

Islamic Law, Religiosity, Revival and Democracy

The Shareeah and Religiosity:

Religiosity is different in different religions. In Islam, religiosity is not asceticism in monasteries nor is it chattering from the pulpits. Instead, it is behaving in a manner that is requested from the Creator under all circumstances, places and times, in belief, statement and actions. Al-Bukhari and Muslim record that the Prophet (peace and blessings of Allah be upon him) said, “The one who looks after a widow or a poor person is like a Mujahid (warrior) who fights for Allah’s Cause, or like him who performs prayers all night and fasts all day.” There are those today who try to portray the religious person as being one who is ignorant of the affairs of this world or does not work to make things better in this world, simply remaining blind or applying some mythical rituals and being inflexible and harsh. As for being inflexible, Islam does not prevent anyone from benefiting from any innovations in science and knowledge. In fact, it encourages its followers to learn from all sorts of beneficial political, societal and economic experiences. The Prophet (peace and blessings of Allah be upon him) himself said, “I considered prohibiting sexual relations with nursing mothers until I recalled that the Romans and Persians do it and it does not harm their children.” (Recorded by Muslim)

The reality is that Islam gives a proper weight to the physical, spiritual, emotional and intellectual realms. In fact, our predecessors set the best example when it came to adhering to realities and verifying matters. Islam calls to verifying truths and not speaking without knowledge, as Allah has said, “And do not pursue that of which you have no knowledge. Indeed, the hearing, the sight and the heart – about all those [one] will be questioned” (al-Israa 36).

There are those who claim that religiosity and poverty go hand and hand, and that those who are religious do not care about establishing and building life on this earth. This is also not correct as Allah has stated, while quoting His Prophet Saalih, “O my people, worship Allah; you have no deity other than Him. He has produced you from the earth and settled you in it.” (Hood 61) Commenting on this, ibn Katheer said, “That is, He has made you

settle in the earth in order to develop it and use it.” Abu Dharr narrated: I asked the Prophet, “What is the best deed?” He replied, “To believe in Allah and to fight for His Cause.” I then asked, “What is the best kind of manumission (of slaves)?” He replied, “The manumission of the most expensive slave and the most beloved by his master.” I said, “If I cannot afford to do that?” He said, “Help the weak or do good for a person who cannot work for himself.” I said, “If I cannot do that?” He said, “Refrain from harming others for this will be regarded as a charitable deed for your own good.”

The Shareeah and “Revival” (Tajdeed):

The Messenger of Allah (peace and blessings of Allah be upon him) said, “Allah sends for this Nation at the head of every century one who will revive its faith.” (Recorded by Abu Dawood) Thus, no one can reject the concept of “revival” but the question is what form does it take.

In essence, the religion itself does not change. The majority of the revival is simply reviving things that had been lost or purifying the faith from things that have been introduced into it, such as innovations. However, there is another form of tajdeed, that which could be called al-tajdeed al-ijtihaadi (scholarly revival/reform). An example of this nature was the Caliph Umar discontinuing the zakat shares to “those whose hearts are to be reconciled” when he saw that Islam had become strong and dominant.

But is this to be considered a change of in the rule of Allah? Definitely not. The rule of Allah is not to be changed. Allah says, “They have taken their scholars and monks as lords besides Allah” (al-Taubah 31). The Messenger of Allah (peace and blessings of Allah be upon him) explained to Adi ibn Haatim that that occurs when they allow the impermissible to the people or forbid the permissible. (Recorded by al-Baihaqi)

The reality is that a ruling can change when the circumstances change. That is, the ruling is one without any change but circumstances may be such that a different ruling is called for. An example is the case of receiving wages for teaching the Quran. The earlier Hanafis agreed that it was prohibited while the later Hanafis agreed that it was permissible. Could one issue be both prohibited and permissible? The reality is that times had changed and the reality behind the issue had changed. Earlier in Islamic history, teachers received a stipend from the public treasury and there was no need for

them to be paid. Later, such stipends were no longer available and they needed to be paid to survive. Hence, the ruling had to change with the changed circumstances. Obviously, this type of ijtihaad can be carried out only by those who are well-trained and specialized. Speaking about Allah without proper knowledge is one of the greatest calamities. Allah says, “And do not pursue that of which you have no knowledge. Indeed, the hearing, the sight and the heart – about all those [one] will be questioned” (al-Israa 36).

There is another form of tajdeed that most people are agreed upon. This has to do with the means of communication and conveying one’s ideas to others. Dawah or calling others to the path of Allah must take advantage of every means of communication available. In fact, the Prophet (peace and blessings of Allah be upon him) took advantage of every mean during his lifetime. He used talking, writing, teaching, giving speeches, giving admonitions, using parables and practical examples to convey the message. In addition, he addressed the minds and the hearts, with all forms of speech. Indeed, when advising others, he would give the advice that was most appropriate to their particular situations. Thus, as ibn al-Qayyim noted, if an individual makes a ruling for someone without taking into consideration his circumstances, state, customs and surroundings, then he has done wrong and will mislead others. He causes more harm to the faith than a doctor does to a body when he treats everyone the same even given their differing circumstances.

What is desired, therefore, is once again combining together the theory and the practice via ijtihaad that protects what is to be fixed and takes into consideration what is to be changed, as was the case during the time of the rightly-guided caliphs.

The Shareeah and Democracy:

Any borrowed concept will carry with it some ideology that is related to the environment which produced it, including some aspects of belief and creed. That is why it will need to be studied to see what of it may be consistent or inconsistent with Islam. Perhaps a discussion of Islam and democracy must begin with a definition of democracy. Democracy is derived from two words: demos meaning “the people” and kratia meaning “the rule, governance.” Hence, demoacratia means “rule of the people” or “the people ruling for themselves.” However,

it is often tied into other concepts as well, such as freedom, equality and human rights.

The Shareeah and its View of Majority Rule:

If democracy primarily means “the people ruling for themselves,” then we accept that as a principle as that is the only means by which society will be secure, stable and free of civil strife. In our history, we have accepted the rule of the one who took power by force based on the principle of security, stability and avoiding civil strife. Obviously, having majority rule is a much gentler and stronger way to bring that about. Furthermore, the allegiance to Umar after Abu Bakr was not confirmed until the people accepted him and made allegiance to him, as ibn Taimiyyah noted.

The Shareeah and its View of Theocracy:

As we speak about democracy, it is important to point out that Islam does not recognize any form of theocracy. The reference for Islam is not the Muslims but the religion itself. The words of the first caliph Abu Bakr are sufficient to demonstrate this: “If I err, then straighten me out.” The Ahl al-Sunnah agree that the only true source of conflict resolution is to refer any issue to a clear, decisive text, a confirmed, clear consensus, a clear rational point or what is obviously perceived.

The Shareeah and its Stance towards Freedom:

Many Muslims who discuss the concept of freedom in Islam begin with premises that are correct. These include the fact that humans are servants/slaves of Allah and from that perspective they are not free. They will be judged and reckoned for what they do or say. Allah says, “To Allah belongs whatever is in the heavens and whatever is in the earth. Whether you show what is within yourselves or conceal it, Allah will bring you to account for it. Then He will forgive whom He wills and punish whom He wills, and Allah is over all things competent” (al-Baqarah 284).

Servitude to Allah is the greatest role a person can fulfill. This fact has to be recognized by every Muslim. However, an individual will not perfect his servitude to Allah until he frees himself from authority of rulers and leaders, the desires of food, drink and sex and the want for power and prestige, etc.

Thus, the freedom that Muslims in particular yearn for is not freedom from servitude to Allah. Instead, it is the freedom from being subjugated to humans. This is the essence of what Islam brought. Freedom is not only in opposition to slavery but it is also in opposition to oppression and subjugation. Umar once told Amr ibn al-As when his son struck an Egyptian Coptic who beat him in a race, "Do you turn the people into slaves when their mothers gave birth to them as free people."

The reality, though, is that some people deal with freedom properly while others do not. This is nothing but a trial from Allah like all the other affairs of this world.

As for the issue of freedom of expression, Islam has rightfully put some restrictions on it. Doesn't every civilization put some limits to it? Aren't there some European nations that disallow the denial of the Holocaust? Doesn't every society have some moral standards that it will not allow to be violated? Who is it who has said, for example, that attacking the very being of Allah is praiseworthy speech? What is left after something like that?

Democracy, though, does give the right of legislation to the people while Islam says it belongs to Allah. However, in terms of application, it is the Muslim people who chose to have the rule of Allah. There is no question that if free choice is left to the Muslim people, they will continue to choose Islam. In that sense, Islam has nothing to fear from freedom.

Again, we must emphasize that the true completeness and perfection of human freedom can actually only come via servitude and submission to Allah alone.

The Shareeah's Stance towards Human Dignity and Human Rights:

Democracy is well-known for promoting the stance of the individual and giving humans their rights. Islam actual honors the individual and protects his rights like no other religion or system has done.

It must be noted that some Islamic speakers tend to show some disrespect for the "masses." This is a mistaken approach in more than one way. First, it involves a misunderstanding of the texts as well as a failure to understand the changing realities in the world today which have raised the banner and value of the individual. The "masses" today are not like the

“masses” of old, even if they share some characteristics. Nowadays, the masses read, listen to news, follow up events and are informed through the media and the internet. Is it permissible to treat them like one who has none of that? In fact, nowadays the masses have a great deal of power and ability in society—much more than they had just fifty years ago, not to speak of five hundred years ago.

In sum, if democracy means rule by the majority, the rule of law and equality of the people in front of the law, we are for that. If it means preserving the dignity of humans, that is excellent. If it means freedom, then that is welcomed but it must be within the constraints that rational people would accept.

Instead of objecting to this democracy, which many Muslim activists do, we should instead term it a government of shura (consultation). Muslim scholars should think about this. When we call it democracy, it will be expected to live up to the perception of democracy as given in the world today, which may or may not be valid. We should also study the experience of democracy in other lands and how, in particular, wealth has taken over the democratic process. Lobbies and rich people have been able to gain control over the democratic processes, such as in the United States. Therefore, it is very important that we do not follow in their footsteps and simply take the model as given to us, whether sound or unsound.

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