the Muslim and Western World for Peace and Development" a keynote address at the World Muslim Leadership Forum: Muslim World in the Face of the New World Economic Order, The Cordoba Foundation, London, Occasional Papers Series No. 1, (October 2010): p. 9.
11. Ibid., p. 10.
12. MuÍammad ÑAbd al-LaÏīf al-Farfūr. *Al-WasaÏiyyah fī'l-Islām* (Amman: Dār al-Nafā'is, 1409/1988), p. 164.
13. As quoted by Nuradilla Noorazman. "Moderation helps muslim unity," *New Straits Times* (Kuala Lumpur, Malaysia), November 15, 2012, p. 2.

CHAPTER II

1. Other Arabic words for extremism are *al-ghuluw, al-ifrāṭ*, "exceeding the limits."

2. Muḥammad 'Abd al-Laṭīf al-Farfūr. *Al-Wasaṭiyyah fi'l-Islām* (Amman: Dār al-Nafā'is, 1409/1988), p. 71.

3. Abu Ibrahim 'Abd al-Wahid bin Yusuf al-Sharbini. *Al-Qaṣd wa'l-Wasaṭiyyah fi Daw' al-Sunnah al-Nabawiyyah* (Riyadh: Maktabat al-Rushd, 1431/2010), p. 59.

4. Ibid. See also Kuwait Ministry of Waqf and Islamic Affairs. *al-Mawsu'ah al-Fiqhiyyah*, in "Wasat" vol. 43 (Kuwait, 1412/1992), p. 11. *Al-Wasat/wusta* is also used as equivalent to *al-khiyar*, also *al-afdal*, or the best choice.

5. Ibid., p. 27.

6. Abul-Hussain `Asakiruddin Muslim bin Hajjaj Al-Qushairi Al-Naisaburi Muslim. *Mukhtasar Ṣaḥiḥ Muslim, Kitab al-Salat, bāb takhfīf al-ṣalāt wa'l-khuṭbah*, 6th ed. (Beirut: Maktab al-Islami, 1987).

7. Abu Ibrahim 'Abd al-Wahid bin Yusuf Al-Sharbini. *Al-Qasd wa'l- Wasaṭiyyah fi Daw' al-Sunnah al-Nabawiyyah* (Riyadh: Maktabat al-Rushd, 1431/2010), p. 45.

8. Ibid., p. 54.

9. See, for details, Akram Kassab. *Dawr al-Qaradawi fi Ta'sil al-Wasaṭiyyah wa Ibraz Ma'alimiha (al-Qaradawi's Role in the Anchoring of Wasaṭiyyah and Exposition of its Signposts)* (Cairo: Maktabah Wahbah, 1429/2008), pp. 36–38.

10. Wahbah al-Zuḥaylī. *Qaḍāyā al-Fiqh wa'l-Fikr al-Mu'āṣir* (Damascus: Dār al-Fikr, 1427/2006), p. 578.

11. Wahbah al-Zuḥaylī. "al-Taṭarruf fi'l-Islām," in Mu'assasah Aal–al-Bayt li'l-Fikr al-Islami, *Mustaqbal al-Islam fi'l-Qarn al-Hijri al-Khamis 'Ashar* (Jordan: Amman, 1425/2004), p. 204.

12. James Petras. "The Washington—'Moderate Islam' Alliance: Containing rebellion; Defending Empire," Pt. 1, *JUST Commentary* 12, no. 3 (March 2012): p. 10; Petras names Freedom and Justice Party in Egypt, Renaissance Party in Tunisia, and Justice and Development Party in Morocco as all having indicated to serve as reliable partners "in blocking the pro-democracy movements that challenge the socio-economic status quo and the long-standing military-imperial linkages."

13. Ibid., pp. 10–11.

14. James Petras. The Washington—"Moderate Islam" Alliance: Containing rebellion; Defending Empire," Pt. 2, *JUST Commentary* 12, no. 4 (April 2012), p. 10.

15. Shamsul Amri Baharuddin. "From wasatiyyah to moderation: We have many lessons to share on social cohesion." *New Straits Times* (Kuala Lumpur, Malaysia), December 16, 2011, p. 26. Baharuddin went on to suggest that the "National Seminar on Understanding Wasatiyyah and Malaysia," a curtain raiser for the UMNO General Assembly held in November 2011 last month, should be "the last occasion *wasaṭiyyah* is used in connection with the promotion of GMM."

16. Cf., Mohd. Kamal Hassan. *Voice of Islamic Moderation from the Malay World* (Kuala Lumpur: EMIR (Emerging Markets Innovative Research), 2011), p. 161.

17. Cf., Nasharudin Mat Isa. "Between Moderation and Extremism: Challenges and Responses," Conference paper presented at the International Conference on Global Movement of Moderates, Kuala Lumpur, January 18, 2012, p. 3.

18. Muhyiddin Yassin (incumbent Deputy Prime Minister). "Remark at his opening speech of the national conference on understanding wasaṭiyyah and the 1Malaysia concept." *New Straits Times* (Kuala Lumpur, Malaysia), November 27, 2011, p. 6.

19. Al-Sharbini, *al-Qaṣd wa'l-Wasaṭiyyah*, p. 61.

20. Ibid.

21. Razali Ismail (Malaysia's one-time representative at the UN and elected president of the UNGA). "By any name, moderation smells as sweet, the West and rest must create a world where all can prosper," *New Straits Times* (Kuala Lumpur, Malaysia), January 16, 2012, p. 24.

22. Ibid.

23. Thomas L. Friedman. "Why GOP is heading for a cliff?" *New Straits Times* (Kuala Lumpur, Malaysia), December 24, 2012, p. 16.

24. Ibid.

25. Scott W. Thompson. "Radical moderate: There is a long agenda for this kind of movement that the world needs badly today," *New Straits Times* (Kuala Lumpur, Malaysia), January 25, 2012, p. 20.

CHAPTER III

1. A fuller review of the Qur'anic dicta and *hadith* on *wasaṭiyyah* can be found in Kassab, *Dawr al-Qaradawi*, pp. 23–32.

2. All the Arabic quotations from the Qur'an and *hadith* appear at the end of this volume.

3. ʿImād al-Dīn Abū'l-Fidā Ismāʿīl Ibn Kathīr. *Tafsīr al-Qur'ān al-ʿAẓīm* (Beirut: Dar al-Kutub al-Ilmiyah, 2006), 1:190.

4. See, for details, Muḥammad al-Katānī. *Min Manẓūr al-Islami* (Casablanca: Dār al-Thaqāfah, 1989), pp. 112–16; see also Jābir Qumayḥah. *Al-Madkhal ilā'l-Qiyam al-Islamiyyah* (Cairo: Dār al-Kitāb al-Miṣrī, 1984), pp. 72–73.

5. Maḥmūd b. ʿAbd Allāh al-Alūsī. *Rūḥ al-Ma'ānī fī Tafsīr al-Qur'ān al-ʿAẓīm* (Deoband: Idārat al-Ṭibāʿah al-Muṣṭafā'iyyah, 1970), 2:4.

6. Al-Qurṭubī, *Tafsīr al-Qurṭubī*, al-Zamakhsharī, *Tafsīr al-Kashshāf*—both quoted in al-Zuḥaylī, *Qaḍāyā*, p. 550.

7. Muḥammad b. Ismāʿīl al-Bukhārī. *Ṣaḥīḥ al-Bukhārī*, "Kitāb faḍā'il aṣḥāb al-nabī." This long *hadith* elaborates: "On the Day of Judgment the Prophet Noah will be asked: "Have you accomplished your mission?" He replies: "Yes," Then his *ummah* is asked: "Have you received it?" They say, "No, no prophet

came to us." Then Noah is asked if he has any witness—and he replies that Muḥammad and his *ummah* are his witnesses—and the latter do testify in support of Noah's statement. See Muḥammad ʿAlī al-Sābūnī, *Ṣafwat al-Tafāsīr* (Jakarta: Dār al-Kutub al-Islamiyyah, n.d.), 1:102–03. The Arabic is as follows:

يجيء نوح وأمته فيقول الله تعالى هل بلغت فيقول نعم أي ربّ فيقول لأمته هل بلغكم فيقولون لا ما جاءنا من نبي فيقول لنوح من يشهد لك فيقول محمد صلى الله عليه وسلم وأمته فنشهد أنه قد بلغ.

8. Sayyid Muhammad Husayn Fadlullah. *Min Wahy al-Qur'an*, 3rd Enhanced and Revised edition, vol. 3 (Beirut: Dar al-Malak, 1428/2007), pp. 77–78.

9. Ibid., vol. 3, pp. 79–80.

10. Ibid., vol. 3, p. 84.

11. Cf., Nāṣir al-Din al-Albāni *Daʿīf al-Jāmiʿ al-Ṣaghīr wa ziyādatuh*, 3rd ed. (n.p.: Al-Maktab al-Islāmī, 1998), vol. 2, p. 432 (*hadith* no. 2946).

12. Cf., Ibid., pp. 143–45.

13. Abu Bakr Ahmad Ibn al-Rāzi al-Jaṣṣāṣ. *Aḥkām al-Qur'ān*, vol. 1. (Beirut: Dār al-Kitāb al-ʿArabī, 1978), p. 88.

14. Jalāl al-Dīn al-Suyūṭī. *al-Ḥāwī li'l-Fatāwā* (2:89) as quoted in Gemal al-Din Attia, *Towards Realisation of the Higher Intents of Islamic Law, Maqasid al-Shari'ah: A Functional Approach* (London: International Institute of Islamic Thought, 2008), p. 212.

15. Ḥāfiẓ Ahmad bin Shuʿaib Al-Nasa'ī. *Sunan al-Nasā'ī: Kitab Al-Isti'adhah min sharr al-kufr*, 2nd ed. (Beirut: Dar al-Kutub al-'Ilmiyyah, 2005). Also quoted in Yusuf Qaradawi. *Mushkilat al-Faqr wa-kayfa 'Ālajaha al-Islam* (Kaherah: Maktabah Wahabah, 1997), p. 14.

16. 'Abd al-Hadi Abu Ṭālib. "al-Tatarruf al-Dini wa Wasaṭiyyat al-Islam," in Mu'assasah Aal al-Bayt al-Islami, *Mustaqbal al-Islām fi'l-Qarn al-Hijrī al-Thāmin al-ʿAshr* (Jordan: Amman, 1425/2004), p. 185.

17. Abi al-Hussain Muslim bin Hajjaj al-Nishapuri. *Mukhtaṣar Ṣaḥiḥ Muslim*. Edited by Al-Albāni, 6th ed. (Beirut, 1987/1407), hadith no. 54, p. 20.

18. Aḥmad al-Rāwī. "Al-Wasaṭiyyah wa'l-Buʿd al-Haḍārī." Paper presented at the International Conference on *Al-Wasaṭiyyah: Manhaj al-Ḥayāt*, Kuwait, Rabīʿ al-Akhir 13–15, 1426/ May 21–23, p. 3. It may be noted in passing that this observation is basically a rehash of the Qur'anic verse (al-Ḥujurāt, 49:13).

19. Al-Farfūr, *Al-Wasaṭiyyah*, pp. 144–45.

20. Quoted in Ibid., p. 56.

21. Al-Zuḥaylī (in *Qaḍāyā*, p. 550), adds that according to another report, this elevated *ḥadīth* has been attributed to ʿAlī b. Abī Tālib but that there was ambiguity in the chain of narration, or *sanad*, of this *hadith*. A *marfūʿ hadith* is one that does not reach back to the Prophet himself through a reliable chain of narration but is likely to have originated from him. A Companion is not likely to make a leading statement such as this as of his own accord. Hence it is deemed to have originated from the Prophet.

22. Abū Ḥāmid Muḥammad al-Ghazālī. *Iḥyā' ʿUlūm al-Dīn,* 2nd ed. (Cairo: Dār al-Fikr, 1400/1980), 2:87. Al-ʿIrāqī's commentary appears in the attached foot-notes. Abu ʿAbd Allah al-Qurtubi in his *al-Jami' li-Aḥkām al-Qur'an* (also known as Tafsīr al-Qurṭubi) has also discussed this report from ʿAli ibn Abu Ṭālib in his commentary on the verse of *wasaṭiyyah* (2:143).

23. Muslim, *Mukhtaṣar Ṣaḥiḥ Muslim*, edited by Al-Albānī, hadith no.417, p. 114.

24. Abdullah Yusuf Ali. *The Meaning of the Holy Qur'an: Translation and Commentary* (Beltsville MD: Amana Publications, 1992), p. 604.

25. Fakhr al-Dīn b. ʿUmar al-Rāzī. *Al-Tafsīr al-Kabīr* (also known as *Mafātīḥ al-Ghayb* and *Tafsīr al-Rāzī*) (Beirut: Dār al-Fikr, 1978/1398), vol. 2:292.

26. Saʿd al-Dīn b. Masʿūd b. ʿUmar al-Taftazānī. *Al-Talwīḥ ʿalā al-Tawḍīḥ,* on the margin of ʿUbayd-Allāh b. Masʿūd Ṣadr al-Sharīʿah, *Al-Tawḍīḥ fī Ḥall Ghawāmid al-Tanqīḥ* (Cairo: al-Bāb al-Ḥalabī, n.d.), 2:48–49.

27. Abu Bakar Ahmad Ibn al-Razi Al-Jaṣṣāṣ, *Aḥkām al-Qur'an*, vol. 1 (Beirut: Dār al-Kitāb al-Arabī, 1978), p. 442. See also for a discussion al-Farfūr, *al-Wasaṭiyyah fi'l-Islām*, pp. 69–71.

## CHAPTER IV

1. Muḥammad ʿAbduh as quoted in Muḥammad ʿAbd al-Laṭif al-Farfūr. *Al-Wasaṭiyyah fi'l-Islām* (Amman: Dār al-Nafāʾis, 1409/1988), p. 156.

2. Muḥammad al-Ṭāhir Ibn ʿĀshūr. *Maqāṣid al-sharīʿah al-islāmiyyah* (Tunis: Tunisiyyah li'l-Tawzīʿ, 1988), p. 45.

3. Ibid., p. 155.

4. Yusuf Al-Qaradawi. "Min al-Ghuluww wa'l-Inhilal ila-Wasaṭiyyah wa'l-iʿtidāl," in Mu'assasah Aal al-Bayt al-Islami, *Mustaqbal al-Islām fi'l-Qarn al-Hijrī al-Thāmin al-ʿAshr* (Jordan: Amman, 1425/2004), p. 294.

5. Al-Tūnisī as quoted in al-Farfūr, al-Wasaṭiyyah, p. 156.

6. Ibid., p. 154.

7. Wahbah al-Zuḥaylī. "al-Taṭarruf fi'l-Islām," in Mu'assasah Aal–al-Bayt li'l-Fikr al-Islami, *Mustaqbal al-Islam fi'l-Qarn al-Hijri al-Khamis ʿAshar* (Jordan: Amman, 1425/2004), pp. 223–24.

8. Ibid., p. 223.

9. Seyyed Hossein Nasr. *Science and Civilization in Islam*. 1987. Reprint (Cambridge, Mass.: Harvard University Press, 2003), p. 30. See also al-Farfūr, al-Wasaṭiyyah fi'l-Islam, pp. 139–40.

10. Ahmad al-Raysūni. *Imam al-Shatibi's Theory of the Higher Objectives and Intents of Islamic Law,* 1995. Reprint (Kuala Lumpur: Islamic Book Trust, 2005), p. 321.

11. International Islamic Law Academy Resolution, as quoted in al-Zuḥaylī, "Al-Taṭarruf," p. 222.

12. Al-Qaradawi, "Min al-Ghuluww," pp. 297–98.

13. Ismail Raji al Faruqi. *Tawhid: Its Implications for Thought and Life,* USA: International Institute of Islamic Thought, 1982, pp. 147–48.

14. Ibid., p. 152.

15. Ibid., p. 154.

16. Ibid.

17. Farhan Ahmad Nizami. "Islam and moderation." *New Straits Times* (Kuala Lumpur, Malaysia), May 29, 2014, p. 18.

18. Ayatollah Yahya Noori as quoted in Deina Abdelkader, *Social Justice in Islam* (New Delhi: Goodword Books, 2000), p. 42.

19. Seyyed Mohsin Fadlullah. *al-Jihad:Dirasah Istidlaliyyah Fiqhiyyah Hawl Mawdu'at al-Jihad wa Masa'iluh*, 2nd ed. (Beirut: Dar al-Malak, 1418/1998), pp. 7–8.

20. Ibid., p. 8.

21. Tha'ir Ibrahim Khudayr Al-Shimri. *al-Wasaṭiyyah fi'l-'Aqidah al-Islamiyya* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1426/2005), p. 65.

22. Cf., Ibid., pp. 65–66.

23. Ibid., pp. 44–45.

24. Ibid., p. 46.

25. Deina Abdelkader. *Social Justice in Islam* (New Delhi: Goodword Books, 2000), p. 42.

26. See Mohammad Hashim Kamali. *Shari'ah Law: An Introduction* (Oxford: Oneworld Publications, 2008), chapter 4 entitled "The Leading Schools of Law (Madhāhib)." This book also provides a chapter on the maqāṣid entitled "Goals and Purpose (Maqāṣid) of Sharīʿah: History and Methodology," pp. 123–41.

27. Muhammad Asad. *The Message of the Qur'an* (Gibraltar: Dar al-Andalus, 1980), p. 30.

28. 'Ali A. Allawi. *The Crisis of Islamic Civilisation* (New Haven, Conn.: Yale University Press, 2009), p. 204.

29. Ibid.

30. Razali Ismail. "Moderation must be ubiquitous." *New Straits Times* (Kuala Lumpur, Malaysia), January 7, 2012, Comment, p. 28.

31. Ibid.

32. Ibid.

33. Anas Zubedy. "The Middle Path, Our Shared Value," *JUST Commentary* 11, no. 12, December 2011, p. 2.

34. Muhyiddin Yassin. "Closing speech at the International conference on the Global Movement of Moderates." *New Straits Times* (Kuala Lumpur, Malaysia), January 19, 2012, p. 3.

### CHAPTER V

1. In the context of the Air Asia Indonesia crash that killed all of its 162 passengers and crews on December 28, 2014, the black box data showed that in the final four minutes before the aircraft crashed into the sea, it had started climbing

very steeply at the rate of over 1,800 meters per minute, which is far in excess of the 300 to 600 meters for passenger aircraft—only a fighter jet can climb at that speed. This was identified as the main cause of the crash. This may be said to be extremist behavior in that situation, which is somewhat specialized, and the relevant information is not something a layman would normally know. It may also have been due to ignorance or an error of judgment on the part of the pilot.

2. Cf., Zainal Ujang, "High hopes on Farhan," (Ujang, currently a fellow at the Oxford Centre for Islamic Studies, UK—wrote this comment in anticipation of a public lecture that Farhan Nizami the director of that center, was due to deliver in Kuala Lumpur), Kuala Lumpur: *New Straits Times*, May 26, 2014, p. 17.

3. Al-Qaradawi, "Min al-Ghuluww," pp. 303–04.

4. Ibid., p. 304.

5. Al-Zuhaylī, "al-Taṭarruf fi'l-Islam," in *Mustaqbal al-Islām*, p. 205.

6. The Murji'ah were divided into two groups, the first one of which suspended passing any judgment on differences that arose among the Companions, referring them to God's judgment, and second of which held that God forgives all sins except disbelief (*kufr*) and that faith is not obliterated by sin. See, for details, al-Zuhaylī in the previous note. See also Majid Fakhry, "Philosophy and Theology," in John Esposito (ed.), *The Oxford History of Islam* (Oxford: Oxford University Press, 1999), 277ff.

7. Al-Zuhaylī, "al-Taṭarruf fi'l-Islam," p. 205. Hadi Abu Talib, who also wrote on the subject of extremism (*al-taṭarruf*) in the same collection of essays where Zuhaylī's article appears, considers hasty pronouncements of infidelity and *kufr* by those who wrongfully lay this charge against others as a manifestations of religious extremism (*al-taṭarruf al-al-dīnī*). See, for details, 'Abd al-Hadi Abu Talib, "al-Taṭarruf al-Dīnī wa Wasaṭiyyat al-Islām," in Mu'assasah Aal al-Bayt, *Mustaqbal al-Islām*, pp. 185–86.

8. Cf., Al-Farfur, *al-Wasaṭiyyah fi'l-Islām*, p. 94.

9. See, for details, Al-Farfur, *al-Wasaṭiyyah fi'l-Islām*, p. 94.

10. Al-Zuhaylī, "al-Taṭarruf fi'l-Islam," p. 208.

11. Parridah Abd Samad, "The Muslim Dilemma in France," Kuala Lumpur, *New Straits Times*, January 10, 2015, p. 14.

12. Bernard Cheah, "Why Malaysians Willing to Join IS," *The Sun*, Kuala Lumpur, December 18, 2014, p. 2.

13. Cf., Harun Yahya, "Getting Islam's Peaceful Ethos across amidst Terror," Kuala Lumpur, *New Straits Times*, January 16, 2015, p. 17.

14. Muslim, *Mukhtaṣar Sahih Muslim*, ed. Muhammad Nāsir al-Dīn al-Albāni, Kitab al-Imarah, bab man hamala 'alayna al-silaha, hadith 1235.

15. This second hadith is narrated on the authority of Salamah ibn al-Akwa', whereas the first is on the authority of 'Abd Allah ibn 'Umar. Both are reliable.

16. Muhyiddin al-Nawawi, *Riyaḍ al-Ṣāliḥīn*, 2nd edn by Muhammad Nāsir al-Dīn al-Albāni (Beirut: Dar al-Maktab al-Islami, 1418/1998), hadith 1527.

17. Quoted in Fareed Zakaria, "Keep Calm and Carry on to Effectively Fight Terror," Kuala Lumpur, *New Straits Times*, January 24, 2015, p. 16.

18. Sami Mahroum, "Charlie Hebdo and the Anti-Muslim Media Factory," Kuala Lumpur, *New Straits Times*, January 19, 2015, p. 17.

19. Ibid.

20. Fareed Zakaria, "US Intervention Is Not the Answer," Kuala Lumpur, *New Straits Times*, January 19, 2015, p. 15.

21. Ibid.

22. Amnesty International, *Escape from Hell: Torture and Sexual Slavery in Islamic State Captivity in Iraq*, United Kingdom: Amnesty International Ltd., 2014.

23. Cf., Fareed Zakaria, "Keep Calm and Carry on to Effectively Fight Terror," Kuala Lumpur, *New Straits Times*, January 24, 2015, p. 16.

24. Cf., Farish Noor, "Radicalism's Pool of Support," Kuala Lumpur: *New Straits Times*, August 25, 2014, p. 12.

25. Razali Ismail, "Moderation," p. 28.

26. Cf., *New Straits Times* editorial page on "Malaysia's strategy for peace," Kuala Lumpur, November 28, 2012, p. 14.

27. Rabbi Mark L. Winer, "Fundamentalists vs. Moderates," p. 117.

28. Scott Thompson, "Liberty's 9/11," Kuala Lumpur, *New Straits Times*, January 14, 2015, p. 17.

29. Ibid.

30. Cf., Farish A. Noor, "Responding to the Paris Attacks," Kuala Lumpur: *New Straits Times*, January 14, 2015, p. 14.

31. "Hollande: Muslims the Victims," AFP report carried in Kuala Lumpur, *New Straits Times*, January 16, 2015, p. 25. The present writer personally watched both leaders shown on BBC World Service news on January 15, 2015.

32. AFP report from Dresden, "Germany Slams Anti-Islamic March," Kuala Lumpur: *New Straits Times*, January 14, p. 26.

33. Ibid.

CHAPTER VI

1. Yusuf al-Qaradawi. *Thaqāfatunā Bayn al-Infitāḥ wa'l-Inghilāq*, 2nd ed. (Cairo: Dar al-Shoruq, 2005), p. 30.

2. Cf., Thā'ir Ibrāhīm Khudayr al-Shimri. *al-Wasaṭiyyah fi'l-'Aqidah al-Islamiyyah* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1426/2005), pp. 42–43.

3. Ibid., pp. 43–44.

4. See, for details on factional and sectarian divides of more recent times, Yusuf al-Qaradawi, *al-Ṣaḥwah al-Islāmiyyah wa Humum al-Waṭan al-'Arabī wa'l-Islami*, p. 65, as quoted by Tha'ir al-Shimri, *al-Wasaṭiyyah*, p. 45.

5. Cf., Mohammad Hashim Kamali. "The Shari'a: Law as the Way of God," in *Voices of Islam, Vol. 1: Voices of Tradition.* Edited by Vincent J. Cornell (Westport: Praeger Publishers, 2007), pp. 149–82, at p. 166.

6. Some rigidity has been noted with regard to the rules of testimony concerning female witnesses to the effect that the testimony of two females is equal to that of one male. There is a reference in the Qur'an on this, but medieval jurisprudence has brought rigidity through their interpretations. The Qur'an does not preclude the testimony of female witnesses in any specified number, with or without male witnesses. Many contemporary Muslim scholars maintain that scriptural interpretation should be goal-oriented and responsive to the needs and realities of Muslim society. I have elsewhere addressed this issue in detail, including review of a leading decision of the Federal Shariat Court of Pakistan (1983), which has departed from the traditional interpretations in favor of admitting female testimony whenever it vindicates truth and due administration of justice. See, for details, Mohammad Hashim Kamali. *Freedom, Equality and Justice in Islam* (Cambridge: Islamic Text Society, 2002), section on the "Status of Women," pp. 61–78, at p. 65f.

7. Yusuf Al-Qaradawi. "Min al-Ghuluww wa'l-Inḥilāl ila-Wasaṭiyyah wa'l-I'tidal," in Mu'assasah Aal al-Bayt al-Islami, *Mustaqbal al-Islam fi'l-Qarn al-Hijrī al-Thāmin al-'Ashr* (Jordan: Amman, 1425/2004), p. 327.

8. Pillars of *iman* mainly consist of dogma and belief: faith in God, His Messengers, the angels, His scriptures, the Day of Judgment, and predestination. The pillars of Islam pertain to ritual observances: citing the testimonial of faith in God, and affirmation of the Prophethood of Muhammad, the five daily prayers, payment of the poor-due (*zakāt*), fasting in Ramadan, and the once-in-a-lifetime pilgrimage of hajj. Cf., Al-Qaradawi, "Min al-Ghuluww wa'l-Inḥilāl," pp. 325–26.

9. Cf., Tha'ir al-Shimri, *al-Wasaṭiyyah*, pp. 41–42.

10. Al-Qaradawi, "Min al-Ghuluww," p. 331.

11. Hamid Enayat. *Modern Islamic Political Thought,* 2001. Reprint, (Kuala Lumpur: Islamic Book Trust, 2006), p. 32. The view is attributed to the prominent Shi'i scholar Muhammad Husayn Kashif al-Ghita' (d.1954).

12. Ibid., p. 33.

13. Cf., 'Abd al-Karim Zaydan. *al-Wajiz fi Uṣūl al-Fiqh* (Beirut: Mu'assasah al-Risalah, 1405/1985), p. 118. See also Thā'ir al-Shimri, *al-Wasaṭiyyah*, p. 56.

14. Many examples are recorded of fresh *ijtihād* by Caliph 'Umar in the cases, for instance, of distribution of the fertile land (*sawād*) of Iraq among the warriors—as part of the war booty to which the Qur'an had entitled them—a provision of the Qur'an, which the caliph attempted to amend through reconciling it with certain other verses of the Qur'an and thus arriving at a different solution. The Caliph 'Umar also moderated a ruling of the Qur'an on inheritance in the renowned case of *al-Mushtarakah* (also known as *al-Himāriyyah*). This was a peculiar case of distribution that resulted in half-brothers taking

one-third of the estate to the total exclusion of full brothers, in which event the latter complained to the caliph. The caliph then arrived at a compromise solution, after some one month of consultation with the senior Companions, as the reports indicate, to allow the one-third to be shared equally by all the brothers. Cf., Thā'ir al-Shimri, *al-Wasaṭiyyah*, pp. 57–58.

15. Ivy Soon. "Islamic clergy confront AIDS issue." *Sunday Star* (Kuala Lumpur, Malaysia), December 2, 2001, p. 22.

16. Ibid. The Uganda trip was funded by Yayasan al Bukhary and organized by the Malaysian AIDS Council.

17. Al-Qaradawi, "Min al-Ghuluww," pp. 331–32. While saying this, al-Qaradawi refers to his own work, *Ghayr al-Muslimīn fi'l-Mujtama' al-Islami*, where the reader can find fuller details. He then refers to several occasions, even in 2001 [the year of 9/11] and after when he engaged not only with Christian religious leaders and renowned Orientalists but also with Muslim fundamentalists and secularists who subscribed to different views, sitting with them at events and conferences and engaging with them in dialogue and exchange of views.

18. Ahmad Sidqi al-Dajjāni. "Al-Taṭarruf fi'l-Islam," in Mu'assasah Aal al-Bayt al-Islami, *Mustaqbal al-Islām fi'l-Qarn al-Hijrī al-Khāmis al-'Ashr* (Jordan: Amman, 1425/2004), p. 158.

19. Ibid.

20. Ibid., p. 160. For a fuller discussion of *ḥiwār* in the Qur'an and *hadith*, see Yusuf Al-Qaradawi. *Thaqāfatunā Bayn al-Infitāḥ wa'l-Inghilāq*, 2nd ed. (Cairo: Dar al-Shoruq, 2005), p. 49f.

21. Raja Nazrin Shah's Special Conference Address, "Inter-Civilisational Dialogue: A Hope for the Future," at the International Conference on Global Movement of Moderates: In Pursuit of an Enduring and Just Peace." Kuala Lumpur. January 18, 2012, p. 5.

22. Ibid., p. 6.

23. Ibid.

24. Cf., Al-Qaradawi, "Min al-Ghuluww," p. 333.

25. Sayyid Muhammad Husayn Fadlullah, *al-Islam wa Manṭiq al-Quwwah*, 4th ed. (Beirut: Dar al-Malak, 1423/2003), pp. 266–67. The learned scholar then quotes five verses from the Qur'an in support of his statements.

26. Ibid., p. 268.

### CHAPTER VII

1. Al-Shāṭibī, Abū Isḥāq Ibrāhīm. *Al-Muwāfaqāt fī Usūl al-Aḥkām*, vol. 2. Annotated by M. Khiḍr al-Ḥusayn, (Cairo: Al-Maṭbaʿah al-Rahmaniyyah, 1341H), p. 168.

2. Ibid., vol. 2, p. 163 ff.

3. Ibid., vol. 4, p. 258. Further discussion: see also Muḥammad ʿAbd al-Laṭīf al-Farfūr. *Al-Wasaṭiyyah fi'l-Islām* (Amman: Dār al-Nafāʾis, 1409/1988), p. 79 and p. 160.

4. Al-Farfūr, *al-Wasaṭiyyah*, pp. 159–60.

5. Ibid., p. 163.

6. Ibid., pp. 99–100.

7. Ibid., p. 102.

8. Al-Shāṭibī, *Al-Muwāfaqāt fī Usūl al-Aḥkām*, vol. 3, p. 163.

9. Abū Isḥāq Ibrāhīm al-Shāṭibī, *Al-Muwāfaqāt fī Usūl al-Sharīʿah*, vol. 2, 2nd ed. Edited by ʿAbd Allāh Darrāz (Beirut: Dār al-Macrifah, 1975), pp. 167–68.

10. Ibid., vol. 2, p. 24.

11. For a discussion, see Mohammad Hashim Kamali, "Islam, Rationality and Science," *Islam and Science* 1 (June 2003), pp. 56–77, and idem, "Reading the Signs. A Qur'anic Perspective on Thinking," *Islam and Science* 4 (Winter 2006), pp. 181–205. A fuller treatment of the subject from the viewpoints of *Shari'ah* and theology can be found in Osman Bakar, *Tawhid and Science: Islamic Perspective on Religion and Science*, 2nd ed. (Kuala Lumpur: Arah Publications, 2008).

## CHAPTER VIII

1. "Make voice of moderation louder," *New Straits Times* (Kuala Lumpur, Malaysia), January 18, 2012, front page.

2. See, for the full text, both Arabic and English, of the Assembly statement and recommendations, Ghazi bin Muhammad Ibn Talal (Compiler), *Kitab Iḥtirām al-Madhāhib* (Revised Edition). (Amman: Aal al-Bayt Institute for Islamic Thought, 1427/2006), Eng. Section, pp. 71–77. http://ammanmessage.com/index.php?option=comcontent&task=view7id=30&itemid=34 (accessed 17 December 2014).

3. For full text of Makkah Declaration, see Ghazi bin Muhammad Ibn Talal (Compiler), *Kitab Iḥtirām al-Madhāhib* (Revised Edition). (Amman: Aal al-Bayt Institute for Islamic Thought, 1427/2006), Eng. section, pp. 58–61.

4. PERGAS (Singapore Islamic Scholars and Religious Teachers' Association), *Moderation in Islam in the Context of Muslim Community in Singapore*, PERGAS: Singapore, 2004, p. 19.

5. PERGAS, *Moderation in Islam*, pp. 323–24.

6. Prime Minister Najib Razak's opening conference speech at the International Conference on Global Movement of Moderates, January 17, 2012. See, for details also, Noraina Samad. "Moderates speak up to change world," *New Straits Times* (Kuala Lumpur, Malaysia), January 18, 2012.

7. Khalek Awang. "Case for global movement of moderates now," *New Straits Times* (Kuala Lumpur, Malaysia), July 11, 2012, p. 19.

8. Ibid.

9. Khalek Awang. "The unstoppable momentum of the movement of moderates," *New Straits Times* (Kuala Lumpur, Malaysia), November 9, 2012, p. 16.

10. Santha Orjitham. "GMM all set to fill the gap," *New Straits Times* (Kuala Lumpur, Malaysia), August 29, 2012, p. 17.

11. As quoted in Khalek Awang. "Case for global movement of moderates now," *New Straits Times* (Kuala Lumpur, Malaysia), July 11, 2012.

12. Ibid.

13. Ibid.

14. "IIUM to Champion the Voices of Moderation," *IIUM News and Updates*, January 21, 2013, http//www.iium.edu.my/news/iium-champion-voices-moderation (accessed 17 December 2014).

15. Ibid.

16. Ibid.

17. Sharif Haron, "Fight Extremism' PM's Call at United Nations," *New Sunday Times* (Kuala Lumpur, Malaysia), September 29, 2013, front page.

18. An earlier list of signatories of the Amman Message together with the text of their *fatwas* can be found in Ghazi bin Ghazi bin Muhammad Ibn Talal (Compiler), *Kitab Iḥtirām al-Madhāhib*, pp. 69–354. The signers include the Supreme Leader Sayyid ʿAli Khamenei, Muhammad ʿAli al-Taskhiri, and Sayyid Mustafa Mohaghegh Damad, many of whom have issued *fatwas* to substantiate the calling of the Amman Message. Signatories from Iran also include the then President Mahmood Ahmedinejad. See also www.rissc.jo/books/en/001-Amman-message.pdf (accessed 17 December 2014).

19. Ibid. Prominent signatories of the Amman Message from Iraq include, in addition to Sistani, G. A. Sayyid Muhammad Saʿid al-Hakim, G. A. Shaykh Isḥāq al-Fayāḍ, and a number of other high- and mid-ranking Shiʿa clerics and their Sunni counterparts, including the president of Iraq, Jalal Talabani. The present writer is also one of the original signatories of the Amman Message.

20. See, for details, www.acommonword.com (accessed 17 December 2014).

21. The Forum discussions were more specifically focused on three themes: "working together to serve the youth; working together to enhance interreligious dialogue; and working together to serve society." The event was held in a cordial atmosphere and the participants were also received for an audience with Pope Francis.

22. See, for details of these and other developments, Aref Ali Nayed, *Growing Ecologies of Peace, Compassion and Blessing: A Muslim Response to "A Muscat Manifesto"* (Dubai: Kalam Research & Media, 2010), pp. 28–31.

CHAPTER IX

1. Yusuf Al-Qaradawi. *Al-Khasa'is al-ʿAmmah li'l-Islam* (Cairo: Maktabah Wahbah, 1989), p. 124, refers to *Tafsir ibn Kathir*.

2. The verse in question refers to the aftermath of a storm, when a group of elders called on the rest to turn to the right path. This latter is referred to as *awsaṭuhum*.

3. Al-Qaradawi, *al-Khaṣāʾiṣ*, p. 120.

4. Abū Suʿud, referring to *Tafsir al-Kabir of* Fakhr al-Razi, vol. IV, p. 108.

5. Abdulaziz Abdulhussein Sachedina. *The Just Ruler (al-sultān al-ʾādl) in Shīʿite Islam: The Comprehensive Authority of the Jurist in Imamite Jurisprudence* (New York: Oxford University Press, 1988), p. 122.

6. Ibid., p. 123.

7. Quoted in Ziba Mir-Hosseini and Richard Tapper. *Islam and Democracy in Iran: Eshkevari and the Quest for Reform* (London: I. B. Tauris, 2006), p. 86.

8. Scott Thompson. "Radiating moderation," *New Straits Times* (Kuala Lumpur, Malaysia), January 18, 2012, p. 24.

9. For this case and further details on *siyasah sharʾiyyah*, see Mohammad Hashim Kamali, *Shariʾah Law: An Introduction* (Oxford: Oneworld Publications, 2008), ch. 11, entitled "Beyond the Shariʾah: an Analysis of Shariʾah-Oriented Policy," pp. 225–46.

10. Al-Ghazali cited in Hava Lazarus-Yafeh. *Studies in al-Ghazali* (Jerusalem, 1975), pp. 197–98, also quoted in Reza Shah-Kazemi. *The Spirit of Tolerance in Islam*. Occasional Paper No. 5 (London: I. B. Tauris, 2012), p. 105.

11. Cf., Seyyed Hossein Nasr. *The Heart of Islam: Enduring Values for Humanity* (New York: HarperCollins Publishers, 2004), p. 243f.

12. Justice occupies more than fifty verses in the Qurʾan and a large number of *hadiths*. For details on justice, see Mohammad Hashim Kamali. *Freedom, Equality and Justice in Islam* (Cambridge: Islamic Text Society, 2002), pp. 103–55.

13. Sayyid Husayn Fadlullah. *al-Jihad:Dirāsah Istidlāliyyah Fiqhiyyah Ḥawl Mawduʿāt al-Jihad wa Masāʾiluh*, 2nd ed. (Beirut: Dar al-Malak, 1418/1998), pp. 34–37.

14. ʿAbd-Allāh al-Khaṭīb al-Tabrīzī. *Mishkāt al-Maṣābīḥ*. 2nd ed. Edited by Muḥammad Nāṣir al-Dīn al-Albānī (Beirut: Al-Maktab al-Islāmī, 1399/1979), 2:1061, *hadith* no. 3, p. 570.

15. See, for details, Intisar A. Rab. "Islamic Legal maxims as Substantive Canons of Construction: *Hudud*-Avoidance in Cases of Doubt," *Islamic Law and Society* 179 (2010), 63–125 at 67 and 114.

16. For fuller information, see Mohammad Hashim Kamali. *Punishment in Islamic Law: An Enquiry into the Hudud Bill of Kelantan* (Kuala Lumpur: Ilmiah Publishers, 2000), p. 178, and idem, "Punishment in Islamic Law: A Critique of the *Hudud* Bill of Kelantan, Malaysia," *Arab Law Quarterly* 12 (1998), pp. 203–34.

17. Kamali, *Punishment*, p. 52ff.

18. Rudolph Peters. *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge: Cambridge University Press, 2005), p. 54.

19. Ibid.

20. For discussion of the *isnād* (chain of narrators) and other details concerning this *hadith*, see Mohammad Hashim Kamali. *Freedom of Expression in Islam* (Cambridge: Islamic Text Society, 1997), pp. 93–95.

21. See, for details, Ibid., pp. 33–37.

22. See, for fuller details on trial and pre-trial procedures, Mohammad Hashim Kamali. "The Right to Personal Safety and the Principle of Legality in *Sharīʿah,*" *Islamic Studies* 39 (2000), pp. 249–89. See also idem, *The Right to Life, Security, Privacy and Ownership in Islam* (Cambridge: Islamic Text Society, 2008).

23. Abi al-Hussain Muslim bin Hajjaj Al-Qushairi Al-Nishapuri. *Mukhtasar Sahih Muslim.* Edited by Al-Albāni. 6th ed. (Beirut, 1987/1407), *hadith* no. 1,083, p. 477.

24. See, for details, Kamali, *Freedom of Expression*, pp. 117–30, featuring the Islamic teachings on "Exposing the Weakness of Others" (*kashf al-ʿawrāt*) and "Recommended Silence."

25. ʿIzz al-Din ʿAbd al-Salam. *al-Qawāʿid al-Kubrā* (also known as *Qawāʿid al-Aḥkām fi Maṣāliḥ al-Anām*), vol. 2. Edited by Nazizh Hammad. (Damascus: Dar al-Qalam, 1431/2010), vol. 2, p. 344.

26. Muḥiy al-Dīn al-Nawawī, *Riyāḍ al-Sāliḥīn.* 2nd ed. Edited by Muḥammad Nāṣir al-Dīn al-Albānī. (Beirut: Dār al-Maktab al-Islāmī, 1404/1984), p. 113, *hadith* no. 118.

27. Sulaymān ibn al-Ash'ath al-Azdi as-Sijistani Abu Dawud. *Sunan Abī Dawud Sunan Abū Dawūd: Kitab al-Adab: Bāb fī ḥusn al-ẓann*, vol. 4 (Cairo: Darul Hadith, 1999), *hadith* no. 4993. 2126.

28. As quoted in Sherman A. Jackson. "Domestic Terrorism in the Islamic Legal Tradition," *The Muslim World* 91, no. 3–4 (September 2001), p. 293.

29. Ibid., p. 295.

30. Ibn Abd al-Barr, *Al-Kafi fi Fiqh al-Madinah al-Māliki* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1418/1997), pp. 582–83.

31. Al-Nawawi, *Kitab al-Majmuʿ*, 23 vols. (Cairo: Dar Ihya' al-Turāth al-ʿArabi, 1415/1995), 22:227, also quoted in Sherman Jackson, "Domestic Terrorism," p. 296.

32. Sherman Jackson, "Domestic Terrorism," p. 294.

33. Muhammad Rashid Rida. *Tafsir al-Manār*, 12 vols. (Cairo: Dar al-Manar, 1376/1946), 6:366.

34. Wahbah Al-Zuḥaylī. *al-Fiqh al-Islami wa Adillatuhu*, 11 vols. (Damascus: Dār al-Fikr, 1997).

### CHAPTER X

1. "Peace the Urgent Calling of Our Time: Mohammad Hashim Kamali," interview by Professor Emeritus Joseph Camilleri A., La Trobe University, September 11, 2013, http://www.thepowerofideas.com/post/60943709030/peace-the-urgent-calling-of-our-time-professor-kamali (accessed 17 December 2014).

2. Jalal al-Din al-Suyuti. *Al-Jami' al-Saghir*, 4th ed. (Cairo: Mustafa al-Dabi al-Halabi, 1954) vol. 1, p. 603 and p. 202. See also Wahbah Al-Zuhaylī. *Qaḍāyā*

*al-Fiqh wa'l-Fikr al-Muʿāṣir* (Damascus: Dār al-Fikr, 1427/2006), p. 569. The *hadith* also appears in both al-Bukhari and Muslim, albeit in slightly different wording but carrying the same meaning in (*Kitab al-Tahajjud, Bab ma yukrah min al-tashdīd*) and in *Ṣaḥiḥ Muslim* (*Fi ṣalāt al-musāfirīn*).

3. Al-Zuhaylī, *Qaḍāyā al-Fiqh*, p. 566.

4. Cf., Tha'ir Ibrahim Khudayr al-Shimri, Thā'ir Ibrahim Khudayr. *al-Wasaṭiyyah fi'l-ʿAqidah al-Islamiyya* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1426/2005), p. 58.

5. Cf., Muḥammad ʿAbd al-Laṭīf al-Farfūr. *Al-Wasaṭiyyah fī'l-Islām* (Amman: Dār al-Nafā'is, 1409/1988), pp. 118–19.

6. Abd Allah al-Khatib Al-Tabrizi. *Mishkāt al-Maṣābīḥ*. 2nd ed. edited by Muḥammad Nāṣir al-Dīn al-Albānī. (Beirut: Al-Maktab al-Islāmī, 1399/1979), vol. 2, *hadith* no. 3665. See also al-Farfūr, *al-Wasaṭiyyah*, p. 129.

7. Cf., Abi al-Hussain Muslim bin Hajjaj Al-Nishapuri. *Mukhtaṣar Ṣaḥiḥ Muslim*. Edited by al-Albāni, 6th ed. (Beirut, 1987/1407), *hadith* no. 1112, p. 294. See also Qur'an, al-Baqarah, 2: 280.

8. Al-Farfur, *al-Wasaṭiyyah*, p. 121.

9. See, for details of these and other early theological schools, Majid Fakhry, "Philosophy and Theology," in John Esposito. *The Oxford History of Islam* (Oxford: Oxford University Press, 1999), p. 277f.

10. Ibid., p. 281; see also Akram Kassāb. *Dawr al-Qaradawi fi Taṣīl al-Wasaṭiyyah wa Ibraz Maʿalimihā (al-Qaradawi's Role in the Anchoring of Wasatiyyah and Exposition of its Signposts)* (Cairo: Maktabah Wahbah, 1429/2008), p. 61.

11. Cf., Hossein Modarressi. *Crisis and Consolidation in the Formative Period of Shiʾite Islam: Abu Ja'far ibn Qibā al-Rāzi and His Contribution to Imamite Shiʾite Thought* (Princeton, NJ: The Darwin Press, Inc., 1993), p. 112f.

12. Shahrum Sayuthi. "Pas remains true to hudud agenda," *New Straits Times* (Kuala Lumpur, Malaysia), August 5, 2012, p. 22.

13. Ibid.

14. The 13th General Election was held in May 2013 and was won again by the ruling coalition, the Barisan National (BN), in which UMNO leads in terms of parliamentary seats—albeit with a reduced majority of 60 percent, down from 63 percent in the 2008 general election.

15. Dr. Mahathir Mohamad, Pas "amanat" that splits the Malays: Hadi Awang must explain how he would change the constitution?," p. 14.

16. Ibid.

17. "DPM: Ignore divisive teachings," *New Straits Times* (Kuala Lumpur, Malaysia, January 5, 2013), p. 4.

18. Ab. Rashid Ab. Rahman. "The political fatwa that still rankles," *New Straits Times* (Kuala Lumpur, Malaysia, January 5, 2013), p. 11.

19. Ibid., Al-Bukhari has recorded this *hadith* under "*al-Tahajjud*–night prayer" and a subsection he entitled "*Bāb mā yukrah min al-tashdīd*" vol. 3, *hadith* no. 36.

20. ʿIzz al-Din ʿAbd al-Salam, *al-Qawāʿid al-Kubrā* (also known as *Qawāʿid al-Aḥkām fī Maṣāliḥ al-Anām*), vol. 2. Edited by Nazizh Hammad. (Damascus: Dar al-Qalam, 1431/2010), pp. 346–47.

21. Hamid Enayat. *Modern Islamic Political Thought,* 2001. Reprint (Kuala Lumpur: Islamic Book Trust, 2006), p. 32.

22. See for details Hamid Mavani. "Paradigm Shift in Twelver Shiʿi Legal Theory (usul al-fiqh): Ayatullah Yusef Saanei," *The Muslim World* 99, no. 2 (April 2009), p. 337.

23. Enayat, *Political thought*, pp. 32–33.

24. Ibid., pp. 19–53.

25. Ibid., p. 19.

26. Ibid., p. 20.

27. Ibid., pp. 21 and 28.

28. Ibid., p. 30.

29. Muhammad al-Mousavi Sultan al-Wāʿizin Shirāzi. *Goroh-e Ratgrārān ya Firqa-e Nājiyah*. 2 vols. (Tehran: Kitabforoshi Islamiyah, 1385/1965), p. 703 (the book is a Shiʿite commentary on the renowned *al-Milal wa'l-Niḥal* of Shahristani).

30. Ibid., vol. 2, pp. 137–38.

31. Modarresi, Crisis *and Consolidation*, p. 34.

32. The *ghulat* extremists remained the target of criticism as in the book by Haydar ʿAli Qalamdaran with the self-evident title, *Rāh-i Nijāt az Sharr-ei Ghulāt* (The Path of Rescue from the Evil of *ghulat*), Qum, 1974.

33. Sayyid Muhammad Husayn Fadlullah, *Li'l-Islam wa'l-Ḥayāt*, p. 320.

34. Robert Fisk. "How the Sunni-Shiʿsm Is Dividing the World," Kuala Lumpur, *JUST Commentary* 13, no. 11, November 2013, p. 10.

35. Issued simultaneously in Kuala Lumpur and Tehran, May 22, 2013. Cf., Farish A. Noor, "Ending the legacy of Sunni-Shiʿa violence," Kuala Lumpur, *New Straits Times*, May 27, 2013, p. 14.

36. Ziba Mir-Hosseini and Richard Tapper, Ziba Mir-Hosseini and Richard Tapper. *Islam and Democracy in Iran: Eshkevari and the Quest for Reform* (London: I. B. Tauris, 2006), p. 122. It was for this reason that when Imam Khomeini died, "there were 800 million Tomans in the account that he left to the seminaries. The newspapers confirmed that his son Sayyid Ahmad delivered this sum to the seminaries." Ibid., p. 123.

37. Cf., Mir-Hosseini and Tapper, *Islam and Democracy*, pp.11–12.

38. Ahmad Kazemi Moussavi. *Religious Authority in Shiʿite Islam: From the Office of Mufti to the Institution of Marja'* (Kuala Lumpur: International Institute of Islamic Thought and Civilisation (ISTAC), 1996), p. 256. See also Mir-Hosseini and Tapper, *Islam and democracy*, p. 117.

39. Moussavi, *Religious Authority*, p. 262.

40. Ibid., p. 263. Nāʿini's treaty bore the title *Tanbīh al-Ummah*.

CHAPTER XI

1. Thomas W. Arnold. *The Preaching of Islam: A History of the Propagation of the Muslim Faith* (Lahore: Sh. Muhammad Ashraf Press, 1961), pp. 81–82.

2. A chapter on each of these principles can be found in Mohammad Hashim Kamali's award winning book, *Freedom of Expression in Islam* (Cambridge: Islamic Text Society, 1997), pp. xii +349.

3. Abu Dawud, *Sunan Abu Dawud*, vol. 3, p. 103, *hadith* no. 3567. In yet another widely cited (yet doubtful of authenticity) *hadith*, the Prophet has been quoted to have said that "disagreement of my community is source of mercy-*ikhtilāf ummati raḥmah*." It seems that due to its doubtful authenticity, Imam Shafiʿi has not referred to it, nor has it been recorded by al-Bukhari and Muslim.

4. See, for details, Mohammad Hashim Kamali. *Shari'ah Law: An Introduction* (Oxford: Oneworld Publications, 2008), Ch. 5 "Disagreement (*Ikhtilāf*) and Pluralism in Shari'ah," pp. 99–123. See also idem, *Principles of Islamic Jurisprudence,* 3rd Revised and Enlarged Edition (Cambridge: Islamic Text Society, 2003), Ch. 8 "*Ijma*" (Consensus of Opinion), pp. 228–64.

5. See, for details of methodological difference and some specific examples of *ikhtilāf* among the schools of law, Kamali, *Shari'ah Law*, pp. 109–18, and also the various chapters of my *Principles of Islamic Jurisprudence`*.


CHAPTER XII

1. Marshall G. Hodgson. *The Venture of Islam: Conscience and History in a World Civilisation* (Chicago: University of Chicago Press, 1974), p. 125.

2. R. A. Nicholson. *The Mathnawi of Jalal al-Din Rumi* (London: Trustees of the E. J. W. Gibb Memorial, 1930), as quoted by Reza Shah-Kazemi, *The Spirit of Tolerance in Islam*. Occasional Paper No. 5 (London: I. B. Tauris, 2012), p. 30.

3. See, for details, Mohammad Hashim Kamali. *IAIS Malaysia: Exploring the Intellectual Horizons of Civilisational Islam* (Kuala Lumpur: Arah Publishers, 2009), p. 15f.

4. Cf., Annemarie Schimmel, *Islam: An Introduction* (Albany: State University of New York Press, 1992), p. 101f provides insightful and concise information on the origins and development of Sufism.

5. Alfred Guillaume. *The Life of Muhammad: A Translation of Ibn Ishaq's Sirat Rasul Allah* (Oxford: Oxford University Press, 1967), p. 507.

6. 'Abd al-Rahman 'Azzam. *The Eternal Message of Muhammad*. Translated by Caesar E. Farah (New York: Devin-Adair, 1964), p. 61.

7. See, for fuller details, Ahmet T. Karamustafa. "What Is Sufism?" in *Voices of Islam, Vol. 1: Voices of Tradition*. Edited by Vincent J. Cornell (Westport: Praeger Publishers, 2007), p. 251f.

8. Cited by Seyyed Hossein Nasr. "The Cosmos and the Natural Order," in *Islamic Spirituality: Foundations.* Edited by S. H. Nasr (London: SCM Press Ltd., 1989), p. 355.

9. As quoted in Schimmel, *Islam*, pp. 104–05.

10. Yusuf Al-Qaradawi. "Min al-Ghuluww wa'l-Inḥilāl ila-Wasaṭiyyah wa'l-iʿtidāl," in Muʾassasah Aal al-Bayt al-Islami, *Mustaqbal al-Islām fī'l-Qarn al-Hijrī al-Thāmin al-ʾAshr* (Jordan: Amman, 1425/2004), p. 320.

11. Ibid., p. 321.

12. Akram Kassāb. *Dawr al-Qaradawi fi Taʾṣīl al-Wasaṭiyyah wa Ibrāz Maʿālimihā* (*al-Qaradawi's Role in the Anchoring of Wasatiyyah and Exposition of Its Signposts*) (Cairo: Maktabah Wahbah, 1429/2008), p. 128.

13. Ibid., p. 129.

14. Hamid Enayat. *Modern Islamic Political Thought*, 2001. Reprint (Kuala Lumpur: Islamic Book Trust, 2006), p. 52.

15. Seyyed Hossein Nasr. "Shiʿism and Sufism: Their Relationship in Essence and in History," in *Sufi Essays* (London: Cambridge University Press, 1972), p. 105. See also Reza Shah-Kazemi. *Justice and Remembrance: Introducing the Spirituality of Imam ʿAli* (London: I. B. Tauris, 2006), p. 135.

16. Seyyed Hossein Nasr. *Islamic Life and Thought* (Albany: State University of New York Press, 1981), p. 192.

17. See for details Azim Nanji and Farhad Daftary, see Ahmet T. Karamustafa. "What Is Sufism?" in *Voices of Islam, vol. 1: Voices of Tradition.* Edited by Vincent J. Cornell (Westport: Praeger Publishers, 2007), p. 224.

18. Hamid Enayat, *Political thought*, pp. 52–53.

19. Ibid., p. 57.

20. Ibid., p. 243.

21. Ibid., p. 67f.

## CHAPTER XIII

1. Cf., ʿAbd al-Karīm Zaydān. *al-Wajiz fi Uṣul al-Fiqh* (Beirut: Muʾassasah al-Risalah, 1405/1985), p. 86.

2. See, for details, Mohammad Hashim Kamali, "Legal Maxims and Other Genres of Literature in Islamic Jurisprudence," *Arab Law Quarterly*, 20, no. 1 (2006), pp. 77–101, at p. 78f.

3. Cf., Charles Robert Tyser (tr.), *The Mejelle. An English Translation of the Majallah el-Ahkam el-Adliya* (Lahore: Law Publishing Co. 1967), (Art. 19). See, for details on this legal maxim, also 'Abd al-Karim Zaydān. *al-Wajiz fi Usul al-Fiqh* (Beirut: Muʾassasah al-Risalah, 1405/1985), p. 83f.

4. Cf., ʿAbd al-Wahhāb ʿAbd al-Jawād, *Al-Manhaj al-Islami li-ʿIlāj Talawwuth al-Bayʿah* (Cairo: al-Dār al-ʿArabiyyah li'l-Nashr wa 'l-Tawziʿ, 1991), p. 33.

5.  Cf., Sayyid Muhammed Husayn Fadlullah, *Qaidah lā Ḍarar wa la-Ḍirār*, ed. Muhammad Adib Qubaysi, 240pp. (Beirut: Dar al-Malak, 1421/2000), p. 220f.

6.  Mustafa Ahmad al-Zarqa, *al-Fiʿl al-Ḍarr waḍ-Ḍamān Fihi* (Damascus: Dar al-Qalam, 271pp, 1409/1988), p. 23.

7.  Al-Zarqa, *al-Fiʿl al-Ḍarr*, pp. 23–40.

8.  Sayyid Muhammed Husayn Fadlullah, *Qaʾidah la Ḍarar wa la-Ḍirār*. Edited by Muhammad Adib Qubaysi (Beirut: Dar al-Malak, 1421/2000), pp. 160–69.

9.  See, for details, Ahmad Kazemi Moussavi. *Religious Authority in Shiʿite Islam: From the Office of Mufti to the Institution of Marjaʾ* (Kuala Lumpur: International Institute of Islamic Thought and Civilisation (ISTAC), 1996), p. 260.

10. Sayyid Fadlullah, Qaʾidah la darar, p. 100. See also Sayyid Muhammed Husayn Fadlullah's other work, *Islamic Rulings: A Guide of Islamic Practice*, English Translation of Ahkam ash-Shaiʾah by S. As-Samaraʾi (Beirut: Dar al-Malak, 1427/2006), pp. 316f, where the author discusses the applications of the harm principle to bankruptcy matters and labor relations.

11. Zaydān, *Al-Wajīz*, p. 90.

12. Ibid., p. 88. See also Tyser (tr.), *The Mejelle,* Art. 25.

13. Tyser (tr.), *The Mejelle*, Art. 26, and Zaydān, *Al-Wajīz*, p. 92.

14. Zaydān, *Al-Wajīz*, p. 96.

15. Cf., ʿAbd al-Jawād, *Al-Manhaj*, p. 147.

16. See, for a discussion of these and other legal maxims, Mohammad Hashim Kamali, *Shariʾah Law: An Introduction* (Oxford: Oneworld Publications, 2008), Ch. 7 bearing the title "Legal Maxims (*Qawāʿid al-kulliyyah al-fiqhiyyah*)," pp. 141–62, at 148f.

17. Zaydān, *Al-Wajīz*, p. 99.

18. Cf., Abubakar Ahmad Bakadar et al., "Islamic Principles for the Conservation of the Natural Environment," in *Islam and the Environment*, ed. Agwan, p. 94.

19. The Arabic version of the maxim reads: *darʾ al-mafāsid awla min jalb al-manāfiʾ*.

20. See, for details on this legal maxim, Zaydān, *Al-Wajīz*, p. 222.

21. Cf., Yusuf Al-Qaradawi. "Min al-Ghuluww waʾl-Inḥilāl ila-Wasaṭiyyah waʾl-iʿtidāl," in Muʾassasah Aal al-Bayt al-Islami, *Mustaqbal al-Islām fiʾl-Qarn al-Hijrī al-Thāmin al-ʿAshr* (Jordan: Amman, 1425/2004), p. 329.

22. Ibid.

### CHAPTER XIV

1.  *Hadith* recorded by al-Bukhari, *Adab al-Mufrad*, and designated as a sound (Hasan) *hadith*; see Jalal al-Din Al-Suyuti, *al-Jami' al-Saghir*, 4th ed. (Cairo: Mustafa al-Dabi al-Halabi, 1954), vol. 1, p. 626, *hadith* no. 4067.

2. Hanbal, Ahmad ibn Muhammad. *Al-Musnad lil Imam Ahmad ibn Muhammad ibn Hanbal*, vol. 2. (Cairo: Darul Hadith, 1995), p. 349, *hadith* no. 1732.

3. Abi al-Hussain Muslim ibn Hajjaj Al-Nishapuri. *Mukhtaṣar Ṣaḥiḥ Muslim.* Edited by Al-Albāni. 6th ed. (Beirut: al-Maktab al-Islami, 1407/1987), *hadith* no.1824, p. 481.

4. Yusuf Al-Qaradawi. "Min al-Ghuluww wa'l-Inḥilāl ila-Wasaṭiyyah wa'l-Iʿtidāl," in Mu'assasah Aal al-Bayt al-Islami, *Mustaqbal al-Islām fi'l-Qarn al-Hijrī al-Thāmin al-'Ashr* (Jordan: Amman, 1425/2004), p. 304.

5. Muslim, *Mukhtaṣar Ṣaḥīḥ Muslim*, p. 294, *hadith* no. 1112. This *hadith* is also quoted in the Shiʿi collection, compiled by Abu'l-Qasim Payindeh. *Nahj al-Fasahah*, vol. 2. (Tehran: Islamiyyah Press, 1958/1337), *hadith* 4213.

6. Muslim, *Mukhtaṣar Ṣaḥīḥ Muslim*, p. 474, *hadith* no. 1783. This *hadith* also appear in identical words in the Shiʿite collection, *Nahj al-Fasahah*, vol. 2, p. 646, *hadith* no. 4213.

7. Ibid., *hadith* no. 1546, p. 412.

8. Muhammad Nasir al-Dīn Al-Albāni. *Ṣaḥiḥ at-Targhīb wa at-Tarhīb: Kitab al-Ṣawm*, vol. 1 (Riyadh: Maktabah al-Ma'arif lin Nashr wat Tauziʿ, 2000), *hadith* no. 1060, p. 617.

9. ʿAbd-Allāh al-Khaṭīb Al-Tabrīzī. *Mishkāt al-Maṣābīḥ.* 2nd ed. Edited by Muḥammad Nāṣir al-Dīn al-Albānī (Beirut: Al-Maktab al-Islāmī, 1399/1979), *hadith* no. 2021, p. 628.

10. Al-Qaradawi, "Min al-Ghuluww," p. 312.

11. Ibid., p. 313.

12. Ibid.

13. The verse quoted are al-Mā'idah, 5:98; al-Raʿd, 13:6; Ghāfir, 40:3; al-Ḥadīd, 57:20; al-Burūj, 85:12, and al-Ḥijr, 15:49.

14. Al-Qaradawi, "Min al-Ghuluww," p. 314.

15. Akram Kassab. *Dawr al-Qaradawi fi Ta'ṣīl al-Wasatiyyah wa Ibrāz Maʿālimihā (al-Qaradawi's Role in the Anchoring of Wasatiyyah and Exposition of Its Signposts)* (Cairo: Maktabah Wahbah, 1429/2008), pp. 135–37.

16. Muḥammad al-Ṭāhir Ibn ʿĀshūr. *Maqāṣid al-sharīʿah al-islāmiyyah* (Tunis: Tunisiyyah li'l-Tawzīʿ, 1988), p. 269.

17. Ahmad Sidqi Al-Dajjāni. "Al-Taṭarruf fi'l-Islam," in Mu'assasah Aal al-Bayt al-Islami, *Mustaqbal al-Islām fi'l-Qarn al-Hijrī al-Khāmis al-ʿAshr* (Jordan: Amman, 1425/2004), p. 141, quoting Ibn ʿĀshūr, *Usul Nizam al-Ijtima'I fi'l-Islam.*

18. Muslim, *Mukhtaṣar Ṣaḥīḥ Muslim,* *hadith* no. 844, 218. This *hadith* is also quoted in the Shiʿi collection *Nahj al-Faṣāhah*, vol. 2, *hadith* no. 2915.

19. Muhammad Nasir al-Dīn Al-Albāni, ed., *Ṣaḥiḥ Sunan Ibn Mājah*, vol. 2 (Riyadh: Maktabah al-Ma'arif lin Nashr wat Tauziʿ, 1997), *hadith* no. 1804, p. 223.

20. Abu Abdullah Muhammad ibn Ismail Al-Bukhari. *Sahih al-Bukhari: Kitāb al-Īmān: Bāb 'al-dīni yusrun*, vol.1 (Beirut: Darul Fikr, 1426/2005), p. 74.

Al-Bukhari also heads the chapter with the phrase "*Aḥabb al-dīn ila Allah al-ḥanifiyyah al-samḥah.*" The word *ḥanīfiyah* can be translated also as "original monotheism," the *ḥanīf* par excellence being the patriarch Abraham, who exemplified primordial human nature, *al-fiṭrah.*

21. Waḥbah al-Zuḥaylī records this version of the *hadith* on the authority of Jābir, Abi Umāmah and al-Daylami from 'Aishah quoting it from *Musnad Ahmad Ibn Hanbal.* Cf., Waḥbah Al-Zuḥaylī, *Qaḍāyā al-Fiqh wa'l-Fikr al-Muʿāṣir* (Damascus: Dār al-Fikr, 1427/2006), p. 566.

22. Cf., Shah-Kazemi, *The Spirit of Tolerance*, p. 106.

23. Sayyid Muhammad Husayn Fadlullah. *Tafsir min Wahy al-Qur'an*, 3rd enhanced ed. (Beirut: Dar al-malak, 1428/2007), vol. 3, pp. 51–52.

24. See, for a discussion, Shah-Kazemi, *The Spirit of Tolerance*, p. 82f.

25. Qur'an, al-Anʿām, 6:79 recounts the Prophet Muhammad's affirmation: "Indeed, I have turned my face toward Him Who created (*faṭara*) the heavens and the earth as one by nature upright (*ḥanīfan*); and I am not one of the idolators."

26. Cf., Reza Shah-Kazemi. *The Spirit of Tolerance in Islam*. Occasional Paper No. 5 (London: I. B. Tauris, 2012), p. 129.

27. Abū ʿAbdillāh Muḥammad *ibn* Yazīd al-Qazwīnī *Ibn Mājah. Sunan Ibn Mājah.* 4 vols. (Cairo: Dar al-Hadith 1998), p. 354.

28. Saanei's interview with Hamid Mavani. "Paradigm Shift in Twelver Shiʿi Legal Theory (usul al-fiqh): Ayatullah Yusef Saanei," *The Muslim World*, 99, no. 2, (April 2009), p. 340.

29. Ibid., p. 341.

CHAPTER XV

1. As quoted in Adi Setia. "The Inner Dimension of Going Green: Articulating an Islamic Deep-Ecology," *Islam and Science* 5, no. 2 (Winter 2007), p. 135.

2. Cf., The Hanoi Declaration: "RIO for People: Asia-Pacific Peoples, Declaration on RIO +20," *Just Commentary* 12, July 2012, front page.

3. See Eleanor Chen. "Excessive use of plastic packaging ruining the planet," *New Straits Times*, November 3, 2012, p. 17.

4. Ibid., pp. 2–3.

5. Munasinghe Mohan as quoted by Chandra Devi Renganayar. "Act now on climate change issue," *New Straits Times* October 28, 2012, p. 36.

6. Ibid.

7. This is a scientific body appointed by the world's governments, under the auspices of the U.N., to advise them on the causes and effects of global warming, and potential solutions.

8. Report by Justin Gillis, "U.N. paints dire portrait on inaction on warming," *International New York Times*, Monday November 3, 2014, Front Page.

9. Ibid., p.8.

10. Ibid.

11. Reuters report "Global deal on climate change reached in Lima," *New Straits Times* (Kuala Lumpur, Malaysia), December 15, 2014, p.24.

12. Cf., Ahmad Ibrahim, "Is there hope after Peru?" *New Straits Times* (Kuala Lumpur, Malaysia), December 18, 2014, p.14.

13. Seyyed Hossein Nasr. *Islamic Life and Thought* (Albany: State University of New York Press, 1981), p. 205.

14. Cf., Seyyed Hossein Nasr. *An Introduction to Islamic Cosmological Doctrines* (Cambridge, MA: Harvard University Press, 1964), pp. 4–5. See also Sultan Ismail, "Environment and the Islamic Perspective," in *Islam and the Environment*, ed. A. R. Agwan, *Islam and the Environment* (New Delhi: Institute of Objective Studies, 1997), p. 166.

15. Cf., Osman Bakar. "Environmental Health and Welfare as an Important Aspect of Civilisational Islam," *Al-Shajarah* 11, no. 1 (2006), p. 41.

16. Yusuf al-Qaradawi. *Riʿāyat al-Bayʿah fī ʾl-Sharīʿat al-Islām* (Cairo: Dār al-Shurūq, 2001), p. 48.

17. Abul-Hussain Muslim bin Hajjaj Al-Naisaburi, *Mukhtasar Ṣaḥiḥ Muslim, Kitab al-Salat, bāb takhfīf al-ṣalāt waʾl-khuṭbah*, 6th ed. (Beirut: Maktab al-Islami, 1987), *hadith* no. 120, p. 41.

18. Ibid., *hadith* no. 147, p. 99.

19. Sulaymān ibn al-Ash'ath as-Sijistani Abu Dawud. *Sunan Abī Dawud: Kitab al-Adab: Bāb fī ḥusn al-ẓann*, vol. 4 (Cairo: Darul Hadith, 1999), *hadith* no. 456, p. 281.

20. *Ghurar al-Ḥikam*, vol. 2, p. 960, no. 80.

21. See, for further detail on the conception of beauty and virtue in the Shiʿite context, Reza Shah-Kazemi, *Justice and Remembrance: Introducing the Spirituality of Imam ʿAli* (London: I. B. Tauris, 2006), p. 47f.

CHAPTER XVI

1. ʿAbd-Allāh b. ʿUmar reported that the Prophet (pbuh) passed by Saʿd b. Waqqāṣ, who was washing for the prayer but using more water than necessary, and said: "What is this waste, O Saʿd!" He replied, "Can there be waste in washing for the prayer?" The Prophet replied: "Yes even if you are beside a flowing river." Reported by Aḥmad b. Ḥanbal in his *Musnad*, also quoted in al-Qaraḍāwī, *Riʿāyat al-Bayʿah fī ʾl-Sharīʿat al-Islām* (Cairo: Dār al-Shurūq, 2001/1421AH), p. 102. There is a weakness in the chain of narration of this *hadith*, but it is strengthened by another *hadith* recorded by Ibn Mājah in *Sunan Ibn Mājah* (*hadith* no. 424) to the effect that the Prophet "saw a man doing ablution and told him: do not waste, do not waste."

2. Rāghib al-Isfahani, *Mufradat Alfaz al-Qur'an*, under the term "ṣarf."

3. See for details Islam Quest http://www.islamquest.net/en/archive/question/fa21210 (accessed 24 December 2014).

4. See for details Islam Quest http://www.islamquest.net/en/archive/question/fa21210 (accessed 24 December 2014).

5. Muhammad ibn Yaqub al-Kulayni, *al-Kāfi*, Qum: Dar al-Hadith, 1429 AH/2007, vol. 7, p. 346.

6. Kulayni, *al-Kafi*, vol. 7, p. 345.

7. Thus the instruction: "Tie not your hand to your neck nor stretch it to its utmost reach that may then leave you self-blaming and regretful" (al-Isrā', 17:29).

8. Jalal al-Din Ahmad b. Fahd al-Hilli. *'Uddat al-Daa'i,* Persian Translation by Husayn Fashahi (Tehran: Islamiyyah Publications, 1379/1969), pp. 58–59.

9. Al-Hilli, *'Uddah*, p. 58.

10. Muhammad Nasir al-Dīn Al-Albāni. *Sahih al-Jāmiʿ al-Saghīr, hadith* no. 4505. (Dimashq: Al-Maktab al-Islāmī, 1988), p. 830.

11. 'Izz al-Din 'Abd al-Salam, *al-Qawāʿid al-Kubrā*, vol. 2, p. 340.

12. Ibid., p. 342. Several *hadith*s to this effect are recorded by Abu Dawud, al-Nasa'i, and Ibn Majah in their respective *hadith* collections, normally in chapters on *al-ṭaharah* (cleanliness).

13. *Ṣaḥīḥ al-Bukhāri, hadith* no. 5515, and *Ṣaḥīḥ Muslim, hadith* no. 1958.

14. Al-Nasā'i, *Sunan al-Nasā'ī, hadith* no. 4452 & 4453.

15. Al-Tabrizi, *Mishkāt al-Maṣābiḥ,* vol. 2, *hadith* no. 2790.

16. See for details al-Qaraḍāwī, *Riʿāyat al-bayʿah*, p. 146f.

17. Cf., Muhsin 'Abd al-Hamid, *al-Islām wa'l-Tanmiyah al-Ijtimāʿiyyah* (Baghdad: Dar al-Anbar, 1989/1410), 40; Thā'ir al-Shimri, *al-Wasaṭiyyah*, 71. See also 'Abd al-Hadi Abu Talib, " al-Tatarruf al-Dini wa Wasatiyyat al-Islam," in Mu'assasah Aalal-Bayt li'l-Fikr al-Islami, *Mustaqbal al-Islām fi'l-Qarn al-Hijrī al-Thāmin al-'Ashr*, 2004/1425, p. 196.

18. Ibid., (Abu Talib), p. 197.

19. Ayatollah Sayyid Muhammad Hussayn Fadlullah, Li'l-Insan wa'l-Hayat, p. 19.

20. Rushdi Siddiqui, "Year of index outperformance: in 2011, shariah-compliant indexes outperform their conventional counterparts," *New Straits Times* (Kuala Lumpur, Malaysia), January 17, 2012, p. 5.

21. Ibid.

22. Abu'l- Qasim 'Abd al-Karim b. Hawzan al-Qushayri, *al-Risalah al-Qushayriyah fi 'Ilm al-Tasawwuf*. Edited by Hani al-Hajj (n.p: al-Maktabah al-Tawfiqiyah, n.d.), p. 235.

23. Sheikh Saleh bin Hamid and Abdul Rahman bin Maluh. *Mawsu'ah Nudrah al-Naʿīm fi Makārim Akhlāq al-Rasūl* (Riyadh: Dar al-Wasilah, 1998), vol. 8, p. 3165.

24. Bediuzzaman Said Nursi. "al-Lam'at," in *Kulliyat Rasa'il al-Nur*, tr. From Turkish by Ihsan Qasimal-Salihi (Istanbul: Dar Suzlar li'l-Nashr, 1993), vol. 2, p. 352.

25. Ahmad b 'Abd al-Rahman ibn Qudamah al-Maqdisi. *Mukhtasar Minhaj al-Qasidin* (Cairo: Dar al-Hadith, 2005), p. 219.

26. Shihāb al-Dīn Sayyid Maḥmūd al-Alūsi. *Rūḥ al-Maʿāni fi Tafsīr al-Qur'an al-'Azim wa'l- Sabʿ al-Mathāni*, 2nd ed., 'Ali 'Abd al-Bari 'Atiyyah (Beirut: Dar al-Kutub al-'Ilmiyyah, 2005), vol. 7, p. 462.

27. Abu Ja'far Muhammad ibn Jarir al-Ṭabari. *Jamiʿ al-Bayan fi Ta'wīl al-Qur'an* (also known as *Tafsir al-Ṭabari*) (Cairo: al-Maktabah al-Tawfiqiyyah, n.d.), vol. 8, p. 178.

28. Chandra Muzaffar, *Exploring Religion in Our Time* (Religion in a Globalising World Series) (Malaysia: Penerbit Universiti Sains Malaysia, 2011), p. 80.

29. Ibid., p. 81.

30. See, for details, Nick Maurice, "Developing Community Partnerships—A Practical Solution for Peace, Prosperity & Justice," *Arches Quarterly* 5 no. 9 (Spring 2012), p. 154.

31. Conference speech "Oriental Wisdom: the Path to Moderation," by Dr. Surakia Sathirathairt (former deputy prime minister and foreign minister of Thailand) at the International conference on "Global Movement of Moderates," Kuala Lumpur, January 18, 2012, pp. 2–3.

32. Ibid., p. 3.

33. Robert Peston as quoted in Kamarul Idris, "The year of living frugally—2012: the West faces a long slump under crushing debt," *New Straits Times* (Kuala Lumpur, Malaysia), January 4, 2012, p. 24.

34. Ibid.

35. Mustafa Kamil. "When bankers were once honourable people," *New Straits Times* (Kuala Lumpur, Malaysia), December 24, 2012, p. 27.

36. Ibid.

37. Peter Singer, "Broken Promises," *New Straits Times* (Kuala Lumpur, Malaysia), October 15, 2010, p. 17.

38. Najib, "Make voice of moderation louder," p. 4.

39. Prime Minister Najib Razak's Speech at the Oxford Centre for Islamic Studies, *New Straits Times* (Kuala Lumpur, Malaysia), May 17, 2011, p. 17.

40. Ibid., p. 20.

41. Khalek Awang, "Case for Global Movement of Moderates Now," p. 19.

42. Ibid.

## CHAPTER XVII

1. Seyyed Hossein Nasr. *The Heart of Islam: Enduring Values for Humanity* (New York: HarperCollins Publishers, 2004), p. 256.

2. See, for detail, Mohammad Hashim Kamali. *Freedom of Expression in Islam* (Cambridge: Islamic Text Society, 1997), p. 167f.

3. Mohd. Kamal Hassan. *Voice of Islamic Moderation from the Malay World* (Kuala Lumpur: EMIR (Emerging Markets Innovative Research), 2011), pp. 150–51.

4. Seyyed Hossein Nasr. *The Heart of Islam*, p. 256.

5. Seyyed Hossein Nasr, Hamid Dabashi, and Seyyed Vali Reza Nasr. *Shi'ism: Doctrines, Thought, and Spirituality* (Albany: State University of New York Press, 1988), pp. 276–77.

6. Ibid., p. 5.

7. Ibid., pp. 5–6.

8. Jamal al-Din al-Zaylaʿi, *Nasb al-Rayah min Ahadith al-Hidayah*, vol. 3. (Cairo: Tabʿah Dār al-Hadith, n.d.), p. 381. Sunan Abu Dawud has also recorded this as part of a longer *hadith*.

9. Ibid., pp. 258–60.

10. Cf., Kamal Hassan, *Voice of Islamic Moderation*, p. 157.

11. *Ghurar al-Ḥikam wa Durar al-Kalim*, compiled by ʿAbd al-Wāḥid al-Āmidi, with Persian tr. Sayyid Shaykhul-Islami, in Guftar-e Amir al-Muʾmini ʿAli, Qom, 2000; also edited with Persian tr. Muhammad ʿAli Ansari. Qom, 2001, vol. 1, p. 208–11, nos. 20, 17, p. 28. This is the second most well-known collection of the sayings of Imam ʿAli next to the renowned *Nahj al-Balaghah*.

12. *Ghurar al-Hikam*, vol. 2, p. 95, no. 9.

13. Sayyid Muhammad Husayn Fadlullah. *al-Islam wa Manṭiq al-Quwwah*, 4th ed. (Beirut: Dar al-Malak, 1423/2003), p. 109.

14. Abu Dawud. *Sunan Abī Dawud, Kitāb al-Malāhim*. vol. 4, *hadith* no. 4344., 1857. Ibn Mājah. *Sunan Ibn Mājah*, vol. 3, *hadith* no. 4011, 422. This *hadith* is also quoted by Shiʿite scholars in identical terms: see Sayyid Muhammad Husayn Fadlullah, *al-Islam wa Mantiq al-Quwwah*, p. 106.

15. As quoted in Farish Ahmad Noor. *Terrorising the Truth* (Penang, Malaysia: Just World Trust, 1997), p. 79.

16. Sayyid Sabiq, *Fiqh al-Sunnah*, 2nd ed. (Beirut: Dar al-Fiker, 1980), p. 30.

17. See, for details, edr., Suheyl Muhammad Umar *The Religious Other: Towards a Muslim Theology of Other Religions in a Post-Prophetic Age*, (Lahore: Iqbal Academy, 2008), p. 360f.

18. Bukhari, *Ṣaḥiḥ al-Bukhāri, hadith* no. 2957.

19. Scholarly opinion on this point is divided. The view that Islamic law has not developed *jus ad bellum* is upheld by Anicee Van Engeland-Nourai, whereas Wael Hallaq and Amna Guellali maintain that the *fiqh* textbooks expounded "in detail the conditions under which jihad wars can be initiated." See, for the latter view, "Evolving Approaches to Jihad: From Self-Defense to Revolutionary and Regime-Change," in *Jihad and Its Challenges to International and Domestic Law*, edited by M. Cherif Bassiouni and Amna Guellali, pp. 11–38 (The Hague: Hague Academic Press, 2010), p. 73, and for Engeland-Nouraï's view, Ibid., p. 145, respectively.

20. Cf., Bassiouni, "Evolving Approaches to Jihad," pp. 18–20.

21. Ibid., p. 22.

22. See, for details, Bassiouni, "Evolving Approaches to Jihad," p. 27f.

23. Ibid., p. 262.

24. Nikkie R. Keddie. "The Revolt of Islam 1700 to 1993," in *Islam: Critical Concepts in Sociology*, vol. 2, edited by Bryan S. Turner (Oxford: Routledge, 2003), p. 89.

25. Suheyl Umar, *The Religious Other*, p. 365.

26. Shaykh Mahmud Shaltut wrote a treatise, *Koran and Fighting*, tr. P. E. Peters and quoted by Reza Shah-Kazemi. *The Spirit of Tolerance in Islam*. Occasional Paper no. 5 (London: I. B. Tauris, 2012), p. 94.

27. Quoted by Anicee Van Engeland-Nourai. "The Challenge of Fragmentation of International Humanitarian Law," in *Jihad and Its Challenges*, edited by M. Cherif Bassiouni (The Hague: Hague Academic Press, 2010), p. 147.

28. Seyyed Hossein Nasr. *The Heart of Islam: Enduring Values for Humanity* (New York: HarperCollins Publishers, 2004), p. 263.

29. Quoted by Anicee Nourai. "The Challenge of Fragmentation," Ibid., p. 148.

30. See, for further details, Mohammad Hashim Kamali. "Jihad and the Interpretation of the Qur'an: Contextualising Islamic Tradition," in *Jihad and Its Challenges to International and Domestic Law*. Edited by M. Cherif Bassiouni and Amna Guellali, p. 50f.

31. Seyyed Hossein Nasr. *The Heart of Islam*, p. 263.

CHAPTER XVIII

1. Will Dunham. "Weight of the world: 2.1 people obese or overweight," *The Straits Time*, May 29, 2014; http://www.straitstimes.com/news/world/more-world-stories/story/weight-the-world-21-billion-people-obese-or-overweight-say-resea (accessed 17 December 2014).

2. Ibid.

3. Kenneth Rogoff. "The costly issue of coronary capitalism," *New Straits Times* (Kuala Lumpur, Malaysia), February 7, 2012, p. 22.

4. Ibid.

5. Ibid.

6. Asian Public Intellectuals Fellowship Program. Edited by Khoo Boo Teik and Tatsuya Tanami. *Asia—Identity, Vision and Position: Presentation and reflections from the 10th Anniversary Regional Celebration of the Asian Public Intellectuals Fellowship Program, Manila, May 28–30, 2010* (The Nippon Foundation, 2012), p. 59.

7. Ibid., p. 60.

8. Ibid., p. 61.

9. Ibid.

10. Ibid., p. 60.

11. "UK supermarkets reject 'wasted food' report claims," *BBC News*, January 10, 2013, http://www.bbc.com/news/uk-20968076 (accessed 17 December 2014).

12. Ibid.

13. Chok Suat Ling. "Malaysia has world eating out its hand," *New Straits Times* (Kuala Lumpur, Malaysia), July 28, 2012, p. 17.

14. Nurul Aziah Musa, "Lead up on superfoods," *New Sunday Times* (Kuala Lumpur, Malaysia), February 19, 2012, p. 17.

15. Ibn Qayyim al-Jawziyyah. *Zad al-Ma'ad fi Huda Khayr al-'Ibad* (Beirut: Resalah Publisher, 2002), pp. 16–18.

16. Agreed upon *hadith* (*muttafaqun 'alayh*) reported by all the major collections of *hadith*. See Abu Ibrahim 'Abd al-Wāḥid bin Yusuf al-Sharbini. *Al-Qasd wa'l-Wasaṭiyyah fi Daw' al-Sunnah al-Nabawiyyah* (Riyadh: Maktabat al-Rushd, 1431/2010), *hadith* no. 286.

17. Muslim bin Hajjaj Al-Naisaburi. *Mukhtasar Ṣaḥiḥ Muslim, Kitab al-Salat, bāb takhfīf al-ṣalāt wa'l-khuṭbah*, 6th ed. (Beirut: Maktab al-Islami, 1987). See also, for a slightly different version, 'Abd al-Wāḥid bin Yusuf Al-Sharbīni, *Al-Qaṣd wa'l-Wasaṭiyyah fi Daw' al-Sunnah al-Nabawiyyah*, p. 632.

18. Al-Sharbini, *al-Qaṣd wa'l-Wasaṭiyyah*, p. 632.

19. Muslim, *Mukhtaṣar Ṣaḥiḥ Muslim, hadith* no. 540. p. 147.

20. Cf., al-Sharbini, *al-Qaṣd wa'l-Wasaṭiyyah*, p. 635.

21. Ibid.

22. Jalal al-Din Ahmad b. Fahd al-Hilli. *'Uddat al-Daa'i,* Persian Translated by Husayn Fashahi (Tehran: Islamiyyah Publications, 1379/1969), p. 59.

23. Al-Hilli, *'Uddat*, p. 68.

24. This is, however, not so for the Shi'is, who actually recommended fasting on the day of 'Āshūrā. 'Āshūrā had been considered by early Muslims to be a very auspicious and joyous day, as many important and happy events, such as the landing of Noah's Ark, took place on it. This perception of 'Āshūrā seems to have changed completely with the tragic death of the beloved grandson of the Prophet, Husayn—hence for the Sunnis, too, it became an event combining joy and tragedy together. See, for details, ed. John L. Esposito, *The Oxford Encyclopedia of the Muslim World*, vol. 1 (New York: Oxford University Press, 1995), at p. 141.

25. Al-Sharbini, *al-Qaṣd wa'l-Wasaṭiyyah*, p. 638.

26. Seyyed Hossein Nasr. *Islamic Life and Thought* (Albany: State University of New York Press, 1981), p. 214.

27. Ibid.

28. Mohamed Mukhtar Ahmad. "Month of spiritual overhaul," *New Straits Times* (Kuala Lumpur, Malaysia), August 10, 2012, p. 18.

29. Shahid Athar. "Medical Benefits of Ramadan." Posted by Muhammad Aadhil, August 16, 2010. http://echo-of-islam.blogspot.com/2009/08/medical-benefits-of-fasting-ramadan.html (accessed 17 December 2014).

30. Letter (anonymous) to the Editor. "Be a responsible consumer," *New Straits Times* (Kuala Lumpur, Malaysia), June 23, 2012, p. 4.

31. Ibid.

32. A. Kathirasen, "Take heed, drop meat," *New Straits Times* (Kuala Lumpur, Malaysia), September 6, 2012, p. 17.

33. Ibid.

34. Muhiy al-Din al-Nawawi. *Riyāḍ al-Sāliḥīn*, 2nd ed. Edited by Muḥammad Nāṣir al-Dīn al-Albānī (Beirut: Dār al-Maktab al-Islāmī, 1404/1984), p. 284, *hadith* no. 699.

35. Muslim, *Mukhtaṣar Ṣaḥiḥ Muslim*, p. 218, *hadith* no. 244.

36. Ahmad bin Muhammad Hanbal. *Al-Musnad li'l Imam Ahmad bin Muhammad ibn Hanbal*, vol. 2 (Cairo: Darul Hadith, 1995), *hadith* no. 1732, p. 349.

37. 'Izz al-Din 'Abd al-Salam. *al-Qawāʿid al-Kubrā* (also known as *Qawāʿid al-Aḥkām fi Maṣāliḥ al-Anām*), vol. 2. Edited by Nazizh Hammad (Damascus: Dar al-Qalam, 1431/2010), p. 347. Izz al-Din further adds: Muslim in his *Ṣaḥiḥ Muslim* records many *hadith*s in his chapter on remembrance and supplication (fi'l-Dhikr wa'l-Duʿā') to the effect that it is a sign of gentleness to oneself and to others for one to speak in a soft voice. If this is in the context of worship then God the Most High is always present, the best Hearer and always close to one. In speaking to others one may speak loud if the audience is at a distance.

38. Ibid., vol. 2, p. 343.

39. Cf., al-Sharbini, *al-Qasd wa'l-Wasatiyyah*, pp. 611–12.

40. Abu Dawud, *Sunan Abū Dawūd: Kitab al-Adab Bāb 'man ya'khuz al-shay' 'al al-mazah'*, vol 7, also recorded in 'Izz al-Din 'Abd al-Salam, *Qawa'id*, vol. 2, p. 348.

41. Shamsuddin 'Abd Allah Al-Maqdisi. *Al-Adab al-Sharʿiyyah wa'l Minaḥ al-Marʿiyah*, vol. 1 (Cairo: Matba'at al-Manar, 1348/1943), p. 21. This *hadith* also appears in the *Musnad* of Imam b. Hanbal.

42. Al-Bukhari, *Sahih al-Bukhari: Kitab al-Adab 'Bab Ma Yunda'an al-Tahasud wa'l Tadabur*.

43. Cf., al-Sharbini, *al-Qaṣd wa'l Wasatiyyah*, pp. 567–70.

44. As quoted in Muḥammad ʿAbd al-Laṭīf al-Farfūr. *Al-Wasaṭiyyah fi'l-Islām* (Amman: Dār al-Nafāʾis, 1409/1988), p. 56: the quote in Arabic reads: "*lā yakun ḥubbuka kalafan wa lā bughduka talafan.*"

45. Al-Sharbini, *al-Qasd wa'l-Wasatiyyah*, p. 571.

46. See survey report in Chok Suat Ling (*New Sunday Times* editor), "Work to live, not live to work," *New Straits Times* (Kuala Lumpur, Malaysia), January 2, 2014, p. 14.

47. Ibid.

48. Ibid.

49. Jalal al-Din al-Suyuti. *Al-Jāmiʿ al-Ṣaghīr*, 4th ed. (Cairo: Mustafa al-Babi al-Halabi, 1954), vol. 2, *hadith* no.: 5585, p. 139.

50. Muhammad Nasir al-Dīn Al-Albāni. *Daʿīf al-Jāmiʿ al-Ṣaghīr wa ziyādatuh*, 3rd ed., (n.p.: Al-Maktab al-Islāmī, 1998), vol. 2, *hadith* no. 4181, p. 460. This is the complete details for the *hadith* on p. 224 of the manuscript Muhammad b. ʿIsā al-Tirmidhī, *al-Jāmi al-Ṣaḥīḥ Sunan al-Tirmidhī*, 2nd ed. (Beirut: Dār al-Kutub al-ʿIlmiyah, 2006), *hadith* no. 1924, p. 472.

51. Al-Nawawi, *Riyāḍ al-Ṣāliḥin, hadith* no. 153.

52. Abu Daud al-Sijistani, *Sunan Abi Daud*, translated from Arabic by Naṣiruddin Khaṭṭab, Riyadh: Darussalam, vol. 5, 2008, *hadith* no. 4904, p. 314.

53. Cf., *Fatawa Qāḍi Khan* on the margin of *al-Fatawa al-Hindiyyah*, vol. II, p. 314; also discussed by 'Abd al-Wahhab al-Shishani, *Ḥuqūq al-Insan*, p. 476.

54. Cf., Muhamad al-Ghazali, *Ḥuqūq al-Insan*, p. 258; Hasan al-'Ili, *al-Hurriyyāt al-Ammah*, p. 485; Rakan al-Dughmi, *Nazariyyah al-Amn al-Ghadha'i*, p. 76. See also Mohammad Hashim Kamali, *The Right to Education, Work and Welfare in Islam* (Cambridge: Islamic Texts Society, 2010), p. 168ff.

55. Sayyid Muhammad Husayn Fadlullah, *Li'l-Insān wa'l-Ḥayat*, 3rd ed. Edited by Shafiq al-Moussavi (Beirut: Dar al-Malak, 1421/2001); both of these quotations appear on p. 367.

56. Ibid., p. 368.

57. The Arabic title is *al-I'lan al-'Alami li-Huquq al-Insan* (Art. 24). The original Arabic text of this document appears in Appendix to Muhammad al-Zuhaily, *Huquq al-Insan fi'l-Islam*, pp. 400–09 in (25) Articles.

58. Yusuf al-Qaradawi. *Al-Islam wa'l Fann*, 5th ed. (Cairo: Maktabah Wahbah, 1433/2102), p. 13. See also Shaykh Akram Kassab. *Dawr al-Qaradawi fi Ta'ṣīl al-Wasaṭiyyah wa Ibrāz Maʿalimih* (Cairo: Maktabah Wahbah, 1429/2008), p. 132, quoting al-Qaradawi's book *Fiqh al-Ghanā wa'l-Mosīqi*, pp. 18–19.

59. See, for details, James Winston Morris, "Encountering the Qur'an: Contexts and Approaches," in *Voices of Islam, Vol. 1: Voices of Tradition*. Edited by Vincent J. Cornell (Westport: Praeger Publishers, 2007), p. 90.

60. The idolators of Makkah had also given their idols names, often related certain phenomena, but they were labels or signs with no intrinsic relationship to the phenomena they signified, let alone the principles of those phenomena. By contrast, the *asma' al-ḥusnā*, which are all revealed by God, are penetrated by the very substance of the reality that they denote, by virtue of which they have the theurgic power to transform and not just inform. They are, in other words, impregnated with the capacity to render present to one's mind and heart the immanent reality of God. See, for details also on the Shi'i understanding of the *asma' al-ḥusnā*, Reza Shah-Kazemi. *Justice and Remembrance: Introducing the Spirituality of Imam 'Ali* (London: I. B. Tauris, 2006), pp. 171–72.

61. Al-Qaradawi, *al-Islam wa'l-Fann*, p. 14.

62. Qur'an, al-Taghabun, 64:3; Qaaf, 50:6&7; al-Naḥl, 16:5; and al-Sajdah, 32:7, respectively.

63. See, for details, Frithjof Schoun. "Islamic Art," in *Voices of Islam*, vol. 4. Edited by Vincent J. Cornell (Westport: Praeger Publishers, 2007), p. 1, 3.

64. Nasr, *Islamic Life and Thought*, p. 96.

65. Titus Burckhadt. "The Foundation of Islamic Art," in *Voices of Islam*, vol. 4. Edited by Vincent J. Cornell (Westport: Praeger Publishers, 2007), p. 7.

66. Seyyed Hossein Nasr. *The Heart of Islam: Enduring Values for Humanity* (New York: HarperCollins Publishers, 2004), p. 233.

67. Qaradawi, *al-Islam wa'l-Fann*, pp. 30–32.

68. Cf., Seyyed Hossein Nasr, *The Heart of Islam*, p. 234.

69. Qaradawi, *al-Islam wa'l-Fann*, p. 11.

70. Grand Ayatollah Sayyid Muhammad Hussain Fadlullah, *Islamic Lanterns: Conceptual and jurisprudence questions for natives, emigrants and expatriates*, trans. Compilation by Adil al-Qadi and S. al-Samarra'i, trans. by S. al-Samarra'i, 1st English Edition (Beirut: Dar al-Malak, 2004/1425), pp. 368–69.

71. Fadlullah, *Islamic Lanterns*, p. 370.

72. Al-Zabidi, *Taj al-'Arus* under Hilm, 335f, and al-Bustani, *Muhital-Muhit* at 443—both as quoted by Toshiko Izutsu. *Ethico-Religious Concepts in the Qur'an*, 1971. Reprint (Kuala Lumpur: Islamic Book Trust, 2004), pp. 31–32.

73. Toshiko Izutsu. *God and Man in the Qur'an*, 1964. Reprint (Kuala Lumpur: Islamic Book Trust, 2008), p. 236.

74. Ibid., pp. 227–28.

75. Cf., Reza Shah-Kazemi. *The Spirit of Tolerance in Islam*. Occasional Paper No. 5 (London: I. B. Tauris, 2012), pp. 116–17.

76. Izutsu, *God and Man*, p. 226.

77. Izutsu, *Ethico-Religious Concepts*, p. 73.

CHAPTER XIX

1. Cf., Mohammad Hashim Kamali. *Shari'ah Law: An Introduction* (Oxford: Oneworld Publications, 2008), p. 267f.

2. See report by Rozanna Latif. "Serve husbands like first-class prostitutes," *New Sunday Times* (Kuala Lumpur, Malaysia), June 5, 2011, p. 14.

3. See Sean Augustin. "Insult to women who deserve respect," *New Sunday Times* (Kuala Lumpur, Malaysia), June 5, 2011, p. 14.

4. Saʿdiyyah Sheikh. "Transforming Feminism: Islam, Women and Gender Justice," in *Progressive Muslims: on Justice, Gender and Pluralism*. Edited by Omid Safi. (Oxford: Oneworld Publications, 2004), p. 151.

5. Ibid., p. 155.

6. Cf., Elizabeth Warnock Fernea. *In Search of Islamic Feminism: One Woman's Global Journey* (New York: Doubleday, 1998), p. 416.

7. Ali A. Allawi. *The Crisis of Islamic Civilisation* (New Haven, Conn.: Yale University Press, 2009), p. 204.

8. Yusuf Al- Qaradawi, "Min al-Ghuluww wa'l-Inhilal ila-Wasatiyyah wa'l-iʿtidāl," in Mu'assasah Aal al-Bayt al-Islami, *Mustaqbal al-Islām fi'l-Qarn al-Hijrī al-Thāmin al-ʿAshr* (Jordan: Amman, 1425/2004), p. 333.

9. Akram Kassab. *Dawr al-Qaradawi fi Ta'ṣīl al-Wasatiyyah wa Ibrāz Maʿālimihā (al-Qaradawi's Role in the Anchoring of Wasatiyyah and Exposition of its Signposts)* (Cairo: Maktabah Wahbah, 1429/2008), p. 121.

10. Ibid., pp. 122–23. Kassab, who has put together a selection of Qaradawi's views and *fatwas*, tells us that many of Qaradawi's views that he has discussed have also featured in his (al-Qaradawi's) two-volumed collection of *fatwas* (*Fatawa Mu'asirah*) and other works.

11. ʿUthman Shubayr, *al-Qawa'id al-Kulliyyah*, p. 259—also listed in Charles Robert Tyser. *The Mejelle. An English Translation of the Majallah el-Ahkam el-Adliya* (Lahore: Law Publishing Co., 1967) (Art. 39).

12. Akram Kassab, *Dawr al-Qaradawi*, p. 124.

13. Ibid., pp. 125–26.

14. Ibid, p. 334.

15. See Ansar Burney v. Federation of Pakistan, *All Pakistan Legal Decisions* (1983), Federal Shari'ah Court 73.

16. See Mohammad Hashim Kamali. *Freedom, Equality and Justice in Islam* (Cambridge: Islamic Text Society, 2002) p. 61ff.

17. See, for details, Kamali, *Freedom, Equality and Justice*, p. 65f.

18. Muhammad Faruq al-Nabhan. "Ta'ammulāt fi Mustaqbal al-Mashrūʿ al-Islāmī fī ufuq al-Qarn al-Hijrī al-Jadīd," in Mu'assasah Aal al-Bayt al-Islami, *Mustaqbal al-Islām fi'l-Qarn al-Hijrī al-Thāmin al-ʿAshr.* (Jordan: Amman, 1425/2004), p. 383.

19. Ibid.

20. Ali Shariati. "Expectations from the Muslim Woman (Part 1)." *Shariati.com*; http://www.shariati.com/english/woman/woman1.html (accessed 17 December 2014).

21. Ali Shariati. "Our Expectation of the Muslim Woman," *Iranian Personalities*, July 1, 2014. http://www.iranchamber.com/personalities/ashariati/works/expectations_of_muslim_woman.php (accessed 17 December 2014).

22. Hamid Enayat. *Modern Islamic Political Thought*, 2001. Reprint (Kuala Lumpur: Islamic Book Trust, 2006), p. 135.

23. Enayat, *Political Thought*, pp. 194–95, and p. 135.

24. A distinction is made between custody (*ḥaḍānah*) and guardianship (*wilayah*). *Ḥaḍānah* is confined to attending the basic needs of the child, such as general

supervision and providing clothes and meals, whereas *wilayah* conveys discretionary authority in areas such as disposition of the child's property and making decisions on education and family matters.

25. Hamid Mavani, "Paradigm Shift in Twelver Shi'i Legal Theory (*usul al-fiqh*): Ayatullah Yusef Saanei," *The Muslim World*, 99, no. 2 (April 2009), pp. 342–49.

26. Mavani, "Paradigm Shift," p. 349 (referring to Saanei's work, Qaymumat-e Madar, p. 40).

27. Ibid., p. 343.

28. Ibid.

29. Mavani, p. 348 (referring to Saanei's, *Irs-e zann az shawhar*, Qum, 2005, p. 5). The argument that the residue in the case of the husband's death should be given to the imam is refuted, according to Saanei, by reference to the *hadith* that "the imam inherits only when there is no other heir," since the wife would constitute a legitimate heir.

30. Ziba Mir-Hossein & Richard Tapper. *Islam and Democracy in Iran: Eshkevari and the Quest for Reform* (London: I. B. Tauris, 2006), p. 165.

31. Ibid., pp. 169. Sayyid Muhammad Husayn Fadlullah, *Li'l-Insan wa'l-Hayat*, 3rd ed. Edited by Shafiq al-Moussavi (Beirut: Dar al-Malak, 1421/2001), p. 230.

32. Ibid., p. 231.

33. Ibid.

34. Thā'ir Ibrahim Khudayr Al-Shimri. *al-Wasaṭiyyah fi'l-ʿAqidah al-Islamiyya* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1426/2005), p. 71.

### CHAPTER XX

1. Cf., "The Impact of Globalization on the Muslim World," moderated by Chandra Muzaffar. *Center for Dialogues Islamic World-US The West*, July 31, 2008. http://islamuswest.org/publications_islam_and_the_West/Who_Speaks_For_Islam/Who-Speaks-For-Islam_05.html (accessed 17 December 2014).

2. "What the Muslim World Thinks About Globalization," *News Analyses*, July 31, 2008; http://www.globalization101.org/what-the-muslim-world-thinks-about-globalization-2/ (accessed 17 December 2014).

3. Cf., Mohd Kamal Hassan, *Voice of Islamic Moderation from the Malay World* (Kuala Lumpur: EMIR (Emerging Markets Innovative Research), 2011), pp. 84–85.

4. "The Impact of Globalization on the Muslim World," moderated by Kurt Seinitz. *Center for Dialogues Islamic World-US The West*, July 31, 2008; http://islamuswest.org/publications_islam_and_the_West/Who_Speaks_For_Islam/Who-Speaks-For-Islam_05.html (accessed 17 December 2014).

5. Ibid., p. 77.

6. Chandra Muzaffar. "The Impact of Globalization on the Muslim World."

7. Ibid., pp. 77–79.

8. The prices of primary commodities have risen much less than the prices of manufactured ones. The prices of tropical agricultural goods are much lower than those from the temperate countries, and the prices of manufactured goods from developing countries have declined more than those from the rich economies. See Jomo Kwame Sundaram. "Globalisation in East Asia: Myths and Realities," in *Asia: Identity, Vision and Position*. Edited by Khoo Boo Tiek and Tatsuya Tanam (Tokyo: The Nippon Foundation, 2011), pp. 86–87.

9. Ibid., p. 88.

10. Ibid., pp. 90–91.

11. Ibid., p. 95.

12. See Thomas L. Friedman. Review of *What Money Can't Buy: The Moral Limits of Markets*, by Michael Sandel. *New Straits Times* (Kuala Lumpur, Malaysia), May 14, 2012.

13. Ibid.

14. Ibid.

15. Hujjatul Islam Saied Reza Ameli, "Muslim Response to Globalisation (Part 1)," *Innovative* Minds, June 21, 2012; http://www.inminds.com/globalisation-muslim-response.html (accessed 17 December 2104)

16. "What the Muslim World Thinks About Globalization"; http://www.globalization101.org/what-the-muslim-world-thinks-about-globalization-2/ (accessed 17 December 2014), at p. 4.

17. Hujjatul Islam Saied Reza Ameli, "Muslim Response to Globalisation (Part 2)," *Innovative* Minds, June 21, 2012; http://www.inminds.com/globalisation-muslim-response.html.

18. Ibid.

19. "What the Muslim World Thinks About Globalization." *News Analyses*, July 31, 2008; http://www.globalization101.org/what-the-muslim-world-thinks-about-globalization-2/ (accessed 17 December 2014).

20. Yusuf Al-Qaradawi. *Thaqafatuna Bayn al-Infitāḥ wa'l-Inghilāq*, 2nd ed. (Cairo: Dar al-Shoruq, 2005), pp. 11–12.

21. See, for details, Mohammad Hashim Kamali. *The Dignity of Man: An Islamic Perspective* (Cambridge: Islamic Text Society, 1999), p. 5f.

22. Quoted in Ibn 'Abd Rabbih al-Andalusi. *al-'Iqd al-Farid, li'-Malik al-Sa'id*, 3rd ed. (Cairo: Matba'ah Lajnat al-Tal'lif, 1384/1965), vol. 2, p. 357.

23. Yusuf Al-Qaradawi. *Al-Khasa'is al-'Ammah li'l-Islam* (Cairo: Maktabah Wahbah, 1989), p. 84.

24. Ibid.

25. Wahbah Al-Zuḥaylī, *Qaḍāyā al-Fiqh wa'l-Fikr al-Muʿāṣir* (Damascus: Dār al-Fikr, 1427/2006), p. 667.

### CHAPTER XXI

1. Muhammad Tahir Ibn 'Ashur. *Maqāṣid al-Sharīʿah al-Islāmiyyah.* Edited by Tahir el-Messawi (Amman: Dar al-Basa'ir li'l-Intaj al-Ilmi, 1988) p. 316.
2. Ibid., p. 317.
3. See Robert Neelly Bellah. *Beyond Belief: Essays on Religion in a Post-Traditional World* (Berkeley and Los Angeles: University of California Press, 1991), pp. 146–67. See also Ernest Gellner. *Post-Modernism, Reason and Religion* (London: Routledge, 1992).
4. Seyyed Hossein Nasr. *Islamic Life and Thought* (Albany: State University of New York Press, 1981), p. 57.
5. Sayyid Muhammad Husayn Fadlullah, *Li'l-Insan wa'l-Hayat,* 3rd ed. Edited by Shafiq al-Moussavi (Beirut: Dar al-Malak, 1421/2001), p. 225.
6. Fadlullah, *al-Insān,* p. 226.
7. This is the conclusion Bilal Basit Koshul has drawn in his detailed study of the works of the three authors mentioned: Bilal Basit Koshul. "Studying the Western Other, Understanding the Islamic Self: A Qur'anically Reasoned Perspective," in Muhammad Suhely Umar, *The Religious Other: Towards a Muslim Theology of Other Religions in a Post-Prophetic Age* (Lahore: Iqbal Academy, 2008), p. 190f.
8. See, for details, Marshal G. S. Hodgson. *The Venture of Islam: Conscience and History in a World Civilisation* (Chicago: University of Chicago Press, 1974), p. 77.
9. Cf., Chandra Muzaffar. *Exploring Religion in Our Time: Religion in a Globalising World Series* (Malaysia: Penerbit Universiti Sains Malaysia, 2011), p. 22.
10. Ibid., p. 23.
11. Seyyed Hossien Nasr, *Islamic Life and Thought,* p. 209.
12. Ibid.
13. Cf., Bilal Basit Koshul. "Studying the Western Other, Understanding the Islamic Self: A Qur'anically Reasoned Perspective," in ed. Muhammad Suhely Umar, *The Religious Other: Towards a Muslim Theology of Other Religions in a Post-Prophetic Age.* (Lahore: Iqbal Academy, 2008), p. 196.
14. Muzaffar, *Exploring Religion,* p. 76f.
15. Al-Qaradawi, *Thaqāfatunā,* pp. 76–79.

### CHAPTER XXII

1. Yusuf al-Qaradawi. "Min al-Ghuluww wa'l-Inḥilāl ila-Wasaṭiyyah wa'l-iʿtidāl," in Mu'assasah Aal al-Bayt al-Islami, *Mustaqbal al-Islām fi'l-Qarn al-Hijrī al-Thāmin al-ʿAshr* (Jordan: Amman, 1425/2004), p. 315.
2. Ibid., p. 316.
3. Cf., Suha Taji-Farouki (ed.). "Introduction," in *Modern Muslim Intellectuals and the Qur'an* (New York: Oxford University Press, 2004), p. 18.

4. Cf., John O. Voll. "Renewal and Reform in Islamic History: Tajdid and Islah," in *Voices of Resurgent Islam,* edited by John L. Esposito (New York: Oxford University Press, 1983).

5. Ibid., p. 7. Osman Bakar adds that in conformity with its combined understanding of *tajdīd* and *iṣlāḥ*, ABIM proposed an educational program that combined spiritual renewal and social reform for the realization of social justice. ABIM of the 1970s was a unique Islamic revivalist movement that significantly impacted the Malaysian society of its time.

6. See, for other definitions of tajdid, Mohammad Hashim Kamali. "Tajdid, Islah and Civilisational Renewal in Islam," *Journal of Islam and Civilisational Renewal* 4, no. 4 (2013), p. 485.

7. Muhammad Shams al-Din 'Azimabadi, *'Awn al-Ma'būd Sharḥ Sunan Abī Dāwūd*, vol. 11, p. 391, as quoted in 'Adnan Imamah, p. 17.

8. Al-Mubarak bin Muhammad al-Jazari Ibn al-Athir. *Jāmi' al-Uṣūl li-Aḥādīth al-Rasūl*, Edited by Abd al-Qadir al-Arnaut, 3rd ed., vol. 11 (Beirut: Dar al-Fikr, 1983), p. 321.

9. Yusuf al-Qaradawi. *Liqā'āt wa Ḥiwārāt Ḥawl Qaḍāyā al-Islām wa'l-'Aṣr* (Cairo: Maktabah Wahbah, 1992), pp. 85–86.

10. Abd al-Rahman al-Haaj Ibrahim. "al-Tajdīd: min al-Naṣṣ 'ala'l-Khiṭāb: Bahth fi Tārīkhiyāt al-Mafhūm al-Tajdīd," *al-Tajdid* 3, no. 6 (1420/1999), p. 115.

11. Yūsuf al-Qaraḍāwī. *Ḥawl Qaḍāyā al-Islām wa'l-'Aṣr*, 3rd ed. (Cairo: Maktabah Wahbah, 1427/2006), p. 89.

12. Ibid., p. 85.

13. ʿAbd Allāh al- Khaṭīb al-Tabrīzī. *Mishkāt al-Maṣābīḥ*, 2nd ed. Edited by Muḥammad Nāṣir al-Dīn al-Albānī (Beirut: Al-Maktab al-Islāmī, 1399/1979). This is a collection of verified *hadith*s from all the six major books of *hadith*, known as *Al-Kutub al-Sittah*. See also, for an analysis of this *hadith* and its significance for civilizational renewal, Mohammad Hashim Kamali, *Civilisational Renewal: Revisiting the Islam Hadhari Approach*, 2nd ed. (Kuala Lumpur: International Institute of Advanced Islamic Studies, 2009), p. 51ff.

14. Usman Muhammad Bugaje. "Concept of Revitalisation in Islam" (unpublished PhD thesis), http://cintailmoe.files.wordpress.com/2008/05/tajdid-dalam-islam.pdf, pp. 2–3.

15. Cf., 'Adnan Muhammad Imamah, *al-Tajdīd fī'l-Fikr al-Islāmī* (Beirut: Dar ibn al-Jawzi, 2001), p. 17.

16. Muhammad Masʿad Yaqut, 'Naẓarāt fi Ḥadīth al-Tajdīd: fi Hādha'l-Qarn Naʿtājula Ḥarakah Tajdīdiyyah Shāmilah Mustanirah," http://www.saaid.net/aldawah/359.htm?print_it=1, pp. 2–3 (accessed 26 August 2012).

17. Osman Bakar's "Religious Reform and the Controversy Surrounding Islamization in Malaysia." Seminar paper presented at a forum on "Muslim Reform in Southeast Asia" at the National University of Singapore, March 5–6, 2008, p. 4.

18. Muhammad Yaqut, *Naẓarāt fī Ḥadīth al-Tajdīd*, ibid., p. 4.

19. Usman Muhammad Bugagie, "Concept of Revitalisation in Islam," p. 5.

20. See, for details, Kamali. "Tajdid, Islah and Civilisational Renewal," p. 486f. See also Bugagie, "Concept of Revitalisation," p. 4.

21. Cf., Khalil Ahmad al-Saharanfuri. *Badhl al-Majhūd fī Ḥall Sunan Abī Dāwūd*, ed. Taqī al-Dīn al-Nadwī, *Kitāb al-Malāḥim, bāb mā yudhkaru fī qarn al-mi'atah*, vol. 12 (Beirut: Sharikah Dār al-Bashā'ir al-Islāmiyah, 1427/2006), p. 335.

22. Taqi al-Din al-Nadwi has thus drawn the conclusion that correct understanding of the *hadith* does not confine *tajdīd* either to one individual or to one particular community and place, and that it is equally open to plurality in its implications.

23. Shīrīn Ḥamīd Fahmī. "Manẓūrunā al-Islāmī al-Ḥaḍārī," http://www.islamonline.net/arabic/contemporary/2005 /09/article04.html (accessed 17 December 2014). See also al-Haaj Ibrahim, "al-Tajdīd: min al-Naṣṣ," p. 102.

24. Muḥammad ʿAbīd al-Jābirī. *Al-Dīn wa'l-dawlah wa taṭbīq al-sharīʿah* (Beirut: Markaz Dirāsat al-Waḥdah al-ʿArabiyyah, 1996), p. 133.

25. Cf., 'Ammar al-Talibi. "al-Tajdīd fī'l-Fikr al-Mālik Bin Nabī," in *Tajdīd al-Fikr al-Islāmī*, ed. Zaqzuq, p. 863.

26. Aḥmad Ṣidqī al-Dajānī, *Afkār fī'l-taghyīr*, by the Ministry of *Awqāf* and Islamic Affairs of the State of Kuwait (Kuwait: Maktabat al-Awqāf, 1955), p. 20.

27. Abd al-Rahman al-Haaj Ibrahim. "al-Tajdīd: min al-Naṣṣ 'ala'l-Khiṭāb: Bahth fi Tārīkhiyāt al-Mafhūm al-Tajdīd," *al-Tajdid* 3, no. 6 (1420/1999), p. 125.

28. See, for details of other important works, 'Abd al-Sattar al-Sayyid. "al-Tajdīd fī'l-Fikr al-Islāmī: Mashrū'iyyatuh wa Ḍawābiṭuh," in *Tajdīd al-Fikr al-Islāmī*, edited by Mahmud Hamdi Zaqzuq (Cairo: Wizārat al-Awqāf, 1430/2009), p. 364f.

29. Cf., Abu Bakr al-Rafiq. "al-Tajdīd wa Ahammiyyatuh fi'l-'Aṣr al-Ḥadīth," in *Tajdīd al-Fikr al-Islāmī,* ed. Zaqzuq, p. 603.

30. See, for a discussion, John O. Voll. "Renewal and Reform in Islamic History: Tajdid and Islah," in *Voices of Resurgent Islam*. Edited by John L. Esposito (New York: Oxford University Press, 1983).

31. Muhammad 'Imarah. "Tajdīd al-Fikr al-Islāmī 'inda Muhammad ʿAbduh wa Madrasatuh," no. 360, *Kitāb al-Hilal* (Cairo: Dar al-Hilal, 1980), pp. 40–69.

32. Cf., Asʿad Abu Khalil. "Revival and Renewal," in *The Oxford Encyclopedia of the Modern Islamic World*. Edited by John L. Esposito (New York: Oxford University Press, 1995), p. 432f.

33. Ibid.

34. Cf., 'Abd al-Rahman al-Haaj Ibrahim, "al-Tajdīd: min al-Naṣṣ 'ala'l-Khiṭāb: Bahth fi Tārīkhiyāt al-Mafhūm al-Tajdīd," p. 106.

35. Nasar Meer. "Complicating 'Radicalism'—Counter-Terrorism and Muslim Identity in Britain," *Arches Quarterly* 5, no. 9 (Spring 2012), p. 15. Meer added that 'Salafiyyah' is sometimes distorted and used, for instance, by al-Qaeda terrorists. Any such attribution should not mean that the Salafis are in any way associated with terrorism or even likely to be terrorists or extremists. Only a

distorted meaning of Salafi can be applied in that context. Terrorists are, of course, to be judged by their conduct, regardless of association, whether real or alleged, with any particular movement.

36. See, for details, Hamid Mavani. *Religious Authority and Political Thought in Twelver Shi'ism: From Ali to Post-Khomeini* (London: Routledge Studies in Political Islam, 2013), p. 215; books.google.com/books?isbn=1135044732.

37. AhmadKazemi Moussavi. *Religious Authority in Shi'ite Islam: From the Office of Mufti to the Institution of Marja'* (Kuala Lumpur: International Institute of Islamic Thought and Civilisation (ISTAC), 1996), p. 96.

38. Personal correspondence with Ayatollah Mohsen Kadivar, who presently teaches at Duke University, North Carolina.

39. Seyyed Hossein Nasr. *Traditional Islam in the Modern World* (London: Routledge and Kegan Paul, 1987), p. 92.

40. Sayyid Muhammad Husayn Fadlullah. *Li'l-Insan wa'l-Hayat*, 3rd ed. Edited by Shafiq al-Moussavi (Beirut: Dar al-Malak, 1421/2001), p. 246.

41. Abdullah Saeed. "Fazlur Rahman: A Framework for Interpretation of the Ethico-Legal Content of the Qur'an," in *Modern Muslim Intellectuals and the Qur'an,* edited by Suha Taji-Farouki (New York: Oxford University Press, 2004), pp. 42–43.

42. Ibid., p. 44.

43. Ibid., p. 52.

44. Muhammad Salim al-Awa, *al-Fiqh al-Islāmī fī Ṭarīq al-Tajdīd*, 2nd ed. (Cairo: al-Maktab al-Islami, 1998), pp. 119, 272.

45. Ibid., p. 222.

46. See, for details of reform measures, Mohammad Hashim Kamali. *Shari'ah Law: An Introduction* (Oxford: Oneworld Publications, 2008), ch. 12 (Adaptation and Reform), pp. 246–62.

47. "Makkah al-Mukarramah Declaration," Public Satement at Third Extraordinary Session of the Islamic Summit Conference, Dhū'l Qaʿidah 5–7, 1426/December 7–8, 2005). http://www.saudiembassy.net/archive/2005/statements/page3.aspx (accessed 17 December 2014).

48. Aref Ali Nayed. *Growing Ecologies of Peace, Compassion and Blessing: A Muslim Response to 'A Muscat Manifesto'* (Dubai: Kalam Research & Media, 2010), p. 25.

49. Ibid, p. 18.

50. Ibid., p. 21.

51. Muhammad b. ʿIsa al-Tirmidhī, *al-Jāmi al-Saḥīḥ Sunan al-Tirmidhī* (Beirut: Dār al-Kutub al-ʿIlmiyah, n.d.).

52. Nayed, *Growing Ecologies*, p. 24.

53. Ibid., p. 16. In a footnote Nayed mentions of his involvement in a project of 'co-theologising' with a Jewish scholar, Stephen Kepnes, a Christian scholar, David Ford, and the preparation of three parallel books on the future of Jewish, Christian, and Muslim theology planned to be published by Blackwell of Oxford.

54. Ibid., p. 19.

55. ʿIṣām al-Bashīr, "al-Tajdid fi'l- Fikr al-Islami," in ed., Zaqzuq, *Tajdid al-Fikr*, pp. 111–12.

56. Ibid., pp. 113–14.

57. Abdul Ḥamīd Abu Sulaymān, *Azmat al-ʾAql al-Muslim* (Virginia: al-Maʿhad al-ʿĀlami li'l-Fikr al-Islami, 3rd ed. 1994), p. 40; Ṭāhā Jabir al-ʿAlwāni, Iṣlāḥ al-Fikr al-Islami: Madkhal ilā Niẓām al-Khiṭāb al-Islami al-Muʿāṣir, 3rd ed. (Virginia: al-Maʿhad al-ʿĀlami li'l-Fikr al-Islami, 1995), pp. 72–73.

58. Ibid.

59. Usman Bugaje, "Concept of Revitalization," p. 5.

60. Ibid.

61. Cf., ʿIṣām al-Bashīr, "al-Tajdīd fiʾl-Fikr, in ed., Zaqzuq, *Tajdīd al-Fikr*, p. 94f.

62. Cf. Q (al-Baqarah, 2: 286; al-Maidah, 5:6; al-Hajj, 22:78).

63. The six pillars of Iman are: declaring one's belief in God, in His scriptures, His Messengers, The angels, the Hereafter, and Resurrection. The five pillars of Islam are: reciting the testimonial of faith, observing the obligatory prayers, fasting, the hajj pilgrimage, and the poor-due (*zakah*).

1. The ten sub-themes of Islam Hadhari are belief in Allah and piety, good governance, rigorous pursuit of knowledge, cultural and moral integrity, protection of the rights of minorities and women, freedom and independence, balanced economic development, a good quality of life, protection of the natural environment, and strong defense capabilities.

2. A certain level of engagement by the Organisation of the Islamic Conference (now Cooperation-OIC), the International Islamic Fiqh Academy, Al-Azhar University, and many prominent voices in the Muslim world took place during Abdullah Badawi's administration, which may well inspire wider levels of agreement and support. See, for details, Mohammad Hashim Kamali. *Civilisational Renewal: Revisiting the Islam Hadhari Approach*, 2nd ed. (Kuala Lumpur: International Institute of Advanced Islamic Studies, 2009), p. 40ff.

3. Ibid., p. 294. As noted earlier, Kuwait has already taken the call and established a *Markaz al-Dirāsat al-Wasaṭiyyah*, Centre for *Wasaṭiyyah* Studies in 2005.

4. Cf., Wahbah Al-Zuḥaylī. *Qaḍāyā al-Fiqh wa'l-Fikr al-Muʿāṣir* (Damascus: Dār al-Fikr, 1427/2006), p. 719.

5. See, for further details on *Siyāsah Sharʿiyyah,* Mohammad Hashim Kamali. *Shariʾah Law: An Introduction* (Oxford: Oneworld Publications, 2008), ch. 11, entitled "Beyond the *Shariʾah*: An Analysis of *Shariʾah*-Oriented Policy," pp. 225–46.

# *Glossary*

*'**Adālah**:* justice, just and upright character.

*'**Aṣr**:* late afternoon, late afternoon prayer.

*'**Asabiyyah**:* fanaticism, also group solidarity as in the works of Ibn Khaldun.

*'**Aql**:* rationality, human intellect and reason.

***Asbāb al-nuzūl**:* the occasions of revelation, phenomenology of the Qur'an.

***Amānah**:* trust, trusteeship.

***Arkān (**sing. ***Rukn):*** Pillars such as the (five) pillars of Islam.

*al-'**Awlamah**:* globalization.

*'**Azīmah**:* original unmitigated *Sharīʿah* command or requirement, one which is not reduced by concessionary circumstances.

***Ḍarūrah**:* dire necessity.

***Dhikr**:* invocation and remembrance of God.

***Faḍā'il**(sing. *faḍīlah*): virtues, excellent qualities.

*al-**Faḍlah**:* excess, refuse, or discarded matter.

***Fajr**:* early morning, early morning prayer.

***Fasād**:* corruption.

***Falāḥ**:* salvation, deliverance.

***Fitnah**:* tumult, sedition, conflict.

***Fiṭrah**:* sound human nature.

***Fiṭr**:* religious charity (*ṣadaqāt al-fiṭr*) paid at end of Ramadan.

***Furuʿ**:* subsidiary matters or rules.

***Gharar**:* excessive risk-taking, especially in financial contracts and transactions.

***Ghuluw**:* extremism, indulgence in exaggerated and excessive modes of conduct.

***Hadari**:* civilizational, pertaining to civilization.

***Ḥājah**:* need, need that ranks below dire necessity.

***Ḥanīf**:* upright, moderate with stability of temperament and character.

***Ḥaram**:* forbidden, illegal. Act or conduct that incur both blame and punishment.

***Ḥaqq**:* right, truth, that which is proven and justly deserved.

***Ḥaqq al-Ādami**:* private right, that which belongs to the individual in contradistinction to haqq Allah.

***Hawā**:* caprice, whimsical indulgence, as opposed to *hudā* (correct guidance).

*Ḥifẓ al-bay'ah*: conservation of the natural environment, taking care of one's living environment.

*Ḥifẓ al-nafs*: protection of life, which is one of the higher objectives of Shari'ah.

*Ḥifẓ al-māl*: protection of property, which is one of the higher objectives of Shari'ah.

*Hijrān*: estrangement, separation as between people with ties of kinship.

*Ḥilm*: gentleness, dignified tolerance, resistance to temptations.

*Hibah*: gift, unconditional transfer of assets to another person or institution.

*Ḥijr*: interdiction.

*Ḥikmah*: wisdom, balanced judgment.

*Ḥiwār*: dialog that seeks to reconcile diverging views and interests.

*Ḥiyal*(sing. *ḥīlah*): tricks and stratagems, ingenious legal tampering.

*Ḥudūd*(sing. *ḥadd* lit. limit): prescribed penalties for specified offenses in the Qur'an.

*Ḥukm*(pl. *aḥkām*): ruling, judgment, Shari'ah value.

*Īmān*: faith, belief, referring to a state of mind in contradistinction with Islam that mainly refers to conduct.

*I'mār al-arḍ*: building the earth, building a human civilization in the earth.

*'Ibādāt*(sing. *'ibādah*): matters of worship, ritual performances.

*Istirwāḥ*: recreation, rest to reduce fatigue.

*'Iffah*: purity, ethical rectitude.

*Ifrāṭ*: exceeding the limits.

*Ijmā'*: general consensus of the community or scholars.

*al-Ikhā' al-dīnī*: religious fraternity.

*al-Ikhā' al-insānī*: human fraternity.

*Ikhtilāf*: reasoned disagreement, differential interpretation.

*Ijtihād*: independent reasoning or interpretation.

*Ikhlāṣ*: sincerity.

*Isrāf*: extravagance and excess.

*Iṣlāḥ*: reform, change for the better.

*Istihsan*: juristic preference, also equity. When enforcement of normal rules in a particular case fails to provide a satisfactory solution, the judge or jurist should attempt to provide a preferable or equitable solution.

*Istiṣlāh*: considerations of public interest.

*Jamāl*: beauty—both manifest and aesthetic beauty.

*Jāhiliyyah*: ignorance, age of ignorance (in reference particularly to pre-Islamic Arabia).

*Jihād*: effort, struggle in a comprehensive sense that may involve struggle against the base elements in oneself, and struggle against injustice in society, or indeed military struggle.

*Kalām:* (lit. Speech), dogmatic theology, part of Islam that is founded in God's revealed speech.

*Khilāfah*: vicegerency of God in the earth.

*Kifāyah*: sufficiency—enough, e.g., to satisfy one's basic needs.

*Kufr*: infidelity, unbelief, rejection of Islam.

*Khurūj*: lit. exit challenging the legitimacy of rule, or of a constitutional government.

*Maḥẓūr*: forbidden.

*Malāl*: boredom, fatigue due, e.g., to overexertion.

*Mandūb*: recommended, commendable. It is one of the value points in the Sharīʾah scale of Five Values.

*Maʿrifah*: gnosis/non-discursive knowledge of God.

*Maṣāliḥ*(sing. *maṣlaḥah*): benefits, welfare, interests.

*Mafāsid*: harms, as opposed to *masalih*.

*Maghrib*: dusk prayer after sunset.

*Maqṣad*(also *maqsud*, plural: *Maqāṣid*): purpose, objective, intent.

*Madhhab*(pl. madhāhib): school of thought, legal or theological school.

*Makrūh*: reprehensible, abominable—as opposed to *mandub*.

*Marjaʿ-e taqlīq:* (lit. locus of imitation) highest ranking religious authority in Shiʿsm to be followed.

*Maysīr*: gambling

*Muftī*: jurisconsult, one qualified to give *fatwa*.

*Muʿāmalāt*(sing. *muʿāmalah*): civil and commercial transactions.

*Muʿāmalah bi'l-mithl:* reciprocity, reciprocal treatment.

*Mutaʿaddī*: transient, transferable.

*Munāfiqūn*(sing. *munāfiq*): hypocrites.

*Musrif*(pl. *muṣrifūn*): prodigal/waster.

*Muqallid*: an imitator who simply follows the opnion of others—one who practices *taqlid*.

*Nafs*: living soul, self.

*Qaṭʿī*: definitive, decisive that needs no interpretation.

*Qiblah*: direction of prayer for Muslims.

*Qiwāmah*: supervision, support.

*Qiyās*: Analogy, analogical reasoning.

*Rafʿ al-ḥaraj*: removal of hardship.

*Rafʿ al-ḍarar*: elimination of harm.

*Ribā*: usury, banking interest.

*Riḍā*: contentment, satisfaction.

*Rifq*: gentleness, kindness.

*Rukhṣah*(pl. *rukhaṣ*): *Shari'ah* concession in view of mitigating circumstances.

*ṣabr*: perseverance, patience.

*Safīh*: idiot, stupid.

*Ṣalāh*: ritual prayer.

*Samāḥah*: forbearance, tolerance, easy encounter.

*Samḥ*: lenient, tolerant.

*al-Shaʿb al-mukhtār*: chosen people.

*Shajāʿah*: courage, prowess.

*Siyāsah sharʿiyyah*: judicious policy, *Shariʿah*-oriented policy.

*Shūrā*: consultation.

*Tabdhīr*: spending on that which is unlawful.

*Tabshīr*: encouragement,giving good news.

*Tadarruj*: graduality.

*Taʿaddud al-madhāhib*: scholastic pluralism.

*Taʿaṣṣub*: fanaticism, intolerance.

*Taʿassuf*: abusive, unwarranted exercise of ownership rights.

*Tarhīb*: scare-mongering, frightening.

*Tashdīd*: sternness, severity.

*Taʿsīr*: opting for hardship, making matters difficult.

*Taʿzīrāt*(sing. *taʿzir*): deterrent penalties.

*Al-taṭarruf al-iʿtiqādī*: theological extremism.

*Al-taṭarruf al-ʿamalī*: practical extremism.

*Taḥkīm*: arbitration.

*Taḥsīniyāt*: embellishments, desirabilities.

*Tajdīd*: renewal, restoring to original state.

*Takfīr*: charging a Muslim with disbelief.

*Taklīf*: duty, liability, obligation.

*Tanfīr*: to repel others, repulsiveness.

*Taṣarrufāt*: legal dispositions.

*Tashrīf*: treating with dignity, honoring.

*Tawāzun*: balance, equilibrium.

*Tawassuṭ*: opting for the medium average.

*Tawḥīd*: Divine Oneness, monotheism.

*Taysīr*: bringing ease.

*ʿUlamāʾ*(sing. *ʿalim*): scholars, learned persons.

*ʿUlu al-amr*: those in charge of the management of community affairs.

*Ummah*: Muslim community.

*ʿUmrān:* (lit. construction, building), civilization.

*ʿUrf*: general custom, usage.

*Wājib*: obligatory.

*Waqf*(pl. *awʿaf*): charitable endowment, endowment in perpetuity.

*Wasaṭiyyah*: moderation, the middle path.

*Al-Waʿy al-ḥaḍārī*: civilizational awareness.

*Walī*(pl. *awliyāʾ*): guardian, supporter.

*Wilāyah*: authority, guardianship.

*Wilāyah ʿāmmah*: public authority.

*Wilāyah khāṣṣah*: private authority.

*Ẓannī*: speculative, open to interpretation.

*Ẓulm*: oppression, injustice.

*Ẓuhr*: early afternoon, early afternoon prayer.

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