

# Problems facing in the Muslim World

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One

## Distinction between Shariah and Fiqh

"Which in your opinion, are the major problems of the Muslim world, the problems upon which the attention of the workers of Islam should be focused, and to the solution of which they should devote all, or the greater part of, their endeavors?" This was my question to my friend who has been working for Islam, for the last thirty years. For a while he remained silent and then replied: "I Consider three problems to be responsible for the disastrous state of Affairs in the Muslim world; first, the failure to distinguish between what God laid down in His Book and the Tradition of His Prophet, and the elaborations derived there from by our legists: second, the plight of womenfolk in Muslim society; and third, the perversion of the Meaning of "obedience to those in authority" to denote abject subservience and shameless acquiescence to rulers, regardless of the extent of the wrongs that they might commit and the injustices which they might rpetrate",

This observation was followed by a long discussion which centred upon these questions, with a view to the full appreciation of the importance of these problems, and the realisation of the need for earnest, unrelenting endeavour toward their solution. During the discussion, I found myself keenly responsive to the need for appreciation of the importance of these problems, and as my learned friend held forth on the subject, I had the feeling of a doctor's fingers probing sore spots. For these three problems do indeed occupy a pre-eminent position among those numerous Maladies, which afflict our body-Politic. Moreover, these Maladies are becoming chronic ones and as time passes we are getting used to them.

The first of these problems is our failure to distinguish between what has been laid down by God in His book and the Tradition of the Prophet (Sunnah) on the one hand, and the elaborations on

their basis by our jurist, on the other hand. In deploring this failure, we neither wish to deny the value of the opinions of our Fuqaha nor to slight these venerable men in any way. On the contrary, we believe their work to constitute a great asset, A prized treasure of which we should derive the utmost benefit from it. What is necessary, however is that we should at the same time be very clear about the following important points:

1. That the Qur'an and the Sunnah constitute the Shariah (Islamic law) of God, which is binding on Muslims: That these two alone form the ideological and practical basis of life for the Muslim nation.

2. That there is nothing strange in the fact disagreements exist among people with regard to the interpretation of certain Qur'anic verses, or the authenticity of certain Prophetic Traditions or their renderings, so long as people do not abandon the use of their intellects. What is important is that these disagreements should remain subject to arguments based on the texts of the Qur'an and Sunnah, and that the opinions of particular schools of Muslim Law on controversial points should not, either owing to negligence or ignorance, be elevated to the points where they began to be considered more authoritative than the texts of the Qur'an or the Sunnah. Such a distorted view impairs our proper attitude towards the injunctions of God and His Prophet, as laid down in the Qur'anic Verse: Judge between them by that which, God hath revealed and follow not their desires (5: 49)

Moreover, We should be careful that our attitudes on controversial points do not harden to such a degree that they prevent Muslims applying their minds to the understanding of the Shariah, Although the Shariah itself remains the criterion for all differences of opinion; and every generation of Muslims has an ordinance from God to remain in direct and constant contact with the Shariah, as embodied in the Qur'an and the Sunnah: ... and if have a dispute concerning any matter, refer it to God and the Messenger (4 : 59)

Abandoning reference to the Qur'an and attaching and exaggerated importance to the opinion of one's own school of law

implies also the adoption of irrational attitude towards our Fuqaha of past generations who, though they disagreed among themselves, did not claim infallibility for their opinions. Their disagreements were based on the texts of the Shariah available to them, and with regard to its interpretation. It never occurred to our Fuqaha, However, that they would become an impregnable wall preventing the radiation of the light of the Qur'an and the Sunnah, or that would be depriving all other Muslims of the right to applying their intellects to the understanding of the Qur'an and the Sunnah. Imam Malik has epitomised his view on the question in these fine words;

I am a human being, I can be right and I can be wrong. Examine every one of my opinions: accept those, which conform to the Qur'an and Sunnah; reject those, which do not conform to the Qur'an and Sunnah.

3. That the Shariah of God, as embodied in the Qur'an and the Sunnah; does not bind mankind in Mu'amalat (Worldly dealings) except by providing a few broad principles of guidance and a limited number of injunctions. The Shariah only rarely concerns itself with details. The confinement of the Shariah to broad principles and its silence in other spheres are due to divine wisdom and mercy, for the divine Knowledge embraces human life in its totality: in all its spheres, in all stages of its development, in all periods of human history. Now, God was not incapable of laying down, had He considered it good to do so, an injunction for every minor issue and a law for every new problem that might arise. The fact that the Shariah is silent on these points - and we should bear in mind that the Qur'an remarks, "God is not forgetful" - means only that the application of the general injunctions of the Shariah to the multifarious details of Human life, and the confrontation of new problems according to the dictates of maslahah (public good) have been left to the discretion of the body of conscious Muslims. Moreover, if the Shariah has refrained from laying things down definitively in the form of clearcut injunctions regarding matters about which God knew that people would disagree, and if it has not fixed regulations in respect of the problems which, of course, God knew would arise in

human existences, all this is due to God's mercy, for He wanted comfort, not discomfort, for human beings, and breadth, not narrowness in human life. The Qur'an said: God desireth for you ease: he desireth not hardship for you 01: 185) The prophet (SAWS) explained this by saying:

God has enjoined certain enjoyments, so do not transgress them. He has prohibited certain things, so do not fall into them. He has remained silent about many things, out of Mercy and deliberateness, as He never forgets, so do not ask me about them. The Prophet (SAWS) stressed this point repeatedly. Most illustrative of this basic characteristic of the Shariah, is his authentic saying:

“Leave me as long as I leave you. Too Much questioning brought only disaster upon people before you. Only if I forbid you doing anything, then do not do it, and if I order you to do something, then try to do whatever you can of it.”

Since God has granted this freedom, and has left a wide margin of choice open to human beings from sheer beneficence and mercy, it would be utter ingratitude and stark disregard for the spirit of the Shariah, to impose upon its ageless and Merciful features, the variety of rigorous regulations in matters of minor detail which have been formulated by our legists in the past. These interpretations and elaborations of the Fiqh have been gradually misconceived as matters of indisputable validity, so much so that as soon as the word 'Shariah' is mentioned they come instantly to mind and impair the eternal freshness of the beauty and grace of divine mercy.

We who strive for Islamic regeneration should make it abundantly clear to people that: this is the Shariah the lenient Shariah - embodied in the Qur'an and the Sunnah, and God binds you to this and nothing else. As for our juristic heritage, handed down to us by our great ancestors who earnestly endeavoured to interpret the Shariah in the face of continually new problems of live regarding which the Shariah had observed silence, in the light of *maslahah* and with a due regard for the circumstances of their age while profiting from this heritage, our attitude towards the

Shariah should nevertheless be the same as that of our ancestors. Following in their footsteps, we should apply our minds to understand it. We should also treat the circumstances of our epoch as they died their, and try to face our special problems in the light of maslahah, as they did theirs, and try to face our special problems in the light of maslahah, as they did bearing all these in mind, our recourse to the vast, rich Fiqh heritage at our disposal should serve to strengthen our bonds with the Qur'an and the Sunnah, rather than preventing direct reference to these two original sources. It should help us to apply the Qur'an and the Sunnah to the circumstance in which we live in the same way as our ancestors did for their part. It is altogether unrealistic to seek from our legists of the past solutions to the problems of our own age - an age of which they could have no knowledge - of to impose upon ourselves regulations devised to fit circumstances which no longer exist. And it is altogether unworthy to abandon the use of our intellects to understand Islam (for it is that power of rational discernment, with which each one of us has been endowed, which makes us answerable to God) thereby reducing ourselves to the position of parasites, living perpetually on the fruits of labour bequeathed to us by our ancestors - by their heavy intellectual toils, unrelenting efforts and patient endeavour.

It can be asked: "Where do you draw the line of demarcation between the Qur'an and the Sunnah, and the interpretations there from of the Fuqaha? Are the interpretations not the attempts of the Fuqaha to arrive at the true intent of the Qur'an and The Sunnah?" Those are certainly reasonable questions. The reply is that our desire to distinguish between the want is for it to be clear that the texts of the Qur'an and the Sunnah are the true sources of guidance, the norms for our lives ; that they alone constitute the Shariah which is binding upon us ; that all opinions must be weighed with the Qur'an and the Sunnah as criteria; that every human being after the holy Prophet is fallible; that in every matter here there are no texts to bind us, the consideration of maslahah alone is binding; and that the precepts for maslahah change with changing circumstances and ages - as earlier Fuqaha have said: "Where there is maslahah, there is the path of God.

"This distinction between the divine Shariah (as embodied in the Qur'an and the Sunnah) which is eternally binding and the details opined in its light by the Fuqaha should have a thoroughly healthy influence of contemporary Muslims, in a number of ways it invests Islamic ideology with simplicity that should help cultivate deep in the hearts of Muslims genuine faith in their Lord and in their Prophet. It restores the clarity of the original Message of Islam. It restores also the luster to the Islamic ideology which it owes to the words of God and His Prophet. It provides a rallying ground for all Muslims notwithstanding the existence of various schools of thought among them. Moreover, it should keep Islam intact in its original broad and vigorous form, in a form which provides scope and ease for human mind, and not discomfort and restriction.

It may also be asked: "Do you want to make the Qur'an and the Sunnah as tool of any imposters who step forward to interpret them according to their whims and desires once the door for their interpretation is flung open?" The reply, obviously, is "No." For when we talk of 'opinions' in Islamic matters, we mean 'opinions' and not whims and desires, and we presume piety and Godliness to be basic with regard to problems relating to Islam. Further, there is no harm in trying to devise sound rules, of a scientific as well as of an administrative nature, which could effectively ensure specialisation in studies relating to the Shariah as embodied in the Qur'an and the Sunnah, just as attempted by all legal systems the world over. Rather, it is our duty to ensure this. We shall thus have saved the Shariah from pollution by the whims and desires of false claimants to its interpretation. At the same time, however, we should try to ensure that specialisation does not lead to the creation of priesthood in Muslim society, and that the door remains open for the consideration of all opinions, whatever their sources, purely on the basis of their intrinsic worth.

**Two**

### **The Plight of Womenfolk in Muslim Society**

The Second problem is that of the position of the womenfolk in Muslim society. In this regard also, as in regard to our social life as a whole, we are in a state of complete chaos, hotchpotch of competing forces; the remaining Islamic influence, our inherited

traditions and extraneous influences which have crept into our life as a result of the enveloping wave of blind imitation of the West. This has created a myriad of problems in Muslim society, among which deserving of special attention is the problem of womenfolk. This is not so merely because women constitute something more than half the community. It is particularly pressing because it is a problem, which affects the family, the very basis of our social life, and because of the deep and inherent relationship that it has with those factors, which make for the cohesion of our society. It is in fact a problem that affects in its ramification most aspects of our national orientation.

It is strange that Muslims should neglect the important position of women. The Shariah has placed such emphasis on it in connection with the lives of those great men whom God entrusted with high tasks and whom he chose as the recipients of his revelation those noble souls ordained to deliver God's Message to mankind. In the story of Moses it is his mother, Pharaoh's wife and the daughter of Madyan who constitute great figures. In the story of Jesus, his virtuous mother is a great pillar of the story. The principal nobility and virtue among those who stood faithfully by the side of Muhammad (SAWS) in his apostolic mission was Khadijah, the compassionate and noble lady of Mecca. Indeed, the numerous verses of the Qur'an and the large number of prophetic traditions which speak of woman's status and of their rights and responsibilities, are quite sufficient to determine our attitude towards womanhood. The Holy Qur'an refers to their position while comparing it with the position of men in the sight of God and proclaims it to be one of complete equality: "I shall not let the work of worker, male or female, be lost. You issue from one another." (11: 195). On other occasion it mentions the rights and duties of women as akin to those of men before mentioning man's administrative leadership of the family. "And they (women) have rights similar to those (of men), according to what is equitable, and men are a degree above them." (11: 28). On still another occasion we find Islam pointedly stressing gentleness and good behavior in the treatment of women. Said the Prophet in his last address: "I advise you to be good to women."

It is not my intention to discuss the position of womenfolk in all its ramifications. What I have to say will be quite brief, but nevertheless of serious importance, for the time has come when we should be very clear as a number of questions relating to this problem and attention to the solution thereof. It should be very clear in our minds that woman, according to Islam, is intrinsically like her male partner. She is a human being endowed with the same essence of nobility, which is shared by the whole human species. As far as human quality is concerned, men and women are absolutely alike: "O Mankind! Revere your Lore, who created you from a soul and from that created its mate, who thereof brought forth multitude of men and women." (4: 1).

Moreover, each one, Man and woman, will be held responsible for his own individual self: "... and everyone of them will come to God, on the day of Resurrection, alone." (19: 95). This means that those who either believe, or whose behavior reveals the unconscious concept that woman is an inferior being who has to be subjugated that she is merely and instrument for the self-indulgence of man - such people require a radical reorientation of their attitude towards womankind. Such people, by clinging to such unhealthy ideas, or through such unhealthy conduct, are grossly distorting God-given human nature and killing potentialities of thought, feeling and vitality in their partners of life.

It should also be clear that the unbridled self-will of certain women in other societies, or of those of our own who blindly imitate them, should not be countered by extremism on our part: by imposing on women what God has not imposed upon them, or by forbidding them what God has not forbidden. We should remember that women in the western world began to lean in the wrong direction from definite causes, at least some of which were undoubtedly related to social injustices, under the dead weight of which, women had languished for so long, imprisoned and ignorant, with no will or personality of their own. They revolted against this injustice and this revolt was completely natural and genuine one, then they began to lean in the wrong direction, becoming stubborn and headstrong. The same type injustice continues to have its strong-holds in our own society, where



there are still people, though very few, who are proud of the fact that since the wedding night when their wives were driven home, they have not seen the street once. There are still others who consider themselves entitled to beat their wives if they dare to disagree with their views and advance an opinion of their own. Again, there are those who spend year after year with their wives and daughters without sitting down to discuss a problem with them or attempting to make them share their views.

Who would claim that any of these has anything to do with Islam? On the contrary, it is Islam that elevated women to heights of prestige, which have neither precedent nor parallel in human history. At a time when womanhood in the West held in such a state of impurity that even a woman's was an evil pollution of the Bible, Qur'anic manuscripts were held in the trust of the lady Hafsa at Medina. At a time when Romans held conference to debate whether woman was a "person" or a "thing", Muhammad (SAWS) stood up to declare that "women are but the sisters of men" and to shatter the pre-Islamic era of darkness and injustice, so that a woman could argue with the holy Prophet in the courtyard of the first time, established the status of women full-fledged members of human society and granted them the right to owe whatever they earned since the Qur'an proclaimed: "Unto men of fortune from that which they have earned and unto women of fortune from that which they have earned" (4: 32).

Whatever standards of decency Islam has laid down in matters of dress and behavior between man and woman, they are all with the sole intention of ensuring the sanctity of the home and the inviolability of marital intimacy. Not one of these standards could ever imply an attitude directed towards humiliation of woman as regards her social status or her role in her relationship with man. When a newly married girl complained to the Prophet that her father had chosen her husband without consulting her, he immediately gave her permission to annul her marriage, to which she replied: "I have no personal objection to my husband and I accept him, but I wanted it to be known that a father has no right to impose a husband and I accept him, but I wanted it to be known that a father has no right to impose a husband upon his daughter

without her consent." In contrast to the then prevailing ignorance and plutocracy of tribal traditions, Muhammad (SAWS) enjoined the quest of knowledge as an integral part of faith, for men and women alike. She praised highly the women of Ansar with: "Blessed be those whose modesty never prevented them from seeking knowledge." Far from being rough or rude, Muhammad's (SAWS) consciousness of women's tenderness and delicacy was so intense that even in the impelling harshness of the desert, he gently appealed to Anjashah, the caravan driver: "O Anjashah, slow down a little, for the camels are carrying glasses!"

This is only a glimpse of Islam: thus, how could we possibly be justified in so grossly distorting it by all sorts of misconceived traditions and beliefs? What could be more unjust, whether to Islam or to ourselves, than to misrepresent as we do, or rather to deform the beautiful features of Islam? And consider when? At a time when we are encountering the movement of so-called progress and emancipation, which is advancing like a storm and wreaking havoc in our lives.

It is imperative to realise that the really weak points in our society are those that provide genuine cause for feminine revolt, which can subsequently take an extremist turn and ultimately lead to unbridled feminine self-will. If we are serious about resisting this unhealthy trend, it is our duty to call a stop where God has done so, and combat the deceptive, misleading elements we are encountering by adhering to what God has laid down for us. We should neither depart from anything, which God has decreed out of weakness or compromise, nor add anything to it from extremism and severity.

These things are relevant for all Muslims. But they are of particular importance to those who are actively devoted to the revival of Islam. I fervently wish that such people would put these ideas into effect; would stop at the point where the Shariah stops, and have the courage to proclaim and insist on what God has made binding on us, and that alone. This is essential in creating a strong wall around whatever of virtue and purity remains in our society. It is to be hoped that by so doing the workers for the cause of Islam will have created a real

barrier, one strengthened by the word God and His Prophet, against the sweeping, devastating storm which threatens Islam today. For, if matters are not clarified, and confusion is allowed to reign as it does today, if the good aspects are not separated from the bad, both in theory and by good example, the result of this confusion is bound to be this: the good elements will be mistaken for bad, and both will be swept away by the rising storm. This will not be in the least surprising for there is neither a divine code which is being sincerely adhered to, nor is there any social system based on experience and clarity of outlook, and God has not appointed a gendarme to regulate the conflicting traffic of good and evil.

A further consideration in this connection is that many of our women, like our men, do not possess and adequate knowledge of Islam. The picture of Islam they have deep in their minds is a confused and distorted one. It is the picture of Islam as it is practiced in our countries. In addition to this, there is a dire absence of religious discipline among our people, while on the other hand there is the aggressive advance of Moral laxity in our society, fully armed with formidable weapons : the attraction of the western culture which has cultivated deep down in the hearts of our young men and women and admiration for its glamour and its pattern of life, also admiration of their civilisation sown in our hearts by the pioneers of this culture : magazines, radio broadcasts, films etc. And above all, it is armed with temptations, the potential response to which has been planted by God in the nature of every man and woman as the Qur'an says: Decorated for mankind is love for joys (that come) from women (3: 14)

All this requires that our collective attitude to the solution of this problem should be based on a full consideration of the magnitude of the impact of the cultural invasion of the West on those who are exposed to or have fallen victim to it. This should be borne in mind particularly when the problem requiring a solution concerns women, for with women the emotional factors are predominant. Hence, lenience itself is not enough. The approach of reform should be based on a careful distinction between what is good and what is bad.

Moreover, we should not begin by condemning people for lacking honour and decency by falling into some of the widespread errors, for instance, the violation of limits in matters of dress, etc. For not every unveiled woman is a bundle of vices and immodesty, nor is every veiled woman a paragon of virtue and piety!

I do not want what I am saying here to be underestimated, for incautious accusations against people and harshness in rendering advice has most seriously damaged the cause of Islam among women. This has unfortunately created a gulf between those who work for Islam and many basically good women. I have countless practical instances of this, although our sisters can recount many more. A large number of them, young and old, whose reactions against wrong traditions or clumsy approaches first put them in firm opposition to Islam and its workers, have subsequently become among the best champions of the cause once they were approached in a proper, understanding and decent manner.

### Three

#### **Erroneous conception of obedience**

The third problem is the degeneration of the construction put on the Qur'anic expression "obedience to those in authority among you" to mean abject acquiescence to rulers, however wrong of unjust they might be. This is a malady, which has afflicted the Muslim body-politic during the long centuries of our history. Most of our Ulama and self made priests, have unfortunately, neglected coming to grips with the problem, although it was imperative for various degrees of reason. It was imperative to bring Muslims to a correct understanding of their religion. It was also essential to remind them to their duty to give proper advice to the ruler who commits a wrong-doing and to correct him. Instead, many of these Ulama were themselves instrumental in intensifying the abject spirit of acquiescence of tyrants and in making silence legitimate in the face of their injustices and extravagant blunders, either from fear of punishment or desire for royal patronage, or unconcern for Muslim affairs. This malady, therefore, became deep-rooted in

the body-politic, and Muslims gave up the practice of this commandment of their Lord: And whose affairs are decided by counsel among themselves. (25: 38)

This negative attitude and unconcern proved factors of appreciable assistance to despot in strengthening their tyrannical authority. An error, if it is left uncorrected, aggravates and recurs: and injustice, if not resisted, leads its perpetrators to excesses and consolidates the foundations of tyranny. It is, moreover, surprising that all those who neglected to enlighten Muslims regarding their duty to fight against the unjust until her returns to the path of justice, as well as those who, either because they were swayed by their own desires or because of their lack of concern for Muslim affairs, have helped in the consolidation of the authority of tyrants, all these people have tried to seek invalid support in the Qur'anic verse: O ye who believe! Obey God, and obey the messenger and those of you who are in authority. (4: 59)

They have done this in spite of the fact that most of our learned ancestors such as Ibn Abbas, Mujahid, Ata, Alhasan Albasry had interpreted the Arabic term: "those in authority", as to denote the authority of their knowledge of Islam, rather than to mean the temporal rulers irrespective of what they possess or such knowledge. This interpretation is also supported by the content of the verse which reads: O ye who believe! Obey God and obey His messenger and those of you who are in authority, and if ye have a dispute concerning any matter refer it to God and the messenger. (4: 59)

This means that obedience which has been ordained for believers is obedience of their Lord in respect of what he has laid down, and of his Prophet of what the Prophet conveyed to mankind on behalf of God, and of the learned by virtue of the ordinance of God and his Prophet. The latter are to be obeyed in respect of what ever commandments of God and his Prophet they deliver to the people. And if there is any disagreement, then there is a reliable standard of judgment of the Qur'an and the Sunnah, and not the desires of People or the whims and interests of any particular group of class. Even those who interpret "those in authority among you" to denote by temporal rulers are aware that this verse has placed an

obstacle in the way of despotism by rulers by stipulation that they shall rule 'in conformity with the injunctions of God and the teachings of the Prophet. Such people also know that the Prophet has said, as it is authentically reported: verily obedience is (only) in God. He is further reported in another authentic tradition to have said: No obedience in disobedience of God.

The despicable negative spirit which has disseminated this wrong concept of Islam can only be countered by spreading the right concept of Islam and it is the duty of those who are working for Islam to make this a definite target of their endeavors, they should devote attention to it in speech, in writing and in all their efforts, to provide a rightful guidance for suppressed Muslims. For it is not right that in its battle against falsehood, Islam should remain deprived of the zeal and enthusiasm of Millions of its followers, even though Islam is the religion whose Prophet proclaimed that the leader of the martyrs after Hamzah would be he who would stand up before an unjust ruler, would proclaim the word of truth, and be killed for proclaiming it.

It is not right that there should persist this neglect in rectifying the mental attitude of the nation, and that the energies of people, should be allowed to be wasted, with the result that active minorities in many Muslim lands have been able to enter themselves in power to maneuver Islam and Muslims despite the fact that the broad mass of Muslim peoples are believers, but scattered and confounded, not knowing what to do or perhaps they are aware of what should be done, but are not aware that God will hold them responsible for the omissions and inaction.

All this is not intended to arouse emotions. It is not an empty sentimental talk. The truth of what we say can be verified if one simply takes a stock of the Muslim countries.

*(From Dr. Said Ramadans book "Three major problems confronting the Muslim world")*