



Shari'ah: A
Muslim's
Declaration of
Independence

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Preface

A number of years ago (beginning in the mid-to late 1990s), some individuals in a group to which I once belonged used my name without permission in conjunction with a campaign for instituting Muslim personal law in Ontario, Canada. Previously, during the constitutional debates that had been taking place in Canada in the late 1980s, I had written a couple hundred page report that was entitled: *Oh Canada! Whose Land, Whose Dream?*

One to two pages of the foregoing report outlined a couple of possibilities concerning certain aspects of a Muslim family law system that might be integrated within the fabric of Canadian constitutional law. However, I had spent even more time in that same report critically examining various constitutional possibilities in conjunction with the needs, interests and cultural differences associated with both Native peoples as well as the people of Quebec and how all of this might be harmoniously incorporated into a new, flexible and nuanced constitution for Canada that was being proposed in the report: "*Oh, Canada! Whose Land, Whose Dream?*".

Following the release of the foregoing report, I and another individual were approached by the editor of *Journal: Institute of Muslim Minority Affairs* (Syed Z. Abedin, father of Huma Abedin who

subsequently became a close aide for Hillary Clinton) to write an article for the aforementioned publication. A number of months later, the requested article had been completed and was tentatively titled: "The Reconstruction of the Constitution and the Case for Muslim Personal Law in Canada."

I wrote the portion of the article that had to do with the issue of reconstructing the Canadian constitution. My co-author wrote the material concerning the case for Muslim personal law in Canada.

Subsequently, Dr. Abedin took it upon himself to significantly alter various aspects of what I had written and proceeded to publish the article without consulting me about those changes. When I next met him, he was visiting some friends of mine in Ottawa, Canada who were related to him.

After some preliminary verbal jousting, an argument ensued. I expressed to him in no uncertain terms that I felt that what he had done was unacceptable.

He had altered my portion of the article in significant ways. I took exception with what he had done and wanted the article to be retracted ... which he refused to do.

Several years after the foregoing incident took place, I parted company with the person who had co-authored the foregoing article that was published in *Journal: Institute of Muslim Minority*

Affairs. However, my former co-author later started up a campaign in Ontario to implement Muslim personal law and, at a certain point, began using – without my permission -- both the report that I had written as well as the journal article -- which contained my name -- that we had co-authored.

If one does a Google search, one doesn't have to dig very far before one comes across material on the Internet that is associated with the above mentioned campaign. Unfortunately, my name figures fairly prominently in a lot of that material despite the fact I had nothing to do with that campaign for Muslim personal law (I had moved back to the United States by that time) and when I found out about it (my wife came across some articles concerning the issue), I did not support what was taking place.

The present book gives expression to my views on Shari'ah. Those views are very different than what had been proposed in the aforementioned campaign for Muslim personal law that was pursued in Ontario, Canada for a number of years.

For those who are interested, the report I mentioned earlier – namely, *Oh, Canada: Whose Lands, Whose Dreams?* – was published in 2010 in the form of a book (together with more than a hundred pages of additional material) and has the title: *Constitutional Issues and the Idea of Leadership*.



Introduction

In order to pre-empt, to some extent, some of the concerns that might arise in conjunction with the main focus of this essay concerning Sacred Law and shari'ah, a few things need to be said in order to try to place things in an appropriate perspective before proceeding with the commentary proper. I am a Muslim, I love Islam, and I strive -- although God knows best with what degree of success -- to wholly submit myself to God because I accept as true that God: "created humankind and jinn only to worship" [Qur'an, 51:56] God.

I bear witness that God is one and that Muhammad is the Messenger of God. I make efforts to observe my prayers on a daily basis. I participate in the fast of Ramazan. I give zakat in accordance with my circumstances. I have, by the Grace of Allah, performed the rites of Hajj. In addition, I have faith that God is one and that Muhammad is the Messenger of God. I also have faith in the reality of angels, and I have faith in all the Books of revelation that have been sent to various messengers of Allah, and I have faith in the lineage of prophets who came prior to the appearance of the Seal of the Prophets, Muhammad (peace be upon him). I also have faith that there is a Day of Judgment during which most of us will be held accountable for our deeds and misdeeds, and, as well, I have faith that God is the sole determiner of good and evil.

I believe in Sacred Law and shari'ah, but I do not approach these issues in a manner that is consonant with many traditional modes of engaging those matters. The fact that I do not share the belief of certain others concerning the nature of Sacred Law and shari'ah does not make me – or those with whom I have differences on this subject -- an unbeliever, but, rather, this merely means I have an alternative method for engaging the themes that are entailed by Sacred Law and shari'ah.

For approximately 45-plus years, by the Grace of God, I have sought to serve the Muslim community in my own way and according to whatever abilities and opportunities God has given me. What I am seeking to do in the present essay, God willing, is to continue to serve the Muslim community, although I am sure there will be those who will choose not to see things in this light.

I am not asking others to necessarily accept the perspective that is about to be put forth. Rather, I only ask people to reflect on what is being said and to strive for the truth of whatever issues might be raised through the following considerations.

Prior to writing the material for this book, I read through a number of treatises concerning the notion of Islamic law. Those works include: *Toward an Islamic Reformation* by Abdullahi Ahmed An-Na'im, *Islamic Legal Theories* by Wael B. Hallaq, *Understanding Islamic Law*, edited by Hisham M.

Ramadan, *Islamic Law* by Mawil Izzi Dien, as well as *Islam and the Living Law: The Ibn al-Arabi Approach*.

I engaged the foregoing books with close attention and critical reflection, and, as a result, the margins of the pages of those works are filled with notes, thoughts, questions, issues, and the like. However, rather than provide a point-counterpoint response to the aforementioned material, I decided to write from the heart and address a variety of issues in accordance with whatever insight God has enabled me to acquire in relation to Islam over the last 45 years.

I freely admit that I am not an Islamic scholar, imam, shaykh, or qadi. Yet, I have undertaken a task that every Muslim needs to pursue at some point in her, his, or their lives – namely, to try to come to an understanding concerning the nature of spiritual guidance.

The purpose of the following discussion is not to persuade the reader to accept what I am saying as true. Instead, the point of the exercise is to induce readers to think about the issues that are being explored throughout the following pages of this section.



A Brief Overview

I will begin by providing a set of brief overview statements concerning the themes that are to be explored in this essay. These are summary statements of the perspective that will be delineated, God willing, during the course of the essay that follows, but the order of appearance of these statements does not necessarily reflect the sequence in which issues will be engaged through the main body of the essay.

(1) The ways in which Sacred Law and shari'ah are understood by many Muslims, in general, as well as by a variety of Muslim religious scholars, in particular, are often problematic, if not incorrect, in a number of respects;

(2) Sacred Law gives expression to the principles, realities, and truths [physical, spiritual, psychological, etc.] through which the Created Universe operates;

(3) Shari'ah refers to the individual's realization of that portion of Sacred Law that enables an individual to grasp truths, as God wishes, concerning one's essential identity and spiritual capacity that, God willing, lead to the fulfillment of an array of rights concerning all manner of being – including those rights that are inherent in the individual himself or herself ... and this is what is meant by the idea of being God's vicegerent or Khalifa on Earth;

(4) To the degree that shari'ah is correctly understood and applied, it becomes a manifestation of Sacred Law;

(5) The journey toward shari'ah is an individual pursuit, not a collective one – although the degree to which shari'ah is properly realized might have ramifications for the social collective, and, as well, the manner in which the social collective is organized could carry implications for the way that shari'ah is understood and/or pursued;

(6) While the Qur'an and the Sunna of the Prophet Muhammad (peace be upon him) constitute the two most essential primary resources through which to engage and understand the nature of Islam, many of the customary ways of describing just what is entailed by this process seem to problematic, if not incorrect;

(7) Qiyas [analogical and rationalistic reasoning processes] tends to have a distorting and therefore, misleading way of construing the teachings of the Qur'an;

(8) The issue of ijma – consensus – is generally misunderstood and misapplied with respect to the issue of shari'ah;

(9) Using naskh or abrogation is untenable when done in accordance with the manner in which many Muslim religious scholars understand this concept to be a methodology for engaging the meaning of the Qur'an;

(10) The idea of ijihad – that is, striving to secure a spiritual determination or judgment in a given set of circumstances – might also be improperly understood as well as improperly used by many Muslim religious scholars;

(11) The five major madhabs or schools of jurisprudence do not exhaust the ways through which one might legitimately engage Islam, and, moreover, none of these schools – or any other such school – can be used to compel people to behave in particular ways when it comes to matters of shari'ah; moreover, no one is under any obligation to align herself or himself with any given school of jurisprudence, or, stated in another way, the various schools of Muslim jurisprudence do not necessarily have the requisite spiritual authority to impose judgments on others that are binding.

(12) One of the primary purposes underlying governance is not to enforce shari'ah but, rather, one of the essential purposes of governance is to ensure that a community – or, more specifically, the public space or commons of that community -- is free from oppression of any kind [including religious] so that people will have an unhindered opportunity to engage the gift of choice that God has bequeathed to them ... providing such an exercise of free will does not interfere with a like gift that also has been bequeathed to others;

(13) Two of the other primary tasks of government are to establish principles of equitability and justice to help prevent the injury,

exploitation, and abuse of the members of a community by forces from within or from without that community, and this includes a responsibility to ensure that spiritual abuse will not be permitted to be perpetrated through the political imposition of religious theories of jurisprudence;

(14) The specific guidance given expression in the Qur'an concerning issues like punishment, fighting, and even matters like inheritance, are subsumable under, and capable of being modulated by, other principles of general guidance given in the Qur'an, and, in addition, such specific injunctions might not have been intended as a form of universal guidance – that is, for all peoples, all times, and all circumstances – but, instead might have been intended to guide a specific group of people during, and shortly after, the period during which the Prophet lived;

(15) None of the foregoing fourteen statements undermines, removes, or alters the basic duties of care one has to oneself, others, creation, or God that are being taught through the Qur'an and for which shari'ah is intended as a spiritual journey of striving to understand and apply the truth of those issues during the course of one's life.

A Few Thoughts Concerning the Idea of Schools
of Jurisprudence

Although there have been more than five madhabs, or schools of jurisprudence that have arisen over the last 1300 years, or so, five schools are generally recognized today as constituting the major, mainstream approaches to issues of so-called Islamic law. These are the Hanīfa, Māliki, Shāfi'i, Hanbali, and Jafari madhabs.

The four surviving schools of Sunni jurisprudence were established during the early Abbāsīd era [the Abbāsīds had challenged the Umayyad rule on the basis that the latter was not Islamic enough in its form of governance]. The Umayyads came to power after the rule of the four righteous caliphs came to an end with the assassination of Hazrat 'Ali [may Allah be pleased with him] around 40 A.H. [660 A.D.]

There is an essential, potential difference between the idea of Sacred Law in Islam and schools of jurisprudence that purport to give expression to the former. Oddly enough, this realm of difference revolves around the fact that Sacred Law does not necessarily have anything to do with theories of jurisprudence.

Generally speaking, jurisprudence is defined as a collection of rules that is imposed on a community or nation by someone who, legitimately or illegitimately, claims to have authority to impose those laws upon others. The collection of rules being alluded to here concerns the manner in

which the public space or commons of a community or nation is to be regulated with respect to what people will and will not be permitted to do with, or in, that public space, as well as in relation to what rights and principles of justice the people of a given community are to be entitled, along with a specification of whatever duties and obligations are believed to accrue to different individuals under various circumstances.

Sacred Law (in the sense of that to which Divine revelation [such as the Qur'an] gives expression and in the sense of the operating principles through which Creation is manifested) is a function of the reality or truth of being and Being. To say that a given aspect of life is a facet of Sacred Law is to make a claim concerning the order, nature, and purpose of that aspect of life in terms of the manner to which it allegedly gives expression to truth and the reality of things as ordained by God. Sacred Law is a function of the manner in which God has arranged Creation, including whatever degrees of freedom are inherent in the structural properties and principles of Creation, as well as in terms of the purposes for which Creation has been so arranged by Divinity.

As such, Sacred Law is not necessarily a legal system per se. For example, the physical principles that govern the manner in which the physical/material dimensions of Creation operate are not legal rules in the sense of statutory provisions that have been established for purposes

of judging the conduct of the physical world and whether, or not, that conduct conforms to, or deviates from, the established statutory provisions in question.

Physical principles give expression to the reality or truth of their nature by manifesting God's truth concerning their modes of being. By acting in accordance with their essential nature – that is, the properties and qualities that constitute the reality of that which God has ordained them to be -- physical principles are manifestations of Sacred Law. Sacred Law is simply the way things operate in relation to that facet of created existence or being.

The law of gravity does not refer to a legal set of rules. When one fails to exercise due diligence in relation to such a law, one has not violated a legal rule, but, rather, one has failed to take into consideration the way reality operates within certain circumstances, and, as a result, one must suffer whatever consequences ensue from that sort of failure.

The reality of gravity is an expression of Sacred Law. Every aspect of Creation is a manifestation of Sacred Law.

Sacred Law also governs human beings. Such Sacred Law concerns the potentials, capacities, faculties, qualities, and possibilities that are inherent in the human form – a form that ranges from: physical, mental, and emotional properties, to: spiritual qualities.

Once again, as was the case with gravity, Sacred Law is not necessarily a matter of determining what statutory injunctions apply to human potential and behavior. Moreover, as was the case with gravity, Sacred Law becomes a matter of trying to understand the reality or truth with respect to the manner in which some given dimension of existence operates – in this case, human beings.

To whatever extent a given school of jurisprudence does not reflect the totality of the Sacred Law concerning the nature of how a given aspect of existence gives expression to the Sacred Law, then, to that extent such an approach to jurisprudence tends to introduce errors and problems into a person's understanding of Sacred Law. Therefore, one issue that arises when attempting to ascertain the relationship, if any, between a given school of jurisprudence and the Sacred Law becomes a matter of seeking to establish or adjudge the degree of accuracy contained in a given perspective of jurisprudence with respect to the capacity of the latter to be able to reflect the truth of the reality of some dimension or dimensions of Sacred Law in relation to human beings.

Schools of jurisprudence give expression to a set of methodologies that proponents contend will permit an individual to ascertain the nature of Sacred Law in any given set of circumstances involving human beings. Schools of jurisprudence

use the aforementioned methodologies to construct hypotheses that are said to be able to capture the governing principles of Sacred Law that an advocate of the school believes are at work in a given set of circumstances and, thereby, permit an individual to come to understand how to engage those circumstances in a manner that is consonant with Sacred Law.

In order to be able to generate a context for beginning to explore the relationship, if any, between the idea of a school of jurisprudence and the Sacred Law of God, it might be of value to briefly take a look at some of the ideas entailed by some of the different madhabs or schools of jurisprudence. This discussion is not intended to be exhaustive but, rather, is merely intended to provide some food for thought before proceeding on in other ways.



Abu Hanifa al-Nu'man ibn Thabit

Abu Hanifa al-Nu'man ibn Thabit [80 AH/699 A.D. – 150 AH/767 A.D.] is credited by some as being among the first to put forth some of the working methods for engaging Sacred Law in order to try to understand the nature of one's relationship to Sacred Law [a process that is now referred to – and, in fact, has been referred to in the following manner for some time -- as a madhab or school of jurisprudence]. Interestingly enough, there are a number of incidents that transpired during the lifetime of Abu Hanifa that give rise to some important questions concerning how one might approach the issue of understanding and applying that understanding to matters governed by Sacred Law.

More specifically, at one point in his life, Abu Hanifa had decided to turn down an offer to serve as chief judge – an offer that had been extended to him by Marwan ibn Muhammad, an Umawi caliph. As a result of this rejection, Abu Hanifa received a public punishment consisting of 110 lashes.

The reason that Abu Hanifa gave with respect to his refusal to serve as chief judge is relatively simple and straightforward. He did not want to be in a position where he would be required to pass legal judgment on other individuals.

When the 'Abbasis overthrew the opposing Umawi caliphate in 132 AH, a new caliph – Abu Jafar al-Mansur [died in AH 158] – came to power.

The new caliph wanted Abū Hanīfa to be in charge of judicial proceedings in Baghdad.

Once again, Abū Hanīfa declined an invitation that was being extended to him that would have required him to assume responsibility with respect to making judgments concerning others in relation to legal issues. Once again, he was punished – this time with imprisonment – and he remained in prison until he passed away in 150 AH.

Abū Hanīfa believed in the importance of seeking to arrive at determinations concerning what the nature of Sacred Law might have been in a given set of circumstances. However, he apparently did not believe in the appropriateness of using such determinations to pass legal judgments on others.

Consequently, very early on in Muslim history we encounter a situation in which someone who is cited as being, in a sense, the founder of a school of jurisprudence did not believe that determinations involving the Sacred Law were necessarily a matter of jurisprudence. Instead, the individuals who were seeking to use Sacred Law as a system of jurisprudence were certain leaders who were attempting to impose a particular kind of authority and control over other human beings and using the Sacred Law as justification for what they were attempting to do in those respects.

One of the methods that Abū Hanīfa emphasized in his approach to engaging issues of Sacred Law involved shura or consultation with others. Oftentimes, he would present a problem,

case, or question concerning Sacred Law and, then, encourage his students to discuss the matter with one another while they analyzed and reflected on the challenge before them. Over a period of time – and this might last for a number of weeks – the group finally would reach a decision concerning the issue in question, and this would be a reflection of all that had gone into the process of consultation.

However, Abū Hanīfa once counseled his students by saying: “Anyone who utters a fatwa based on my sayings is only permitted to do so if that individual knows what I used as proof [dalīl].” The fatwa being referred to here was not a legal obligation incumbent on all who heard it, but, rather it was a pronouncement about a spiritual determination that had been reached concerning what Abū Hanīfa believed was the nature of Sacred Law in a given set of circumstances.

For Abū Hanīfa, truly knowing the roots of the proof of something is not at all the same thing as being able to read an account concerning that same something. Proof is in the experiential heart-knowledge and understanding of the hukm -- or the authoritative and governing spiritual principle(s) -- of whatever aspect of Sacred Law that was being explored.

Unless someone understood a given matter in the same way as Abū Hanīfa did, then that individual would not understand the nature of the proof upon which Abū Hanīfa rested his determination. If one lacked that kind of an

understanding, then Abu Hanifa did not want an individual to blindly make a fatwa or pronouncement concerning something that the individual did not properly understand and, then, merely use the name of Abu Hanifa as justification for what was being said.

To the extent that a true 'proof' existed concerning the matter at hand, the authority was not Abu Hanifa. Rather, the authority was in the extent to which a given 'proof' reflected a truth concerning the nature of Sacred Law in a given set of circumstances.

The fact that Abu Hanifa offered a proof in a given case does not necessarily mean that the issue for which a proof was being provided was correctly or fully understood by him, any more than it necessarily follows that because a 'proof' is offered by any given individual, then, therefore, such a 'proof' must be correct. Be this as it may, at this point I am far less concerned with whether Abu Hanifa was right or wrong with respect to the 'proofs' offered in this or that instance than I am concerned with some of the methodological, considerations that appear to have shaped certain features of his perspective.

The features that seem to stand out for me in this respect are two in number. The first methodological principle involves the manner in which Abu Hanifa seemed to be disinclined to use the process of seeking spiritual determinations concerning Sacred Law as a basis for passing

judgment on others in any sense that carried legal ramifications. A second methodological principle revolves around the importance of acquiring an understanding of, and insight into, the precise nature of a 'proof' that is being offered in conjunction with some given spiritual determination concerning the Sacred Law - blind adherence to that kind of a determination or citing someone's name as the authority for that sort of a determination is not enough.



Malik ibn Anas

Malik ibn Anas, a second name with which a major school of jurisprudence or madhab is associated, was believed to have been born somewhere between 90 AH and 97 AH. He died in 179 AH [796 AD].

Apparently, Malik ibn Anas did not leave any explanation concerning the specific methodology that he used for making a determination or judgment concerning the Sacred Law in any particular case. His students indicated that he used a variety of tools through which he sought to assess a given problem, issue, or question concerning what he believed to be the operative aspect of Sacred law in any particular case. These tools included: the Qur'an, the Sunna of the Prophet Muhammad (peace be upon him), the practices [or amal] of the people of Medina, a form of analogical reasoning, as well as considerations of public interest [that is, maṣlaḥa] and various kinds of custom.

Of course, all of the major madhabs considered the Qur'an, along with the Sunna of the Prophet, to constitute two essential sources to be utilized in seeking determinations concerning the way Sacred Law might be related to a given set of circumstances. However, citing the foregoing two sources as having central importance to any process of spiritual deliberation is one thing and demonstrating that the manner in which one

understands and applies those sources is another matter altogether.

Malik was not only very much aware of the foregoing difference, but he also realized there could be more than one way of utilizing the Qur'an and the Sunna to arrive at a spiritual determination in any given instance. For this reason, Malik sought to indicate to the 'Abbasid Caliphs that his approach to attempting to understand the nature of the Sacred Law in any particular case should not be the only methodology considered when trying to solve a problem or resolving a conflict.

Once again – as was also the case in relation to the previous discussion involving Abu Hanifa -- I am not as much interested in the specific determinations that Malik might have reached in any particular case as I am interested in a certain dimension of his general approach to the process of trying to understand the nature of the Sacred Law. To this end, one of the most important themes that I see being given expression through his approach to these matters is his willingness to acknowledge that there could be more than one way to pursue Sacred Law, and, as such, there should be no one "official" position concerning how to go about trying to understand the nature of Sacred Law.

Malik was not attempting to establish a systematic and definitive legal code with respect to the nature of Sacred Law. Rather, he was trying to provide food for thought that might be reflected

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upon by others in relation to various problems, questions, and issues.



Ahmad ibn Hanbal

Ahmad ibn Hanbal, a third name with which a major school of jurisprudence is associated, lived from 164 AH to 241 AH -- that is, 780 A.D. to 855 A.D. Like Malik before him, ibn Hanbal also sought to dissuade others from attempting to systematize the latter's modes of thinking about various matters concerning the nature of Sacred Law.

He was opposed to the idea of codifying shari'ah. In fact, ibn Hanbal's teachings often can be understood as a reaction against the tendencies to codify matters of shari'ah that had been emerging not only during his lifetime but in earlier times, as well.

For instance, Ibn Hanbal was strenuously opposed to the practice of taqlid - that is, blind obedience - which was beginning to become commonplace during his lifetime. Consequently, as one means of countering this tendency toward blind obedience, he instructed his students that none of his deliberations and determinations concerning any particular case should be written down.

For ibn Hanbal, the Qur'an and the Sunna were the preeminent authorities in all efforts of spiritual deliberations. In fact, he was inclined to give preference to a weak hadith rather than use some form of analogical reasoning in order to reach a spiritual determination concerning the Sacred Law in a given set of circumstances.

On the other hand, sometimes ibn *Hanbal* would encounter issues in which neither the Qur'an nor the Sunna seemed to provide a solution in conjunction with a problem or question that was being considered. On those occasions, ibn *Hanbal* might use analogical reasoning as a tool of last resort.

The Issue of Ijma

Ibn Hanbal also was often very deferential to the various pronouncements of the results of a given spiritual deliberation concerning the nature of the Sacred Law that were given by some of the Companions of the Prophet – often referred to as a fatwa. However, he attached an important caveat to using those pronouncements as aides to arriving at a spiritual determination in a given issue or problem, and this proviso stipulated that the Companions had to have been unanimous in their agreement with such a pronouncement in order for it be accepted as a possible resource to use in seeking spiritual determinations concerning the nature of Sacred Law.

This foregoing idea of ijma, or consensus, is more complicated than it appears. First and foremost, one faces the question of: Who is going to be counted as a Companion of the Prophet?

For example, is mere acquaintanceship sufficient to qualify someone as a Companion? There were likely to have been many individuals – especially during the later Medina period -- who might have seen and heard the Prophet but who did not thereby necessarily satisfy the conditions – whatever these might be -- of what it means to be a Companion of the Prophet.

Furthermore, and irrespective of how one decides to identify who is a Companion of the Prophet, one also must deal with the

methodological problem of determining whether, or not, all Companions were actually in agreement with some given fatwa issued by one of the other Companions.

If someone does not speak in relation to some given spiritual determination, does such silence necessarily imply consent? Maybe someone who might disagree with that kind of a pronouncement remained silent for personal reasons or out of a wish not to generate dissension or further problems.

Moreover, can one be sure that all Companions knew about such a pronouncement or that they had been asked to give their opinion in relation to that pronouncement? Can one be sure that all of the Companions continued to be in agreement concerning that kind of a pronouncement throughout their lives?

Aside from the foregoing considerations involving the issue of consensus, there is another aspect of ibn Hanbal's approach to seeking to understand the nature of Sacred Law. For him, the issue of ijma or consensus only had relevance and importance in relation to those individuals who lived in the time of the Prophet. Consequently, a consensus of opinion among religious scholars who lived at some point after the time of the Prophet did not necessarily carry much weight as far as ibn Hanbal was concerned.

One of the major reasons why questions like the foregoing are important to raise is because they

should induce one to pause and reflect on just what relevance the idea of ijma or consensus has with respect to the issue of determining how one might approach Sacred Law and shari'ah. For example, if there were consensus concerning some matter of Sacred Law, then, possibly, such a state of affairs might carry considerable spiritual authority in shaping how one proceeds with respect to engaging the nature of Sacred Law.

Many people refer to a hadith that is attributed to the Prophet in which he is reported to have said that: "My community will never agree in error." Consequently, if some facet of shari'ah is unanimously agreed upon, then, one might conclude, on the basis of what has been attributed to the Prophet, that whatever has been agreed upon must be free of error and, therefore, true.

Unfortunately, there are those who define ijma, or consensus, in terms of the religious or theological teachings of certain groups, religious scholars, mullahs, and so on who came after the lifetimes of the Companions of the Prophet. In other words, according to this kind of an understanding, if some post-Companion group decides unanimously that such and such is an important facet of, say, shari'ah, then, those who advocate such a perspective claim that this sort of consensus has a binding authority upon other members of the Muslim community.

Furthermore, individuals who think in this manner often cite the aforementioned hadith that

has been attributed to the Prophet – namely, ‘my community will never agree in error.’ The primary problem with this approach to things is that assumptions are being made concerning what the Prophet meant when he is reported to have said the foregoing statement.

Was the statement of the Prophet concerning his community only intended to refer to decisions made by his Companions? If so, the fact of the matter is that available historical records indicate there were very, very few instances in which the Companions were all asked a question concerning some facet of the shari'ah and with respect to which they all answered in, more or less, the same way, and, as well, none of the Companions responded by silence with respect to those kinds of questions or changed their position concerning such a question.

Did the statement of the Prophet about his community never agreeing in error refer only to certain religious groups or scholars or legal experts who would arise in subsequent times? If so, what is the basis for that claim, and why would the Companions be excluded from consideration in such matters? Moreover, if the Companions are not to be excluded, then, surely, one is brought back to the default position in which, relatively speaking, there were very few issues that could be shown to have enjoyed unanimous agreement on the part of the Companions, let alone on the part of the

Companions as well as whatever subsequent group one wished to cite.

If a group of religious scholars, theologians, or jurists reaches a consensus – that is, a unanimous agreement – on some issue concerning the nature of the Sacred Law, this, in and of itself, says nothing at all about the correctness of what is being agreed upon by that group. The value of that sort of consensus becomes even more suspect if there are other groups of religious scholars, theologians, or jurists who do not share such a perspective on the matter in question.

On the other hand, there could be those who might want to argue that ijma, or consensus, doesn't necessarily mean unanimity of agreement. For those individuals who wish to argue in this fashion, they are going to have to come up with an authoritative argument from the Qur'an that indicates such is the case, and these sorts of individual are also going to have to plausibly justify and explain just what the Prophet meant when he said that his community would never agree in error if ijma does not mean unanimity of agreement on any given point being addressed.

Certainly, there is nothing wrong with considering various positions on a given issue and trying to determine which, if any, of the positions being engaged might be giving expression to the truth. However, the fact that some group has reached consensus on something carries no prima facie binding authority over one unless what is

being said can be shown or proven to be stating the truth of a matter, and this means that it is not consensus, per se, which is the source of such binding authority, but rather, it is the truth that carries binding authority upon one – although even here, one has a choice to accept or reject such truth.

Finally, although one can certainly take into account the conduct of the Companions as a possible guide in relation to how one might proceed with respect to understanding and engaging the issue of Sacred Law, there is nothing in any of the foregoing considerations that requires one to follow their example. More specifically, the Companions of the Prophet pursued their particular modes of seeking the truth concerning the nature of Sacred Law according to their individual experiences, historical circumstances, life histories, cultural influences, capacities, needs, and so on. The understandings that arise out of all of this might, or might not, be relevant to the task of struggling toward finding a viable mode of understanding the nature of Sacred Law for life in today's historical circumstances according to the varying needs of different peoples in different historical and cultural circumstances with varying spiritual capacities – there are many, many factors to consider when engaging such matters.

Consider the following verse:

“And whoever acts hostilely to the Apostle after that guidance has become manifest to him and follows other than the way of the believers, We will

turn him to that to which he has [himself] turned.”
[Qur'an, 4:115]

The foregoing ayat is given by some as support for the idea of ijma -- that is, there is an equivalence being established between the idea of ijma and the Quranic phrase: “the way of the believers”. However, the way that is being alluded to refers to Divine guidance concerning the path to truth, and this becomes ‘the way of believers’ only when those believers follow the indicated path.

As such, this is not a matter of God giving authority for believers to define what that way is and, then, permitting them to proceed to impose that path, so defined, on others. Secondly, the ayat makes clear that the warning being given only becomes operative after proper understanding has come to someone [that is, become manifest] concerning the truth of the guidance, and, then, such an individual proceeds to not only pursue some other path but to do so in a manner that is hostile to the Prophet. Only at such a juncture will God close the path to truth and allow the individual to stray in error along the path that he or she has chosen.

Although there are various exceptions to what is about to be said, for the most part, ijma or consensus is irrelevant to matters of shari'ah because the latter is an individual pursuit not a collective activity. To be sure, the pursuit of shari'ah carries ramifications for the collective, because through that journey or struggle, the

individual, God willing, might acquire qualities of character, understanding, knowledge, wisdom, faith, and adab that can be shared with others and that, God willing, have a constructive, beneficial impact upon society. However, the actual spiritual journey does not require the consensus of others in order for one to be able to proceed even though a consensus, if and when it does occur, can help inform the spiritual journey of the individual, and, moreover, the individual would be well advised to carefully consider what has been established through such consensus.

Notwithstanding the foregoing considerations and given that in the time of the Prophet, or shortly thereafter, there were very, very few issues on which consensus had been reached, it is unlikely that consensus will ever be meaningfully established in any way that extends beyond the consensus reached by people during the times of the Prophet. To be sure, there is consensus about the importance of the five pillars, but there are both agreements on, as well as differences concerning, how, specifically, to go about implementing these pillars and the nature of any degrees of freedom one might have in relation to such implementation.]. There is consensus about the importance of the Qur'an, even if, once again, there is no consensus with respect to what the Qur'an necessarily means – although there might be agreement on this or that ayat/verse. There is consensus about the importance of loving the Prophet Muhammad (peace be upon him) and

having love and respect for the other members of the Prophetic tradition, but there is no consensus on how one should give expression to this love. There is a general consensus on the importance of the basic principles of faith or iman, but there are differences of understanding with respect to how that faith is to be incorporated into one's life. There is consensus that everything one does should be done for the sake of Allah, but there are differences about how all of this might fit in with a person's understanding concerning the nature, purpose, and potential of life. There is consensus that one must strive and struggle with life ... that one must make efforts and that one has been given the capacity to choose between good and evil, but there are differences of opinion about what constitutes the good and what constitutes the evil or how to make the best use of the freedom one has been given.

Beyond the foregoing sorts of consensus, one is likely to find very little consensus in relation to matters either public or private. So, rather than canvassing 1.3 billion Muslims, or canvassing this or that group that seeks to arrogate to itself – rather arbitrarily -- the title of “consensus authorities” and allocate to themselves the sole right to establish, or not establish, spiritual consensus -- one might be better off to realize that shari'ah really is an individual journey during which one might consider this or that perspective of others but with respect to which one will, by and large, find no consensus, and, therefore, as indicated earlier, the notion of ijma is relatively

unhelpful when it comes to pursuing and struggling with shari'ah.

"No soul benefits except from its own works, and none bears the burden of another. Ultimately, you return to your Lord, then He informs you regarding all your disputes." [Qur'an, 6:164]

As was the case in relation to both Abu Hanifa and Malik, my primary interest with respect to ibn Hanbal has little to do with whatever spiritual determinations might have been reached by him in conjunction with some particular problem or issue involving the nature of Sacred Law. In fact, as was pointed out previously, ibn Hanbal gave specific instructions that his spiritual determinations and judgments concerning particular cases not be written down in order to deter people from blindly adhering to whatever conclusions might be generated by ibn Hanbal, and in this respect he is advocating a position that is very similar to the one voiced by Abu Hanifa, and noted earlier, concerning the importance of properly understanding an issue rather than seeking to blindly apply a determination or judgment with little or no understanding of what one is doing.

Like Abu Hanifa and Malik, ibn Hanbal was not interested in establishing a codification of the Sacred Law. Like Abu Hanifa and Malik, ibn Hanbal was not trying to make claims that his particular approach to understanding the nature of Sacred Law was the only way of making spiritual

determinations or judgments. Like Abu Hanifa and Malik, ibn Hanbal had his own unique way of approaching the challenges of life, and he engaged such sources as the Qur'an or the Sunna of the Prophet from his own perspective of appropriateness and correctness. Like Abu Hanifa and Malik, ibn Hanbal sought to do what he could to constrain the tendency of people to try to generalize a given spiritual determination arrived at in conjunction with a particular set of circumstances to cases that were beyond the specific situation being considered.



Muhammad ibn Idris al-Shafi'i

The birth of Muhammad ibn Idris al-Shafi'i is said to have occurred in 150 AH on the very same day that Abū Hanīfa passed away. al-Shafi'i died in 204 AH.

During his various travels and studies, al-Shafi'i spent time with Mālik in Medina. He also is said to have spent time and studied with an individual who had been a close student of Abū Hanīfa.

al-Shafi'i rooted his perspective in the Qur'an and especially the traditions of the Prophet Muhammad (peace be upon him). al-Shafi'i believed that what the Prophet said constituted a law that was incumbent upon the community. He felt that the Prophet's sayings did nothing more than to explain, complement, or particularize the teachings of the Qur'an.

However, in the Qur'an, God says: "And if all the trees in the earth were pens, and the sea, with seven more seas to help it, were ink, the words of Allah could not be exhausted." [31:27]. Therefore, since the Word of God is infinite in nature, that Word cannot be exhaustively explained nor exhaustively particularized – not even by the Prophet Muhammad (peace be upon him).

Saying the foregoing does not in any way diminish or denigrate the Prophet Muhammad (peace be upon him), but, rather, it is a way of trying to allude, however inadequately, to the

greatness and plenitude of the Divine mystery. In fact, this is a perspective that the Prophet would have been the very first to acknowledge as having priority over everything else.

In addition, this issue of the possible relationship of the sayings of the Prophet in relation to the meaning and significance of Quranic teachings points in the direction of a further matter of considerable importance. More specifically, in a tradition or hadith narrated by Abu Huraira (may Allah be pleased with him), the messenger of God was informed that some people were writing down his sayings. The Prophet took to the pulpit of the mosque and said, "What are these books that I heard you wrote? I am just a human being. Anyone who has any of these writings should bring it here." Abu Huraira said we collected all these writings and burned them.

Ibn Saeed Al-Khudry (may Allah be pleased with him) reported that Prophet Muhammad (peace be upon him) said:

"Do not write anything from me except Qur'an. Anyone who wrote anything other than the Quran shall erase it."

Abu Bakr Siddiq (may Allah be pleased with) had a collection of some 500 hadiths of the Prophet. However, upon hearing about the dire consequences that might befall anyone who

perpetrated untruths concerning what the Prophet said, this close Companion of the Prophet -- after he had spent an entire night struggling over the issue of whether, or not, to retain his set of traditions -- burned his collection of Prophetic sayings.

In another tradition, some thirty years after the Prophet had passed away, Zayd Ibn Thabit, another close companion of the Prophet, visited the Khalifa Mu'aawiyah and related a story about the Prophet that Mu'aawiyah liked. Mu'aawiyah ordered someone to write the story down. But Zayd said:

"The messenger of God ordered us never to write down anything of his hadith."

The Qur'an does say:

"He who obeys the Messenger obeys God, and whoever turns back, We have not sent you as a keeper over them." [4:80]

And again:

"Whatsoever the Messenger ordains, you should accept, and whatsoever he forbids, you should abstain from." [Qur'an, 59:7]

Thus, if the Prophet Muhammad (peace be upon him) gives a specific directive to someone, then, according to the foregoing two verses of the Qur'an, complying with what the Prophet indicates in such a matter is something that is sanctioned and encouraged by God. However, when one attempts to move from, on the one hand: instances in which the Prophet directed people to whom he was speaking or to people in his immediate physical community to do something, to, on the other hand: concluding that, therefore, those directives are intended for all people and all times and all circumstances, then, one is making a very sizable assumption ... an assumption that needs to be demonstrated as viable or that can be proven to be correct.

The clearest evidence that stands in opposition to the viability of making an assumption along the foregoing lines with respect to questions concerning the identity of those to whom the Prophet, on any given occasion, is giving specific directives or that stands in opposition to jumping to conclusions with respect to identifying those who are being addressed by the Prophet is given expression through the Prophet's act of prohibiting the writing down of his sayings. If the Prophet had wanted his specific directives to carry over to the circumstances, times, and conditions that would arise after he passed away, then, he would have indicated that what he said should be written down and passed on – yet, that kind of an indication is

just the opposite of what he actually instructed the people in his physical community to do.

Furthermore, however one wishes to understand such matters, nonetheless, as the remainder of Surah 4, Ayat 80 cited previously indicates, neither the Prophet nor the believers have been given the responsibility of assuming the role of keepers over those who turn back from following the Prophet. Even if one were to accept the idea that what the Prophet said more than 1400 years ago still applies to Muslims living in today's world, the Qur'an is also giving an indication that God has not authorized anyone to be a keeper over people with respect to those issues.

When the imperative mood is used in grammar, many people wish to interpret this to mean that whatever is being said in this manner constitutes an obligation, command, ordinance, duty, order, or law. Generally speaking, however, the imperative mood is meant to give expression to an intention that is designed to influence a listener's behavior or understanding.

To say that something is a command, ordinance, duty, order, or law certainly all constitute ways intended to influence another person's behavior or understanding. Nevertheless, to urge someone to do something, without commanding or ordering that person to perform such an action, or to try to persuade someone, or to indicate to someone, or impress on someone concerning the importance of some given

activity – all of this still gives expression to the imperative mood because one's intention is to influence the behavior of the individual being addressed, but doing things in this way is not necessarily in the form of a command, order, ordinance, or law.

If there is a cliff toward which someone is unknowingly running, and I seek to influence the behavior of that individual to stop running in the problematic direction, I am not necessarily ordering or commanding or ordaining that the individual should stop running. Furthermore, I am not necessarily saying there is a law stipulating that one must stop running when approaching a cliff, nor am I necessarily saying that the person has a duty to stop running.

What I am trying to do is somehow impress on the individual that difficulties might lay in store for that person if she or he continues to run in the same direction and, thereby, fails to give proper cognizance to the warnings being given. What I am trying to do is impress upon the individual in question that there is a potential benefit associated with listening to what is being said.

God has said:

“There is no compulsion in Deen.” [Qur'an, 2:256]

To place someone else under an obligation, duty, ordinance, or legal injunction, are all forms of compulsion.

On the other hand, if one chooses to heed the counsel, advice, or warning that is given, then, one is acting in accordance with the information that has been communicated, but one is not necessarily acting in this manner in order to fulfill a perceived duty or obligation or because what is being communicated is a legal injunction of some kind that is incumbent on one to obey. One has chosen to comply with some warning, advice, counsel, or guidance because one has been persuaded – for whatever reason -- by what has been said to the point where one is willing to permit one's behavior to be influenced in a certain way.

When one sees the truth of something, one is not obligated to act in accordance with that truth. At the same time, when one comes to understand the truth of something, one is not necessarily inclined to act contrary to the manner in which such a truth informs one's understanding and manner of engaging certain facets of life.

There is a difference between, on the one hand, stating that something is an ordinance that is incumbent on the individual who is listening to what is being stipulated and, on the other hand, stating that performing certain actions would be in a person's best interests. The former invites one to do little more than obey without necessarily having any understanding as to why she or he is doing

something, whereas the latter approach to things invites a person to explore the relationship between what one is being advised to do and the issue of trying to determine what might constitute one's best interests.

If one comes to understand the operative principle involved in what might happen to someone if he or she runs off a cliff, then, that understanding tends to shape one's way of engaging certain aspects of existence. However, once this sort of understanding takes root, one does not necessarily feel under some duty or obligation to keep such understanding in mind, nor does one necessarily consider such understanding an ordinance or command or legal injunction of some kind even as one does understand that acting in accordance with such an understanding might be in one's best interests.

Divine guidance is not necessarily about duties, ordinances, legal injunctions, commands, or obligations. True guidance is about assisting an individual to come to an understanding of the way things are and to help that person to learn how to act in accordance with such an understanding.

One is free to accept guidance or reject it. However, one rejects the guidance at one's own risk because the guidance is seeking to communicate to one something of essential importance about the nature of how things are with respect one's potential and the relationship of that potential with respect to the rest of existence.

Aside from the fact that the Qur'an indicates that there can be no compulsion in matters of Deen, the Qur'an also indicates that: "Tumult and oppression are worse than slaughter [2:191]." To seek to impose Sacred Law onto people is to oppress them even if one's intention is a matter of seeking to do that which one believes will be of assistance to them. Sacred Law is something that must be realized, not something that can be imposed.

Whatever one does in the way of assistance with respect to other individuals, this cannot involve oppression. One can talk with people. One can debate in good ways with them. One can seek to persuade others provided that one does not exceed due limits. One can engage in research and discussion in the hopes that people might see the value of what one is saying ... but one cannot oppress them.

Moreover, God has not given authority to anyone to oppress other human beings. Rather, the guidance is precisely the opposite - to struggle against oppression and to help terminate the latter.

Or, if one engages the issue of the Sacred Law from the perspective of justice and equitability, then, one is not doing justice to others if one takes away their freedom to choose between good and evil. Life is meant to be a struggle, and it is a struggle in which not everyone might succeed so far as spiritual issues are concerned.

One of the rights that others have over us is their right to be free from being oppressed by us. When shari'ah – which is, in actuality, the spiritual journey toward seeking to understand the nature of Sacred Law -- is imposed on others, then one is violating that right, just as much as someone who rejects shari'ah is violating the rights of others when the former seeks to impose his or her way of doing things on those who wish to pursue shari'ah.

People have the right and they should have the freedom to choose between good and evil. People do not have the right and they should not have the freedom to impose such choices on others.

The basic right to choose between good and evil is integral to the path of shari'ah. The issue of providing the sort of environment in which people are free from any sort of oppression, exploitation, or abuse that would interfere with, or undermine, such a basic right is the province of governance – that is, the regulation of the public space or commons so that the freedom to pursue shari'ah is protected.

Whatever force is used – and one cannot transgress due limits here with respect to the use of force – such compulsory measures can only be used to ensure that no one is oppressed with respect to the right to choose as they please as long as their choices do not spill over into the lives of others and, thereby, introduce oppression into the community. Indeed, one of the primary tasks of any

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government is to protect the public space so that it is free from oppression of any kind. The task of government is not to ensure that people follow a particular understanding of Sacred Law or to compel them to pursue a particular spiritual journey [i.e., shari'ah] toward understanding the nature of Sacred Law.



Sunna and Hadith

The Prophet is reported to have said:

“I have bequeathed to you two things; if you hold fast to them, you will never go astray. They are the Qur'an and my Sunna.”

There is a general confusion in many parts of the Muslim community concerning the issues of Sunna and hadith. Unfortunately, this confusion also seems to perplex all too many religious scholars.

Hadiths have to do with the sayings of the Prophet. Sunna have to do with the conduct of the Prophet.

The Qur'an encourages believers to follow the example of the Prophet not necessarily his hadiths. The Qur'an states:

“Say: If you love Allah, then, follow me, Allah will love you and forgive you your faults, and Allah is Forgiving and Merciful.” [Qur'an, 3:31]

The Qur'an also says:

“You indeed have in the Messenger of Allah a beautiful pattern of conduct [us'wat hasanah] for anyone whose hope is Allah and the hereafter and

who engages much in the praise of Allah." [Qur'an, 33:21]

Other than those instances in which the Prophet Muhammad (peace be upon him) gives someone a direct instruction or directive [for example, through a dream or some other form of spiritual unveiling] that the individual in question knows is specifically intended for him or her, then, the Divine guidance to follow the Prophet is a reference to the Prophet's general pattern of conduct through which his beautiful character is being manifested. In other words, one is being encouraged by God to follow the example of the Prophet with respect to: repentance, humility, compassion, friendship, tolerance, forgiveness, courage, patience, gratitude, balance, equitability, charitableness, nobility, integrity, honesty, sincerity, spiritual excellence, dependence on God, steadfastness, seeking for knowledge, adab, purifying oneself, and justice. Follow this multifaceted example of the Prophet - which, truly, is a beautiful pattern -- according to one's capacity to do so, then, God willing, Allah will love one and forgive one one's faults.

The Prophet Muhammad (peace be upon him) placed a ban on all written documentation of, or collections involving, his sayings. Naturally, that sort of a ban could not erase people's memories concerning what they had heard, or believed they had heard, in relation to what the Prophet might

have said on this or that occasion, and, consequently, those who had a memory of what had been said to them by the Prophet were reminded by the Qur'an – as noted earlier -- that those who obey the Prophet are obeying God and, therefore, such individuals should try to act in accordance with what was being said to them by the Prophet.

Notwithstanding the foregoing considerations, whatever else the Prophet might have meant with respect to his banning of making compilations of hadiths, the ban effectively placed constraints on people of a later time being able to try to use people's memories as a definitive and authoritative guide to what the Prophet said, did, and, most importantly, understood and intended with respect to any given set of circumstances. In other words, the Prophet's ban on compiling hadiths tended to create a degree, or more, of separation between, on the one hand, what the Prophet actually said, did, understood, or intended, and, on the other hand, what people remembered or understood concerning what the Prophet is reported to have said, did, understood, or intended.

The foregoing degree of separation introduces an important cautionary principle into this issue that would not have been present if the 'hard evidence' of documented words were to have been permitted by the Prophet to continue. People can say that I heard so and so say that he or she heard so and so say that such a person heard so and so

say that the Prophet is reported to have said "X" – but this is not at all the same thing as saying that the Prophet did, in fact, say and intend X in a given manner.

Consequently, one should be extremely careful about putting words and intentions into the mouth of the Prophet that could have ramifications for people's understanding of the nature of Sacred Law or that might lead to attempts by some people to seek to impose [forcibly or otherwise] such an understanding on others. Indeed, this sort of cautionary principle is likely to have been among the sorts of considerations that might have induced Abu Bakr Sidiq (may Allah be pleased with him) to destroy his own collection of hadiths out of fear concerning the possible consequences for misleading others with respect to what the Prophet might actually have meant, understood, or intended whenever he said something.

Some have argued that the reason why the Prophet placed a prohibition on the writing down of hadiths is because he wanted to ensure that there would be no confusion in the minds and hearts of people concerning the difference between, on the one hand, the Word of God and, on the other hand, the words of the Prophet. Oftentimes there is an implication in such an argument that while the people who lived during the time of the Prophet were, apparently, incapable of differentiating between the two categories of words – and, thus, the prohibition -- yet, somehow,

later generations were fully capable of making correct distinctions between the two, and, therefore, the ban might be lifted.

One has difficulty understanding the nature of the authority on which the foregoing sort of judgment rests - i.e., to lift the ban on compiling hadiths. One has even greater difficulty trying to understand why people believe that the foregoing sort of an arbitrary judgment should, in turn, be able to justify the kinds of uses to which various hadiths have been put such that in all too many places people are forced - under penalty of punishment - to live in accordance with this or that interpretation of those hadiths.

There are those who might wish to argue that a hadith merely constitutes one of the modes of conduct of the Prophet and, as such, should be considered as part of the Sunna or example of the Prophet that the Qur'an has counseled people to follow. I would maintain, however, that the ban which the Prophet placed on all attempts to collect and document his own sayings indicates that such a perspective is untenable - especially, since, as far as can be ascertained -- this is a ban that the Prophet did not subsequently revoke.

Furthermore, one encounters something of a puzzle here. On the one hand, one is encouraged to take note of all the other sayings of the Prophet. Yet, on the other hand, apparently, one does not need to take note of the saying of the Prophet that concerns the voicing of a ban with respect to any

compiling of such sayings in a written form. How is one to reconcile the two?

The Prophet is reported to have said:

“May Allah bless a person who listens to what I say, memorizes it, understands it, and applies it.”

In one sense, I have never listened to what the Prophet said during his lifetime on Earth because I was not physically present at the time during which he lived. In another sense, I have always striven to listen to the spirit of the Prophet – a spirit that has not passed away – as the Qur'an indicates:

“Think not of those who are slain in the way of Allah as dead. Nay, they are living.” [Qur'an, 6:97]

In this latter sense, I have striven to listen to the spirit of what the Prophet has said about not maintaining collections of hadiths. I have memorized what he is reported to have said in this regard, and I believe – although Allah knows best if this is so -- that I understand it to mean, at the very least, that one should not be using hadith as a means of trying to impose on others either the Sunna or hadith of the Prophet.

Without the presence of the Prophet, without explicit indications as to whom is being addressed by a saying of the Prophet, without knowing what

the intention of the Prophet was within a particular set of circumstances, and without knowing whether, or not, the Prophet would have provided a different counsel in relation to current circumstances that might share some similarities with the circumstances in which he was heard to say something, then, one really is not in a position to do anything but oppress people if one tries to impose one's interpretation of Prophetic traditions on others.

I do try to sincerely listen to the spirit of the one to whom various hadiths are attributed. According to what resonates with, and according to what might be verified by, my heart during this process of listening, I strive to develop a feeling or sense of empathy for a variety of issues through which to inform my own personal, individual spiritual understanding of, and approach to, life.

However, there is no expectation on my part that whatever facets of this process of sincere attending to the sayings of the Prophet that might inform my individual perspective should, therefore, also inform the perspective of other individuals. In this sense, my perusal of hadiths is intended to assist my individual struggles and striving toward understanding the nature of the Sacred Law as part of my own, personal, spiritual journey, and none of this is, or should be, intended to seek to compel others to go in any particular spiritual direction.

If it is a mistake for me to, say, even read the hadiths because of the ban that has been placed on

compiling them, or if I make mistakes in conjunction with the way in which I might come to understand those sayings of the Prophet, then, these are mistakes for which I personally might, or might not, be held accountable by God. However, the mistakes that I might, or might not, make with respect to hadithic literature will never, God willing, spill over into activities that induce me to try to compel others with respect to how, or whether, they should engage the sayings or the Sunna of the Prophet.

I believe the foregoing position is consonant with what the Qur'an teaches. I also believe that perspective is consonant with the spirit of what the Prophet was seeking to place constraints upon when he banned the compilation of hadiths – namely, that what he said should not be subsequently used as a way of trying to lend the authority of the Prophet to any attempt to compel people to act in one way rather than another with respect to matters involving the seeking of Sacred Law.

I believe the example of the Prophet gives expression to the sort of Sunna to which the Prophet wanted Muslims to adhere. The character of the Prophet is what is truly breath-taking – how he consistently interacted with people through courtesy, patience, honesty, integrity, compassion, love, friendship, humility, generosity, kindness, mercy, forgiveness, gratitude, equitability,

sincerity, self-sacrifice, and dependence on God in all things.

Surely, if a person held fast to the Qur'an and to the extraordinary example of the Prophet- his real Sunna - one would, God willing, never go astray. At best, one peruses the hadith literature in order to glean some understanding of the quality of character through which the Prophet engaged life and not in order to try to determine what he said on this or that occasion that was in response to specific circumstances existing then and not now.



The Issue of Qiyas

Previously, I briefly explored the idea of hadith and ijma as two of the major resources that usually are cited in many discussions concerning Sacred Law and shari'ah. Earlier, I also outlined some important problems revolving about those ideas. Such problems are especially important to keep in mind when people seek – as, unfortunately, all too many theologians and religious scholars seem inclined to want to do – to use either hadith and/or ijma as a basis for trying to impose on others some given approach to Sacred Law and shari'ah and claim that the religious determinations that emerge through one's use of such resources are obligatory or a duty or a Divine ordinance or compulsory and with which, therefore people must comply or to which they must submit.

Qiyas is another methodological source cited by some religious scholars as having authoritative weight when it comes to trying to determine the nature of Sacred Law and shari'ah. While not all of the four schools of jurisprudence noted earlier accept or use the methodology of qiyas to help reach their determinations concerning the nature of Sacred Law in any given situation, most of the aforementioned schools do, under certain circumstances, employ qiyas as a basic tool.

Qiyas is a word that, in literal terms, means measurement. In effect, when a qiyas is used in discussions concerning religious legalisms, the word is meant to give reference to a standard,

metric, or method of establishing a similarity, analogical relationship, or a logical connection between two situations, objects, or issues.

The idea of qiyas gives expression to a form of reasoning or logic that seeks to link two situations or sets of circumstances and focus on the similarities and/or logical relationships between the two. In other words, qiyas is a measuring device, of sorts, that has been constructed in accordance with a mode of logic or discursive thinking that is to be used as a means for comparing the results generated by such a measuring device, standard, or metric that is being used to assess or analyze the structural character of whatever situation, problem, issue, or question that is being considered and to which the qiyas mode of measurement or logic is being applied.

Inherent in the nature of this sort of logic is the idea that if one constructs that sort of a ruler, standard, or measure and lays that measure against one object [or case, issue, question] of interest and, thereby, obtains a measure or assessment of some kind, then, one might be able to take that same mode of measurement or assessment and lay it against other objects [cases, issues, or questions]. Furthermore, if such a mode of measurement generates, with respect to the new object or case, a similar kind of result in relation to the new object/case as was obtained during the first application of the standard, then, the principles inherent in the mode of measurement or logical

relationship are considered to be reflected by both objects or cases that are being compared, and, on the basis of such a measurement or application of a standard, one proceeds to argue that the two cases or objects are similar in a certain way or that the two cases/objects share a logical link that is tied to the mode of measurement or assessment – that is, qiyas -- being used.

Thus, suppose one is seeking to measure a cat with a measuring ruler, and, then, one places this same ruler against another object. Suppose further that there are similarities detected by one's mode of measurement in the new object that are reminiscent of what one found in the case of the cat. According to the logic of qiyas inherent in such a situation, one has grounds for arguing that the new 'object' is a cat – even if that new object is not a cat but, instead, turns out to be a rabbit, mouse, dog, or some other life form.

Obviously, one needs to understand what one is trying to measure, and one needs to understand whether the units of measurement of the ruler or metric being used are appropriate to that which one is seeking to measure. One also needs to know whether one's mode of measurement actually reveals anything of significance concerning the issue of similarity or logical relationship between two objects or cases – beyond, that is, the manner in which one's ruler or standard of measurement is constructed and has been used in both instances of measurement or analysis.

The logic of any measuring device is that such a device will find, or not find, only that for which it is looking. Furthermore, if a measuring device captures what it has the capacity to establish in the way of a measurement, this finding, in and of itself, does not necessarily say anything about the nature of that which is being analyzed through such a process of measurement except that one's method of measurement or assessment is capable of reflecting certain facets of the situation to which it is being applied.

If, for example, one understands that a measuring device can only tell one about the length, width, or height of a given object, then, one knows that when one finds two, or more, objects that exhibit common properties that can be measured by the metric or ruler being used, then, all one has found is a reflection of one's own method of measurement concerning length, width and height. One has not necessarily discovered anything about the actual nature of that to which such a measuring device has been applied other than that, within certain limits, one's measuring device can generate a quantitative description concerning, for example, the height, breadth, or width of that something.

To say that a cat is ten inches long or three inches wide or six inches tall says nothing about what it is to be a cat other than the fact that some cats come in a given size. If one wishes to know what cats actually are, one has to find a method for

assessing the structural character of 'cat-ness," and determining this requires a far more complex process than merely using a simple ruler that measures inches and feet.

Quantitative measurements constitute one kind of similarity or logical relationship among certain objects and situations. However, qualitative measurements constitute a very different way of trying to compare two situations, objects, or the like.

To say that two objects share similar physical properties as determined by the measuring or logical process that links the two objects or cases, is one thing. Such quantitative measurements and subsequent comparisons often tend to be fairly straightforward – although using a foot ruler to measure light years could become a little unruly.

However, trying to measure the qualitative properties of two objects or cases tends to be much more problematic. This is especially so when one is trying to say that two objects or cases are similar in some way and that such similarity is sufficient to justify treating the two objects or cases in similar ways or that such similarity is sufficient to justify drawing conclusions concerning how to treat the two objects or cases.

For example, even if one were to come up with a complex measuring metric with respect to cat-ness, nonetheless, determining the nature of a cat will not necessarily tell one very much about the nature of a bird or dog or human being.

Furthermore, even if one could construct a measuring device that would permit one to instantaneously calculate similarities and logical relationships among, say, mammals, birds, reptiles, marsupials, and bacteria, none of this might be very helpful in understanding what significance any of these species carried with respect to God's understanding of Creation.

There are a variety of assumptions inherent in the use of qiyas that tend to suggest that if one believes one knows how God wishes one to engage one situation, case, or object, then, as long as one can demonstrate that a relevant similarity exists between a new case and the already established case, then, whatever behavior, prohibitions, permissions and the like that apply to the former set of circumstances also are said to apply to the latter set of circumstances. Yet, the basis of the alleged similarity or logical relationship that has been put forth through the use of qiyas and that, allegedly, ties together two situations, cases, or objects in question is claimed by the proponents of this method to be a valid way of arguing or justifying what is being claimed.

One assumption permeating the foregoing mode of thinking is the contention that one knows how God wishes one to engage the original set of circumstances at issue. If one misunderstands the nature of the original exemplar, then whatever similarities, analogical relationships, or logical

features one points to as being held in common by the two cases will not have much value.

Another assumption inherent in the foregoing way of approaching things is that one is claiming one knows what constitutes a 'relevant' similarity or logical relationship when seeking to link two different sets of circumstances. Two objects, cases, or situations are likely to have many things in common, but such commonality does not necessarily justify treating the two objects or cases in the same way or interacting with the two objects or cases in the same way.

In short, the method of qiyas presumes to know what constitutes the most appropriate way of linking things in terms of logical relationship and similarity. Moreover, the use of this qiyas presumes to know which properties and qualities among various objects or cases are the ones that God wants human beings to focus on, or to be measured, or to be shown to be similar, or to be linked through some logical relationship.

Qiyas is a proposal or hypothesis. This proposal or hypothesis claims, in effect, that the manner of arguing through the use of such a method is something that gives expression to the truth of things in a given set of circumstances. Yet, there is nothing independent of such a claim that is necessarily capable of demonstrating the truth of what is being alleged through the use of the tool of qiyas.

Qiyas is nothing more than a rational argument claiming that a given similarity or logical relationship that is established through the use of such a tool is a possible way of thinking about a given issue, problem, or question. That argument might make sense in its own terms but having an internal consistency with respect to its own mode of logic doesn't necessarily mean that this form of reasoning has captured the truth of things or that it will lead to a correct understanding of the truth of things in terms of how God understands the situation. As such, the use of qiyas gives expression to a theory of things that stands in need of independent proof that the theory underlying such a use of qiyas reflects the truth of matters in relation to the Sacred Law or shari'ah.

Consequently, at the very least, an individual needs to exercise caution concerning the use of qiyas. This caution should be exercised not only when one is concerned with one's own spiritual journey, but, as well, such caution should be exercised even more rigorously when it comes to offering advice to others about how one believes they should lead their lives in relation to matters of the Sacred Law and shari'ah.

One needs to engage the Sacred Law in a way that provides one with the best opportunity of becoming open to God's communication and being able, God willing, to discover a condition that will permit one to be led back to the hukm – that is, the authoritative and governing principle with respect

to the reality of something -- inherent in some given aspect of a Divine communication as that hukm relates to the problems and questions with which one is grappling. However, if one relies on qiyas, then, one might be trusting in something involving human theoretical constructions rather than Divine disclosure.

To give some intimation of the dangers that might be inherent in using the method of qiyas, I will put forth an example that, although ridiculous in nature, nonetheless, fits into the logical form of a qiyas. More specifically, through the use of qiyas, I am going to demonstrate that I am a Prophet of God.

The Prophet Muhammad (peace be upon him) is a man, and I am a man. The Prophet lived to at least the age of 63, and I have lived to at least the age of 63. The Prophet had a beard, and I have a beard. The Prophet spent time in Mecca, Medina, and Ta'if, and I have spent time in Mecca, Medina, and Ta'if. The Prophet traveled across the desert between Mecca and Medina, and I have traveled across the desert between Mecca and Medina. The Prophet prayed, fasted, and went on Hajj, and I have prayed, fasted, and went on Hajj. The Prophet spent time in seclusion, and I have spent time in seclusion. The Prophet spoke to people about Islam, and I have spoken to people about Islam. The Prophet had no male children who survived him, and I have no male children who have survived me. The Prophet had a sense of humor, and I have a

sense of humor. The Prophet sought to live in accordance with the Sacred Law, and I seek to live in accordance with the Sacred Law. The Prophet passed away, and I will pass away.

I could continue on along the foregoing lines, pointing out other similarities between the two of us. Therefore, if similarity is the fulcrum through which such logic is leveraged, then, based on such similarities, I must be a prophet ... and as we all know, this is not the case.

The Qur'an says:

"... he (Muhammad) is the Messenger of Allah and the Seal of the Prophets;" [Qur'an, 33:40].

In this case, the Qur'an serves as an independent source to demonstrate that the foregoing exercise in qiyas is not tenable. Moreover, the hukm – that is, the authoritative and governing principle with respect to the reality of something – that is operative here is that the status of being a prophet is rooted in Divine appointment and not the presence of similarities.

One can point out as many similarities between two situations as one likes, but if those similarities do not go to the heart of the matter, and if those similarities do not touch upon the appropriate hukm or authoritative principle that governs such situations, then, despite the existence of similarities or logical links between two cases, one cannot

necessarily use the presence of such similarities as a basis for drawing conclusions concerning how to think about the two cases in question.

Being able to point to similarities or logical relationships between two cases does not necessarily mean that one understands a situation in the way that God understands that situation. In short, similarities or logical relationships, in and of themselves, are not necessarily sufficient to be able to discover what might be most resonant with the Sacred Law and/or shari'ah in any given case.

Consequently, in the light of the foregoing indications, the use of qiyas is a potentially problematic tool. This is especially the case when one takes into consideration that qiyas is usually only resorted to when people are not able to find the guidance that they are seeking in either the Qur'an, the Sunna of the Prophet, or consensus of opinion concerning some question or issue.

Under such circumstances, the individuals who have not found what they are looking for in the Qur'an, the Sunna, or through consensus are not likely to possess some independent source – such as the Qur'an or Sunna -- which is capable of showing that the similarities or logical relationships being noted through a given use of qiyas are either viable or untenable ... a case that stands in contrast to the previous thought experiment in which I sought to demonstrate that I am a prophet through applying the tool of qiyas. Fortunately, however, I did know of an ayat of the

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Qur'an to which I could point to demonstrate the fallacy of the thinking inherent in the qiyas that had been constructed by me.

To be sure, God encourages human beings to think about, and reflect on, the communications that are being expressed through the Qur'an.

"Did they not consider [yanzuru] the Kingdom of the Heavens and Earth ...?" [Qur'an 7:185]

"Do they not reflect [yatafakkaru] that their companion has not unsoundness of mind." [Qur'an, 7:184}

"Do they not reflect within themselves ..." [Qur'an, 30:8]

"... thus do We make clear the communications for a people who reflect." [Qur'an, 10:24]

"Had We sent down this Qur'an on a mountain, you would certainly have seen it falling down, splitting asunder because of the fear of Allah, and We set forth these parables to humankind that they may reflect." [Qur'an. 59:21]

If one considers, thinks, and reflects, then, God willing, one might arrive at certain general

realizations concerning the nature of truth and one's relationship with that truth.

However, these truths that might come to be realized through thinking and reflecting have a resonance with the nature of such Divine disclosures that is not a matter of establishing similarities or analogies concerning such truth. Rather, the nature of such realizations has to do with the truth of certain limited aspects of the nature of reality itself being made manifest to one – to be understood according to one's capacity to do so and according to the Grace that is conferred on such understanding.

One is, for example, asked in the Qur'an to think and reflect upon the experiences of past peoples and nations. Think and reflect upon how all peoples, empires, and nations have eventually crumbled and lost all that they had acquired in life ... is there not a lesson here – a lesson that does not involve similarities or analogies but a certain stark expression of the truth of things that is relevant to one's life?

So it is with all of the things about which God asks the individual to think and reflect upon. Open oneself, God willing, to what is being communicated and, as a beginning, permit thinking and reflective faculties to operate in an undistorted and unbiased manner so that one can understand, according to the capacity or limits of thinking and reflecting to do so, what is being communicated to one.

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In the Qur'an God might use analogies and likenesses in order to communicate with human beings. For instance, consider the following examples:

“The likeness of the two parties is as the blind and the deaf and the seeing and the hearing: are they equal in condition? Will you not then mind?” [Qur'an, 11:24]

Or:

“The likeness of this world's life is only as water which We send down from the cloud, then the herbage of the earth of which men and cattle eat grows luxuriantly thereby, until when the earth puts on its golden raiment and it becomes garnished, and its people think that they have power over it, Our command comes to it, by night or by day, so We render it as reaped seed; produce, as though it had not been in existence yesterday; thus do We make clear the communications for a people who reflect.” [Qur'an, 10:24]

And, an analogy or simile with which many Muslims are familiar, God also says in the Qur'an:

“Allah is the light of the heavens and the earth; a likeness of His light is as a niche in which is a lamp,

the lamp is in a glass, (and) the glass is as it were a brightly shining star, lit from a blessed olive-tree, neither eastern nor western, the oil whereof almost gives light though fire touch it not -- light upon light -- Allah guides to His light whom He pleases, and Allah sets forth parables for men, and Allah is Cognizant of all things." [Qur'an, 24:35]

Individuals could use analogical reasoning, but one has to be aware of the potential for error that is present in that practice. More specifically, while God does employ similes, metaphors, parables, and analogies in the Qur'an, an important consideration to keep in mind is that God knows the precise meaning of such similes, metaphors, parables, and analogies, whereas human beings do not understand their meanings unless God chooses to disclose such understanding, insight, and knowledge to a given individual.

Therefore, when humans use analogies of their own construction as a basis for trying to establish the nature of the deen, then, there is a potential for considerable error. Only when one understands the structural character of God's use of simile, metaphor, parables, and analogy, can one hope to tread a straight path, God willing, with respect to understanding and being able to gain access to the hukm – that is, the authoritative and governing principle with respect to the reality of something -- of whatever is under consideration.

One might approach the issue of qiyas in another, perhaps, more direct manner than the foregoing. Consider the following verses from the Qur'an:

"This, then, is Allah your God, the Lord, the Truth [your true Lord]." [Qur'an, 10:32]

"That is because Allah is the Truth." [Qur'an, 22:62]

"And God speaks the truth and leads [guides] to the way." [Quran, 33:4]

"Do you not see that God created the heavens and earth through [with] Truth." [Qur'an, 14:19]

"He did not create the heavens and earth and what is between them except through [with] Truth." [Qur'an, 30:8]

If God is truth, and if the Word of God is the truth, and if everything that has been created in the heavens and earth, as well as between them, is the truth, then what is one trying to accomplish when one seeks to construct a qiyas that attempts to establish a certain dimension of similarity between two things or that attempts to show the logical relationship of one thing to another? Presumably, one is trying to use qiyas as a means of elucidating,

or giving expression to, the nature of a truth governing such situations.

However, if a given use of qiyas is incorrect, then, surely, as the Qur'an indicates:

"What is there after truth but falsehood [error]?"
[10:32]

Moreover, according to the Qur'an:

"Allah's is the conclusive argument," [Qur'an, 6:149]

so, one must look to God in order to gain access, God willing, to the nature of such a conclusive argument with respect to any given application of qiyas.

As such, a qiyas is something that, itself, stands in need of further proof – from God – concerning the extent, if any, to which a particular use of qiyas gives expression to truth. A qiyas, in and of itself, is nothing more than a proposal concerning a possible truth about, say, Sacred Law or the shari'ah, and one needs to have such a proposal confirmed by God rather than by human beings.

One might be able to follow the logical mapping entailed by some analogical relationship between two situations that is being proposed by this or that religious jurist, but this is not enough.

One must know whether, or not, what is being proposed in the form of such a qiyas is acceptable to God as an appropriate manner of linking two situations with respect to helping one to better understand the nature of Sacred Law or the nature of shari'ah.

The use of qiyas in any given set of circumstances often operates with a hidden presumption. The presumption is that the analogical relationship or logical relationship that is being set forth through such use of the methodology of qiyas carries a Divine sanction, but this sanction is not demonstrated merely by putting forth a qiyas – one needs a further conclusive argument from God concerning the matter that only can come through spiritual disclosure and not rational argument.

In the Qur'an, one finds:

“Indeed, there have come to you clear proofs from your Lord; whoever will therefore see, *it is for his own soul* and whoever will be blind it shall be against him, and I am not a keeper over you.”
[Qur'an 6:104]

Proof is a matter of understanding and seeing ... of having wisdom ... of being taught by Allah. Furthermore, this understanding is for each individual soul and is not something that is to be imposed on others.

The proof is in the understanding that comes to one's heart. Moreover, when one comes to understand the nature of the Divine proof, it becomes incumbent upon one – as a requirement of the way things are -- to act in accordance with that truth.

Unfortunately, some individuals are blind to this understanding even as they suppose that they see the truth. When one comes to understand how gravity operates, it behooves one to take into consideration the nature of gravity when dealing with physical reality. Similarly, when one comes to understand the nature of some spiritual principle, then, it behooves one to take into consideration the nature of that spiritual principle when dealing with Being.

Such an understanding reflects part of the order of things. Once one knows something of that order, then, one departs from that order at one's own risk.

Notwithstanding the foregoing considerations, none of what has been said so far necessarily rules out, or automatically invalidates, using the methodology of qiyas as a possible aid in relation to someone's spiritual deliberations concerning the nature of the Sacred Law. On the other hand, while the use of qiyas in any given situation might appear to be persuasive to an individual when it comes to the making of judgments and choices in his or her own spiritual journey, the method carries little authoritative, spiritual weight, in and of itself,

unless one can demonstrate – in the sense of the sort of conclusive proof that belongs to God – that the qiyas in question reveals an important truth concerning the nature of the Sacred Law and/or shari'ah. More importantly, there is nothing about the logical force of any attempted use of qiyas, considered in and of itself, which has the capacity to justify trying to compel anyone to comply with the logic of such a qiyas, and this would be true even if the Qur'an had not already indicated that there can be no compulsion in matters of Deen.

In legalistic approaches to: the Qur'an, Sacred Law, and shari'ah, one is taught that the nature of the authoritative, governing principle of something's reality – that is, determining its hukm - - tends to be a function of deductive, inductive, and analogical modes of reasoning. However, one cannot use such rational methods to arrive at the hukm of a verse of the Qur'an – one must be taught this directly through spiritual means ... the depth and character of understanding being determined by: (1) the faculty through which one is taught or through which one comes to understand; (2) the extent of the Grace of disclosure that is manifested through that faculty, and (3) the character of one's spiritual capacity in such matters.

The surface meaning of a Quranic ayat is related to the hukm of that ayat. Nonetheless, the latter cannot be reduced to the former.

Whatever is plainly communicated in the Qur'an is the surface meaning of that verse, and

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God has given every human being the freedom to accept or reject what is being communicated through such surface meanings. At the same time, in order to understand the full guidance of the Qur'an, one must be led to the nuances of how the collective meanings of the Qur'an might be most harmoniously and efficaciously brought together and be applied as one moves from one circumstance in life to the next, and this involves being brought back to the roots of things by God. One needs to be shown the hukm or reality or spiritual authority of something, and only God can do this ... only God can teach this. Thus:

“If you are God-fearing (have taqwa), He will give you discrimination.” [Qur'an, 8:29]

And again:

“Be God-fearing [have taqwa], and God will teach you.” [Qur'an, 2:28]

One cannot use the capacity of reason to penetrate through all levels of meanings inherent in God's communications. Beyond the capacity of reason are the capacities of heart, sirr, kafi, and spirit, and these additional faculties have capacities for knowing and understanding that transcend the capabilities of rational modes of knowing and understanding.

At best, rational methods might only grasp -- according to their capacity and only if God wishes -- something of the surface features of revelation. However, as indicated earlier, the surface meaning of an ayat is but one mode of resonance or wavelength or frequency arising out of the hukm of the Qur'an taken as a whole.

Just as light consists of an array of frequencies that give expression to the phenomenon of light, so, too, the Qur'an gives expression to an array of meanings that give expression to the hukm of any given Quranic ayat in a given instance of applied guidance. Furthermore, each of these meanings has a reality that is resonant with the overall reality of the Qur'an.

In the Qur'an one finds:

"So learn a lesson, O ye who have eyes." [Qur'an, 59:2]

The Arabic term for "learning a lesson" in the foregoing is: i'tabiru. The imperative form of i'tabiru comes from a verbal noun 'ubur that conveys a sense of "crossing over" as in from one bank of a river to the other, or as in making passage from one place to another.

Literally speaking, the term 'itibar' gives expression to a metaphor of sorts that involves a process of seeking to engage a mode of transport that takes one beyond the original or actual context

of a given issue. In the context of the Qur'an, when one is trying to 'learn a lesson' one is seeking to cross over from the particulars that are being expressed through a given aspect of the external form of revelation to the underlying hukm or governing principle that is inherent in that external form.

Thus, to learn a lesson in the foregoing sense is to begin one's journey with the structural character of a given situation in terms of its facts, particularities, and contingent circumstances, and, then, use such a starting point to struggle or strive to gain insight into the nature of such a situation. To learn a lesson is to cross over from the surface features of a situation to its hukm – its governing principle, reality, or truth.

Virtually anyone might be able to see the external, surface features of a given set of circumstances, but not everyone might be able to grasp the spiritual meaning, significance of, or principle inherent in such a situation. Those who, by the Grace of God, successfully have made such a transition are those who have learned a lesson concerning that to which God is directing one's attention through this or that facet of revelation ... these are the ones who have eyes ... these are the ones who can accomplish the process of crossing over from worldly facts to a spiritual understanding concerning those facts.

The use of rational faculties – such as in the use of qiyas -- is one mode of crossing over. However, it

is not the only mode of doing so, and, in fact, spiritually speaking, rational methods are the most limited, constrained, and problematic forms of crossing over because such methods tend to introduce a variety of distortions and biases into the crossing-over process – problems and distortions that reflect the form of logic inherent in the rational methodology that is being imposed on reality and that filters or frames what we experience by means of the logic of that methodology.

The crossing over process of learning a lesson from a given set of Quranic circumstances is more deeply and thoroughly understood when the faculties that are used to make passage from the external realm to the internal realm is done through, for example, the heart (especially the dimension of the heart known as fo'ad), sirr, kafi, and the ruh. All of the foregoing faculties are mentioned in the Qur'an – for example in conjunction with sirr and kafi, one finds: “God knows the secret (sirr) and that which is more hidden (kafi)” [Qur'an, 20:7] -- but, unfortunately, many theologians, religious scholars and jurists tend to restrict themselves to purely rationalistic methods when engaging the

Qur'an, and, as a result, run a very real risk of developing a skewed understanding concerning various Quranic passages.

The Qur'an

Many people want to treat the ayats of the Qur'an as an absolute list of injunctions that serve as rules for life that must be applied in the same manner in all circumstances with respect to the contingencies of life – which usually means in the manner prescribed by such individuals. In addition, all too many believe they have a God-given right to police the manner in which others go about pursuing shari'ah.

There are, of course, certain themes in the Qur'an that are absolute and, as such, do not change. For example: There is only one God, and Muhammad is a messenger and Prophet of God; the Qur'an is a Book of truth; there is a purpose to life; all of life involves a struggle of choosing between good and evil; human beings will be held accountable for what they do and do not do; purifying oneself plays an integral role in an individual's spiritual journey; acquiring, and acting in accordance with, character traits such as humility, equitability, patience, forbearance, forgiveness, generosity, integrity, honesty, gratitude, love, friendship, compassion, dependence on God, courage, sincerity, and steadfastness are essential tools for not only dealing with the difficulties of life but assisting one in one's search for truth, justice, essential identity, and the realization of one's unique spiritual capacity; faith is not only a condition that constitutes more than an exercise of blind belief

but actually gives expression, if God wishes, to an array of modalities of understanding, insight, and wisdom concerning the nature of existence; empirical observation and reflecting or contemplating on what one observes is something that God encourages rather than discourages; one's intention should always be to serve God in whatever one does; one should seek to oppress neither others nor oneself; daily prayers, the fast of Ramazan, the payment of zakat, and the observance of the rites of Hajj all have the capacity to assist one to make progress along the spiritual path.

All of the foregoing are entailed by the process of shari'ah. Nevertheless, there is not just one way to engage such challenges – nor is there anything in the Qur'an that indicates that one must either reduce the possible ways of engaging shari'ah to what has been decided by, say, the five major madhabs (i.e., schools of jurisprudence) or that one must necessarily insist that shari'ah should be construed in terms of a legal system, or that one is entitled to impose one's understanding of shari'ah onto other people ... even if there might be a majority of people in a community who wish to oppress and compel others in such a manner.

The Qur'an is not a collective revelation but an individual event. This is true not only with respect to the life of the Prophet, but this is also true in the life of anyone who seeks to engage the Qur'an in a sincere manner ... even though, from time to time in the Qur'an, individuals are being referred to

collectively -- both generally [O humankind] or in particular circumstances [O Ye who believe].

It is individual fitra – in other words, one's primordial spiritual capacity -- that responds to Divine disclosure. We come to understand our duties of care with respect to all of Creation through our relationship with God. It is through our individual commitment to God that we are prepared to acknowledge the right that other aspects of Creation have over us, as well as the rights that we have over other facets of Creation.

Divine guidance is directed toward helping individuals to engage life as best they can and to apply such guidance to their individual lives as best they can. Forbidding the evil and encouraging the good are part of the discourse of community for, as the Qur'an indicates, one should:

“Enjoin the good and forbid the evil and bear patiently that which befalls you; surely these acts require courage.” [Qur'an, 31:17]

However, these actions of forbidding evil and encouraging good carry no authorization that justifies a person seeking to enforce onto others one's expectations concerning evil and the good with respect to how such people will conduct themselves in relation to matters of Deen. If this were not so, the Qur'an would not be indicating in the same context that forbidding evil and

encouraging good must be pursued through patience and courage.

Forbidding the evil and encouraging the good must be done in accordance with an adab through which one uses kindness, respect, wisdom, and a beautiful form of communication that is alluded to in the Qur'an when speaking about such matters with others – namely:

“Call to the way of your Lord with wisdom and goodly exhortation and have disputations with them in the best manner.” [Qur'an, 16:125]

Moreover, when one comes to discover that such communications are not welcome, then, one should say peace and leave those individuals alone. As the Qur'an indicates:

“So turn away from them and say, Peace, for they shall soon come to know.” [Qur'an, 43:89]

“And the servants of the Beneficent God are they who walk on the earth in humbleness, and when the ignorant address them, they say: Peace.” [Qur'an, 25:63]

In asserting that Sacred Law and shari'ah primarily involve an individual struggle and not a collective one – although it is an individual struggle

that has implications for the collective -- I am seeking to encourage the good. In claiming that Sacred Law and shari'ah should not be forcibly imposed on people I am seeking to forbid the evil.

“And (as for) those who follow the right direction, He increases them in guidance and gives them their guarding (against evil). [Qur'an, 47:17]

The words of Allah are the forms that issue forth from Kun and give rise to the manifest and the non-manifest. The hukm – that is, the governing principle of a given facet of reality – of such words is the authority of the truth of meaning that is being given expression through the names or linguistic forms of the Qur'an.

Authority for anything can only be given via the truth. One must grasp the truth to grab hold of the hukm or authority or governing principle of a given portion of text or word of the Qur'an.

Truth cannot come through human interpretation. Truth can only come through an understanding that is granted by Divine Generosity. As the Qur'an indicates:

“We raise by grades whom We will, and over every lord of knowledge, there is one more knowing.” [Qur'an, 12: 76]

“We shall show them Our signs upon the horizons and in themselves, until it is clear to them that God is the Real.” [Qur'an, 41:53]

“The Real has come, and the unreal has vanished away. Lo! Falsehood is ever bound to vanish.” [17:81]

When human beings seek to interpret the Qur'an, human conceptual constructs are being imposed upon Divine guidance. As long as human interference is present, then, the unreal will not vanish away.

To interpret the Qur'an is to interfere with the process through which God discloses the Divine signs upon the horizons and within us. It is the Real that banishes falsehood, not the interpretive efforts of human beings.

It is God Who raises one by degrees and grades of knowledge. This process of being raised is not done through the process of interpretation but through the act of sincerely listening to that which God is communicating to humankind.

The hukm or the governing authority of a given truth or reality influences the heart through the qualities of that truth and not through the need for compulsion or force. This is why there is 'no compulsion in Deen' because there is no need for compulsion when the heart is attracted by truth, and when the heart is not so attracted, no amount

of compulsion can bring such a heart to an understanding of the truth.

Linguistic forms of Arabic are not the bearers of meaning, but, rather, they are portals through which Divine meanings might enter one's life. Linguistic forms constitute the structural character of the portal that gives expression to part of the Divine meaning that encompasses but extends beyond the portal through which one initially accesses that Ocean of Truth lying beneath the linguistic surface. In short, Quranic words are portals to a non-linguistic wisdom that if God wishes, informs a person's understanding of the linguistic form that serves as a covering for the portal.

"The Faithful Spirit has descended with it upon your heart that you may be of the warners ... in plain Arabic language." [Qur'an, 26:193-194]

The warnings inherent in the Qur'an are in plain Arabic language, but much more descends on the heart than just warnings. As the Qur'an informs us:

"O humankind! There has come to you a direction from your Lord, and a healing for the diseases in the hearts, and a guidance, and a mercy for the Believers." [Qur'an, 10:57]

“Qur’an” means ‘that which is recited’. The word: ‘Qur’an’ is an active verb.

Divinity recites the Word of God to the heart of the receptive individual, and, as an active verb, that recitation gives expression, if God wishes, to a continuing process of acting on the heart of the individual. The recitation of the Qur’an is a process of mediating between the receptive heart and the Author of such communications.

As an active verb, the Qur’an speaks to us now. The Qur’an is not a book of the past but, rather, it is a form of communication that is taking place in the present.

The Qur’an is perpetually new in its descent upon the receptive heart, but for those who are not properly receptive, then, their hearts are made to engage the Qur’an in a distorted manner that filters the Divine communications through the biases of unbelief and conceptual or ideological and theological idol-making – that is, through the filters of that which hides the truth that is shining forth. This is the nature of unbelief ... to hide the truth, and this is what one who recites the Qur’an does when his or her heart is not receptive with his or her whole being with respect to what is being communicated by God through the Qur’an.

In this respect, the Qur’an states:

“What? Is the person whose heart Allah has opened to Islam, so that such an individual is in a light from

his Lord, like the hard-hearted? Nay, woe to those whose hearts are hard against the remembrance of Allah, those are in clear error." [Qur'an, 39:22]

God indicated that the heart of His believing servant does contain Him. This descent of the truth of God's Word into the heart of the believing servant is at the heart of nuzul or descent, for God is truth, and that which resonates with the truth when it has descended and is present, does contain God to whatever extent that truth has been realized.

The Qur'an continually brings new, better understandings and knowledge to the heart of the sincere believer without annulling any of the truths that have been brought to the hearts of believers previously. Moreover, all such meanings, knowledge, and truth have been inscribed from the beginning within the infinite plenitude of the Word.

Each believing heart has a different structural capacity – or fitra -- for hearing the Qur'an's Ocean of Truth. The Truth of God's Word does not change – indeed, "The Words of God do not change [la tabdīla fi kalimati Llah]" [Qur'an, 10:64]. Nonetheless, the unchanging truth is engaged by different capacities that lead to an array of understandings that give expression to various dimensions and facets of that unchanging Word – all of which are true to precisely the extent to which those understandings give expression to such truth.

The Qur'an says:

“And do not make haste with the Qur'an before its revelation is made complete to you and say: O my Lord! Increase me in knowledge.” [Qur'an, 20:114]

One is being counseled to not make haste or to not be in a hurry with the Qur'an. One must exercise patience, diligence, sincerity, and have taqwa, or piety, concerning the process of laying oneself bare to be able to be open to what is being communicated through the Qur'an. One must allow oneself to marinate in the juices of Divine communications before their meanings will be made complete to one – that is, before understanding will descend from God to the heart of the individual.

The true reciter of the Qur'an is Allah. Consequently, the individual must wait for God's recitation to enter one's heart in the form of understanding and knowledge.

One cannot force this issue through compulsion. Moreover, no power of reflection, in and of itself, is capable of grasping truth.

Truth must be bestowed through a Divine recitation to the heart. One recites to provide an opportunity for the Reciter – that is, God -- to communicate through the Divine recitation in a manner that will move and influence one's heart.

The knowledge must come from God and not from interpretation. When we interpret God's communications, we actually leave the truth and/or hide that truth in the meanderings of one's own meanings.

The Qur'an says:

"And who is more unjust than he who forges a lie against Allah or gives the lie to His communications; surely the unjust will not be successful?" [Qur'an, 6:21]

To interpret the Qur'an is, in effect, to forge a lie with respect to the Word of God.

In a sense, there is something like a spiritual vibration that is set up between the recited word of God and the internal faculties of the individual. When an individual is receptive to being guided – that is, when the individual has taqwa or piety -- then, God willing, there is an entrainment process that occurs wherein the faculties of the individual are shaped and colored by the resonances of Divine guidance, and the resulting condition is a species of knowledge that comes from Allah. In this regard, the Qur'an states:

"O humankind. We have created you from a male and a female and made you tribes and peoples so that you may know each other; surely, the most

honorable among you with Allah is the one who has taqwa." [Qur'an, 49:13]

-- in other words, the one who is most careful with respect to one's Deen or relationship with Divinity.

All tajalli – that is, all flashes, disclosures, or manifestations of truth -- arise from encounters with the Word of God. The two books of the Word of God – i.e., revelation -- are the Qur'an and Creation or Nature. The individual must seek to open himself, or herself, up to the truth being manifested through both Revelation and Nature ... for this is what revelation is – the disclosure and manifestation of truth.

The spiritual capacity of the individual must be freed from all biases and sources of distortion in order to be open to the delineation of truth that shines through Nature and the Qur'an. Indeed:

"Those will prosper who purify (tazakka) themselves and glorify the Name of their Guardian Lord and lift their hearts in prayer." (Qur'an, 87: 14-15)

The Qur'an and Nature/Creation are barzikh. Barzikh is the plural of barzakh that refers to any juncture that simultaneously separates and joins two sides – in this case, Divinity and humanity.

Considered from another direction, manzil is an Arabic term that, literally speaking, refers to a place where one gets off. In the current context, a manzil is the place through which God descends, via the Qur'an, toward the individual such that the Divine communication, in a sense, gets off at the point of human engagement.

The letters, words, phrases, sentences, verses, and chapters of the Qur'an are all manzil. They are the portals or stations through which Divine communication descends to the individual.

In addition, the heart of the individual is also a manzil or place of descent for Divine revelation. Indeed,

“Wa huwa ma'akum aynama kuntum. (And He is with you wherever you are.)” [57:4]

When the individual's faculties of understanding are purified, then, according to the individual's capacity and the Grace of God [who gives by degrees], what is grasped is an understanding of truth on a certain level and not an interpretation of that truth. In other words, such understanding is a truth limited by individual capacity, degree of purity, and God's Grace. There is a resonance that is present between the individual's purified faculties and the truth – a resonance that is not present in the usual sense of

understanding concerning someone's rational interpretation of something.

If the Qur'an does not descend upon the heart, then, it descends no further than the throat. To comply with the Sacred Law or Truth – which is the purpose and task of shari'ah -- is to submit to the truth of things according to one's purified capacity to understand such truth as this is communicated through the Word of God ... whether this is in the form of the Qur'an or Nature/Creation.

As such, Sacred Law is not a matter of judicial rulings, pronouncements, and/or the compulsory imposition of such rulings and pronouncements on other human beings. Rather, Sacred Law is about the Truth, and Deen is the way prescribed for allowing human beings – each according to her or his capacity and the degree of God's Grace -- to approach, engage, and come to understand the nature of such Sacred Law as it is manifested in any given set of circumstances.

Truth, of whatever kind and on whatever level, is the Sacred Law giving expression to the order, nature, and potential of Creation. In the Qur'an each article, verb, particle, word, or phrase constitutes individual portals of truth that manifest, if God wishes, tajalli -- flashes or expressions of truth – to the individual. This is why letters, phrases, and parts of sentences in the Qur'an communicate guidance not only in and of themselves but, as well, in the context of the verses and surahs in which they appear.

The Prophet Muhammad (peace be upon him) who is the paradigm of human perfection [uswa hasana], was described by his wife, 'Ayesha [may Allah be pleased with her] as having a nature that was the Qur'an. To reflect [in understanding, action, and character] the Qur'an according to one's spiritual capacity is to submit to the Sacred Law.

The realized fitra is that primordial spiritual capacity upon which the Qur'an has descended and through which God has made truth manifest according to the capacity of an individual's fitra and God's Grace. The realized fitra recites the Qur'an in the form of applying the communications from God to the circumstances of life and, in doing so, gives expression to the Sacred Law. This is the qirat, or mode of Quranic recitation, which is most pleasing to God.

"Most surely it is an honored Qur'an, in a book that is protected. None shall touch it save the purified ones." (Qur'an, 56:77-79)

The Qur'an gives expression to the truths that are capable, God willing, of assisting the sincere seeker to recover the internal order or sacred law governing spiritual identity, capacity, and purpose with which human beings have lost contact ... and with which we no longer resonate. The Qur'an is intended as a means of guidance to assist human

beings to reclaim an understanding of our original status as God's Creation and all that this entails.

The Qur'an applauds:

"... those who are constant at their prayers"
[Qur'an, 70:23],

but these prayers are not just the five daily prayers. Rather, true prayer or remembrance is the constant state of immersion in God's presence, and, more importantly, there needs to be a realization that the prayers do not belong to the individual but, rather, are acts of God that are being manifested through the individual as a locus of manifestation.

"Lo! Ritual worship preserves one from lewdness and iniquity, and verily, remembrance of Allah is more important." [Qur'an, 29:45]

Problems associated with any of the foregoing tend to arise from two sources. The first problem involves the condition of al-ghafla [forgetting, distraction, or inattention]. This condition or state refers to the inclination of human beings to lose focus with respect to our relationship with Divinity. For example, Surah 20, verse 115 of the Qur'an indicates that Adam "forgot" the pact that had been made with God - a forgetfulness that alludes and

resonates with the Quranic ayat in which the spirits are asked:

“Alastu bi Rabikkum?” – “Am I not your Lord?”

And the spirits answered:

“Yes, we testify” [Qarbala].” [Qur’an, 7:172]

The second source of problems that might arise in conjunction with the process of seeking to realize one’s essential and primordial spiritual nature is entailed by the idea of al-isti’jāl – that is, haste. As the Qur’an indicates:

“And man prays for evil as he ought to pray for good, and man is ever hasty.” [Qur’an, 17:11]

‘Ubuda is a spiritual station through which perfect expression is given to the Sacred Law according to the capacity of an individual’s God-given fitra. The true servant, or ‘abd of God, is one who experiences a knowing awareness that the character of truth that is being manifested through that station of servanthood or locus of manifestation belongs wholly to God and not to the individual.

He who knows himself knows his Lord – man ‘arafa nafsahu ‘arafa rabbahu. Such knowledge discloses the condition of ‘ubuda in which there is the realization that a’yun thubita – the fixed form of

one's created nature -- is no more than a locus of manifestation for giving expression to Divine realities in accordance with the God-given capacities and limitations of such fixed forms.

Each of us has always been what we are in terms of the possibilities that are encompassed by our fitra or primordial spiritual capacity. However, we have not always realized the nature of the truth concerning the modality of our potential for giving expression to such Sacred Law and all that this Sacred Law entails.

The Qur'an is a source of guidance that, if God wishes, assists an individual to struggle toward the full, active realization of the Sacred Law that is inherent in the essence of every human being. The Qur'an maps out the nature, principles, warnings, possibilities, understandings, wisdom, insights, limits, and adab of the shari'ah, or spiritual journey, through which one struggles and strives for realization of the Sacred Law, and as such, the Qur'an -- and, therefore, shari'ah -- is an expression of the Sacred Law.

The Sacred Law gives expression to the Qur'an that, in turn, delineates the nature of the way through which human beings might, if God wishes, come to realize the nature of truth to varying degrees. This process of shari'ah leads back, if God wishes, to a condition of spiritual realization concerning the manner in which the Sacred Law gives expression to all truths under appropriate circumstances -- including:

“O people, you are the poor toward God, and God is the Independent, the Praiseworthy.” [Qur'an, 35:15]

The tradition of tafsir deals extensively with what is known in Arabic as *asbab al-nuzul* [the circumstances or occasions through which revelation emerged]. Some suppose that without reference to this context of revelation, then, most of the verses of the Qur'an would be susceptible to any and all forms of interpretation.

However, the occasion surrounding the emergence of a given instance of revelation only serves as the locus of manifestation for such instances of revelation. Therefore, one must distinguish between the locus of manifestation and that which is manifested through that locus.

Nevertheless, to make revelation a function of the circumstances of revelation would be inappropriate. If one reduces the former [that is, what is manifested] to the latter [that is, the locus of manifestation], then, the locus of manifestation tends to become that which determines, restricts, shapes, and orients revelation. Approaching things in this manner seeks to assign a greater role to the lesser reality while relegating the greater Truth to becoming a servant of, and irrevocably limited by, a lesser realm of being.

Is there a relationship between the locus of manifestation [i.e., historical circumstances] and that that is manifested [i.e., revelation]? Yes, sometimes – but not necessarily always – there is a resonance between the two, and certainly, there are aspects of that locus of manifestation [i.e., the circumstances through which revelation is manifested] which are illuminated by the light of guidance that is being given expression through those circumstances. Nonetheless, the lights of guidance have their own reality, and once manifested, those lights communicate truths beyond that which is being illuminated with respect to any particular locus of manifestation or immediate set of historical circumstances.

Contrary to the worries of some individuals – worries that were alluded to earlier -- not just any understanding of revelation becomes appropriate if one leaves aside the particulars of the historical context through which a given instance of revelation arose. The task of the individual is not to interpret the Qur'an, but, rather, one should be struggling to open oneself to objectively receive what God is seeking to communicate to one through revelation.

If one permits God to teach or guide one through revelation – which is, after all, the whole point of revelation – then one understands the truth according to one's capacity, and, as such, there is no interpretation. What occurs, if one proceeds in this fashion, is an understanding or

insight that comes from the light of revelation and is limited only by one's current spiritual condition, along with one's ultimate spiritual capacity, and, most importantly, by the degree to which God chooses to disclose aspects of that truth to the individual.

One does not have to use the historical context through which revelation emerges to place limits on the possible meanings of the Qur'an. Divinity is the One Who infuses the Qur'an with its meanings and, therefore, limits of appropriateness or degrees of freedom.

Some of these degrees of freedom are imposed by Divinity in terms of the extent to which Grace is conferred on a person during an individual's engagement of the Qur'an, and vice versa. Some of these limits of appropriateness or degrees of freedom are introduced through the spiritual condition and the spiritual capacity of the individual.

Consequently, when the Qur'an is sincerely engaged, one cannot place just any meaning one wishes onto the Qur'an, and this remains true irrespective of whether, or not, one understands the historical circumstances surrounding the occasion of revelation. Understanding is a function of the truth – whether written large or small – and there are dimensions of all revelation that extend beyond the historical occasion of revelation.

In fact, I think that expecting people to learn the entire history of the occasions surrounding

revelation in order to be able to understand revelation is somewhat impractical. God is communicating the nature of Sacred Law to each human being through the Qur'an, and such nature has meanings that might be considered independently of the initial historical occasions of revelation.

Obviously, a person's understanding might be deepened and complemented through knowledge of the historical circumstances that are transpiring at the time of revelation. However, the scope of any given instance of revelation is not restricted to the particulars that are occurring when such revelation issues forth.

Moreover, oftentimes, the closest that some commentators are able to "place" certain revelations is in terms of whether a given revelation took place during the Meccan period or during the Medinan period. I am not certain how such a general placing of the occasion of descent of revelation can necessarily inform one about "the" necessary meanings of the revelation ... although some of the meanings of such revelation might address various aspects of such historical circumstances.

There were many, many things that were happening during the general period of time through which the Qur'an was made manifest ... politically, legally, culturally, socially, individually, and among different communities. Consequently, why should one select just one small facet of such

events and proclaim that those circumstances should have the predominant controlling authority with respect to meanings and truths in relation to the nature of Quranic guidance?

Even in those instances where a given revelation can be historically placed in a precise manner with respect to what was historically transpiring at the time during which a given instance of revelation descended on the Prophet Muhammad (peace be upon him), the meaning of such guidance cannot be circumscribed by those historical events. The created particular [that is, historical circumstance] cannot circumscribe or exhaust the significance of the uncreated universal [that is, Divine Guidance].

The Qur'an says:

"What is with you comes to an end, but what is with God remains." [16:96]



**Some General Issues Surrounding Shari'ah
and Fiqh**

As far as I have been able to determine, the Qur'an mentions the term shari'ah just once. In Surah 45, verse 18 one finds:

“O Prophet, We have put you on the Right Way (Shari'ah) concerning the religion, so follow it, and do not yield to the desires of ignorant people;”

In Arabic, the noun sharī'ah refers to a place where animals would come for purposes of being able to drink water. The related verb shar'a involves the act of 'taking a drink'. By extension, both the noun and the verb forms allude to a path, road or way that leads to the place where one might take a drink.

There is another word, shari', which is derived from the same root as the two previous words. This word refers to a lawgiver, legislator, or one who determines the law, but it also can refer to a street, path, or way.

If one combines the foregoing possibilities, one arrives at something along the following lines. Shari'ah is a way, path, or road that leads to a place at which one might drink that which has come from the One who has established the principles governing the individual, the way, the journey along the way, the process of drinking, and what awaits the individual at journey's end.

A lawgiver need not be one who passes legal injunctions. A lawgiver might be the one who organizes a situation so that it operates according to the possibilities that have been built into a given situation. As such, a lawgiver is one who establishes the degrees of freedom within which such a set of circumstances might unfold over time.

Gravity, electromagnetism, the weak force, and the strong force establish the degrees of freedom that appear to be involved in the way the physical world is manifested under a variety of circumstances. The regularities to which these four physical forces give expression are described in terms of laws, but these are laws concerning the nature of the ordered character of the physical realm ... they are not legal injunctions.

One needs to take such regularities into consideration when seeking to pursue various possibilities, but each of the forces contains degrees of freedom that permit people to engage them in various ways. Scientists probe what is possible in this sense, and new technologies often emerge from such exploration – technologies that seek to take advantage of the properties and qualities of such regularities – hopefully, for purposes that are to the benefit of all humankind.

The same is true in the realm of spirituality. There are a variety of non-physical forces that act on, and through, human beings. These forces give expression to an array of regularities and degrees

of freedom that permeate and envelop lived, spiritual existence.

Shari'ah is a process of probing what is possible within the spiritual realm in order to be able to discover that which might assist an individual to come to an understanding of the properties and qualities to which the realm of spirituality gives expression and that might be utilized for human benefit. Just as scientific explorations of the physical world might, God willing, lead to many ways -- within certain limits -- for engaging physical regularities, so, too, a rigorous exploration of the spiritual world might lead to many ways -- within certain limits -- for engaging spiritual regularities and from which, God willing, human beings might derive benefit.

Some individuals distinguish two realms when it comes to the order of the created universe. On the one hand, there is that which is encompassed by what is referred to as: *amr takwini* -- which alludes to the manner in which truth or reality is given expression through the realm of existent things. In this realm, the truth and reality of what is cannot be other than what it is.

When God says:

"I have not created human beings nor jinn except that they may worship Me" [Qur'an, 51:56-57],

this is an expression of the truth and reality of one of the dimensions of existence to which amr takwini gives expression. As such, this truth remains a reality irrespective of whether, or not, human beings and jinn seek to realize their God-given potential to worship Divinity.

Another expression of the truth or reality of amr takwini is alluded to in the following ayat of the Qur'an.

“The seven heavens and the earth and all that is therein praise God and there is nothing that does not glorify God in praise, but you do not understand its manner of praise.” [Qur'an, 17:44]

All of created reality glorifies God, and this remains so irrespective of whether, or not, we are aware of this or understand that such is the case.

In fact, the whole of the Qur'an is an expression of amr takwini. Indeed, “Allah speaks the truth and guides to the way.” [Qur'an, 33:4], and the way to which Allah guides those who are fortunate enough to be open to this process is that which leads to realizing the truth that is manifested through the Words that God has spoken in the form of Divine books of revelation, such as the Qur'an, or in the form of the essential realities of created existence.

The realm of amr takwini cannot be other than it is.

“The Words of God do not change [la tabḍila fi kaliṃati Llah].” [Qur'an, 10:64]

In contrast to amr takwini, there is another Arabic term that is used by some commentators, and this is known as amr taklifi. This involves the normative realm of things, and, in fact, this realm gives expression to the manner in which people choose to acknowledge or accept the truth and realities of amr takwini, or that realm gives expression to the manner in which people choose to reject – in part or whole -- the truths and realities of amr takwini.

Shari'ah is an expression of amr takwini that has the capacity, God willing, to guide individuals in relation to the problems of spiritual navigation that characterize the realm of amr taklifi. However, having said this, one should not suppose that shari'ah is incumbent on anyone or that anyone can be compelled to submit to shari'ah.

There is no path to the truth except through truth. As such, shari'ah is a methodological set of truths that are capable, if God wishes, of leading an individual to the realization of the larger Truth of which shari'ah – in its sense as a path or way -- is but one expression.

The aforementioned set of truths cannot be reduced down to any one way of approaching the truth. At the same time, the degrees of freedom that are inherent in the nature of shari'ah are all in

compliance with the Quranic guidance that stipulates:

“Go into the houses by their doors and be careful with respect to Allah, that you may be successful.” [Qur'an, 2:189]

To whatever extent an individual is able, by the Grace of Allah, to discover, adhere to, and apply the realities inherent in shari'ah, then, to that extent is such an individual able to struggle toward realizing the truths of amr takwini. To whatever extent an individual chooses to reject and/or not apply the realities inherent in shari'ah, then, to that extent will the person be kept distant, if God so wishes, from the truths and realities of amr takwini.

Some people tend to confuse the unalterable nature of the truths inherent in the methodology of shari'ah with the realm in which choices are made and proceed to try to argue that one is under compulsion to follow a given path of shari'ah. When this sort of confusion occurs, people are conflating the unalterable character of shari'ah – which is an expression of amr takwini -- with the spiritual tasks and challenges of the normative realm – which is an expression of amr taklifi – and, thereby, such people are seeking to claim that normative issues are of an unalterable and mandatory nature, as well – which is why they seek to make shari'ah compulsory.

The compulsory force that is being read into the imperative mood in certain ayats of the Qur'an often are confusing the metaphysical realities that

are being alluded to through such ayats with the issue of normative choice with which God has endowed to all human beings. In other words, the Divine-ordering or determining of the Created universe gives expression to the ontological order of things and cannot be other than it is [it has been ordained as such ... it is the truth of things], and this remains so irrespective of what human beings do or say. Nevertheless, human beings are entirely free to acknowledge, or to not acknowledge, such truths and realities.

When God says that the nature of some aspect of Created existence is such and such, then, human beings are being told something about the nature of *amr takwini* that is entirely independent of our understanding concerning those things. When God encourages or warns or urges or seeks to persuade human beings to pay attention to such realities, this is not an order, but, rather, this gives expression to guidance concerning a path that, if God wishes, might carry one to understanding the way things are.

There is a difference between a Divine decree or determination or order that gives expression to the truth of reality – i.e., what reality is irrespective of what humans say or do – and a Divine encouragement/urging to do that which is in one's best interests but that can still be resisted by a human being. The latter is a normative issue, and, therefore, it is not compulsory [i.e., it is a matter of choice], whereas the former is metaphysical and

sufficient no matter what human beings might think, say, or do about the way reality is.

A person does not have to believe in gravity in order for gravity to govern what that person can and cannot do. This will remain so irrespective of whether, or not, the individual likes this aspect of the way things are and irrespective of whether, or not, the individual accepts the idea of gravity as being an expression of the truth of things.

Recognizing that shari'ah is the way to truth because it is an expression of the truth is one thing. Claiming that, therefore, people can and should be compelled to obey shari'ah is an entirely different matter and, as indicated previously, confuses the ontological realm with the normative realm.

All sin is a dysfunctional expression of the normative realm – that is, the choices we make -- concerning our engagement of the ontological realm ... in other words, the way things are. Sin interferes with the process of working toward, or realizing, or coming to an understanding of the reality of things. Sin is problematic because of the manner in which it distorts, biases, and camouflages the nature of truth, and the path to truth, and our grasp of the truth.

“Evil is the likeness of the people who reject Our communications and are unjust to their own souls.”
[Qur'an 7:177]

The communications being referred to in the foregoing ayat are not just the Divine revelations that have been sent to humankind. The communications being referred to allude to whatever words of God that might be issued through the command of "Kun" - that is, be or become - to which the Created universe gives expression.

Sin is a transgression against the Sacred Order of the Created universe in a manner that is similar to instances in which violations of the law of gravity constitute transgressions against the Sacred Order of the Created Universe. There are boundaries of transgression that have been set up as the natural order of things, and if one crosses those boundaries, then, there are problematic ramifications arising out of such transgressions.

When one fails to observe the boundaries of transgression associated with gravity, then, problematic ramifications of a physical nature arise. When one fails to observe the boundaries of transgression associated with human potential and identity, then, problematic ramifications of a moral, spiritual, and epistemological nature arise as we become deaf, dumb and blind to the truth of things.

Sin is whatever gets in the way of our understanding the true reality of Being. Sin is whatever gets in the way of our ability to access certain dimensions of truth. Sin is whatever gets in the way of our doing justice to creation (including ourselves), and sin is whatever gets in the way of

our doing proper service to the purpose of Creation.

Sin leaves its imprint and influence upon us, just as ignoring the law of gravity can leave its imprint and influence upon us. Ignoring these physical and spiritual principles can lead to deadly consequences.

Sin affects our capacity to understand truth or to realize our spiritual potential and our essential identity, or to develop the stations of character that all serve as supports to the basic struggle and striving to grasp the truth of things ... to grasp the sacred order and principles of the Universe. This is the Sacred Law toward which the Qur'an is seeking to draw our attention.

Only about 500 [600 according to some scholars] of the 6,219 verses of the Qur'an have what is said to be a 'legal' element to them. Most of these 500-600 verses involve various aspects of different rituals of worship -- involving wuzu, prayer and times of prayer, zakat, Hajj, fasting, and dietary restrictions. When one subtracts these ayats involving guidance concerning rituals of worship from the aforementioned set of 500-600 verses, one is left with approximately 80 verses that involve other issues such as: Contracts, marriage, divorce, inheritance, the giving of testimony, adultery, fornication, the use of alcohol, and forms of punishment.

If we leave aside the vast majority of the aforementioned 500-600 Quranic verses that

concern rituals of worship and just focus on the 80, or so, verses that involve matters other than the basic pillars of Islam, one needs to ask several fundamental questions. For example, what evidence is there in the Qur'an that demonstrates that the 80 verses in question must take priority over the many other forms of spiritual guidance which are given in the Qur'an? Or, approached from a slightly different direction, what evidence is there in the Qur'an that any of these 80 verses cannot be modulated in various ways as a function of applying the many verses of the Qur'an – which are far more than 80 in number -- that deal with matters of: love, forgiveness, patience, humility, nobility, kindness, generosity, compassion, tolerance, sincerity, respect for others, peace, harmony, wisdom, reconciliation, gratitude, and the like? Or, approached from a still different juncture, what evidence is there in the Qur'an that demonstrates that many of the specific indications being expressed through the 80 verses in question were necessarily intended for all people, in all circumstances, across all times rather than constituting specific guidance for the people who lived in the time of the Prophet?

When God addresses people in the Qur'an with phrases such as: "O ye who believe", how do we know what the referent of "ye" is? Does it refer to just the believers in the times of the Prophet, or does it refer to all believers in all times and circumstances, and how does one know that is the case?

Moreover, given the physical absence of the Prophet Muhammad (peace be upon him) in today's world, even if one were to know that of the foregoing possibilities is true, does anyone today really have the spiritual authority to impose such directives on other human beings? How does one go about demonstrating the grounds of such alleged authority?

The spiritual authority of the Prophet in such matters is one thing. The spiritual authority of non-Prophets in such matters might be quite another issue – in fact, with respect to the latter sort of scenario, such authority might be non-existent.

Or, let's ask another question. If one wishes to treat the aforementioned 80 verses as legal injunctions that are to be forcibly imposed on human beings, then, why should one not treat as legal injunctions -- which also should be forcibly imposed upon people -- all of the Quranic directives concerning patience, love, forgiveness, tolerance, gratitude, humility, and so on? In other words, even if, for purposes of discussion, one were to entertain the idea that there might be aspects of Deen that people are to be forcibly compelled to obey – something that I believe the Qur'an clearly prohibits – why are only certain dimensions of Quranic guidance to be compulsory?

The Qur'an gives great emphasis to the importance of developing qualities of character. In fact, the Qur'an gives far more attention to the issue

of character than it directs toward matters of theft, adultery, and drunkenness.

So, should one be every bit as punitive with respect to people's failure to display qualities of, for example, kindness, love, gratitude, humility, forgiveness, and tolerance in the same manner as many aspects of the Muslim community wish to do with respect to moral failings that lead to drunkenness, adultery, or theft? And, if not, then, why not -- given that the entire Qur'an gives expression to guidance?

Unfortunately, I suspect there are all too many individuals in all too many Muslim communities who might find the foregoing approach to things very enticing so that not only would one, for instance, be able to beat men if they don't have a beard -- even though nowhere in the Qur'an is such guidance given -- but such a perspective might also lead to punishing people, in some way, for not pursuing Islam in accordance with the manner in which such self-appointed experts believed that others should behave.

If someone is not kind enough, then beat that person. If someone is not tolerant enough, then give the individual 50 lashes. If someone is not forgiving enough, then stone that person.

Of course, one might want to be careful about that for which one wishes. After all, if one pursued the foregoing form of logic, then, one might have to beat the beaters because they were not being sufficiently kind. One might also have to consider

giving 50 lashes to the ones administering the lashes because they were not sufficiently tolerant toward the ones they were lashing. Moreover, one might have to think about stoning the stoners because they were not being sufficiently forgiving of the ones whom they were stoning.

If someone wears fingernail polish or lipstick, or if someone does not wear hijab, then, many theologian, religious scholars, and mullahs want to punish such people. Yet, nowhere in the Qur'an does one find any authority or justification – other than that which is invented and, then, imposed onto a Qur'an that is silent concerning these matters -- to punish people in such a fashion with respect to these kinds of issues.

One should not construe the questions being raised in the foregoing as being tantamount to advocating some form of libertine approach to society in which people are to be free, with impunity, to be able to do whatever they like. Rather, the questions that are being raised have to do with the very complex problem of what are the permissible ways, or degrees of freedom, through which one might engage the guidance of the Qur'an.

What degrees of freedom does the Qur'an permit? Who gets to decide this, and what is the justification for doing things in one way rather than another?

What is entailed by the issue of Deen and what is entailed by the regulation of public space or the commons? Are the two necessarily the same? Is

shari'ah primarily a matter of Deen, or is shari'ah intended to regulate public space so that everyone must go about the pursuit of shari'ah in precisely the same way?

Do matters such as theft, adultery, and abuse of alcohol carry problematic ramifications for society? Yes, they do.

Does the Qur'an specify what might be done in conjunction with such behavior? Yes, in the case of theft and adultery but not in the case of alcohol consumption.

Is one obligated to follow the specific punishments that are indicated in the Qur'an for theft and adultery? Not necessarily, since there might be other approaches to such issues that could be developed using principles of guidance that not only are communicated through the Qur'an but that tend to permeate the vast majority of Quranic teachings.

During his lifetime, the Prophet observed certain principles and made certain kinds of judgment in relation to the guidance communicated through the Qur'an. However, do we necessarily know that if the Prophet were physically amongst us today that he would continue to do things in precisely the same way as was done more than 1400 years ago, or would the Prophet – due to changes in circumstances, conditions, capacities, peoples, and times – choose to give expression to the guidance of the Qur'an through different ways of seeking to resolve issues?

The Prophet was given authority by God to judge various occurrences and events that took place in the surrounding community *if* he were called upon to do so.

“Surely we have revealed the Book to you with the truth that you might discern between people by means of that which Allah has taught you [or has you see] and be not an advocate on behalf of the treacherous.” [Qur'an, 4:105]

However, one is making a rather substantial inferential jump to suppose that such authority has been delegated to anyone in the Muslim communities of today.

Furthermore, people might be confusing two different issues. On the one hand, the Prophet has a role that, among other things, involved communicating and explicating the nature of shari'ah. On the other hand, the Prophet had a role that involved certain responsibilities – including the authorization of punishment -- concerning the regulation of public space in a particular set of historical circumstances.

The latter responsibilities – that is, the regulation of public space -- do not necessarily have anything to do with the former responsibilities – that is, the delineation of shari'ah. Yet, many people assume that the regulation of public space and the pursuit of shari'ah are one and

the same or that the regulation of public space is but a subset of, or entailed by, shari'ah.

I do not believe the regulation of public space is an expression of shari'ah. I do not believe that the regulation of public space is a subset of shari'ah.

By pursuing shari'ah in a sincere fashion, one might, if God wishes, develop the sort of character traits (such as honesty, patience, forbearance, kindness, integrity, compassion, and so on) as well as spiritual understandings that might enhance the quality of what transpires in public space and could constructively shape what occurs in that public space or commons. However, the regulation of public space is tied to Divine guidance in a totally different way than the manner in which shari'ah is tied to Divine guidance [and there will be more said on this issue in the last section of this essay.]

One should not infer from the foregoing that what is being proposed here is that nothing should be done when problems and conflicts arise in the public space. Instead, what is being suggested is that there are serious questions of credibility or legitimacy surrounding the claim of any person

in today's world indicating that he or she has been delegated the authority – either by God or the Prophet – with respect to the imposition of certain kinds of punishments in relation to various kinds of problematic behavior.

Why roughly 80 Quranic verses have come to totally dominate, color, and orient the understanding of so many Muslims with respect to how one should engage and approach the totality of Quranic guidance concerning the regulation of public space is an interesting question. There are likely to be many forces – historical, cultural, social, gender-related, philosophical, theological, and political – that are at work and that have helped to bring about the present state of affairs.

Unfortunately, the bottom line in all of this is that shari'ah has been made into a public issue when, in fact, it is a private matter. Spirituality has all too frequently been subordinated to systems of theology, power struggles, and what can only be described as a pathological desire to control and, thereby, oppress, the lives of other human beings. With only a few exceptions -- limited mostly to the Prophets and, possibly, a few others -- there ought not to be any system of leadership that seeks to have influence over, or to make impositions upon, the spiritual lives of human beings.

In fact, the prophets, themselves, did not seek to control the spiritual lives of anyone. Instead, they gave the good news, and they conveyed the warnings:

“And We do not send emissaries but as announcers of good news and givers of warning, then whoever believes and acts aright, they shall have no fear, nor shall they grieve.” [Qur'an, 6:48]

Guidance is not a set of legal injunctions that must be obeyed. Guidance is not a demand for obedience but is an attempt to draw one's attention to a path that travels through, toward, and by means of truth, justice, identity and purpose.

Spirituality has become legalized in the sense that it has been reduced to being a function of legal dogmas and rules that tend to oppress spirituality rather than serve as a means of realizing and unleashing the rich potential of spirituality. Spirituality has been made a matter of obedience when, in truth, spirituality is entirely at the opposite end of the spectrum from matters of obedience.

Spirituality is about honoring – through realizing and fulfilling – the amana or trust that has been bequeathed to human beings. Spirituality is not intended to be a process through which one cedes one's moral or intellectual authority to others.

Spirituality is about coming to understand what it means to be a servant of God. Spirituality is about becoming one who creatively serves the responsibilities of being God's Khalifa on earth and, by doing so, gives expression to worship in everything one does.

It is not possible to realize the amana or trust through obedience to authority. Doing things in accordance with obedience to authority removes the active and dynamic element of personal responsibility, commitment, and on-going

intellectual and moral choice that is necessary for the struggle entailed by spirituality.

The intention with which one pursues spirituality should not be to satisfy authority, qua authority, but should be directed toward seeking, according to one's capacity to do so, the truth concerning oneself and one's relationship with Being and to do justice in accordance with that truth. The inclination toward obedience, qua obedience, is an expression of a person's desire to get out from underneath the burden of having to constantly be engaged in the spiritual journey in which one travels, God willing, from: what is less true and less just, to: What is more true and more just.

Sincere spirituality requires one to stand alone before God and strive to affirm [through understanding and action] the nature of one's relationship with God ('Am I not your Lord?') in every facet of life. This affirmation is not done out of, or through, obedience but is, rather, an expression of one's understanding concerning the way things are with respect to the natural order of the Created universe and one's place in that universe.

In the Qur'an, one finds the following:

"No soul can believe except by the Will of Allah, and He will place doubt/obscurity on those who will not understand." (Qur'an, 10:100)

According to one sense of the foregoing Quranic ayat, those who choose to not believe in the truth will have doubt or obscurity placed upon them. This is one of the possible consequences that might follow from such a choice ... but God knows best.

However, one might also want to give some consideration to another possible sense that might resonate with the foregoing verse of the Qur'an. More specifically, if one fails to understand that "no soul can believe except by the Will of Allah" and, as a result, one seeks to compel people to believe in, and conform to, a certain theological or religious perspective, then, one runs the risk that doubt and obscurity about many matters concerning spirituality might be placed on the one who insists on compelling the obedience of others concerning matters of Deen.

Understanding shari'ah is rooted in direct knowledge. Understanding is not rooted in the imposition of external directives.

As the saying goes - 'to those who understand, no explanation is necessary, and for those without understanding, no explanation will suffice.' One can allude to the nature of shari'ah, but the only proper way to understand this sacred realm is through direct experience ... to have God take one by the hand and lead one to the place where one might drink, God willing, from the waters of Truth.

“So, they found one of our abds [abdan min ibadina] on whom We had bestowed a Mercy from Us, and We taught him knowledge from Our presence [ladunna]” [Qur'an, [18:65]

The hukm – that is, the governing authority and principles or reality – of shari'ah is with Allah. The hukm of shari'ah does not reside with aql or intellect or the manner in which the public sphere is regulated.

In fact, the way in which the public space is regulated could be totally corrupt or oppressive or embroiled in turmoil. Nevertheless, none of what goes on in the public space can prevent an individual, God willing, from pursuing and, if God wishes, even realizing the truth of shari'ah – although, certainly, what takes place in the public space can place difficulties and obstacles in the way of the person who wishes to seek the hukm of shari'ah.

What goes on in the realm of public space can problematically or constructively affect an individual's pursuit of shari'ah, and, in addition, the extent to which an individual sincerely pursues shari'ah can constructively or problematically affect what goes on in the public space. However, the pursuit of shari'ah entails activities that are entirely independent of the sort of activities that are entailed by the regulation of public space.

Divine guidance provides insights concerning both the activities of shari'ah as well as the activities of regulating public space. Moreover, there are degrees of freedom inherent in the Divine guidance that permit both shari'ah and the regulating of public space to be approached and engaged in a variety of ways even as certain principles are kept constant.

Various religious scholars, theologians, and mullahs want shari'ah to cover commercial/economic, penal, real estate, contract, tort, inheritance, family, tax, government, and international law. However, none of these considerations – however important they might be under certain circumstances -- is the purpose of shari'ah.

Naturally, to the extent that individuals realize the purpose of shari'ah, then, the water drunk at the end of the road that is followed during the process of observing shari'ah – both as a spiritual means and as a goal -- will have ramifications for all of the foregoing legal considerations. This is true with respect to the modes of equitability, as well as the quality of the character traits, through which people engage one another in their respective dealings. This also is true with respect to the manner in which a person who has responsibility for helping to arbitrate and mediate conflicts within a community is able to bring spiritual

wisdom or insight to bear to assist people to come to harmonious solutions to such conflicts.

Nonetheless, shari'ah is only for the individual. It is the individual's path to truth, to reality, to the realization of fitra and essential identity, and, as such, shari'ah is not a group path or legal journey ... although, as indicated above, the realization of truth that, God willing, takes place, during the journey of shari'ah does have ramifications for both group/social/community and juridical issues ... but not in the sense that is usually believed to be the case.

Shari'ah cannot be forcibly imposed on anyone, nor can compulsory measures be used to impose such matters on others. Shari'ah cannot be legislated, and when counsel is sought with respect to shari'ah, one is not obligated to follow that counsel unless one's heart resonates with what is being said or unless one's heart resonates with the one who is offering the counsel, and, therefore, one has faith in the counsel being offered and provided that the counsel being offered does not induce one to impose that counsel on others or oppress others through such counsel.

Shari'ah cannot be used as a basis for institutional government of any kind. On the other hand, the fruits of pursuing and applying shari'ah can benefit the manner through which public space is regulated.

The Prophet and the subsequent caliphs ruled in accordance with the truth to which shari'ah

opened them up. Nonetheless, their manner of regulating public space was not shari'ah, per se.

During those early times, people who were not Muslim were not compelled to become Muslim or to act in accordance with Muslim spiritual traditions. Moreover, this absence of compulsion with respect to non-Muslims is the clearest indication possible that shari'ah was neither compulsory, nor was it being imposed on communities, nor was it an integral part of the regulation of public space.

Rather, a public space or commons was being established through which people would have freedom of choice, as well as freedom from oppression, together with the promise of justice so that the opportunity to pursue shari'ah in a peaceful manner would be available to everyone. Whatever laws were constructed with respect to commercial, penal, real estate, contract, tort, inheritance, family, and international issues were intended to serve no other purpose than to help establish a public space that was relatively peaceful, harmonious, and free from oppression of any kind and through which people would each, individually, have the opportunity to pursue [or not pursue] shari'ah according to her or his individual choices.

Consequently, none of the foregoing sorts of laws concerning the regulation of public space carry any binding authority except to the extent that these arrangements give such substantial,

demonstrable expression to principles of truth and justice that the people in the community are witnesses to the obvious benefit of those laws with respect to the manner in which they serve the public interest. Moreover, the public interest is served when an environment is created that is relatively free from oppression and injustice, as well as which gives people an array of degrees of freedom through which the members of that community might become committed to a rigorous seeking of truth and justice in all matters.

In the Qur'an, one finds the following guidance:

“No soul shall have imposed on it a duty but to the extent of its capacity.” [Qur'an, 2:233]

And again:

“We do not impose on any soul a duty except to the extent of its ability.” [Qur'an, 6:152]

And, again:

“And we do not lay on any soul a burden except to the extent of its ability.” [Qur'an, 23:62]

And again:

“We do not impose on any soul a duty except to the extent of its ability.” [Qur'an, 7:42]

And, finally:

“Allah does not impose upon any soul a duty but to the extent of its ability; for it is (the benefit of) what it has earned and upon it (the evil of) what it has wrought: Our Lord! do not punish us if we forget or make a mistake; Our Lord! do not lay on us a burden as Thou did lay on those before us; Our Lord do not impose upon us that which we have not the strength to bear; and pardon us and grant us protection and have mercy on us; Thou art our Patron, so help us against the unbelieving people.” [Qur'an, 2:286]

On five different occasions, the Qur'an confirms that Allah does not impose any burdens, duties, or obligations on an individual that are beyond the ability or capacity of a person. God knows what the capacity or ability of any given individual is, and Divinity does not exceed the limits inherent in those capacities.

As we, God willing, acquire more knowledge and come to gain a deeper understanding concerning our relationship with Allah, then, the nature of our spiritual status changes. As a result, there is more for which we can be held accountable as a function of such growth in understanding and

knowledge, but this is a Divine accountability and not a human accountability as far as matters of Deen are concerned.

When human beings seek to impose shari'ah – however construed – on others, such individuals are arrogating to themselves the status of Lordship. They are not only seeking to usurp God's relationship with the individual, but they also are claiming – without any evidence -- that they know what the spiritual capacity is of a given individual.

In the process, limits are being transgressed. Allah sees the spiritual condition of human beings and knows what the limits of their capacities are, but theologians, jurists, imams, rulers, or legislators do not enjoy such a privileged position, and, therefore, they lack the knowledge and insight that would permit them to possess the wisdom to know what an individual's God-determined limits are and act accordingly.

The Prophet was said to have spoken with people according to the level of understanding of the latter. Unfortunately, for the most part, the theologians and religious scholars of today tend to speak with people according to the level of understanding of the one who is doing the speaking – that is, the theologian or religious scholar – and, as such, often tend to lack all insight into the capacities, abilities, and levels of understanding of those being addressed.

The Prophet Muhammad (peace be upon him) is reported to have said:

“What I have commanded you to do, perform it to the extent that you are able and refrain from what I have forbidden you to do.” [Bukhari, i'tisq̄m, 6; Muslim, fadq̄'il, 130]

Here, again, there is an indication that shari'ah is not a function of compulsion, nor is shari'ah a matter of one size fitting all. The Prophet is alluding to the existence of differences in abilities and circumstances of various individuals, and those who are being addressed are being encouraged to comply with what has been said in accordance with what they are able to do rather than in accordance with what someone else – say a theologian, religious scholar, or the like -- expects such people to do.

“Each one does according to his rule of conduct, and thy Lord is best aware of the one whose way is right.” [Qur'an, 17: 84]

There is a hadith qudsi that says:

“I am according to the impression that My worshipper has of Me [that is, God] so let the impression of Me be Good.” [Bukh̄ri, tawhid, 15]

Theologians, imams, muftis, and jurists often rule in accordance with their own opinions about God. As a result, they tend to be inclined to impose on others that which is in accordance with their impression of God.

Apparently, the impression that all too many Muslim theologians, jurists, muftis, and religious scholars seem to have of God is that Allah is: petty, small-minded, vindictive, unforgiving, intolerant, cruel, punitive, arbitrary, mean-spirited, lacking in wisdom, oppressive, and in desperate need of obedience. Such a poor impression seems to be the case because these sorts of qualities often are reflected in their fatwas, pronouncements, rulings, and writings concerning the illicit attempts of these sorts of individuals to impose shari'ah on others, and one presumes that they are acting in accordance with what their impression of God indicates is expected of them by God.

The word 'qadi' often is translated as 'judge'. However, such a translation really doesn't properly reflect the actual role that a qadi should have.

A qadi – in its original sense and usage -- refers to one who helps settle or decide an affair ('qada'). Nevertheless, this process of settling an affair is not a matter of imposing a judgment on the various parties to the affair under consideration.

A qadi is not trying to impose a perspective that is external to either the particulars of the situation being explored or the individuals who are seeking a just resolution to that situation. Rather,

the task of, and challenge facing, a qadi is one of trying to assist individuals to navigate among an array of spiritual possibilities and work their collective way toward a destination that will be a harmonious solution for everyone involved – without necessarily knowing, in any predetermined manner, what the nature of such a destination will be or what that destination might look like at the beginning of the journey.

As such, a qadi is more of a resource person, facilitator, and a communicator than she or he is a judge of matters. The parties to a given conflict are helped by a qadi to explore the nature of that conflict in terms of its history, perceptions concerning that history, the nature of community and/or family, different needs of the parties to the conflict or affair, various character traits, the abilities of the individuals involved, and ideas concerning the nature of justice.

A qadi encourages the participants to address and discuss issues in such a way that the participants are the ones who learn how to struggle their way toward arriving at an understanding concerning how their affair or situation might best be resolved. The qadi guides this exploratory discussion in accordance with a principle voiced by the Prophet Muhammad (peace be upon him) – namely, “la darar wa la dirar”, which in today’s parlance might be translated as ‘do no harm’.

In the Qur'an one finds the following ayat:

“And it does not beseem the believers that they should go forth all together; why should not then a company from every party from among them go forth they may apply themselves to obtain understanding of deen, and that they may warn their people when they come back to them that they may be cautious.” [Qur'an 9:122]

Fiqh is related to the word: *tafaqquh* that means understanding and, in the context of the foregoing Quranic ayat, the understanding that is being sought concerns the nature of Deen.

Furthermore, such understanding is not something that is to be imposed on people. Rather, the previous Quranic ayat says that those who seek such understanding are to use the knowledge that is obtained in order to “warn their people” so that those people “may be cautious” concerning matters of Deen.

In addition, the Qur'an indicates:

“We have revealed [anzallna] to you al-zikr [The Qur'an] so that you may explain to people what has been brought down [nuzila] to them; and that they may reflect.” [Qur'an, 16:44]

Shari'ah is not necessarily a matter of telling people what to do – although this might be so in some instances. Instead, the Qur'an indicates that people are having things explained to them concerning the nature of revelation or remembrance, and, then, those individuals are being asked to reflect on that which is being explicated so that they might take what is being said and have it inform their own shari'ah or journey/struggle toward the truth.

The process of understanding Deen – tafaqquh fil-din – requires one to struggle toward becoming open or receptive to the hukm of Deen – that is, its governing principle, reality, or truth – in any given set of circumstances. Hakim is one of the Divine Names and refers to the One Who determines the property of a given aspect of reality, and, therefore, the individual is seeking to become open to the nature of the truth or reality that Allah, through the agency of being Hakim, establishes as the governing authority or principle or reality of something in a given set of circumstances.

In this context, one often hears the term Usul al-fiqh. Fiqh, as already indicated, refers to the process of struggling to reach an understanding concerning the nature of the hukm or governing reality of Deen within various circumstances, and the term usul refers to the sources or principles one needs to understand in order to be in a position to be able to counsel or warn others with respect to the nature of Deen.

The principles and sources that are to be understood are all contained in the Qur'an. After all, God has "neglected nothing in the Book." [Qur'an, 6:38]

Fiqh is the process of engaging the Qur'an for purposes of struggling toward the truth with respect to revelation or guidance. Fiqh is a search for right understanding, right belief, right character, right action, and right balance in the pursuit of doing justice to the truth or hukm of individual lived circumstances.

Each novel situation presents the practitioner of fiqh with possibilities and choices in relation to selecting that which might be right, good, just, and/or appropriate behavior to pursue with respect to that which, God willing, might be of most spiritual benefit to an individual or individuals in a given context. Fiqh is the process of seeking to come to an appropriate understanding of the hukm – or reality and governing principle or authority -- for a given set of circumstances, and, then, using that understanding to establish what are appropriate ways for proceeding through or conducting oneself in such circumstances.

A qadi seeks to induce the parties to a conflict to engage in the process of fiqh concerning the affair or conflict or issue that brought the various parties. Collectively, those individuals seek to struggle, with the assistance of the qadi, toward arriving at an understanding of the hukm – that is,

the governing principle or reality – that has authority in the matter at hand.

For many, there is a sense in which life takes on the appearance of a judicial proceeding. For example, Muslims believe there is to be a Day of Judgment. We are further informed that what we do, and do not do, will be used as evidence -- both in support of, as well as being counted against, us -- and that our hands, feet, and other bodily members will give testimony concerning various matters on the Day of Judgment. Muslims also believe that punishments and rewards are associated with the manner in which evidence and judgment intersect with one another. Muslims further believe that a record of everything one does in life is being maintained and that each of us will carry such a record in either our right hand in front of us or our left hand behind us on the Day of Judgment.

Given considerations like the foregoing, when shari'ah and Sacred Law are mentioned together, many people are inclined to jump to the conclusion that Sacred Law and shari'ah must be matters that give expression to legal injunctions. Nevertheless, one can stipulate to the truth of ideas involving: the Day of Judgment, evidence, testimony, a real-time record, punishment, or reward, and, yet, still maintain that the Sacred Law and shari'ah are not, ultimately, about judicial proceedings but, rather, are about truth, knowledge, understanding, spiritual realization, essential identity, and the process of purification

that is necessary to, God willing, put a person in the position of being receptive to whatever God might wish to disclose to that individual concerning the nature of Sacred Law and the process of shari'ah.

Life consists of a series of opportunities through which to purify ourselves. For example, the Qur'an says:

“That person prospers who purifies oneself, invokes the name of one's Lord, and prays.” [Qur'an, 87: 14].

And, again:

“But those will prosper who purify (tazakka) themselves and glorify the Name of their Guardian Lord and lift their hearts in prayer.” [Qur'an, 87: 14-15]

And, again:

“Those who spend their wealth for increase in self-purification and Have in their minds no favor from anyone for which a reward is expected in return, but only the desire to seek for the Countenance of their Lord Most High.” [Qur'an, 92:18-20].

| Shari'ah: Declaration of Independence |

This last ayat in particular indicates that the purpose of purification is linked only to a “desire to seek for the Countenance of their Lord Most high” – without any thought of reward. This theme is echoed in another verse of the Qur'an:

“Say: Surely, my prayer and my service of sacrifice, my life and death are all for Allah, the Lord of the worlds.” [Qur'an, 6:162]

Or consider the following verses from Surah Shams [The Sun]:

“In the Name of Allah, the Beneficent, the Merciful.
I swear by the sun and its brilliance,
And the moon when it follows the sun,
And the day when it shows it,
And the night when it draws a veil over it,
And the heaven and Him Who made it,
And the earth and Him Who extended it,
And the soul and Him Who made it perfect,
Then He inspired it to understand what is right and wrong for it;
He will indeed be successful who purifies it,
And he will indeed fail who corrupts it.” [Qur'an, 91:1-10]

According to my shaykh (spiritual guide), the rhetorical style of the Qur'an is such that whenever God wishes to draw attention to the importance of some given point, theme, or issue, oaths are used to introduce such a point, theme, or issue. The more oaths there are that occur prior the matter in question, the more important is the issue to which our attention is being directed.

Nowhere else in the Qur'an can one find as many oaths piled upon oaths as one does in relation to the opening verses of Surah Shams. To what is our attention being drawn and what is so important, if not the process of purification?

What does purification lead to if God wishes? Purification leads to taqwa.

And, why is taqwa important? Because the one who is in a condition of taqwa is the one who, God willing, will be taught knowledge and discernment.

“Be God-fearing [have taqwa], and God will teach you.” [Qur'an, 2:282]

In other words, be careful with respect to one's relationship with Allah. Understand that such a relationship is rooted in the hallowed, sacred ground of Being and that one must seek to gain insight into that ground, and if one exercises due diligence in these respects, then, God willing, one will be taught knowledge by God.

| Shari'ah: Declaration of Independence |

“If you are God-fearing (have taqwa), He will give you discernment [furqan].” [Qur'an, 8:29]

The process of developing an appropriate awareness and respect for the sacredness of Divine presence is a work or 'amal . This struggle is a form of remembrance or zikr.

With respect to what is one to be given discernment or about what is one to be taught? One is to be taught about, and given discrimination concerning, the nature of Sacred Law and the process of shari'ah.

One of the prayers of the Qur'an is:

“O my Lord, increase me in knowledge.” [Qur'an, 20: 114]

One is seeking knowledge of the truth concerning the nature of the Sacred Laws governing the Created Universe and one's place in it. One is seeking knowledge about the nature of shari'ah and how such a process both leads to, as well as is an expression of, the Sacred Law. One is striving toward an understanding of the hukm that governs, and has authority over, this or that aspect of being – including one's own essential identity and spiritual capacity.

The five pillars and zikr [both in their role as basic, fundamental expressions of shari'ah that are

intended to be accessible to all, as well as in conjunction with their role as supererogatory extensions of those basic fundamentals] are ways, God willing, of striving toward taqwa. The five pillars and zikr are processes of purification that, God willing, helps rid one of everything that can serve as a source of distraction, distortion, bias, and corruption concerning our achieving a state of receptivity – that is, taqwa – with respect to the real teachings of spirituality involving the Sacred Laws of the Created Universe.

The five pillars are not the end of matters, but are, rather, the beginning of a process that is intended to lead one to the place of drinking the water or knowledge that, God willing, renders one receptive to the hukm of God's Word or revelation. Nonetheless, there are many gradations of knowledge and understanding concerning such matters.

The five pillars and zikr that a Muslim observes are engaged through a different understanding than are the five pillars and zikr that a Momim or Mohsin observes. The five pillars and zikr of the one who is in a condition of taqwa are different from those who are not in such a spiritual condition. The five pillars and zikr of an 'abd of Allah is different from the five pillars and zikr of someone who is not an 'abd of Allah.

“Whoever submits one’s whole self to Allah and is a doer of good has indeed grasped the most trustworthy handhold.” [Qur’an, 31:22]

And, as well:

“O Humankind! Surely you are toiling towards the Lord, painfully toiling, but you shall meet Him ... you shall surely travel from stage to stage.” [Qur’an, 84: 6, 9]

Today, and for many centuries now, all too many Muslim religious scholars, theologians, imams, mullahs, and so on have sought to make the process of coming to a proper understanding of the nature of Sacred Law and shari’ah an unnecessarily complex, convoluted, and a most difficult and contentious journey. According to such individuals, one must become familiar with some 1400 years-worth of various people’s religious fatwas and theological meanderings, and/or one must become an apprentice with respect to some given madhab or school of jurisprudence, and/or one must undertake to learn so many thousands of hadiths, and so on, before one can be said to be in a position to properly understand the nature of Sacred Law and shari’ah.

However, the Qur’an says:

“Allah does not desire to put on you any difficulty, but He wishes to purify you and that He may complete His favor on you, so that you may be grateful.” -- “ma yaridu Allahu li-ajala alaykum min haraj.” [Qur'an 5:6]

Shari'ah is not a matter of intellectualized, rationalistic, or politicized engagements of the Qur'an. Shari'ah is a process of purification entailing activities such as prayer, fasting, charitableness, pilgrimage, remembrance, service, worship, and the acquisition of character traits such as: gratitude, repentance, tolerance, perseverance, integrity, honesty, humility, nobility, forgiveness, patience, compassion, love, generosity, kindness, and so on – all of which will assist one to pursue shari'ah's journey toward taqwa and, in turn -- if God wishes – to real, essential knowledge concerning both the nature of shari'ah and the Sacred Law governing Created existence.

One pursues these activities as best one's circumstances permit and according to one's capacity to do so. To demand that more than this be done or to demand that people pursue this in accordance with someone's theological interpretation of matters is to impose an oppressive difficulty on people, and, yet, this is precisely what all too many Muslim theologians, mullahs, and religious scholars would do when they claim that people must be made to act in accordance with those people's arbitrary ideas

concerning the nature of shari'ah and the Sacred Law.

“And God wishes for you that which is easy, not what is difficult.” [Qur'an, 2:185]

That which is easy is not necessarily that which is without struggle. Rather, that which is easy is that which falls within one's capacity to accomplish if one makes efforts in this regard and if God supports such efforts.

Through the process of purification, God is seeking to assist us to simplify our lives. In other words, God is wishing for us to have ease – at least as much as this is possible in this life – rather than difficulty.

When everything we do is distorted, filtered, framed, and corrupted by our biases, delusions, and false understandings, life becomes very difficult – much more difficult than it has to be. However, through the process of purification – that is, through the journey of shari'ah -- one begins, God willing, to not only shed all the unnecessary conceptual and emotional baggage that we impose upon ourselves through our biases and false understanding concerning the nature of reality and ourselves, but, as well, one is brought to a station of taqwa where one is taught the kind of knowledge and discrimination by God that helps ease us through the ups and downs of lived existence.



The Issue of Ijtihad

Mu'adh ibn Jabal was dispatched by the Prophet to govern Yemen. Before ibn Jabal left for Yemen, the Prophet asked him about the nature of the method through which ibn Jabal would govern. Ibn Jabal replied: 'In accordance with God's Book.' Ibn Jabal was then asked by the Prophet that if the former could not find what he needed in God's Book, how would ibn Jabal proceed in relation to the process of deliberation. Ibn Jabal responded with: 'Then, according to the Sunna of God's Prophet.' The Prophet then asked what ibn Jabal would do if the latter could not find what he requires in the Sunna of the Prophet. Ibn Jabal replied that he would exercise ijtihad." The Messenger of God indicated that he was happy with the answers that ibn Jabal had given to each of the Prophet's queries.

Some people have tried to construe the meaning of ijtihad as involving legal reasoning in some form. However, ijtihad - which comes from the same root as 'jihad' - refers to a process of personal striving or struggling to assert the truth of a matter.

The Qur'an says:

"And strive hard in the way of Allah, such a striving as is due to Him;" [Qur'an, 22:78]

All of life requires one to exercise ijtihad. All of life requires one to strive for the truth.

Among other things, God has given each of us a capacity for seeking truth. To use such a capacity for anything other than striving for the truth is to strive in a manner that is less than what is due to God.

Reason might be one tool entailed by such an exercise. Nonetheless, there are other faculties and capabilities within the individual [e.g., heart, sirr, kafi, spirit] that also might be employed during the process of ijtihad.

Furthermore, whatever the nature of the faculties and methods that might be employed during the process of ijtihad, one is not necessarily seeking a legally enforceable solution to the question, issue, or problem at hand through such a process. This is especially so with respect to matters of shari'ah -- which is an individual, spiritual task and not something that should be imposed collectively or through compulsion.

To govern is to oversee the regulation of public space so that that space is free of oppression, injustice, and tumult. Governance is not about the enforcement of shari'ah, but, rather, governance is about the regulating of the 'commons', so to speak, so that individuals are free to pursue, or not, the issue of shari'ah.

Presumably, if ibn Jabal was looking to the Qur'an, the Sunna, and the exercise of ijtihad in order to find solutions to problems of governance, one should not necessarily assume that he was trying to discover various facets of shari'ah that

could be imposed on people. Rather, ibn Jabal might have been trying to discover those principles of justice, equitability, tolerance, truth, wisdom, and so on that will permit a community to exist in relative peace and harmony, free from oppression, so that the members of that community might individually tend to the responsibilities that revolve about and permeate the issue of free will in a manner that does not oppress others. As the Qur'an indicates:

“O ye who believe! Be upright for Allah, bearers of witness with justice, and let not hatred of a people incite or seduce you to not act equitably; act equitably, that is nearer to piety (taqwa), and be careful with respect to Allah, surely Allah is aware of what you do.” [Qur'an, 5:8]

Ibn Jabal (may Allah be pleased with him) was seeking to be “upright for Allah”. He was seeking to be one of the “bearers of witness with justice”. He was seeking to “act equitably”. He was seeking to struggle toward a condition of taqwa. He was seeking to “be careful with respect to Allah”.

Notwithstanding the foregoing considerations, and without prejudice to either the Prophet Muhammad (peace be upon him) or ibn Jabal (may Allah be pleased with him), there is a great deal of ambiguity in the interchange between the two as related in the foregoing hadith. For example, one might ask: What does it mean to find or not find what one needs in the Qur'an? Or, what is meant by the idea of finding or not finding what one seeks in

the Sunna of the Prophet? What is actually entailed by the process of exercising ijihad?

There is no one answer that can be given to any of the foregoing questions. Much depends on the spiritual capabilities and condition of the individual doing the needing, seeking, and striving in relation to, respectively, the Qur'an, the Sunna, and ijihad. Much also depends on the nature of the problem that one is attempting to resolve or the kind of question one is trying to answer.

The truth of the matter is that many people read about the account involving the Prophet Muhammad (peace be upon him) and ibn Jabal (may Allah be pleased with him), and such individuals tend to impose their own ideas onto the exchange. For example, because ibn Jabal was being sent off to Yemen to govern, there are those who suppose that only someone who has been given the authority to govern can observe the practice of ijihad. Then, again, there are others who understand the interchange between the Prophet and ibn Jabal to mean that only someone who has been given the authority to make legal pronouncements is permitted to exercise ijihad, and, then, such commentators often proceed to put forth a list of qualifications that such a person must have in order to be permitted to exercise 'legitimate' ijihad.

There is an underlying logic inherent in the perspective of those who seek to restrict ijihad to only certain kinds of individuals with certain kinds

of qualifications. The nature of that logic goes somewhat along the following lines: The Prophet Muhammad (peace be upon him) was sending ibn Jabal (may Allah be pleased with him) to govern the people of Yemen; the Prophet was only showing approval concerning the exercise of ijtiḥad in the case of someone whom he had authorized to fulfill a specific task of governance; therefore, the Prophet would only approve ijtiḥad in someone whom he had authorized to accept such a responsibility.

The foregoing kind of logic is nothing more than presumptions that are being read into the conversation in question. In point of fact, there is nothing in the interchange between the Prophet Muhammad (peace be upon him) and ibn Jabal (may Allah be pleased with him) to which one can point that authoritatively and decisively demonstrates the necessity of concluding that only people who govern or only people who promulgate laws or only those with specific qualifications have the right to exercise ijtiḥad.

Above and beyond the foregoing sorts of difficulties, there are two other kinds of presumption inherent in the sort of logic that seeks to place limits on those who might exercise ijtiḥad. On the one hand, there is a presumption that those who exercise ijtiḥad today -- and, therefore, those who are referred to as mujtahids -- have been authorized by the Prophet to do so, and this is, at best, a very dubious presumption. On the other

hand, there is another presumption present in the foregoing sort of logic that arrogates to itself the right to forcibly impose upon others the “fruits” from someone’s exercise of ijihad that is, once again and at best, an extremely dubious presumption.

We are each governors of our own being. We each have been given the capacity to consult the Qur’an, the Sunna, and, when appropriate, to exercise ijihad as we strive to find our way to truth, justice, essential identity, and our primordial spiritual capacity.

In fact, one might argue that every engagement of the Qur’an and Sunna is an exercise of ijihad. Each individual strives and struggles to purify herself or himself in order that one might be led, God willing, to a spiritual condition that allows one to drink in what is necessary to have ears with which to hear and eyes with which to see the true nature of what God is disclosing to us through the Qur’an and the example of the Prophet.

Having said the foregoing, one should not suppose I believe there are no differences in the quality, depth, insight, wisdom, balance, or appropriateness as one moves from one exercise of ijihad to the next exercise of ijihad among different individuals. The Qur’an states:

“Are they equal – those who know and those who do not know? Only those of understanding are mindful.” [Qur’an, 39:9]

In this regard, there are some mujtahids who truly do know what they are talking about with respect to matters of shari'ah, truth, and justice, just as there are all too many mujtahids who do not know what they are talking about when it comes to matters of shari'ah, truth, and justice. Nevertheless, whether someone who engages in ijihad knows what he or she is doing, or whether someone who engages in ijihad does not know what she or he is doing, neither individual has the right or authority to forcibly impose their understanding upon others when it comes to matters of shari'ah.

If one wishes to think of shari'ah as Divine Law, then, as previously indicated, one should understand the idea of law in such a context as being an expression of the way the universe spiritually operates rather than as being an expression of a legal system. No one has to impose the law of gravity on anyone since most of us become aware of the existence and nature of gravity through life experience, and, as a result, we begin to factor in our understanding of this law of nature with respect to our daily lives concerning what might be practical and what might be problematic when it comes to matters that are affected or influenced by the force of gravity.

When one runs afoul of the law of gravity, one is not being punished for a legal transgression. Rather, one is suffering the consequences of failing to exercise due diligence in one's life with respect to the law of gravity.

Similarly, when one runs afoul of the principles inherent in shari'ah, and, then, if things begin to become problematic in one's life as a result of such transgressions, one is not being punished. Instead, as is the case in relation to the law of gravity, by failing to exercise due diligence with respect to shari'ah, problematic ramifications might begin to become manifest in one's life. This is just the way the universe is set up to operate unless God intervenes and interrupts the normal sequence of events.

The truth of the matter is – and as the Qur'an has indicated in a number of verses – difficulty, problems and trials come into the lives of everyone – whether they are believers or non-believers. Thus, the Qur'an notes:

“And we test you by evil and by good by way of trial.” [21:35]

Or, again:

“Do they not see that they are tried once or twice in every year, yet they do not turn nor do they take heed.” [9:126]

And, finally:

“And surely We shall test you with some fear and hunger and loss of wealth and lives and crops;” [Qur'an, 2:155]

Pursuing shari'ah in a sincere fashion can assist one to cope with such problems, and when one turns away from that spiritual journey, one is actually placing oneself at a disadvantage when

it comes to dealing with the rain that must fall into the life of everyone, and this is another natural law of the universe. Indeed, the following Quranic ayat alludes to those who properly understand the natural laws of the universe:

“But give glad tidings to the steadfast – who say when misfortune strikes them: Surely, to Allah we belong and to Allah is our returning.” [Qur'an, 2:156]

Furthermore, just as no one has to impose a penalty beyond what happens naturally when one transgresses the due limits of the force of gravity, so, too, with certain exceptions (to be noted shortly) no one has to impose a penalty beyond what happens naturally when one transgresses the due limits of shari'ah. If one does not say one's prayers, or if one does not fast during the month of Ramazan, or if one is financially and physically able to do so but does not go on Hajj, or if one fails to give zakat, or if one fails to act in accordance with the reality that God exists and that the Prophet Muhammad (peace be upon him) was given a Book of Divine revelation, or if one does not seek to acquire the noble character traits [such as forgiveness, tolerance, patience, gratitude, humility, steadfastness, love, generosity, and the like] which are part of what is sought by pursuing shari'ah, then, one will have to deal with the problematic ramifications of such negligence in one's day-to-day life.

Only when such ramifications spill over into the lives of others and, as a result, an individual's negligence of shari'ah leads to that individual pursuing courses of action that abuse, exploit, injure, or oppress others does the community have a right to step in and seek to restore harmony, peace, justice, and balance within the community. Such intercession is directed toward protecting the right of people in a community to be able to have the opportunity to make choices concerning shari'ah – either toward it or away from it -- which are free from interference by others. These corrective efforts of the community are not directed at forcing some given transgressing individual to follow shari'ah but, rather, are directed toward honoring the rights of individuals to have the opportunity to be free of oppression from others.

After such corrective measures are taken – and these measures need not be punitive and could involve attempts to mediate and reconcile individuals as a means of restoring balance and harmony in the community – if the individual who originally had introduced oppression into the lives of other people wishes to continue to choose to live life in opposition to the principles of shari'ah, then, the person should be free to do so as long as such a life does not transgress further against the rights of others to be free of any tendencies toward oppression that might arise out of such choices. However, just as someone who does not wish to follow shari'ah has no right to oppress others in the

community, then the following is also true: those who wish to follow shari'ah have no right to oppress others in the community in terms of the way the former wish to pursue shari'ah.

Oppression is not about whether someone has transgressed this or that legal injunction. Oppression occurs when someone interferes with, or seeks to undermine and diminish, the sort of right with respect to which there is virtually universal consensus [and irrespective of whether someone believes in God or does not believe in God] – the right to be free to choose the course of one's life. The responsibility that accompanies this right is a duty of care to others in the community – a responsibility that stipulates that however one exercises one's basic right to choose, such choices cannot spill over and adversely affect the right of others to make similar free choices in their own lives.

Legal laws do not have to be transgressed in order to know that oppression exists in a family, community, or nation. All one needs to look at is whether there are imbalances and inequities among individuals in their respective abilities to effectively exercise the most basic of rights among human beings – that of free choice.

Freedom to choose is one of the most basic natural laws of the universe. When that natural principle is transgressed against, the result is oppression, irrespective of whether, or not, any legal rules have been broken.

In fact, in all too many societies, the legal laws that exist are intended to oppress people while simultaneously sanctioning the right of certain favored individuals under the law to oppress others with impunity. Indeed, in many Muslim nations and communities where certain laws are enforced that are referred to as shari'ah -- but, in truth, are not shari'ah -- the legal structure of those communities and nations is set up in such a way so as to give government and religious authorities the right to impose what is called shari'ah on people and thereby oppress them and, in the process, transgress against the freedom to choose that God has given to all human beings -- whether they believe, or they do not believe, in Divinity.

Just as air, water, and food are intended for all to use irrespective of whether, or not, they are believers in God, so, too, the right to choose is a basic entitlement of all human beings. In fact, at the very heart of shari'ah is the right to freely choose among alternatives, and when legal injunctions that are referred to as shari'ah are imposed on people, the very essence of shari'ah is violated.

Those who are, by the Grace of God, good at exercising ijtihad -- that is, those who are spiritually insightful, truly knowledgeable [as opposed to just being filled with information], as well as wise mujtahids [i.e., practitioners of ijtihad] perform an important service for those who are seeking counsel concerning the pursuit of shari'ah. Nonetheless, that service is limited to offering

counsel and nothing more, and, furthermore, no one has the right to take such counsel and use it to justify attempts to compel other human beings to live in accord with that counsel. To do so totally misses, if not distorts, the meaning and purpose of both being a mujtahid as well as pursuing shari'ah.

The Prophet Muhammad (peace be upon him) is reported to have said: "When the qadi judges and does ijtiḥad and hits the mark, he has ten rewards; and when he does ijtiḥad and errs, he has one or two rewards."

The Prophet is indicating in the foregoing that the exercising of an intention to seek truth and justice is rewarded in and of itself, even if it turns out that one who is exercising such an intention pursues a path that does not give expression to either truth or justice. Moreover, the foregoing also seems to indicate fairly clearly that ijtiḥad is the process of struggling for the truth of a matter, while being correct or in error concerning the results of that process is quite another matter altogether.

However, one should not assume that the Prophet was indicating in the previous hadith that making errors concerning the exercise of ijtiḥad is okay and without consequences or that one has the right to impose such erroneous judgments on others. This latter point is especially relevant with respect to those individuals who have not been authorized by either God or the Prophet Muhammad (peace be upon him) to exercise ijtiḥad on behalf of a community - as opposed to

exercising ijihad in conjunction with respect to oneself ... something that we all have been given the capacity and responsibility to do.

To make judgments as a mujtahid is not a matter of imposing shari'ah on others. Rather, to make judgments as a mujtahid is to strive toward assisting members of a community to identify those tools of truth and principles of justice that might be useful resources to apply, like salve on a wound, to help alleviate the pain and difficulties that have ensued from some manner of disturbance in the peaceful fabric of a community so that harmony and balance might be restored through a peaceful reconciliation of differences and conflicts.

During the time of the Prophet Muhammad (peace be upon him) there were occasions – and, in fact, these were not many in number -- in which rigorous penalties were applied in conjunction with the commission of certain crimes. There were a number of reasons for this – reasons that are no longer necessarily applicable to present circumstances.

First, the law of retribution was already the acknowledged and accepted way of doing things among the Arabs even before the emergence of Islam in Arabia. The revelation of the Qur'an indicated that such a law could continue to be exercised, but, at the same time, people were reminded that forgiving such transgressions would be better for the believers and pointed out, as well, that this same principle of forbearance also had

been in place among the Jewish people. Thus, in the Qur'an, one finds:

“We have ordained [in the Torah] that a life [should be taken] for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and wounds [are to be punished] by qisas [exact retribution or retaliation]. But if someone remits exact retaliation by way of charity, that will be an act of atonement for that person. Whoever fails to exercise discernment in accordance with what God has revealed shall be of the unfair ones.” [Qur'an, 5:45]

One of the recurrent themes of the Qur'an was to guide individuals toward constructively reforming the way in which they engaged themselves as well as one another. These reforms often were introduced over a period of time in relation to, among other things, prayer, fasting, alcohol, slavery, and the treatment of women.

The principle of retribution continued to be permitted not because such a policy was necessarily the best way of dealing with various situations but, rather, because many Arabs in those days would neither have tolerated nor understood any approach to such issues that departed very much from their usual customs in these matters. At the same time, the Qur'an sought to induce people to begin to reflect on issues like retribution by emphasizing the importance of qualities such as forgiveness, tolerance, humility, patience, love, preferring others to oneself, generosity, justice,

compassion, mercy, being charitable, and so on. Thus, one finds in the Qur'an verses such as the following:

“Take to forgiveness and enjoin good and turn aside from the ignorant.” [Qur'an, 7:199]

Another factor involved with permitting certain harsh punitive measures to be applied during the lifetime of the Prophet concerned the right of individuals to ask for 'purification through punishment'. More specifically, there were people who came to the Prophet and confessed sins with which harsh penalties were associated such as theft, fornication, and adultery, and they confessed such sins not because anyone had evidence to prove that those individuals had committed transgressions but because the individuals in question believed in the idea that if one pays for a given sin in this world, one will not be held accountable for that sin on the Day of Judgment – the slate is wiped clean in that respect, and one has been purified.

The Prophet did not encourage people to come to him and confess their sins. In fact, he indicated that people should, instead, sincerely repent before God with respect to their sins and to seek God's forgiveness in those matters.

However, the Prophet also made it clear to the community that if people did come to him and confess their sins, then – as a Prophet who had a responsibility to maintain equitability within the community -- he would become obligated to take

steps that might lead to certain punitive measures being applied to the case – measures that were associated with the commission of such transgressions. Nonetheless, some people – several of whom are talked about in the hadith literature – did approach the Prophet with a clear understanding of what was being set in motion through their confessing of some transgression, but these individuals wished to avail themselves of the principle of ‘purification by punishment’ because they wanted the certainty that such a sin would not be held against them on the Day of Judgment.

One case that is related through the hadiths concerns a woman who came to the Prophet wishing to confess to adultery. The Prophet responded in a manner that suggested that he did not wish to hear what the woman had to say in this regard.

The woman kept insisting on confessing her sin to the Prophet in order to be able to undergo a process of purification through receiving the indicated punishment that would wipe her slate clean with respect to such a transgression. Finally, the Prophet informed her that the penalty for such a transgression was death, and she accepted this.

The Prophet said that the woman might be pregnant, and, therefore, she should permit the child to be born. He informed her that when the infant was born, she should return to him for purposes of carrying out the punishment.

After the child was born, the woman returned to the Prophet seeking to have the penalty enforced. The Prophet indicated that the woman should suckle the child and that when the period of suckling came to an end, she should return to him so that the indicated penalty might be exercised.

Several years later, the woman returned to the Prophet and indicated that the period of suckling the child was now complete. She wanted to proceed with the process of purification by punishment.

The woman was executed, and the Prophet led the funeral prayers. Someone objected to his leading of the prayers for such a woman, and the Prophet is reported to have said that the woman was as innocent at the time of the prayers as she had been on the day she was born.

Notwithstanding the foregoing considerations, there is a very substantial difference between, on the one hand, enforcing a penalty because the recipient desires this out of his or her own free choice and, on the other hand, seeking to enforce such a penalty because one believes one has a God-given duty to impose such penalties on others independently of whether, or not, an individual agrees to become subject to an application of the principle of 'purification by punishment'. Furthermore, today, there is no one among us who is a Prophet, nor is there anyone among us who necessarily has the God-given authority or the obligation [although there are many who have illegitimately arrogated to themselves such an

authority and an obligation] to apply the punitive sanctions that are indicated in the Qur'an concerning certain transgressions involving acts of, for instance, theft, fornication, or adultery.

The timeframe when such measures were necessary or appropriate has passed. There are alternative ways of dealing with such transgressions – ways that are entirely consonant with other teachings of the Qur'an concerning the importance of forgiveness, compassion, mercy, patience, tolerance, love, humility, generosity, nobility, and the like.

Indeed, there is nothing in the Qur'an that stipulates that when one has a choice between two alternative ways of handling a situation, then one must necessarily choose the more rigorous or more punitive means of dealing with such a matter. In addition, there are a great many spiritual principles distributed throughout the Qur'an that strongly indicate that, where possible and practical, one should be inclined toward treating others with forgiveness, compassion, mercy, patience, tolerance, and generosity rather than through rigor or harshness.

The Prophet Muhammad (peace be upon him) encouraged people to take responsibility for pursuing their own form of striving with respect to the truth. He is reported to have said:

“Do not ask me questions as long as I leave you alone.” [Bukhari, *i'tisām*, 2; Muslim, *hajj*, 411]

The Prophet was, in effect, telling people: if I leave you alone, then, you should leave me alone. In other words, if the Prophet did not give people some particular guidance or direction, then, people should not seek to bother the Prophet by asking questions about how to proceed in life or with respect to how to pursue Islam.

The Prophet Muhammad (peace be upon him) is also reported to have said that one should:

“Seek the guidance of your heart (istaftii qalbaka: ask for the fatwa), whatever opinion others may give.”

This process of seeking the guidance of one's heart is not a matter of following whatever whims, passions, or desires that might arise in consciousness. Rather, the process of seeking the guidance of one's heart is to exercise *ijtihad* – to strive for the truth of a matter by purifying oneself so that one might enter a condition – namely, *taqwa* – through which, God willing, one might be opened to the truth or to the *hukm* – that is, the governing authority or reality of something – so that one can act rightly.

By listening intently to one's heart and asking for a fatwa – or guidance – one was seeking to hear the resonance of truth with the Words of God. Indeed, as the Qur'an indicates:

“And who is better than Allah to make judgments for a people who are sure.” [Qur'an, 5:50]

In seeking the guidance of one's heart, one is seeking Divine assistance. If one has taqwa, then, God willing, the guidance one seeks from one's heart will reflect the truth or reality of a matter that God wishes one to understand.

Furthermore, in conjunction with this process of seeking the counsel or guidance or fatwa from one's heart, one should be careful concerning the sort of things for which one seeks an answer. The Qur'an indicates:

"Do not ask Us about those things that if they were shown [or declared to you] could bring you wrong [or trouble you]." [Qur'an, 5:101]

The Qur'an also stipulates:

"O Prophet, why do you declare illicit what God has made licit, simply to give satisfaction to your wives." [Qur'an, 66:1]

One might ask another question that has resonance with the foregoing – namely, why should one be inclined to declare as illicit that which God has made licit – by remaining silent on a matter -- simply to give satisfaction to theologians, mullahs, religious scholars, and the like?

Some have proposed that a principle to keep in mind when engaging the guidance of the Qur'an is not to fill in the gaps and spaces that God has left in the Qur'an as degrees of freedom for human beings. Whatever is not specifically prohibited in the Qur'an is considered to be licit unless a compelling case from the Qur'an itself can be given that

demonstrates why such degrees of freedom should not be permitted.

Through the use of qiyas or analogical reasoning, many religious scholars and theologians have sought to argue that, for example, because one thing is like something else, and since God might have prohibited the latter, then, the former must also be considered as prohibited. By approaching things in this manner, they have sought to introduce prohibitions where none actually existed in the Qur'an.

For example, some individuals have sought to argue that because the flesh of pigs has been prohibited to Muslims [as well as Jews and Christians] as a food, and because some footballs are made from pig skin or because some forms of suede shoes have been made from pig skin, then, one might not touch those balls or wear such shoes.

Yet, the Qur'an is silent about both matters. People are reading their own ideas into the guidance of the Qur'an.

In order to arrive at such conclusions, those individuals might have exercised ijihad. However, by means of such reasoning and striving, they have not necessarily captured the hukm of a matter – that is, the principle that governs a particular aspect of reality.

In this respect, the Qur'an states:

“He grants wisdom to whom He pleases; and he to whom wisdom is granted receives indeed a

benefit overflowing; but none will grasp the message but men of understanding." (2:269)

Not everyone who exercises ijtiḥad necessarily does so through a God-granted wisdom. And, truly, only those who have been graced with such wisdom will understand that this is so. Moreover:

"Each one does according to his rule of conduct, and thy Lord is best aware of the one whose way is right." [Qur'an, 17: 84]

Ijtiḥad is not the creation of something new in the way of guidance. Rather, ijtiḥad is a process of struggling toward trying to discover [according to one's capacity to do so and the Grace that God bestows] the nature of the original hukm concerning the principles that already govern the truth or the reality of a matter and that are being expressed through the two books of revelation – the Qur'an and Nature (considered in its entirety).

A sincere mujtahid does not seek to make discernments except in accordance with, and as expression of, what Allah shows that individual through her or his exercise of ijtiḥad. As the Qur'an attests:

"True believers are only those who have faith in Allah and His messenger and have left doubt behind and who strive hard in Allah's cause with their possessions and their lives. They are the ones who are sincere." (49: 15)

Supposedly, at least according to some religious scholars and theologians, the gates of

ijtihad [striving, strenuousness] became closed after the 9th century A.D. Evidently, these individuals were of the opinion that what they referred to as Islamic law [but, in reality, this was nothing more than laws made by Muslims] had matured sufficiently enough that individual attempts to understand the limitless depths of the Qur'an and Sunna had been exhausted.

The Qur'an states:

“And if all the trees in the earth were pens, and the sea, with seven more seas to help it were ink, the words of Allah could not be exhausted.”
[Qur'an, 31:27]

The Prophet is reported to have said:

“Truly, the Qur'an has an outward and an inward dimension, and the latter has its own inward dimension, and so on, up to seven dimensions.”

In light of the foregoing guidance of the Qur'an, as well as in light of the aforementioned understanding of the Prophet Muhammad (peace be upon him) concerning the depths of the Qur'an, I cannot think of anything more arrogant than for someone to try to claim that the doors to ijtihad were closed in the 9th or 10th century.

The truth of this matter is that certain individuals sought to close the door to ijtihad in order to establish a politically expedient compromise between two groups of individuals. On the one hand, there were the rulers who wanted

the authority and legitimacy of what would be treated as established and unalterable law to be placed at their disposal so that they might exploit such law to do as they saw fit. The other party to the politically expedient compromise was from among the ulama who wanted a fiqh – that is, a mode of engaging the Qur'an and the Sunna of the Prophet -- over which they would have control and that, in addition, would ensure that they had a position of status in the community where their “expertise” and authority would be sought out by others. Both sides to this compromise made a deal that would give the respective sides power, status, and control at the expense of doing justice to the either the community or the reality of Quranic guidance.

The aforementioned ulama reduced fiqh down to a set number of issues [some say these are 589 in number]. Each madhab, or school of jurisprudence, developed its own theological positions relative to these set number of issues.

Furthermore, the leaders of these various schools issued pronouncements indicating that one would not be able to switch from one school to another. In addition, and this is where the idea of closing the doors of ijtiḥad came in, no one was permitted to open up any of these codified positions to the exercise of ijtiḥad.

The true location of hukm [determinative authority] is with Allah, and the location of such a hukm does not rest with some given school of

jurisprudence or with the rational intellect considered in isolation from other spiritual faculties of the individual. When one does not know what the nature of the hukm or reality is with respect to some given matter, then, one must rely on Allah, and such true and sincere reliance requires that one 'become like the corpse in the hands of the one who washes it' -- that is, a true 'abd or servant or bondsman of God -- and one moves in whatever direction the Hands of God move one. This is the real essence of ijtiḥād.

Why do human beings believe they have the authority or responsibility to hold other human beings accountable for what is, clearly, according to the Qur'an, obligations or duties of care that one has to God? God is the One Who has ordained such duties of care, and God is the One Who will judge such matters, and God is the One Who will hold people accountable for their deeds and misdeeds in this respect on the Day of Judgment, and God has not asked people -- other than the Prophets -- to assume responsibility for, or to take authority of, such matters. So, why do Muslim theologians, imams, muftis, mullahs, and leaders believe it is their duty to police the Deen of others and make sure that it conforms to their own individual likes and dislikes?

According to some modern-day, self-proclaimed mujtahids, they represent the members of the community in the matter of determining

what constitutes the nature of one's spiritual duties of care to God. They believe that when the mujtahids of a certain school of law reach a consensus concerning some given facet of what the members of that school consider to be shari'ah, then, from an epistemological perspective, such an agreement gives expression to an understanding that is just as certain as anything from the Qur'an or Sunna. Furthermore, they believe they have the right to impose their views on others.

However, as indicated previously in this essay, there is not necessarily any evidence – other than self-serving claims – that such individuals actually have been appointed by God or the Prophet to either determine what the spiritual path should be for others or that such mujtahids have been granted the authority by either God or the Prophet to impose upon others whatever judgments at which they might arrive during the course of their deliberations concerning the Qur'an and Sunna. Nor is there necessarily any evidence – other than the self-serving circularity of their own belief – that the agreements these so-called mujtahids reach should be considered to have the same level of authority or authenticity as either the Qur'an or Sunna, and, in fact, there is not necessarily any evidence – other than the mutually reinforcing opinions of the parties to the agreement – that the participants have even arrived at a correct understanding of things.

Anyone who strives or struggles to ascertain the nature of shari'ah is performing ijihad and, therefore, is a mujtahid. Nonetheless, the fact that one is a mujtahid or is referred to as a mujtahid does not inherently compel others to accept the proclamations of such individuals as anything more than their understanding of a given issue, problem, or idea.

There are mujtahids who truly understand the nature of shari'ah, and one would be well advised to consider what they have to say about things and to reflect on such matters with due diligence. On the other hand, there also are mujtahids who truly do not understand the nature of shari'ah, and one would be well advised to stay as far away as possible from these latter sorts of individuals.

The problem, of course, is one of knowing who is that kind of mujtahid. Everyone makes a choice concerning who they will listen to or go to for counsel with respect to spiritual matters, and much might be decided by the nature of one's choice in this regard.

Choose correctly and one has, God willing, good spiritual counsel. Choose incorrectly and one has, might Allah have mercy on us, bad spiritual counsel.

For far too long, the Muslim world has been making a lot of bad choices with respect to the sort of spiritual counsel to that they have been willing to listen and to which they have opened themselves. We see the problematic ramifications

of such choices almost everywhere in the Muslim world.

One of the problematic areas being alluded to above has been the insistence of all too many self-promoting mujtahids that shari'ah is a legal system that is to be imposed on a community. Shari'ah is not a legal system, and it should not be imposed on anyone.

Shari'ah is the spiritual journey of an individual who seeks to arrive at the truth concerning the nature of one's relationship with God. Shari'ah is the process of seeking to discover the nature of one's essential identity. Shari'ah gives expression to a person's striving to realize, God willing, the full spiritual potential of fitra – one's primordial spiritual capacity. Shari'ah is a way to honor one's duties of care to oneself, to others, to creation, and to God.

“And (as for) those who disbelieve, their deeds are like the mirage in a desert, which the thirsty man deems to be water until when he comes to it he finds it to be naught, and there he finds Allah, so He pays back to him his reckoning in full, and Allah is quick in reckoning.” [Qur'an, 24:39]

Human beings are inclined to search – through ijtihad -- for that which they believe will satisfy their spiritual thirst. One who searches is in a condition of unbelief because the truth or reality of things remains hidden from them at that point – that is, after all, why they are engaged in a process of seeking.

When, after striving and struggling, one comes to the understanding that everything for which one has been searching in order to satisfy one's spiritual thirst is a mirage, then this is the time when, God willing, the realization comes to the individual that Allah is the only One Who is capable of satisfying one's need or longing or desire. Everything else is a mirage – including one's reasoning and the various schools of jurisprudence.

The individual who, by the Grace of Allah, comes to such an understanding or realization finds Allah waiting for her or him, and God is ready to respond to that individual in accordance with the nature of the realization that has been reached. If one submits to the reality of one's need for God, God is quick in reckoning concerning such a realization and guides the individual in their striving or *ijtihad*, but if one persists in turning away from God's presence, then too, God is quick in responding to such a spiritual condition and the individual is maintained in a state of disbelief.

In the Qur'an, one reads:

“He it is Who has revealed the Book to you; some of the verses are decisive, they are the basis of the book, and others are allegorical; then in those whose hearts there is perversity, they follow the part of it that is allegorical, seeking to mislead and seeking to give it [their own] interpretation, but none knows the interpretation except Allah, and those who are firmly rooted in knowledge say:

We believe in it, it is from our Lord; and none do mind except those having understanding." [Qur'an, 3:7]

Which are the decisive verses and that are the allegorical verses? Understanding and guidance come from Allah. They do not come from theologians and mullahs or books of fiqh that might be inclined to place their own interpretations onto the Qur'an.

Only Allah knows the correct determination of such matters, and the people of knowledge or understanding are the ones whom God has taken by the hand and guided them through the hazards of the spiritual journey. These people of knowledge accept all of the Qur'an as revelation, and they pursue shari'ah so that they might be led to the water of knowledge and be permitted to drink according to God's blessings and according to their present spiritual condition and ultimate spiritual capacity.

Shari'ah is a way [that is, the struggle toward self-purification], and a result [namely, the truth made manifest to the individual]. Neither the way nor the result can be imposed from without as many advocates of this or that school of jurisprudence or madhab would have Muslims believe to be true, but, rather, one must become engaged in a life-long process of ijtihad through which one strives for the manner of discernment that will permit one, God willing, to distinguish between, on the one hand, the substance and basis

of the Qur'an, and, on the other hand, that which is allegorical in the Qur'an.

Both the substance and allegorical dimensions of the Qur'an constitute guidance. However, when, as a result of problematic facets in one's process of ijtihad, one confuses the allegorical with the substance of the Qur'an, then, as God warns, one might be carried in the direction of misguidance, and, this, unfortunately, is what has happened across the last 1300 years, or so, in all too many instances with respect to various individuals and their respective schools of jurisprudence.

“And know that this is My path, the right one, therefore follow it, and follow not other ways, for they will lead you away from His way; this He has enjoined you with that you may guard against it.”
[Qur'an, 6:153]

The Concept of Naskh

Many religious scholars and theologians recognize, in one form or another, the principle of naskh or abrogation. Allegedly, this principle refers to the manner in which certain later manifestations of revelation are believed to nullify or overrule certain earlier instances of revelation.

Some people cite the following Quranic ayat in support of this approach to the Qur'an:

“Whatever communications we abrogate or cause to be forgotten, we bring one better than it or like it. Do you not know that Allah has power over all things?” [Qur'an, 2:106]

However, an assumption is being made concerning the precise identity of the communications to which God is referring in the foregoing verse.

For example, let us suppose that a people of an earlier time were given a revelation, and then over time, the people to whom it was given forgot that revelation. Let us further suppose that God in his mercy then sent another revelation to replace the previous guidance.

According to the Quranic ayat noted earlier, the second revelation might be better than the first revelation in certain ways, or it might be like the revelation that had been sent previously. If the second revelation is better than the first in certain ways, only God knows what these ways are, and if the second revelation is like the first revelation,

again, only God knows the nature of the likeness between the two.

Furthermore, in neither instance can one assume that anything in the first revelation has been replaced or nullified by aspects of the second revelation. The second revelation might be better than the first revelation because something has been added rather than taken away. Or, if the second revelation is like the first revelation, then, we are dealing with variations on certain themes rather than one revelation nullifying another.

So, even in the case where a second revelation wholly replaces a previous revelation in accordance with the foregoing scenario, one cannot assume that anything has been nullified in conjunction with the first revelation. Rather, the first revelation was forgotten, and, therefore, God sent another reminder to the people in question and, thereby, provided those people with, yet, another opportunity to be guided toward realizing life's purpose.

Those who believe that abrogation is a working principle inherent in the Qur'an sometimes cite another verse of revelation - namely:

“And when We change one communication for another, and Allah knows best what He reveals, they say: You are only a forger. Nay, most of them do not know.” [Qur'an, 16. 101]

As is true with respect to the earlier Quranic ayat - namely, 2:106 - concerning the issue of

God's replacing of one Divine communication by another, people who understand this ayat in terms of the idea of abrogation or the nullification of an earlier Divine communications are making certain assumptions in relation to such an understanding. The fulcrum that leverages the guidance of the verse is this: "God knows best what he reveals" and the other side of this principle is that "most of them do not know".

In what way is God changing one communication with respect to another such communication? Unless God discloses the nature of such a change, then clearly, one is only guessing concerning such matters.

Does change necessarily give expression to a principle of abrogation? No, it doesn't. There might be an array of changes that complement, supplement, enrich, or modify a given communication without abrogating or nullifying that which came previously.

Among those who accept the principle of naskh or abrogation, there are those who wish to argue that within one and the same revelation – for instance, the Qur'an -- later portions of the Divine communications that make up the content of such a revelation are believed to nullify or abrogate certain earlier expressions of the Divine communications that are part of the same Book of Divine guidance. As an example of what such people have in mind, consider the following Quranic verses. In 2:219 one finds:

“They ask you [Muhammad] about wine and gambling. Say: In both there is sin and utility for people.”

In 4:43, one finds:

“O ye who believe, do not come to pray when you are in a state of intoxication, till you know what you utter.”

In 5:90 one finds:

“O ye who believe? Intoxicants and games of chance and sacrificing to stones set up and divining by arrows are only an uncleanness, the work of Shaytan; shun it therefore, that you may be successful.”

Those who accept the idea of abrogation as a working principle maintain that the last of the three ayats given expression here nullifies the first two verses of the Qur'an that have been listed. In other words, ayat 219 of Surah 2 indicates that there are both bad features as well as beneficial features that are associated with the consumption of wine or participation in gambling, but nothing is specifically said about abstaining from drinking wine or gambling.

One might note, however, that even in the case of 2:219, there is an indication that there are problems inherent in such activities. Perhaps, a reflective mind and heart might begin to consider what those problems were and what implications, if any, they carried with respect to how one went about living one's life.

Ayat 43 of Surah 4 informs people that one should not engage in prayers when one is in an intoxicated state – that one should know and be aware of what one is saying while one offers prayers. Despite this cautionary note, nothing is specifically said about abstaining from the consumption of intoxicants.

On the other hand, as was true in the case of verse 2:219 discussed earlier, there is a subtle hint given in ayat 43 of Surah 4 for those who might wish to reflect on the matter. More specifically, all of life is intended to be a matter of worship – indeed:

“And to your Lord turn all of your attention.”
[Qur'an, 94:8]

And, as well:

“Whoever submits one's whole self to Allah and is a doer of good has grasped the most trustworthy handhold.” [Qur'an, 31:22]

So, although there is no specific prohibitions in ayat 43 of Surah 4 about either consuming intoxicants or becoming intoxicated, and although the guidance is ostensibly only about staying away from prayers when one is in an intoxicated state, nonetheless, there is more to think about in conjunction with that verse than that to which one's attention is being drawn with respect to the specific caution that is being given expression through the ayat in question. For example, among other possibilities, one might ask oneself the

following: If one's goal is God, and if one considers all of life a matter of worship, then, is it not the case that whenever one is intoxicated, there is a sense in which one is engaging the issue of worship in an intoxicated state?

Does this mean that one must refrain from the consumption of intoxicants? As far as verses 4:43 and 2:219 are concerned, no, it doesn't. Does this mean that one must not become intoxicated? As far as verses 4:43 and 2:219 are concerned, no, it doesn't.

Ayat 90 of Surah 5 indicates that if one wishes to be successful spiritually, then, consuming intoxicants and participating in games of chance should be avoided all together. Has anything really changed among 5:90, 4:43, and 2:219?

The difference is that what has been implicit in both 4:43 and 2:219 has now been made explicit. More specifically, if one wishes to -- God willing -- achieve spiritual success, then one should refrain from consuming intoxicants and participating in games of chance.

The imperative mood of this directive in 5:90 is intended to influence the behavior of those who will listen to such guidance. The grammatical constructions in verses 4:43 and 2:219 are also intended to influence those whose hearts are receptive to what is being said.

In each of the three verses, warnings, cautions, and guidance are given. In two of the three verses

one is being informed about the relationship between, on the one hand, intoxicants and gambling, and, on the other hand, what might be in one's best interests with respect to living life, while in the other verse one is being informed about the relationship between the condition of intoxication and its potential effect on the quality and propriety of one's prayers.

Can one choose to drink and gamble? Yes, one can because none of the three ayats nullifies or abrogates one's freedom to accept or reject guidance.

However, if one is at all concerned about pursuing the actual purpose of life and, God willing, becoming spiritually successful in that pursuit, then in all three of the foregoing ayats one is being guided in similar ways. Nothing has been abrogated or nullified.

The implicit has been made explicit. Something that already was present in the earlier two verses has been made manifest.

Another example of what is considered to be an instance of naskh or abrogation involves the issues of bequeaths, inheritance, and debt. In 2:180 of the Qur'an, one finds:

"Bequest is prescribed for you when death approaches one of you, if he leaves behind wealth for parents and near relatives, according to usage, a duty incumbent on those who guard against evil."

In addition, Surah 4, verses 11-12, contains a detailed set of specific parameters laid out for distributing inheritance in conjunction with whatever debts and bequeaths might have been made previously. Indications are given that debts and bequeaths need to be given priority – although there is an allusion to the idea that one needs to take into consideration the possibility of harm that might arise out of the paying of a debt. In addition, a large set of permutations are set forth in these verses concerning possible scenarios of what should be done according to who survives a deceased individual.

Some jurists have come to the conclusion that verses 11-12 of Surah 4 abrogate or nullify the guidance of 2:180. This is especially so since some of these jurists site a hadith based on a solitary report attributed to the Prophet that indicates that there should be “no bequest in favor of an heir.”

Taking the last point first – namely, the idea that the Prophet is reported to have said that there should be no bequest in favor of an heir – if one believes in the relevance of taking into account what the Prophet says, then, the Prophet also has said that he wanted all collections of his sayings destroyed so that no one would possibly confuse or conflate what he said with God's decrees. Consequently, while I believe that what the Prophet told people directly is important to those individuals being directly addressed, I believe the Prophet also placed a limit on the

potential sphere of applicability of such sayings when he also indicated that collections of his sayings should be destroyed.

Secondly, when the Prophet said what he is reported to have said concerning the idea that there should be “no bequest in favor of an heir”, do we know whether, or not, the Prophet was addressing a particular individual or a group of individuals with the intention that what is reported to have been said by the Prophet concerning the issue of bequests and heirs – if it actually was said by the Prophet – was intended to serve as counsel for the person or persons who were being addressed and no one else? The answer is: ‘No, we don’t know what the intention of the Prophet was in this respect.’

Is it possible that the Prophet might have meant that no single heir should be favored or be given priority over other heirs in the matter of bequests or that heirs should not be given preference to others in the matter of bequeaths? Possibly, but once again, we really have no way of determining the intention with which the Prophet said what he is reported to have said concerning bequeaths and heirs.

Furthermore, whatever the Prophet might have meant with respect to the indicated solitary report, the Prophet also indicated – via his directive to have collections of hadith destroyed -- that the context of applicability of what he might have said in this respect should remain with those who lived

in his times and who were part of the Muslim community at that time. Otherwise, the Prophet would not have ordered that collections of his hadith should be destroyed, thereby, limiting the sphere of applicability of what he said to those whom he directly addressed and who had committed such counsel to memory.

Beyond the foregoing considerations, I'm not sure there really is any conflict between the verses cited in relation to Surah 2 and Surah 4. The first verse [2:180] indicates that one should make plans for distributing one's wealth as the time of death approaches, and that verse also indicates that leaving behind wealth for parents and near relatives is an important thing to do. However, the wealth that is to be left behind for parents and near kin need not be in the form of bequeaths.

Another consideration in the foregoing is that not every permutation concerning the possible combinations of heirs who might survive a deceased individual is listed in verses 11-12. So, how should one handle those cases that fall outside the boundaries that are indicated? ... maybe in accordance with the provisions of 2:180 in the Qur'an -- that is, to distribute one's wealth in as equitable a manner as one is capable of doing.

Or maybe the reason for the existence of two instances of Quranic guidance [i.e., 2:180 and 4:11-12] concerning the issue of distributing wealth in the case of actual or approaching death is to provide people with options concerning these

issues. These options are the parameters that help define the limits that God is establishing with respect to justice and equitability.

On the other hand, however one goes about the process of distributing one's wealth and whichever option one chooses in dealing with this matter, the underlying counsel is that one should distribute one's wealth in an equitable manner. One way – but not necessarily the only way -- of satisfying the issue of equitability is in conjunction with the method outlined in Surah 4, verses 11 and 12.

Thirdly, Muslims are enjoined by the Qur'an to be equitable. Since there might be additional issues of fairness, need, and differing contingent circumstances that should be taken into consideration with respect to dealing equitably with heirs, bequeaths, debt, and any possible harm that might arise out of such interacting variables in a particular set of circumstances, one might feel the need to bring such additional considerations of equitability to bear on these matters in order that the greatest quality and quantity of justice possible be done with respect to all affected parties.

The specific provisions outlined in Surah 4, verses 11-12 might be guidance for the individuals who lived in and around the times of the Prophet Muhammad. Those specific provisions might have been intended to serve the particular circumstances of Arabian society at that time, but when historical, cultural, and other contingencies change over time, then, one acts in accordance with

the essential default principle concerning the importance of distributing wealth that is inherent in both Quranic excerpts -- 2:180 and 4:11-12 -- although each of these sections deals with the same underlying issue from different directions and in relation to different contingencies.

Finally, irrespective of whatever specific decisions that might be reached by an individual as she or he seeks to comply with what that person believes to be true and just with respect to matters involving bequeaths, heirs, debt, possible harms, and equitability, nevertheless, these matters are, for the most part, not the purview of a government's regulation of public space unless the manner of distribution chosen by individuals has a substantial potential for leading to the oppression of some by others. Indeed, the accumulation of wealth in the hands of the few inevitably does lead to the oppression of others, and, perhaps, this is one of the reasons why God indicates to humankind, through the Qur'an, that the distribution of wealth has a potentially central role to play in helping to place obstacles of equitability in the way of the sort of accumulation of wealth that all too frequently tends, in time, to lead to oppression of one kind or another.

I believe the foregoing considerations tend to shape the basic operating principles in such matters except, as noted, when the potential for the emergence of oppression is demonstrable as the

result of some person's decision to distribute wealth in a certain, possibly problematic manner.

Even in the event of such potential for oppression, a preferred manner for handling such problems might be through mediation among various parties rather than through legal pronouncements or injunctions that are forcibly imposed on people.

However, such considerations notwithstanding, how a person handles these matters is, generally speaking, between the individual and God. God is the One Who will hold a person accountable for either fulfilling or not fulfilling the requirements of shari'ah – not governments or religious jurists and courts or imams.

A third example mentioned by some as an expression of the principle of abrogation that, supposedly, is at work in the Qur'an is said to concern the issue of Qibla or the direction of prayer. For instance, in 2:144, one finds:

“...so we shall surely turn you to a qibla that you shall like, turn, then, your face to the Sacred Mosque, and wherever you are, turn your face towards it...”

The foregoing guidance doesn't really constitute an abrogation, per se, of anything. At the very most, it constitutes a slight modification of the way in which something already established is to be done.

More specifically prior to the foregoing revelation, Muslims sought to worship God through, among other possibilities, the act of prayer. After the revelation, Muslims still sought to worship God through, among other possibilities, the act of prayer.

Changing the direction of Qibla did not alter anything of an essential nature with respect to the basics of Islam. An external feature of the form of worship was modified.

Prior to the night journey and mi'raj of the Prophet, prayers did not have any specific external form. During the Prophet's ascension, one of the gifts given to the Prophet, specifically, and to Muslims, in general, was certain aspects of the external form of ritual prayer.

This new form of worship did not alter or nullify any aspect of the essence of what is involved in prayer. As the Prophet Muhammad (peace be upon him) is reported to have said:

“Prayer is the sacrifice whereby every believer comes closer to Allah.”

Every instance of prayer is an exercise in sacrificing the interests of one nafs in order to remember God, and through such a sacrifice, one becomes purified so that one might enter a condition of taqwa through which, God willing, one might be brought closer to the reality of things

through whatever truths God might disclose to the individual.

Similarly, in the case of the change in the external direction of Qibla, none of this altered the internal direction of Qibla that has always been to God. Indeed, the true Sacred Mosque is the purified heart of every believer, and one concentrates on the external form in order that one might be guided to remember that the external is but a reflection of the metaphysical realities within us. The true Qibla is the realization that:

“Wheresoever you turn, there is the Face of God.” [2:115]

As well as:

“Wa huwa ma’akum aynama kuntum. (And He is with you wherever you are.)” [57:4]

In reality, what has occurred with respect to the issue of the change in Qibla is not a nullification of a prior Divine communication, but, rather Muslims were being informed that a timeframe of appropriateness had come to an end or had passed by with respect to the activity of prayer. That is, the external form of an activity – namely praying -- which had been entirely appropriate for Muslims to observe before the revelation concerning a change in the direction of Qibla was being modified and, as a result, the previous external form was no longer the appropriate external form through which to observe prayers.

The principle involved in the foregoing is not that of nullifying or overturning what previously had been sent. The principle is that everything has a context of appropriateness, and this principle is operative throughout the Qur'an.

In short, the revelation concerning the change in Qibla gives expression to an important principle involving the nature of Quranic guidance. What is appropriate is not a function of that which is unchanging with respect to understanding, but, rather, what is appropriate is a function of taking into consideration the manner in which guidance changes as a function of contingencies.

Attention is being directed to the importance of context. Attention is being directed to the importance of the manner in which the criteria of appropriateness changes with the nature of contingent factors and forces that surround historical and existential circumstances.

Just as, in some cases, subsequent revelation might alter one's understanding of past verses or changes how one understands or engages spiritual practice, so, too, different God-granted insights into one and the same verse might change over time in a way that informs faith and practice and affects the manner in which one engages or understands other verses of the Qur'an in a manner that is different from what previously had been the case. This is how faith, knowledge, and wisdom increase – not through nullification, per se, but through the supplementing, complementing, modification, and

enriching of one's previous understanding concerning Divine guidance.

There is some indication that several of the Companions understood things in the foregoing sense. For instance, consider the following cases.

Despite the specific guidance of 9:60 in the Qur'an that stipulates who is to be a recipient of state funds – an ayat that includes the idea that winning over the hearts of certain people for the Muslim community is to be included among such uses -- and although the Prophet, himself, always directed a share of the state funds toward such a purpose [namely, winning over the hearts of certain people for the benefit of the Muslim community], nonetheless, Hazrat 'Umar (may Allah be pleased with him) refused to direct a portion of community funds to such a purpose. He argued that during the time of the Prophet, Muslims were weak and in need of such support, but those times had passed, and the community no longer was in need of such assistance, and, therefore, the guidance inherent in 9:60 was, in the indicated sense, no longer relevant to the Muslim community – although this could change again, depending on contingent circumstances.

Hazrat 'Umar (may Allah be pleased with him) wasn't abrogating, or nullifying, verse 60 of Surah 9. Rather, he was taking into consideration the appropriateness of the context or timeframe for the application of a given facet of guidance.

On another occasion, during the conquests of Mesopotamia and Syria, Hazrat 'Umar (may Allah be pleased with him) did not observe the requirements of 59:6-10 in the Qur'an that governed the distribution of ghanaim [booty or spoils of war]. Instead, he indicated that the state was more in need of such resources than individuals were, and if this were not done, then the Muslim armies in various territories could not be equipped or maintained.

Here, again, a decision was made that required one to compare the character of contingent circumstances in relation to specific provisions of the Qur'an that, superficially, might have been thought to govern such matters. The task faced by Hazrat 'Umar (may Allah be pleased with him) was to determine whether, or not, the character of the latter actually addressed the character of the former.

Apparently, Hazrat 'Umar (may Allah be pleased with him) decided that the nature of the hukm of the historical circumstances and contingencies with that the Muslim community was faced at that time was different from the nature of the hukm inherent in the guidance of Surah 59, verses 6-10. In doing this, he was not abrogating or nullifying this aspect of the Qur'an, but, instead, he was seeking to determine the conditions of appropriateness for applying one facet of Quranic guidance rather than some other aspect of such guidance.

Along these same lines, consider the following excerpt from Bukhari that is narrated by Nafi':

"During the affliction of Ibn Az-Zubair [which took place after the Prophet had passed away], two men came to Ibn 'Umar and said, "The people are lost, and you are the son of 'Umar and a companion of the Prophet, so what stops you from coming out and joining the conflict?" He said, "What stops me is that Allah has prohibited the shedding of my brother's blood."

They both said, "Didn't Allah say, 'And fight them until there is no more affliction?'"

Ibn 'Umar said "We fought until there was no more affliction and so that worship would be for Allah Alone, while you want to fight until there is affliction and until the worship becomes for other than Allah." (Volume 6, Book 60, Number 40)

Once again, the foregoing tradition brings home the point that the task facing human beings is not just a matter of looking in the Qur'an and applying whatever one likes. One must try to understand the hukm – that is, the reality or governing principle – of both the situation in which one is involved, as well as strive to discover that hukm of the Qur'an that best serves the hukm of life's circumstances.

This is an expression of ijtihad. This is not an expression of naskh or abrogation.

The issue of trying to struggle toward establishing what is an appropriate frame of

reference for tying together certain existential contingencies with various facets of Quranic guidance is a theme that occurs again and again throughout the Qur'an. There are times and circumstances when it is appropriate to apply certain facets of guidance, and there are times and circumstances when it is not appropriate to apply such aspects of guidance.

Everything is about discernment and doing what is appropriate at the right time, and in the right way, and for the right length of time, and with the right intention before some other principle becomes more appropriate for one to pursue as circumstances change. Context and the nature of the contingency of events that come together and give that context the structural character it has is of fundamental importance. It is the context that calls out for relief from Quranic guidance and, therefore, it is, in a sense, the context that establishes the conditions that must be satisfied through the appropriate application of Divine guidance.

If one understands a situation, then one also understands what one is looking for in the way of spiritual relief. By opening oneself up – in the unbiased manner of taqwa -- to the Divine Word, then, God willing, the solution to that context is given through what is most resonant in the one doing ijtiḥad in relation to a given situation.

The times for fasting, hajj, prayer, wuzu, zakat, and so on are all to be observed from within a given timeframe of appropriateness. When a given

timeframe of appropriateness has passed, then certain guidance is no longer necessarily applicable.

For example, the Qur'an indicates that:

"Worship at fixed times has been enjoined on the believers." [Qur'an, 4:103]

When the timeframe for a particular instance of worship has passed, then one moves on to what is appropriate with respect to the changed timeframe. The ritual fast only occurs during the month of Ramadan, and when that timeframe has passed, then the ritual fast cannot be observed -- although there are provisions for making up what might have been missed due to, say, travel or ill-health or for expiating the transgression of intentionally not fasting during the indicated timeframe. Hajj only occurs within a fixed timeframe, and when that period has passed, the rituals of Hajj are no longer operable -- although one still can perform the lesser pilgrimage. The times for saying the five daily prayers exist within a fixed timeframe, and when that window of opportunity passes, then one has missed the prayer -- although one can offer prayers at a later time in the hope that God will accept such offerings in exchange for the fixed prayers that were missed.

Appropriateness changes with circumstances, contexts, peoples, and contingencies. Therefore, the timeframes for the conditions of appropriateness pass into and out of existence. This is not to say that everything is relative or that there are no

boundaries of propriety, because there are such boundaries, and God is continually warning people in the Qur'an not to transgress due boundaries. For example:

“But whoever seeks to go beyond that, these are they who exceed the limits;” [Qur'an, 23:7]

However, there is no principle of naskh or abrogation that is operative in the Qur'an. What is operative is a principle of appropriateness in which as the hukm or reality of circumstances change, then one must go in search of the appropriate Quranic hukm to address and reflect such changes.

**A Few Comments Concerning Regulating
Public Space**

There has been a great deal of confusion in the Muslim community swirling among questions about the possible relationship between, on the one hand, what might have been done in the lifetime of the Prophet -- as well as during the lifetimes of the Companions of the Prophet over the course of the reign of the first four caliphs -- in relation to the issue of regulating public space, and, on the other hand, what might be appropriate to do today in relation to the same issue involving the regulation of public space. The root of the term 'hukumah' [governance] refers to a process of seeking to assist an oppressor not to oppress, and such assistance includes helping those who would exercise this responsibility -- that is, political and religious leaders ... i.e., the government itself -- to refrain from any inclination existing within such governance to oppress, exploit, or abuse those whom such governance is supposed to be protecting from these very problems.

The Qur'an says:

“And if there had not been Allah's repelling of some people by others, certainly there would have been torn down cloisters, and churches, and synagogues, and mosques in which Allah's name is much mentioned; and surely Allah will help the one who helps His cause; most surely Allah is Strong, Mighty.” [Qur'an, 22:39-40]

Hukumah or governance is one of the means through which Allah repels the oppression of some people by others. Moreover, it is important to note that God alludes to the right of those who worship in cloisters, churches, synagogues, and mosques to all be free to remember, worship, and invoke the name of God in their own manner.

There is a hadith that relates the story of Abu 'l-Husayn, a companion of the Prophet, whose two sons had been converted to Christianity in Medina by two Syrian merchants and then accompanied those merchants back to Syria. When Abu 'l-Husayn heard of this, he went to the Prophet and sought permission to go after his sons and bring them back – not only to Medina but to Islam. In answer, the Prophet recited the Qur'an: "There is no compulsion in Deen, truly the right way has become clearly distinct from error." [Qur'an, 2:256] Upon hearing the foregoing, Abu 'l-Husayn let his sons go their own way.

When Abu Bakr Sidiq (may Allah be pleased with him) was Caliph [died in the 13th year after hijrah and was Caliph from 632 A.D. to 634 A.D.] he sent the Muslim army into Syria. As he did so, he issued the following guidance:

"When you enter the land, kill neither old men, women, nor children. ... Establish a covenant with every people and city who receive you peacefully, give them your assurances, and let them live according to their laws."

The Prophet, as well as the first four caliphs, all made decisions concerning the regulation of the public space, but these decisions were not shari'ah, per se. As has been pointed out repeatedly during this essay, shari'ah is an expression of a person's private spiritual journey in search of reality or the truth concerning human existence and the place of such existence in the scheme of things, whereas the decisions of the Prophet and the first four Caliphs were particularized applications of their understanding of, and insight into, the nature of Divine guidance that had been given to them and were intended to address the circumstances, history, conditions, problems, cultures, capabilities, and issues of those times.

As the Prophet was instructed to say:

"This is my way. I call to God – I and whoever follows me -- being certain." [Qur'an, 12:108]

Just as the appropriate times for fasting, pilgrimage, and prayers are to be observed within a certain timeframe, so, too, there might be an appropriate timeframe or contingency-based set of considerations concerning the application of certain other facets of the Qur'an. However, in order to determine the truth of such matters, one needs to call upon Allah – not books of fiqh, jurisprudence, judicial precedent, or legislation. In the Qur'an, the Jews are told that they should have judged matters in accordance with the guidance that had been given to them ...

And why do they make you – Muhammad – the judge when they have the Taurat wherein is Allah's judgment?" [Qur'an, 5:43]

The Qur'an also indicates that Christians should be judging matters in accordance with the guidance [Injeel] that had been given to them ...

"And the followers of the Injeel should have judged by what Allah revealed in it; and whoever did not judge by what Allah revealed, those are they who are transgressors." [Qur'an, 5:47].

Moreover, the Prophet is also told in the Qur'an that if the Jews and Christians come to him for purposes of seeking judgment in a matter, then:

"... judge between them or turn aside from them, and if you turn aside from them, they will not harm you in any way; and if you should decide to serve as a judge, then judge between them with equity; surely God loves those who judge equitably." [Qur'an, 5:42]

The choice of whether, or not, to decide issues that were brought to him by people from the Christian and/or Jewish community was up to the Prophet. He was not made a keeper over their affairs and, in fact, the Prophet was reminded – as noted in the foregoing commentary – that both the Christian and the Jewish peoples had been given their own means of deciding matters through the Torah of Moses and the Injeel of Jesus (peace be upon him).

The Prophet Muhammad (peace be upon him) is no longer with us in a physical form. The Companions are no longer with us in a physical form.

For the most part, we do not have access to the intentions through which the Prophet or the first four caliphs made their decisions and judgments concerning the regulation of public space. If the Prophet were with us now as a physical presence to which we had ready access, one cannot be sure that he necessarily would decide matters today concerning the regulation of public space exactly as he did more than 1400 years ago when circumstances, conditions, history, culture, and needs were very much different than they are today. Yet, there are people today who have arrogated to themselves the presumption that they know what the Prophet would do or how he would decide matters concerning the regulation of public space if he were here with us in the present set of circumstances.

It is reported that a person wanted to place a book written by Imam Malik in the Sacred Mosque. Apparently, the idea behind that individual's desire was so that people coming to the Sacred Mosque might discover the book, read it, and, God willing, learn something from its contents. When Imam Malik heard about the person's desire to place one of the Imam's books in the Sacred Mosque, Imam Malik indicated that he was not in favor of such an action.

Imam Malik is reported to have said: "The companions of the Messenger of Allah disagreed about the branches and dispersed to different countries, and each one is correct." He further commented: "The people have handed over to them positions, and they heard hadith and they examined reports, and each people takes what was handed over to them, and they yield to Allah with it. So, leave the people alone and what they choose for themselves in every country."

The Qur'an reminds us that:

"... for every one of you did We appoint a law and a way, and if Allah had wished He would have made you a single people, but that He might try you in what He gave you, therefore strive with one another to hasten to virtuous deeds; to Allah is your return of all, so He will let you know that in which you differed;" [Qur'an, 5:48]

Prior to becoming Caliph, Hazrat Abu Bakr (may Allah be pleased with him) said:

"Listen to me, ye people. Those of you who worshipped Muhammad know that he is dead like any other mortal. But those of you who worship the God of Muhammad (peace and blessings be upon him) know that He is alive and would live forever."

Then he repeated a passage from the Qur'an:

"And Muhammad is no more than an apostle; apostles have already passed away before him; if then he dies or is killed will you turn back upon your heels? And whoever turns back upon his

heels, he will by no means do harm to Allah in the least and Allah will reward the grateful." [Qur'an, 3:144]

Public space should be governed in a way that prevents oppression, exploitation, or abuse of any kind to undermine or interfere with people's basic right – which is granted by God – to decide the spiritual direction of their path in life. This is a right and a freedom that each human being has so long as whatever acts arise out of such choices do not spill over into the lives of other individuals and, in the process, adversely or problematically affect the latter's ability to freely chose and act with respect to their own individual course in life.

The public space, or commons, should be governed through principles of justice, equitability, peace, tolerance, integrity, honesty, charitableness, freedom, compassion, balance, harmony, and the sort of mediated settlements that help limit, if not eliminate all together, all forms of oppression, persecution, abuse, and exploitation. A public space governed in accordance with the foregoing qualities will, if God wishes, generate the type of environment that might prove to be most conducive to the exercise of the basic right to choose between good and evil – a responsibility that belongs to each and every human being.

If one looks to the example of the Prophet, the public space of his community was regulated in accordance with all of the foregoing considerations. He did not force people to pursue shari'ah but,

rather, regulated public space in such a way as to provide people with the fullest opportunity to individually pursue shari'ah as rigorously as the latter individuals were so inclined to do as long as that pursuit did not infringe upon the right of others to do as they were inclined to do with respect to their own individual journey of shari'ah. Moreover, quite frequently, the Prophet made judgments concerning the regulation of public space that were in accordance with pre-Islamic, customary practices of the Arab or Jewish tribes.

The Qur'an instructed the Prophet to:

"Say: 'This is the truth from your Lord', then, whoever wills let him believe, and whoever wills let him disbelieve." [Qur'an, 18:29]

At another juncture the Qur'an informs the Prophet:

"You shall remind; you are entrusted to remind. You are not a watcher over them." [Qur'an, 88:21-22]

And, at another point, the Qur'an indicates:

"Say, 'Obey Allah, and obey the Messenger.' If they refuse, then, he is responsible for his obligations, and you are responsible for your obligations. If you obey him, you will be guided." [24:54]

Moreover, the Qur'an states:

"The guiding of them is not thy duty (O Muhammad), but Allah guides whom He will." [Qur'an 2: 272].

If, according to the Qur'an, the Prophet is not responsible for the guiding of people to God, and if the duty of the Prophet is not to watch over whether, or not, people pursue shari'ah, and if God is making it clear that it is up to the individual as to whether he or she believes in the truth that has been sent through the Qur'an and that each person has her or his own responsibility with respect to God, then why do Muslim religious scholars, imams, theologians, mullahs, leaders, and the like all believe they have duties and responsibilities that were not entrusted to the Prophet? And, in the light of the foregoing considerations from the Qur'an, what is the source of their authority for assuming such duties and responsibilities?

Some religious scholars, would-be leaders, and theologians point to the following Quranic ayat as a possible source for what they consider their 'rightful' authority over people:

"O believers! Obey Allah! Obey the Rasul and those charged with authority among you. Should you have a dispute in anything, refer it to Allah and His Rasul if you truly believe in Allah and the Last Day. This course of action will be better and more suitable." (Qur'an 4:59)

When would-be leaders cite the foregoing verse and seek to use it as an authority for expecting, if not demanding, that others should be obedient to the former, those who approach things in this manner are not only making several questionable assumptions, but, as well, such

individuals often tend to act contrary to the full text of the guidance. More specifically, an assumption is being made that the sort of 'authority' to which the previous Quranic verse alludes is referring to worldly authority as opposed to spiritual authority, and a further assumption is being made that such individuals have been "charged" or given responsibility by God – or the Prophet Muhammad (peace be upon him) -- to exercise authority over other individuals. Furthermore, when disputes arise in the community, then, contrary to the guidance of the Qur'an, such religious and political leaders often do not refer the matter to either Allah or the Prophet, but, instead, attempt to decide the matter according to their own theological likes and dislikes – with the assistance of imams, mullahs, and religious scholars who are loyal to those leaders -- and, then seek to impose – forcibly, if necessary -- their decisions on others.

The Prophet had a unique position within the Muslim community. Under the Divinely sanctioned circumstances surrounding such a standing, the public, for the most part, did not wish to place constraints on what the Prophet could and could not do. This would have been antithetical to the nature of his position and the Divine authority in which his position was rooted – something that -- after all was said and done -- most [but not all] people in the community acknowledged and accepted.

However, there were those who came after the Prophet [and I do not necessarily have the four 'righteous Caliphs' in mind here] who enjoyed something very similar to the status of the Prophet within the Muslim community. As a result, those individuals became rulers in a more or less absolute sense without necessarily having that status sanctioned by Divinity, even though, obviously, such rulers were permitted by God to do whatever they did.

The Prophet had appointed no one to succeed him with respect to the regulation of public – as opposed to spiritual – space. On the other hand, the individuals who followed the Prophet as leaders of the community often were supported through the general trust of the public with respect to the presumed character, morality, piety, and good intentions of whoever it was that became ruler.

Once someone was elected to lead the community – and this was usually by a small group of individuals rather than the community as a whole – or in those cases where a current caliph appointed a successor – and this tended to be the case quite frequently because fathers tended to appoint their sons as their successors -- the general public would be required, en masse, to take ba'yat, or an oath of allegiance, with respect to the individual who would be king or sultan. Unfortunately, such a process offered few, if any, avenues through which a person might opt out of that oath or agreement either before or after the

oath of allegiance was to be given, nor did that system permit or encourage the general public to play much of a rigorous, active role in determining who would be ruler or whether, or not, there should only be a single leader for the community -- as opposed to some sort of system of self-governance in which shura or consultation was used as the means through which to address the problems that confront a given community in accordance with the Quranic guidance that says:

“And their rule is to take counsel among themselves ...” [Qur’an, 42:38]

In addition, apparently, many people forgot what Hazrat Abu Bakr Siddiq (may Allah be pleased with him) said upon becoming Caliph:

“Obey me as long as I obey Allah and His Prophet. When I disobey Him and His Prophet then obey me not.”

Hazrat Abu Bakr Siddiq (may Allah be pleased with him) was alluding to the right of people to opt out of their oath of allegiance to him – or to any leader. The determining factor was not the identity of the leader, but, rather, the determining factor was whether, or not, such a person was acting in accordance with the guidance of the Qur’an or the example of the Prophet Muhammad (peace be upon him).

The belief that there should be just one leader who was either given or assumed authority to do whatever he deemed to be appropriate became

corrupted within a fairly short period of time following the passing away of the Prophet. When this sort of corruption was thoroughly entrenched and became institutionally calcified, many people apparently had considerable difficulty grasping the idea that the Qur'an actually served as, among other things, a Bill of Rights that was intended to protect people against oppression, exploitation, or abuse from their political or religious leaders. This sort of difficulty was maintained and perpetuated through the manner in which, on the one hand, the sultans and kings, and, on the other hand, various imams, qadis, muftis, and theological scholars would engage in reciprocal back-scratching among themselves with respect to mutually framing the historical situation in such a way that the majority of the community were induced to believe that both the leaders and their theological accomplices were the proper guardians and representatives of Sacred Law, despite the fact that many of these individuals might not have recognized the nature of Sacred Law or shari'ah even if the former tripped over the latter.

The regulation of public space is one issue, and the pursuit of shari'ah is quite another matter and completely independent of how public space is to be regulated. To seek to impose on others, through the public space, one's own ideas about what the nature of the spiritual journey ought to involve is to engage in a form of spiritual abuse.

When anyone – imam, mufti, theologian, scholar, leader, qadi, mullah – seeks to control the spirituality of another human being, then, that the former individual has transgressed due limits and has entered into the realm of spiritual abuse or exploitation, and, therefore, oppression. As the Qur'an reminds us:

“Fight in the cause of Allah those who fight you, but do not transgress the limits, for God does not love the transgressors. [Qur'an, 2:190]

“... tumult and oppression are worse than slaughter.” [Qur'an, 2:191]

“And fight them till there is no more oppression, and Deen should only be for Allah, but if they desist, then there should be no hostility except against the oppressor.” [Qur'an, 2:193]

The foregoing is not sanctioning leaders to force Deen upon people, but, rather, the foregoing ayat is a reminder to everyone – especially leaders - - that Deen belongs to Allah and should not be interfered with or undermined by anyone. Moreover, when Deen – that is, the process of nurturing and enhancing the relationship of an individual with God, and, indeed, this is the cause of Allah -- is subject to oppression, then people have the right to resist such aggression so long as the form of that resistance does not transgress due limits of propriety, and one of the limits of propriety is that resistance should only be directed toward those who are being oppressive ... no one else.

Indeed, as the Qur'an makes clear elsewhere:

"The blame is only against those who oppress human beings with wrong-doing and insolently transgress beyond bounds through the land defying right and justice." [Qur'an, 42:42]

The foregoing remains true even when the ones who are doing the oppressing are the very ones – in the form of religious or political leaders – who supposedly have assumed responsibility for protecting the people against such oppression.

Scholarly debates, rigorous research, discussions, informal conversations, symposia, conferences, round-table sessions, formal talks, books, articles, podcasts, television programs, documentaries, educational programs, and so on, are all legitimate venues through which to exchange views, ideas, and various considerations concerning problems, questions, and issues of spirituality. The foregoing are all legitimate venues through which people might consult with one another on such matters – provided there is no compulsion or oppression involved in these activities either with respect to the matter of attending these sorts of exchanges or with respect to having to abide by what is said during those sessions.

In this respect, the Qur'an indicates:

"Call to the way of your Lord with wisdom and goodly exhortation and have disputations with them in the best manner." [Qur'an, 16:125]

Although the foregoing guidance was specifically addressed to the Prophet, and although the calling others to the way of God is not the responsibility of a non-Prophet, nonetheless, when one engages in discussions with others concerning various issues, problems, and questions affecting the quality of public space, one still can follow the Sunna of the Prophet in such matters and, thereby, seek to do so “with wisdom and goodly exhortation, and have disputations with them in the best manner.”

“O ye who believe! Be upright for Allah, bearers of witness with justice, and let not hatred of a people incite or seduce you not to act equitably; act equitably, that is nearer to piety (taqwa) , and be careful with respect to Allah, surely Allah is aware of what you do.” [Qur'an, 5:8]

The public space or commons should not be operated in accordance with any philosophy or theology of public policy that imposes economic, legal, political, physical, moral, intellectual, educational, or cultural agendas on the members of the community who inhabit that public space. The sole task of governance is to guard against the emergence of any kind of oppression, exploitation, or abuse that might arise within the community or that threatens such a community from an external source.

Moreover, all members of the community have a duty of care toward themselves and others to contribute to helping those who are entrusted with

governance to succeed in their sole task and responsibility concerning the struggle against oppression, along with the close cousins of oppression – namely, exploitation and abuse.

God:

“... made the balance, that you may not be inordinate [exceed limits, or transgress boundaries] in respect of the measure. And keep up the balance with equity and do not make the measure deficient.” [Qur'an, 55:7-9]

The balance, the measure, equity, and taqwa are all expressions of truth and justice. They are all expressions of the Sacred Law. They are all expressions of a realized shari'ah.

Determining the hukm or realities of such truths are challenges, God willing, to which individuals should aspire. They are not challenges that can be imposed on people or with respect to which compulsion is appropriate.

On the other hand, the ones who are entrusted to exercise governance have a duty of care to assist oppressors not to oppress others -- including themselves. Indeed, the Prophet is reported to have said that one should “Assist any person who is oppressed – whether Muslim or non-Muslim.”

The primary forms of oppression, exploitation and abuse come in the form of those actions that are likely to undermine or interfere with an individual's God-given right to pursue, or not pursue, the realities and truths of Sacred Law and

shari'ah according to the nature of that person's capacity, circumstances, level of understanding, inclinations, and God's Grace ... so long as the exercise of such choice does not interfere with, or undermine, the right of others to address such issues in their own manner. All other expressions of oppression, exploitation, and abuse are variations on the foregoing theme, and the process of freeing ourselves from entanglements that oppress, exploit or abuse others is part of what is entailed by the idea that one should die before one dies.

Shari'ah: A Practical Exegesis

About nine years ago I read the book *My Year Inside Radical Islam* by Daveed Gartenstein-Ross. While reading the book, a number of thoughts and emotions bubbled to the surface, among which were a certain sense of resonance with various facets of the author's experiences, as well as a sense of empathy for him because of his worries that he might be assassinated by some radicalized, fundamentalist, self-appointed, presumptuous 'agent' of an invented theology who believed that if anyone became Muslim and, then, moved on to some other faith system, then such an apostate must be killed. On the other hand, I also found myself in disagreement with a number of the author's ideas and some of his conclusions.

Once I finished the book, I had intended to write something, but the project kept being put on a back burner as other contingencies of life took on more immediate importance. However, now the original intention has been taken off the back burner and moved to a front burner where an analytical stew is being simmered in the form of the present essay.

Earlier, when I indicated that I felt a certain resonance with some of Mr. Gartenstein-Ross's experiences that had been described within the aforementioned book I did not mean to suggest I have spent time inside any sort of radical, fundamentalist Muslim group. Nonetheless, during various situations and circumstances, I have come

in contact with such individuals along the path of my own spiritual journey, and I am familiar, to some extent, with the mind and heart-set of such people.

I always have felt very uncomfortable with those sorts of individuals, and there are many reasons for this sense of discomfort. For example, some of those people are quite ignorant about the nature of Islam, and when one couples such ignorance with an arrogance that is unwilling to entertain the possibility that maybe they don't know as much or understand as much about Islam as they suppose is the case, the result has truly frightening implications ... both for them as well as for others.

Yet, as problematic as this kind of ignorance and arrogance might be, what is even more worrisome is the inclination of such people to feel entitled to impose their views on other human beings ... whether these latter unfortunates be Muslim or non-Muslim. These self-proclaimed true-believers imagine themselves to be God's gift to humanity and, as such, they operate in accordance with a delusion that maintains that Divinity has assigned them the mission to cleanse humanity of its spiritual impurities.

I have met this kind of individual in the Muslim community. I have met such people in the Christian community. I have met similar people in the Jewish community. In addition, I have met such people in other communities as well. Apparently,

ignorance, arrogance, and presumption know no community boundaries.

On the other hand, I also have met some wonderful, sincere, rigorous, compassionate, loving, considerate, kind, generous, and courageous seekers of truth in all of the foregoing communities. Such qualities are not the province of any one faith but are manifested in the lives of those who have been blessed with grace irrespective of the formal character of the spiritual path out of which they might operate.

It is a person's personal relationship with God or a person's personal relationship with the Reality that makes everything possible that matters ... not any theology. What matters is our heart and soul realized connection to the truth that lies at the center of our being and not the theological concepts and terms through which one wishes to label that truth.

In fact, more often than not, theology merely serves as a lens that introduces distortion into spiritual dynamics, and theology, more often than not, gives expression to a paradigm that filters out anything that is inconsistent with itself. In the end such paradigmatic filters frequently miss the truth as we become preoccupied with viewing life in terms of what we theologically project onto life rather than what Being has to reveal to us on its own terms ... if we would just be willing to listen to what it has to offer free from the chattering,

accusations, and machinations of our ego-driven theologies.

Having said the foregoing by way of preface, the plan for the remainder of this essay is as follows: Since Daveed Gartenstein-Ross' book *My Year Inside Radical Islam* consists largely of a series of observations, reflections, insights, and reactions to what went on during his life in the period covered by the time-frame of the book, my plan is to do something similar. More specifically, within the framework of the present essay, I intend to put forth an array of observations, reflections, reactions, and, possibly, insights with respect to the time I spent inside of the aforementioned book ... some of these thoughts and feelings will be more developed than others.

By way of a very brief overview, the book entitled *My Year Inside Radical Islam* describes a journey that starts in Ashland, Oregon where Daveed Gartenstein-Ross grew up as the son of parents who were nominally Jewish yet had become dissatisfied with various aspects of the Jewish faith and who, as a result, went in search of a ecumenical approach to spiritual issues. Although, from time to time, a little more is said in the book about his relationship with his parents, most of *My Year Inside Radical Islam* provides an

account of how he came into contact with Islam, followed by a detailed description of how he became involved with a group of fundamentalist Muslims, and, then, an account of how and why he left Islam and made a decision to become Christian.

The purpose of this essay is not to find fault with Mr. Gartenstein-Ross's decision to become Christian. Such a decision is between God and him, and, quite frankly, I have absolutely no idea how God views that decision.

Mr. Gartenstein-Ross made choices based on his circumstances, his understanding, and his needs at the time his decisions were made. During the present essay, I will have some things to say about various aspects of his understanding concerning different issues, but the rest is not my business.

On page 6 of *My Year Inside Radical Islam*_Mr. Gartenstein-Ross mentions a book by a Christian author Josh McDowell and says:

“McDowell discussed at length C.S. Lewis' claim that there were three possible things Jesus could have been: a liar, a lunatic, or the Lord This is because Jesus claimed to be God in the New Testament.”

As is the case with many theological meanderings, certain possibilities have been left out of the foregoing set of choices. For instance, maybe, Jesus (peace be upon him) is neither a liar, nor a lunatic, nor the Lord, but, instead, individuals – such as Lewis -- have interpreted the New Testament in accordance with the requirements of their own (i.e., Lewis') theology.

To the best of my knowledge, Jesus (peace be upon him) never claimed to be the Lord in the New Testament. What he is reported to have said in John 10: verse 30 is that:

“I and the Father are one.”

However, almost every form of mysticism – not just Christianity -- touches upon this issue of oneness that seeks to reconcile our usual perceptions of multiplicity with the idea that, according to the mystics of just about every faith tradition, in some sense, creation and Creator are joined together in a unity. What the nature of this unity involves is a mystery except to those to whom the secret has been disclosed.

To say that creation is other than Divinity is to give expression to the idea that something apart from God exists, whereas to say that creation is the Creator reduces things down to some form of pantheism in which anyone or anything – not just

Jesus [peace be upon him] -- might make the claim that 'I and the Father are one'.

The truth to which mystics allude is more complex and subtle than either some manner of dualism or some form of pantheism. In a sense, all of creation is one with Divinity, but, simultaneously, Divinity transcends all of creation. Creation is dependent on Divinity, but Divinity – aside from the purposes inherent in creation – is quite independent of creation.

When Jesus (peace be upon him) taught people to pray, he is reported to have begun with: "Our Father in heaven hallowed be Thy name [John 6: verse 9]. Jesus (peace be upon him) did not say "Jesus' Father in heaven". Rather, Jesus (peace be upon him) made it clear that, as creation, everyone had the same kind of connection with the One Who brought forth creation and, as such, God was the 'father' of all being, not just Jesus.

Furthermore, in Mathew 19:17, Mark 10:18, and Luke 18:19, Jesus (peace be upon him) is reported to have said variations upon the following teaching theme:

"Why callest me good? God alone is good."

A distinction is being made between God and creation. Whatever goodness we have – even that of Jesus (peace be upon him) or Moses (peace be

upon him) or Muhammad (peace be upon him) -- is borrowed and derivative from Divinity.

Earlier in his book, Mr. Gartenstein-Ross echoes the foregoing when he says:

“I rejected the Christian idea that Jesus had been God; no matter how deep a person’s spiritual insight, there’s a fundamental difference between the Creator and his creation.”

I agree with Mr. Gartenstein-Ross on this issue. However, the point of the foregoing discussion is not meant to be a critical exegesis of certain Christian beliefs as much as it is an attempt to point toward the fact that all of us stand in the middle of the vastness of mysterious Being and try, as best we can, to make sense out of what we encounter. Some of our attempts might be better than others, but it is not human beings who are the measure of truth, but, rather, it is truth that is the measure of human beings.

C.S. Lewis stood within the vastness of being and claimed that everything could be reduced down to one of three possibilities concerning the alleged claim of Jesus (peace be upon him) to be God, the Lord. Either Jesus (peace be upon him) was a liar, or he was a madman, or he was, indeed, God. Apparently, Lewis didn’t consider it worthwhile to examine either the possibility that, perhaps, Jesus (peace be upon him) didn’t mean

what Lewis believed him to mean when Jesus (peace be upon him) said what he is reported to have said [i.e., that I and the Father are one], nor did Lewis appear to examine the possibility that, maybe, Jesus (peace be upon him) didn't claim what some people have attributed to him.

In this latter regard, there is a very interesting book by Bart D. Ehrman entitled: *Misquoting Jesus*. Ehrman began his spiritual explorations very much in lock-step with the sort of literalist fundamentalism that is taught at many Bible colleges in the United States, but as a result of some very rigorous exploration into the history of Biblical transcription and translation, Ehrman underwent tremendous transformations in his perspective concerning the nature of the New Testament.

Despite his findings, Bart Ehrman remains a very committed Christian. Nonetheless, Ehrman's aforementioned book takes the reader through a litany of hermeneutical problems concerning the reliability of, and inconsistencies among, the texts given expression through, among other things, the first four books of the New Testament.

I do not say the foregoing in order to try to cast doubt upon Christianity. Indeed, I do not believe such is the intent of Ehrman's book for, as indicated above, he remains, in his own way, a believer in, and follower of, Jesus (peace be upon him).

In any case, I am not the one who will sit in judgment of people either in this world or the next concerning their spiritual beliefs and actions. Rather, I, like others, am one of the ones who will be judged for my deeds and misdeeds ... my true beliefs and my false beliefs.

There are those, however, who would try to argue that by merely raising questions concerning the reliability or accuracy of certain textual sources – as Bart Ehrman does in his book *Misquoting Jesus* -- one is something of an apostate and, therefore, one is not deserving of the moniker: 'Christian' ... and similar absurdities take place within both the Muslim and Jewish communities. Indeed, there are many so-called religious leaders of all manner of theological persuasions who would have everyone believe that the truth comes directly from God's lips to their ears. Moreover, such spiritual luminaries would seek to imbue people with the working principle that to disobey such individuals is tantamount to disobeying God and, consequently, that the wrath of God will descend on all who would deviate from the 'teachings' of these self-appointed spokespeople of God.

Daveed Gartenstein-Ross writes in *My Year Inside Radical Islam* that it was the dogmatic force with which some Christian fundamentalists sought to impose on him their ideas about God and, in the process, seemed intent on creating a sense of inferiority in the author's own ideas concerning God and Jesus (peace be upon him) that actually

moved the author a little further down the road toward becoming involved with the Muslim community. And, ironically, it was also this same kind of dogmatic intransigence on the part of the Muslim community with which he was involved that helped move him along a path away from that community and toward Christianity.

Mr. Gartenstein-Ross first encountered a Muslim and Islam while attending Wake Forest University in North Carolina. This Muslim encounter was in the form of al-Husein Madhany who was of South Asian ancestry and had been born in Kenya. Initially, the relationship between the two of them revolved around political issues concerning campus life as well as issues that overlapped with, but extended beyond, the horizons of the university.

Little by little, Mr. Gartenstein-Ross leaned about his friend's beliefs concerning Islam. According to the author, some of the things he learned were that:

“The Qur'an is God's direct, literal word. I was also interested to learn that Muslims believe that the Old and New Testaments are earlier holy books inspired by God – but those books became corrupted over time and are no longer completely reliable.” (page 18 of *My Year Inside Radical Islam*)

There are a few problems inherent in the foregoing 'learnings'.

For example, what does it mean to say that the Qur'an is God's direct, literal word? Literal in what sense? Direct in what sense? In what sense is the Qur'an the word of God?

To be sure, on one level the Qur'an is manifested in the Arabic language. However, it would be a mistake to try to reduce the Qur'an down to merely language.

The Qur'an is infused with the barakah or Grace of God. Words might be the portals through which one encounters such Divine barakah, but the barakah is quite independent of the words, and, in fact, this is why some people can read the words of the Qur'an and, yet, derive no spiritual benefit because all they have engaged is language while remaining untouched by the Divine barakah associated with those words.

As far as the Qur'an being the literal word of God is concerned, I'm not really sure what this would mean. Of course, there are those who would wish to make their literalistic interpretations of the Qur'an be what they claim is meant by the literal word of God, but I also know from the reported words of the Prophet Muhammad (peace be upon him) that:

“The Qur’an has an outward and an inward dimension, and the latter has its own inward dimension, and so on, up to seven dimensions.”

In addition, the Prophet Muhammad (peace be upon him) is reported to have said that:

“All of the Revealed Books are contained in the Qur’an. And the meaning of the Qur’an is contained within surah al-Fatiha [that is, the opening chapter of the Qur’an]. And, the meaning of surah al-Fatiha is contained in Bismillah ir-Rahman ir-Raheem [that is, in the Name of Allah, the Compassionate, the Merciful], and the meaning of Bismillah ir-Rahman ir-Raheem is contained in Bismillah [that is, in the Name of], and the meaning of Bismillah is contained in the dot beneath bey [that is the Arabic letter with which Bismillah begins].”

So, what is meant by the literal word of God in all of this? There are literalist understandings of God’s meaning, but God’s meanings transcend all such understandings even if some -- but by no means all -- of those literal understandings might, within certain limits, give expression to part of the truth.

We might engage God’s guidance through the language of the Qur’an. However, God willing, eventually understanding goes beyond mere words and gives expression to the light of God that

illuminates faith, the heart, the spirit, and the entire soul of an individual.

Aside from the foregoing considerations, I would also take exception with the author of *My Year Inside Radical Islam* when he says in the excerpt quoted previously that "Muslims believe that the Old and New Testaments are earlier holy books inspired by God." To begin with, revelation and inspiration are two different phenomena.

God did not inspire Muhammad (peace be upon him) to write the Qur'an. Rather, the Qur'an was Divine guidance that descended upon the heart of the Prophet and that he was commanded to recite to others in the manner in which it had been revealed to the Prophet.

Artists are inspired. Song writers are inspired. Poets are inspired. And according to the nature of their God-given talents and life experience, they translate the Divinely bestowed inspiration into a visible form ... such as paintings, songs, and poetry.

Revelation is Divine guidance that is disclosed to special individuals who are the recipients of such guidance and are known as a Rasul or one who proclaims to others the received revelation. These messengers do not transform the revelation as artists do with respect to inspiration, but, rather, the task of a Rasul is to relate to others the linguistic form of the revelation precisely as it was bestowed upon such an individual.

Furthermore, while some Muslims might believe, as Mr. Gartenstein-Ross claims in the quote given earlier, that the Old and New Testaments are earlier Holy books inspired by God, this might be a very problematic, if not overly-simplistic, way of looking at such matters. What is referred to as the Bible is largely a human construction that contains remnants, here and there, of what had been revealed to earlier messengers.

The books of the Old Testament and the New Testament represent choices made by human beings concerning what they believed to be authentic spiritual scripture. Over the years, different books have been included in the Bible, and, as well, various books have been taken out of what is called the Bible because the latter books were considered, rightly or wrongly, to be apocryphal with respect to Divine guidance.

As my shaykh once said to me with respect to the Book of Revelations:

“There is truth there if one knows how to look.”

So, too, with certain other portions of the Bible, both in relation to the New and Old Testaments ... there is truth there if one knows how to look, but the corruptions that have entered into the historical process of translating, transcribing, interpreting, and compiling the various books of the Bible -- while excluding various other books

that some claim to possess spiritual authority -- have made differentiating the true wheat from the false chaff a very difficult process.

To give but one example of the complexities that enter into such matters, consider the writings of St. Paul that are included in the New Testament. Whatever truths and spiritual inspiration might be contained in the letters of St. Paul, those letters are not revelation. Those letters are not the spiritual equivalent of the Divine revelation that was given to Jesus (peace be upon him), and St. Paul is not the spiritual equal of Jesus (peace be upon him).

St. Paul's letters give expression to his understanding of spiritual matters. There might be many truths contained in the text of his epistles, but while those truths might resonate with certain aspects of the teachings of the Gospel of Jesus (peace be upon him), the teachings of St. Paul cannot necessarily be considered to be coextensive with the teachings of the revelation given to Jesus (peace be upon him).

Different strains of Christianity have developed their own style of hermeneutically engaging such theological issues. While there are many themes and principles on which such different strains of Christianity might agree, there are also many themes with which they have differed and over which blood has been spilled.

Similarly, there are many themes and principles upon which Muslims and Christians might agree, but, unfortunately, there also are some

themes and principles over which differences have arisen. As a result, blood has been spilled in all directions.

People – whether Muslims, Christians, or Jews ... or anyone else for that matter – who believe they have the right to play God and not only serve as arbiters of truth but, as well, to serve as judge, jury and executioner on behalf of God with respect to the identity of that truth might not have as firm a grasp of the nature of Divine Guidance as they believe. Anybody who believes that God is in need of human beings to spill blood to serve Divine purposes might want to meditate a little more deeply and longer on Who and What God is and who and what human beings are.

All that has been said in conjunction with the foregoing comments concerning St. Paul and Jesus (peace be upon him) can also be applied to any number of Muslim theologians, philosophers, scientists, theoreticians, and leaders. Irrespective of whatever truths might, or might not, be contained in their writings, what those people wrote is not the Qur'an, and those people are not the spiritual equals of the Prophet Muhammad (peace be upon him) ... even though many of these same individuals would like to induce others to believe that the so-called "experts" – often self-appointed -- have somehow been authorized to speak for God and/or the Prophet Muhammad (peace be upon him).

Confusion has been let loose across the surface of the Earth. The lesser is conflated with the greater; the counterfeit mingles with the real, and that which is false is treated as being synonymous with that which is true.

On page 25 of *My Year Inside Radical Islam*, Mr. Gartenstein-Ross briefly discusses the part of Houston Smith's book *The World Religions* that examines Islam. One of the quotes drawn from the latter book has to do with Houston Smith's belief that the Qur'an "does not counsel turning the other cheek, or pacifism." Without appropriate qualifications, the quote from Professor Smith is not correct.

Throughout the Qur'an one is enjoined to have patience, to do righteousness, and not transgress beyond boundaries of propriety. For example, in Surah 103, one finds the following:

"By the declining day, indeed human beings are in a state of loss except such as have faith and do righteous deeds, and join in the mutual teaching of the truth and of patience and constancy."

Moreover, in Surah 5, verse 8, God provides this guidance:

"O ye who believe! Be steadfast witnesses for Allah with respect to fair dealing and let not the hatred of others seduce you away from doing

justice. Be just: that is nearest to Piety. Remain conscious of God, verily God is aware of all that you do.”

Elsewhere in the Qur'an, one finds:

“The blame is only against those who oppress human beings with wrong-doing and insolently transgress beyond bounds through the land defying right and justice.” [The Qur'an 42:42]

And, finally:

“[But whatever they may say or do] repel the evil [which they commit] with that which is better.” (Qur'an, 23:96)

There are many other passages in the Qur'an beside the foregoing ones that speak about the importance of exhibiting patience in the face of adversity, doing justice, not transgressing proscribed boundaries of behaviour and approaching life through understanding and insight. In addition, the Prophet Muhammad (peace be upon him) is reported to have said:

“The right and the left are both ways of error, and the straight path is the middle way.”

Sometimes pacifism is warranted, and sometimes it is not. Life is nuanced, subtle, complex, and intended by God to be a considerable challenge to all who encounter it.

One principle – such as pacifism -- does not necessarily fit all situations. Rather, the guidance of the Qur'an gives expression to an array of spiritual principles that can be combined in different ways in order to resolve problems.

Consequently, to say as Houston Smith does in his book that the Qur'an "does not counsel turning the other cheek" is incomplete, and, as such, inaccurate. Sometimes turning one's cheek is the best recourse, and in those circumstances one should be governed by patience and restraint.

On other occasions, justice and equity might require one to defend against oppression in other ways, but these other ways do not necessarily entail using force or violence. For instance, the Prophet Muhammad (peace be upon him) is reported to have said that:

"One performs the best kind of jihad or spiritual struggle when one stands up and speaks out against injustice in the face of tyranny and oppression."

At one point in *My Year Inside Radical Islam*, Mr. Gartenstein-Ross talks about how he became

Muslim. This occurred before coming in contact with a radicalized fundamentalist group in Ashland, Oregon.

His Muslim friend from Wake Forest, al-Husein, had told the author about a Naqshbandi group in Italy [this is a reference to a group that, correctly or not, traces its spiritual lineage to a Sufi group known as the Naqshbandi silsilah]. Therefore, when Mr. Gartenstein-Ross was in Venice, he contacted the group.

While visiting with this group in Italy, certain events went on which led the author to inquire about becoming Muslim. The author was told by one of the members of the group that he would have to say the shahadah, or declaration of faith, in public before two witnesses.

Actually, neither the public part nor the two witnesses issue is a necessary requirement for becoming Muslim. In the Qur'an it says:

“The one whose breast God has expanded unto Islam enjoys a light from one's Lord.” (39:22)

Everything begins with barakah. Through barakah, intention becomes inclined toward declaring one's commit to the principle that there is no god but Allah – that is, the God – which is the literal meaning of al-lah.

Public declaration does not make one a Muslim. Two witnesses do not make one a Muslim.

God's Grace opens one's heart – or, at least, that part of the heart that is referred to as the 'breast' – to the possibility of Islam. One is called to Islam, and, then, one has the choice of responding to the Divine overture or rejecting that invitation.

Some people argue that the formal ceremony conducted by the Prophet Muhammad (peace be upon him) at Hudaibiyah in which Muslims were asked to swear their allegiance to the Prophet constitutes the form on which the public declaration of faith is based. However, most, if not all, of the individuals who took part in this ceremony already were Muslim, and, furthermore, as the Qur'an indicates:

“Those who swear allegiance to thee [Muhammad] swear allegiance, in truth, to God. God's hand is above their hands. So whoever breaks one's oath breaks it only to the hurt of one's own soul.”

Becoming Muslim is not a contract between the individual and the Muslim community. Becoming Muslim is an expression of the transition that has taken place with respect to an individual's relationship with God.

The transition has taken place in the privacy of one's heart. God is the witness to that transition. Indeed, God is the One Who has made such a transition possible.

I remember the process of my becoming Muslim. Through a complex set of circumstances, I had been introduced to the person who would, eventually, become my shaykh (the term "shaykh" is often used in conjunction with someone who has been properly authorized to serve as another individual's spiritual guide ... although it should be noted that the word "shaykh" also might be used in other non-mystical contexts and, as such, tends to refer to someone who is accepted as a leader in some sense of this term).

Per the request of the shaykh, someone from the shaykh's circle had talked to me about the basic teachings of Islam. For two or three hours, I just sat and listened to what was being said.

At the time, what was important to me was what was being said, not who was saying it (whom I really didn't know) or how it was being said. For me, truth had entered into the chambers of my heart, and I was moved by what struck me as the truth that was flowing through whatever words were being spoken.

After the session, I was asked what I thought about things and whether I wanted to speak with the shaykh. I indicated that I had liked what I had heard, and, yes, I would like to meet the shaykh.

A meeting was arranged. As I recall, the first time I met my future shaykh was at his apartment where I was invited to eat with his family. After the meal and some discussion, a further meeting was arranged.

The next meeting took place at the local mosque. It was Christmas Eve in the Christian world and Ramadan in the Muslim world.

It was during the last ten days of the month of fasting, and some of the initiates of the shaykh were staying at the mosque during this ten-day period. I was introduced to one of them, and, then, the shaykh took me to a space in the middle of the mosque and taught me how to say a zikr or special chant.

At the time, I wasn't fasting, or saying prayers, or doing any of the other basic pillars of Islam, and, moreover, I had made no public declarations in front of witnesses. Yet, almost immediately upon beginning to say the zikr, I underwent an opening of sorts.

After that evening, I began to spend more and more time with the shaykh and his circle. I attended the Thursday evening sessions and was invited to all of the spiritual anniversaries of the passing away of different great shaykhs within the Chishti Order of Sufis.

From time to time, there were people who were initiated into the Order, and these often were done during one of the celebrations. I began to feel that because I had not been initiated in any public way that I was not worthy of being a member of the Sufi circle, and, if truth be known, I probably wasn't worthy, but that is another story.

Eventually, after a year or so, my shaykh told me that I was to be initiated during our group's observance of the anniversary, or date of passing away from this world, of my shaykh's own spiritual guide. I told him about my concerns and fears that, perhaps, I was never going to be initiated.

He smiled and said: "I have always considered you part of the group. What is about to take place was just a formal way of acknowledging what already is the case.

Daveed Gartenstein-Ross's initial encounter with fundamentalists took place in his hometown of Ashland, Oregon. He had invited his friend, al-Husein, to visit with him in Ashland and to meet his parents.

During this visit, the Daveed and al-Husein discovered the existence of a mosque in the city. The two of them attended the Friday noon-day prayers.

The sermon or khutbah that is delivered prior to the actual ritual prayers was given by a Saudi who was living in northern California. This individual talked about the alleged duty of Muslims to immigrate to a country ruled by Muslims. More specifically, according to the speaker's perspective:

“The Holy Qur’an says: ‘Verily, those who believed, and emigrated and strove hard and fought with their property and their lives in the cause of Allah, as well as those who give asylum and help – these are allies to one another. And to those who believed but did not emigrate, you owe no duty of protection to them until they emigrate.’ So as Muslims we too must emigrate. We are living in the land ruled by the kufur [unbelievers]. This is not the way of Muhammad, he said.”

Prior to hijra, or emigration, the Prophet lived for 13 years among the unbelievers. He emigrated to Yathrib, later known as Medina, because a plot to assassinate him had been uncovered by the Muslims and, therefore, staying in Mecca was no longer a viable option. In other words, the Prophet did not leave Mecca because it was a land ruled by unbelievers, but, instead, the Prophet left because he had run out of options with respect to being able to live safely in that city.

Initially, there were only two who emigrated to Yathrib – namely, Hazrat Abu Bakr Siddiq (may Allah be pleased with him) and the Prophet. All the other Muslim residents of Mecca stayed behind.

Gradually, over time, more Muslims from Mecca emigrated to Yathrib. However, there were other Muslims that were experiencing financial or life circumstances that prevented them from being able to emigrate.

The only permission that the Prophet had received from God to engage in fighting was for purely defensive purposes. To say that the Prophet was not under any obligation to protect the believers who remained behind in Mecca until they emigrated did not establish a precedent with respect to the need of Muslims to emigrate but, rather, was a reflection of the Divine permissions concerning rules of engagement with the non-believers that had been established by God.

If the believers in Mecca emigrated, then, those individuals could be defensively protected if the Muslims happened to be attacked. However, as long as the believers remained in Mecca, then, the Prophet did not have any Divine authorization and concomitant duty or obligation to attack Mecca in order to protect the believers who were continuing to live there.

According to Mr. Gartenstein-Ross, the Saudi speaker went on to say:

“Prophet Muhammad [upon him be blessings and peace] described the risks of living among the kufur. Our beloved Prophet said: “Anybody who meets, gathers together, lives, and stays with a Mushrik -- a polytheist or disbeliever in the oneness of Allah – and agrees to his ways and opinions and enjoys living with him, then he is like the Mushrik.” So when you live among the kufur, and act like the kufur, and like to live with the kufur, then, brothers, you might become just like

the kufur. If you do not take the duty of emigration seriously, your faith is in danger.”

There are many problems with how the Saudi speaker is interpreting things in the foregoing quote. First of all, there is a difference between, on the one hand, outlining the nature of certain risks of living about people who are unbelievers and, on the other hand, trying to claim that such risks implies a duty to emigrate.

The Prophet never said that people have a duty to emigrate. He said that if people lived among unbelievers and came to agree with their opinions and their ways of living, then, obviously, one runs the risk of becoming like such people.

The Prophet lived with unbelievers for 13 years and, by the Grace of Allah, did not come to agree with their opinions about things or agree with their ways of living or enjoy living in their midst. Other Muslims, by God's Grace, were able to manage this as well.

Were there risks involved in such arrangements? Yes, there were, but Muslims did not become unbelievers merely by living among the unbelievers.

The Prophet was warning Muslims against opening themselves up to the opinions and ways of the unbelievers to such an extent that one not only came to agree with those ways of believing and

doing things but enjoyed doing so. When one did this, then, one's faith was at risk.

Warning people about risks to their faith is one thing. Saying that one has a duty to emigrate because of such risks is quite another thing ... something foreign that is being added to, or projected onto, what the Prophet actually said.

The process of twisting the Qur'an and the sayings of the Prophet to lend support to ideas that were never being espoused by the Qur'an or the Prophet is a trademark tactic of the very sorts of people with whom Mr. Gartenstein-Ross began to become involved when he visited the mosque in Ashland, Oregon. Such teachings sow the seeds of ignorance and arrogance that have so decimated the landscape of many Muslim and non-Muslim communities around the world – even in Saudi Arabia from which the person giving the Friday sermon came.

The irony of all this is that such would-be saviours of the Muslim community are actually among the very forces that place a sincere Muslim's faith at risk. If one emigrates toward such individuals and comes to agree with their opinions and their way of doing things and enjoys living with them, then, one stands a very good chance of losing whatever legitimate faith one might have had.

To his credit, Daveed Gartenstein-Ross didn't necessarily accept the concepts being espoused by the Saudi speaker. However, Mr. Gartenstein-Ross also admitted that he had no reliable

understanding of Islam through which to combat those ideas.

Initially, he was able to keep his distance from the undertow of such a theological maelstrom. However, in time, he found himself being pulled under by the currents emanating out from such a perspective.

I know just how seductive and powerful those currents can be for I have encountered them on a variety of occasions within the Muslim community. Fortunately, at the time of the encounters I had a Sufi shaykh who -- because of, by the Grace of Allah, his tremendous insight and understanding of Islam -- could explain to me in considerable detail the numerous logical, doctrinal, and historical defects contained within the structure of the theological arguments of such people. I was never left unsatisfied by the explanations I was given by my shaykh concerning such matters.

On pages 51-52 of *My Year Inside Radical Islam*, Daveed Gartenstein-Ross describes how the Muslim activities in Ashland, Oregon were being subsidized by a Saudi Arabian charitable institution known as al-Haramain Islamic Foundation. One of the proposed programmes of the Muslim group in Ashland was called the 'Medina Project'.

According to the leader of the Ashland Muslim group, the idea at the heart of the Medina Project involved building an Islamic village in the United States. More specifically:

“The village would be run by sharia to the extent that U.S. laws allowed. While there wouldn't be any beheadings and amputations, the women would be veiled, pork would be banned, and so would alcohol.”

Almost everywhere one hears 'shari'ah, shari'ah, shari'ah' from the lips of Muslim fundamentalists, mullahs, imams, theologians, and would-be revolutionaries. Yet, rather ironically, the Qur'an apparently mentions the term shari'ah just once.

In Surah 45, verse 18 one finds:

“O Prophet, We have put you on the Right Way (Shari'ah) concerning the religion, so follow it, and do not yield to the desires of ignorant people;”

All of the fundamentalists assume they know what the 'right way' is even as they engage one another in hostilities so that they might gain control and impose their own interpretations and theories concerning the precise nature of that 'right

way'. Furthermore, such individuals also seem to assume they have God's permission to impose that way on just about anyone they like.

As far as the first assumption is concerned, everyone has the right to form his or her opinion – whether such opinions be correct or incorrect -- concerning what one believes the nature and purpose of one's relationship with God to be. However, as far as the second assumption is concerned – that is, the presumed right to impose their opinions on others -- I do not believe such individuals can point to any aspect of the Qur'an that indisputably demonstrates that God has arrogated to them the right to impose their opinions concerning spirituality or life upon others.

In fact, even with respect to the Prophet, the Qur'an indicates:

“The guiding of them is not thy duty (O Muhammad), but Allah guideth whom He will.”
[Qur'an 2: 272].

The actual etymology of the verb 'shari'ah' is related to a process of travelling -- or being led -- toward, finding, and drinking from a place that contains water. So, the questions are: What is the nature of the path/way? What is the nature of leading? What is the nature of water? What is the nature of the drinking? Finally, do the answers to any of the foregoing questions provide evidence in

support of the idea that shari'ah is meant to indicate a process that is to be imposed upon people in the sense of a code of law or conduct to which everyone must adhere and for which any wavering from that path should be met with the force of a body of social/public law that is considered to be the guardian and protector against such a 'way/path' being corrupted, undermined, compromised or not obeyed?

I find it strange that a term – namely, shari'ah - which, as far as I can determine, is used only once in the Qur'an should have been propelled into the pre-eminent status it not only currently assumes in many discussions but that it has 'enjoyed' for hundreds of years in the Muslim community – at least within circles of jurisprudence, fatwa, qazis, muftis, imams, and books of fiqh.

Moreover, if one peruses the Qur'an in search of the 'right way', one actually finds a multiplicity of Arabic words (for example, deen, tariqa, sirat-ul mustaqueem, taqwa, and so on). Unfortunately, all of these terms are taken by many, if not most, fundamentalists and reduced down to just one way of thinking and understanding – that is, in a legalistic/legislative sense -- yet none of these terms should necessarily be construed in such a narrowly conceived, reductionistic fashion.

The Qur'an does not refer to itself as a book of jurisprudence but as a book of guidance, wisdom, and discernment. Yet, there has been a centuries-long attempt by all too many individuals to force-fit

the Qur'an into becoming little more than a source document to serve the interests of jurisprudential and legalistic theologies.

If one wishes to use the term 'Divine Law' in conjunction with the Qur'an, one would be, I believe, closer to the truth of the matter if one were to think about the idea of law in terms that refer to 'the natural order of creation'. That is, Divine law refers to the nature of manifested existence and the principles (both spiritual and otherwise) which are operative within that natural order of things. This is consistent with another sense of the same Arabic root from which shari'ah comes that concerns the sort of lawgiver or legislator who has established the order of things and how those things operate in a given realm ... in the present case, creation.

For example, the law of gravity does not say that one must obey gravity or that one has a duty or obligation to observe gravity. Rather, through experience, reflection, and the guidance of those who have some wisdom in such matters, one becomes aware of gravity's existence and properties. Moreover, one comes to understand that as one goes about one's life one might run into problems if one does not pay attention to the principle of gravity, and, in addition, one learns that there are consequences that follow upon a failure to observe such a principle – unless one can devise ways of defying (within certain limits) the presence of gravity through propellers, wings, rockets, jet engines, and the like.

Some people might like to look at what occurs when someone fails to pay close enough attention to the presence of gravity as some kind of 'punishment' for swaying from the path of reality. Nevertheless, once again, I feel it would be closer to the truth to say that actions – both spiritual and physical -- have consequences and, therefore, caveat emptor (let the buyer beware). In other words, there is a rigor to life – both spiritual and physical -- about which one pays heed, or not, to one's own benefit or risk.

Shari'ah is not about beheadings, amputations, lashings, corporal punishment, legal courts, banning alcohol, the length and shape of a beard, marriage, divorce, inheritance, dietary restrictions, dress codes, and the like. Shari'ah is about realizing the purpose of life by drawing upon the whole of the Qur'an as one struggles toward acquiring the Divine guidance that will assist one to fulfil one's spiritual capacity and recognize the nature of one's essential identity so that one will come to give expression to the process of ibadat or worship as God has intended.

To be sure, there are verses in the Qur'an that touch upon issues of punishment, alcohol, inheritance, diet, dress, marriage, apostasy, fighting, and so on. Yet, there are many, many more verses in the Qur'an (at a ratio of about 13 or 14 to 1) that explore issues of equity, fairness, balance, harmony, peace, forgiveness, patience, God-consciousness, remembrance, repentance,

kindness, love, restraint, compassion, tolerance, insight, generosity, knowledge, wisdom, understanding, humility, purification of the heart, and honesty.

Why is it that the former legalisms have come to assume dominance and pre-eminence over the development of spiritual character? Or, why do so many people seem to assume that punitive measures are the only road to spiritual purification? Or, why do so many people appear to automatically assume that the principles inherent in the development of spiritual character cannot or should not be applied to issues of jurisprudence?

There was a man who once came to the Prophet and confessed that he had broken the fast of Ramadan. The man wanted to know what would be necessary to set things right with respect to his mistake.

The Prophet informed the man that in such circumstances the Qur'an indicated that one should fast for two consecutive months. Upon hearing this, the man replied by saying that if he could not even fast for one month, how would he be able to fast for two months?

The Prophet then responded by saying that the Qur'an also indicated that one could also satisfy the conditions of the fast if one were to feed the poor. The man said that he had no money with which to feed the poor.

The Prophet called someone and told them to have food taken from the storehouse and brought to the Prophet. When this task had been completed, the Prophet gave the food to the man and said the man should distribute the food to the poor.

Upon receiving this instruction, the man commented that in the entire valley, there was no one poorer than he and his family. In reply, the Prophet said that the man should, then, take the food and feed his family, and that act would constitute expiation for the man's having broken the fast.

Among other things, Quranic principles of equity, compassion, generosity, and kindness were used by the Prophet in conjunction with the Quranic provisions concerning fasting to arrive at a manner of handling the situation that gave expression to shari'ah. Muslims as well as non-Muslims to whom I have recounted the foregoing hadith are moved by the obvious display of spiritual wisdom that is present in the interchange between the Prophet and the man who came to him seeking advice.

So, what is the moral, so to speak, of the story? The Qur'an is a book of spiritual principles, not a book of legal rules. Basic Quranic principles concerning fasting were taken by the Prophet and, then, were modulated in accordance with existing life contingencies and other principles of the Qur'an.

Shari'ah gives expression to an indefinitely large set of spiritual principles that can be combined together in different ways to assist individuals to realize life's purpose and a person's essential identity. However, one of the limiting factors in all of this, has to do with the depth of insight and understanding in the individual who is seeking to engage Quranic guidance in order to resolve any given issue or problem, and this is true both on an individual as well as a collective or social level.

As previously cited:

“O Prophet, We have put you on the Right Way (Shari'ah) concerning the religion, so follow it, and do not yield to the desires of ignorant people;” (Qur'an 45:18)

but, unfortunately, now that the Prophet is no longer with us physically, the desires of all too many ignorant people have come to dominate many communities. When such people do this only in relation to their own lives, then, although such applied ignorance tends to lead to problematic ramifications, those problems are likely to be far, far fewer and more contained or isolated than when such ignorance seeks to legalistically and legislatively impose itself on everyone else.

When Muhammad (peace be upon him) was first called to the tasks of being God's rasul

(messenger) and nabi (prophet), the society in and around Mecca was often crude, rude, lewd, and brutal. Infant girls were buried alive. Women were treated as third, fourth and fifth class citizens. Orphans were marginalized and neglected. Blood-feuds were the rule of the day. Punishment for transgressions was severe. Financial and material inequities pervaded and divided society. Slavery existed, and those who were unlucky enough to be slaves were used and abused in any way that pleased their slave masters. Tribal alliances and antipathies structured society from top to bottom. Tribes or clans were not run in accordance with principles of justice but in accordance with the authoritarian rule of a leader or small group of such leaders who were only interested in protecting their vested interests. The excessive drinking of alcohol was rampant, as were the problems that arise out of such excesses. Public nudity in and around the Kaaba was not uncommon.

While there are some similarities between the social, economic, and historical conditions that prevailed during the pre-Islamic days of Meccan society and the conditions existing today, the times, circumstances, history, problems, and needs of the people during the life of the Prophet Muhammad (peace be upon him) were, in many ways, very, very different than what is the case today – and vice versa. If the Prophet were physically with us today, can anyone claim with certainty that she or he knows that the Prophet would approach the

problems of today in exactly in the same way as he did during his lifetime more than 1400 years ago?

In ecology there is a guideline known as the 'Cautionary Principle'. In essence, this indicates that when one does not have demonstrative proof that some, say, industrial process will not harm people and/or the environment, then, one should proceed with caution.

This principle also applies in the case of spiritual matters. If one cannot clearly demonstrate that, ultimately, a given application of a spiritual principle is not likely to have adverse consequences for the spiritual well-being of either individuals within that society or the group as a whole, then one should exercise considerable caution before applying such Quranic principles to the ecology of society.

Just as every medicine has a use and a value, this does not mean that using a given medicine without any consideration for the illness that needs to be remedied or the needs and condition of the patient will lead to successful results. So, too, just because every spiritual principle in the Qur'an has a use and value, this does not mean that using any given Quranic principle without consideration for the illness that needs to be remedied or the needs and conditions of the individual or society to which it is being applied will necessarily lead to successful results.

Although there are ayats or verses in the Qur'an that are stated in specific, detailed form, this

does not automatically mean that such verses must take precedence over all the other principles of guidance in the Qur'an. Patience, forgiveness, tolerance, love, humility, equitability, peace, compassion, remembrance, generosity, nobility, God-consciousness, and restraint are also specified in the Qur'an, and these latter spiritual principles are mentioned many more times and given far more emphasis than are the verses that fundamental legalists like to cite as being the principles that must govern public and private life.

The process of creating a public space within which individuals might pursue shari'ah according to their capacity and inclinations has been confused with the process of shari'ah that focuses on the development of character. In a sense, many Muslims have confused or conflated the frame (i.e., the process of creating a safe and stable social space) with the picture (i.e., the process of shari'ah, that is an individual and private activity rather than a public one).

Similarly, the punishments that are mentioned in the Qur'an are not shari'ah per se. Rather, such punishments were the specific guidance provided by Divinity to help society during the time of the Prophet to be able to establish a safe and stable space within which to pursue shari'ah – something that is entirely separate from, and not to be confused with, the process of structuring the public space that surrounds the activities of shari'ah.

However, there are different ways of creating the kind of public space within which people will be able to pursue shari'ah. As pointed out previously, in the Qur'an God did provide some specific examples of how Muslims might go about creating the sort of safe and stable public space through which individuals could privately pursue, each in his or her own way, the development of character traits that is at the heart of the process of shari'ah. Nevertheless, God also provided many general spiritual principles in the Qur'an that also could be used to help create the kind of safe, stable public space through which individuals could privately pursue the purpose of shari'ah.

When, God willing, character traits are developed and perfected, they possess the potential for having a constructive and positive influence on helping to maintain the peace and stability of the public sphere. When such traits become widespread, then, in effect, the process of pursuing shari'ah also becomes the means through which public space is constantly renewed in a safe and stable manner entirely without legalisms or legislative mandates.

One cannot legislate or make legal rules that force people to become loving human beings. However, once a person becomes a loving person, then, the constructive impact such a person has upon the quality of public life is incalculable.

One cannot legislate or make legal rules or apply punishments that will cause people to pursue

shari'ah. However, once shari'ah -- in the sense of an individual's development of character traits and purification of his or her nafs/ego takes place -- then, legislation, rules, and punishments become largely peripheral issues.

Many fundamentalists want to return to the past in order to engage the Qur'an. The Qur'an doesn't exist in the past. It exists in the eternal now as always has been the case.

To filter the present through the times of the Prophet Muhammad (peace be upon him) is a fundamental [as well as a typical, fundamentalist] mistake. To demand that the Qur'an be engaged and understood through the filter of the circumstances, problems, and conditions of 1400 years ago is, I believe, to introduce substantial distortion into one's attempt to understand the nature of Quranic guidance.

All of the Qur'an is guidance. Nonetheless, not all of the guidance is necessarily intended for everyone.

For example, Alaf Lam Meem is guidance. Ha Meem is guidance. Ta Ha is guidance. Ya Seen is guidance. Yet, such guidance does not necessarily apply to anyone except those for whom God intended it.

People have made an assumption that injunctions in the Qur'an dealing with, say, punishment are incumbent for all peoples, circumstances, societies, and historical times, but

these injunctions concerning punishment might not have been intended to apply to everyone any more than the series of Arabic letters at the beginning of certain surahs are necessarily intended for everyone. Rather, in each case, the guidance might be intended only for certain historical and social circumstances.

This distinction might be especially important when it comes to differentiating between the private sphere and the public sphere. Although there often is a public context in which the basic pillars and beliefs of Islam are embraced, the fact of the matter is that all of these pillars and beliefs are largely a matter of individual observance and responsibility.

This is also the case with respect to those aspects of character development that extend beyond the basic pillars and beliefs. One might seek to practice love, kindness, generosity, forgiveness, tolerance, patience, and so on in relation to other people, but the development of such traits is a function of an individual's solitary struggle. One might observe the five daily prayers with other people, but each individual carries the responsibility of paying attention during prayers and applying as much of her or his spiritual capacity to the observance of prayers as one is individually able to do – nobody else can do this for a person.

Shari'ah is a matter of individual aspiration and not of public imposition. The Prophet is

reported to have said: "I have been given all the Names and have been sent to perfect good character." He did not say that he has been sent to establish a good system of jurisprudence or corporal punishment.

The Prophet Muhammad (peace be upon him) is also reported to have said:

"Muslims are brothers and sisters in Deen, and they must not oppress one another, nor abandon assisting each other, nor hold one another in contempt. The seat of righteousness is the heart. Therefore, that heart which is righteous does not hold a Muslim in contempt."

Yet, many of those with a fundamentalist inclination do seek to oppress others through the exercise of public power. Moreover, they do tend to harbour contempt for anyone who does not act or believe as such fundamentalists believe should be the case.

Moreover, the foregoing hadith indicates that the seat of righteousness is the heart. The hadith says nothing about the seat of righteousness being in government or the public sphere of power or a particular system of imposed punishment.

Through the Qur'an, Allah guided the people in the time of the Prophet in a way that they could understand and in a manner that fit in with their

life styles, social conventions, history, ways of doing things, and sensibilities. In other words, during the time of the Prophet and under certain circumstances best understood by the Prophet, the process of beheading a person, or amputating a limb, or flogging an individual, or stoning a person were all expressions of following a portion of the guidance that had been given to the Prophet by God in order to establish order and security in an Arabian society that was used to dealing with certain aspects of life through the law of retribution and that is why God proscribed that sort of law for such a people so they would understand.

Nonetheless, through the Qur'an, God also provided guidance for people who would live in subsequent times that were different in many ways from those that existed during the life of the Prophet. Furthermore, these other dimensions of guidance were expressed in a manner that could be understood by, and that fit in with, the life-style, conventions, history, practices, and sensibilities of the people who would live in those later times.

This does not mean that people of subsequent generations were free to do whatever they liked. However, part of the beauty, generosity, and depth of the Qur'an is that it is filled with principles of guidance that are appropriate for all manner of circumstances and conditions, and, as such, the Qur'an has degrees of freedom contained within which are capable of assisting individuals in a variety of circumstances and situations – even if

there are people today, unfortunately, who are unwilling to acknowledge these other dimensions of Quranic guidance.

Shari'ah has always remained what it is – the personal, private process of struggling to purify oneself, develop constructive character traits, realize spiritual capacity, and gain insight into the nature of one's essential relationship with God. The Qur'an says: "I have not created human beings nor jinn except that they may worship Me [that is, Divinity]." (Qur'an 51:56-57), and shari'ah, when properly pursued, is the key, God willing, to fulfilling the purpose for which human beings and jinn have been created – that is, ibadat or worship.

Is there a need for maintaining a safe and stable environment so that people might be free to pursue the real meaning of shari'ah in their own individual way? Yes, there is, but there also are alternative Quranic means of establishing and securing such an environment without necessarily having to resort to executions, amputations, floggings, stonings, oppressions, and so on. Moreover, we live in times when the latter sort of approach to establishing a public space that is conducive to spiritual pursuits is no longer appropriate, constructive, practical, or capable of encouraging spirituality.

Furthermore, all of the foregoing can be said without, for a moment, implying that what took place in the time of the Prophet Muhammad (peace be upon him) was in any way immoral, cruel,

incorrect, uncivilized, or barbaric. God knew the people who lived in the time of the Prophet better than we do, and Divinity proscribed for those people what was necessary to help them create -- in their social, economic, historical, and spiritual circumstances -- a safe, secure, stable public sphere that could assist such individuals to begin to make the transition from what had been in pre-Islamic times to what might be through the degrees of freedom contained in the Divine guidance of the Qur'an.

In fact, the inclination of the Prophet was to discourage people coming to him and making their sins and transgressions public. The Prophet encouraged people to seek repentance from God directly rather than having things mediated through public procedures.

Nevertheless, if people insisted on confessing their sins to the Prophet or insisted on making a public issue of such matters, then, the Prophet was obligated to settle those matters in accordance with his duties as a Prophet of God and in accordance with the specific guidance given by Divinity for maintaining social order in those times. However, given that the Prophet is no longer physically present among us, there really is no one who currently exists who has the spiritual authority [despite the fact that many try to arrogate to themselves such authority] to carry out the same function as was performed by the Prophet in those earlier days, nor is there anyone currently available

in the public sphere who has the depth of wisdom to verify that the specific rules contained in the Qur'an concerning, say, forms of punishment, are applicable to anyone beyond that portion of the community of the Prophet Muhammad (peace be upon him) that existed more than 1400 years ago.

In the days of the Prophet, when corporal forms of punishment came into play – and such was not the case all that frequently – those forms of punishment were understood as a way of having one's spiritual slate wiped clean with respect to what one would be held responsible for in the life to come. Today, those same forms of punishment have been stripped clean of what had been – at one time – their spiritual function and, instead, are frequently used as tools of oppression to control people and forcibly impose some invented theology upon a population that takes issue with the spiritual corruption, economic inequities, and social injustices being perpetrated by such governments as they try to hide behind the ruse of merely wishing to establish shari'ah as the law of the land, when, in point of fact, shari'ah was never intended to be a law that people were compelled to obey and has always been the right way for an individual to seek and realize God's purpose for that individual.

Earlier, the etymology of shari'ah had been noted as a path that leads one to water. The nature of this water entails the sort of thirst-quenching experience that occurs when, God willing, an

individual realizes her or his unique spiritual capacity and essential identity. This is the sort of water to which shari'ah leads a person, and this is why the Qur'an indicates that in such matters there is no compulsion (Qur'an 2:256), and this is why people make a mistake when they treat shari'ah as something that can be imposed on others.

On page 53-54 of Daveed Gartenstein-Ross's book *My Year Inside Radical Islam*, the author writes:

"I had known from the first time I encountered Ashland's Muslims and saw al-Husein debate with Sheikh Hassan that there was a name for the kind of Islam practised by the community's leaders: Wahhabism. The Wahhabis are a Sunni sect founded by Muhammad ibn-Abdul Wahhab, an eighteenth-century theologian who lived in what is now Saudi Arabia. Abdul Wahhab was obsessed with returning Islam to the puritanical norms that he thought were practised in Prophet Muhammad's time. He had a severe and strict interpretation of the faith.

"In accord with Abdul Wahhab's teachings, the Wahhabis have an absolutist vision for Islam that holds that the Qur'an and Prophet Muhammad's example (the Sunnah) are the only permissible guides for the laws of the state and the conduct of an individual. They resent Muslims whose norms differ from theirs ... the Sufis are also particularly

despised. The Sufis ... tend to be more free-form in interpreting the Qur'an."

Starting with the last sentence first, the fact of the matter is that interpretation of the Qur'an – whether by Sufis or others – is not a part of shari'ah. In Surah 3, verse 7, one finds:

"He [that is, God] it is Who hath revealed unto thee (Muhammad) the Scripture wherein are clear revelations -- They are the substance of the Book-- and others (which are) allegorical. But those in whose hearts is doubt pursue, forsooth, that which is allegorical seeking (to cause) dissension by seeking to explain it. None knoweth its explanation save Allah. And those who are of sound instruction say: We believe therein; the whole is from our Lord; but only men of understanding really heed."

Moreover, in another part of the Qur'an, Allah provides the following guidance:

"He granteth wisdom to whom He pleaseth; and he to whom wisdom is granted receiveth indeed a benefit overflowing; but none will grasp the message but men of understanding." (2:269)

Interpretation is not an expression of wisdom that God grants but is the antithesis of such

wisdom. Interpretations are projected onto Divine guidance, whereas wisdom concerning that guidance is a gift of God.

Contrary to what Mr. Gartenstein-Ross claims, Sufis don't have a more 'free-form way' of interpreting the Qur'an. Rather, they try to refrain from interpreting the Qur'an and seek, instead, to struggle to be in a spiritual condition that, if God wishes, such an individual will receive wisdom from God concerning those Quranic verses that are not clear and straightforward.

Interpretations are invented explanations that are a function of ignorance and presumption. Wisdom is a received understanding that has been granted by God and is a function of, among other features, Divine grace/barakah and an individual's taqwa or God-consciousness.

According to the author of *My Year Inside Radical Islam* – and as previously noted – “Abdul Wahhab was obsessed with returning Islam to the puritanical norms that he thought were practised in Prophet Muhammad's time. He had a severe and strict interpretation of the faith.”

However, what was practised by the Prophet Muhammad (peace be upon him) was not some form of puritanical doctrine but, rather, a way, or deen, or tariqa, or shari'ah, or sirat-ul-mustaqueen that helped individuals learn, God willing, how to become a person of understanding and wisdom concerning the nature and purpose of Quranic guidance. In contrast to what Abdul-Wahhab and

others of fundamentalist leanings believe, this way of Allah was not meant to be imposed on anyone and, consequently, it could not become the law through which the state governed people.

As noted previously, the function of the state is different from the function of shari'ah. Shari'ah is intended to govern the realm of private spiritual aspiration according to one's capacity as well as in accordance with Divinely granted understanding. The state is intended to create the sort of public space within which people would be able to freely and safely pursue shari'ah according to their understanding of things as long as that understanding did not spill over into compelling others to live in accordance with such a perspective.

The puritanical system to which Abdul-Wahhab wished to return people was a figment of his imagination. The puritanical system that he invented was the result of a revisionist history that Abdul-Wahhab constructed concerning the nature of Divine revelation and the life of the Prophet Muhammad (peace be upon him).

The severe and strict interpretation of faith that was held and promulgated by Abdul Wahhab was a projection of his own spiritual pathology onto both the Qur'an and the life of the Prophet Muhammad (peace be upon him). The system envisioned by Abdul Wahhab was not a process of returning Islam to its roots but a failure to understand the nature of those roots altogether

and as such laid the foundations for a system of theological oppression that has, like a virulent pathogen, spread to many parts of the world.

The foregoing comments actually lead to an observation concerning the title of the book by Daveed Gartenstein-Ross. More specifically, *My Year Inside Radical Islam*, is something of a misnomer.

If a person spent a year with a group that counterfeited money and, then, wrote a book about his or her experiences during that period calling the memoir: *My Year Inside the Federal Treasury*, the people who read the book might object because they clearly understand that the counterfeiting outfit has nothing to do with the Federal Treasury Department except in relation to the counterfeiting group's attempt to pass off its product as a legitimate form of legal, monetary tender.

However, a similar sort of objection can be made with respect to the experiences of Mr. Gartenstein-Ross. He didn't really spend a year inside of radical Islam. Rather, he spent a year with a group of radical spiritual counterfeiters who did their best to try to convince Mr. Gartenstein-Ross that their product was the equivalent of Islam, which it wasn't.

To put forth such an observation concerning the problem with the title of Mr. Gartenstein-Ross' book doesn't undermine the importance of much of what the author has to say about the group in question since I would agree with many aspects of

his critical commentary concerning the teachings of that group which are recounted in his book. I merely wish to place those critical observations in a proper context by saying that although the group in question might have been radical, and although that same group parasitically sought to usurp the name Islam and, in the process, the group attempted to create the impression that its radical philosophy was part and parcel of Islam, Mr. Gartenstein-Ross actually spent time inside a group of counterfeiterers rather than having spent time inside an Islamic group.

On page 71 of his book, Daveed Gartenstein-Ross writes:

“When I was a campus activist at Wake Forest, I was always eager to speak against injustice, and often considered myself courageous when I did. But my approach to Al-Haramain [i.e., the Muslim group in Ashland, Oregon] was the opposite. I recognized that disagreeing with prevailing religious sentiments could stigmatize me. My approach, starting with my first week on the job, was to avoid making waves, to try to understand where the others were coming from, and to emphasize our religious commonality rather than argue over differences.”

Not wishing to create controversies or wanting to emphasize commonalities rather than argue

about differences or trying to understand someone else's perspective are all important and commendable intentions. Nonetheless, I believe that the search for truth as well as Mr. Gartenstein-Ross's personal situation would have been better served if he had stuck with his tendency to speak out against injustice and give voice to the problems he saw rather than, due to a fear of being stigmatized, remain silent.

In a sense, Mr. Gartenstein-Ross became his own worst enemy with respect to being pulled into the spiritual quagmire represented by the Ashland group because, for a time, he seemed to have suspended the very tools with which God had equipped him – namely, an inherent dislike of injustice as well as a critical capacity for detecting when things don't make sense. In short, for a time, Mr. Gartenstein-Ross ceded his intellectual and moral authority to the group or leaders of the group in Ashland, when he would have been much better off if he listened to the counsel of his own heart ... which in many cases -- at least with respect to the things about which he wrote in his book -- was a better source of understanding concerning the nature of Islam than anything he was hearing from the Muslim group with which he was associating.

I say the foregoing not as someone who seeks to stand in judgment of Mr. Gartenstein-Ross but as someone who, so to speak, has been there and done that. There have been times in my own life when I

should have listened to the counsel of my own heart but, instead, gave preference to the views and ideas of someone else out of a desire to not stir up controversy or disturb the peace and, in the process, ceded to someone else the very intellectual and moral authority for which God had given me responsibility with respect to the exercise thereof.

The Prophet Muhammad (peace be upon him) is reported to have said that one should:

“Seek the guidance of your heart (istaftii qalbaka: ask for the fatwa), whatever opinion others may give.”

To be sure, there are some dangers associated with such counsel because one can easily mistake the musings of one's own ego or nafs for the guidance of one's heart. However, if one is sincere in seeking the truth, then, if God wishes, Divinity will help move the heart in the correct spiritual direction.

The question that arises here, of course, is how does one know one is being sincere? In relation to this issue, the Prophet Muhammad (peace be upon him) is reported to have said:

“All people are doomed to perish except those of action, and all people of action will perish except for the sincere, and the sincere are at great risk.”

Why are the sincere at such risk? Because, among other things, there are many who are seeking to sway the sincere from the counsel of their heart – the very counsel to which the Prophet Muhammad (peace be upon him) in the previously noted hadith is encouraging such sincere ones to listen to.

When one does not listen to the counsel or fatwa of one's heart, the vacuum that is created thereby becomes filled with the musings of whoever happens to be present and who is prepared, legitimately or illegitimately, to exploit another person's abdication of her or his spiritual responsibilities with respect to his or her own heart.

This is what happened to Mr. Gartenstein-Ross when he became inclined to remain silent amidst the radicalized propaganda, biases, and prejudices of the Ashland group. Through his own decision to remain relatively silent concerning the problems he encountered within the group, he unintentionally opened himself up to the malignant forces that would begin to work on him through the theological machinations of the Wahhabi-influenced group with which the author had, for a time, chosen to associate in Ashland, Oregon.

One of the first things the group tried to do was undermine Mr. Gartenstein-Ross' God-given right to try to ascertain, for himself, the truth with respect to an array of issues. For instance, at one

point in his book, Mr. Gartenstein-Ross describes how, when working in the office of the Ashland group, he wrote an e-mail in response to a university student who was inquiring about the practice of infibulation, a process of genital mutilation that is forced upon women within various Muslim communities in different parts of the world.

Very reasonably, Mr. Gartenstein-Ross wrote to the student and explained that one had to distinguish between the teachings of Islam and cultural practices that had nothing to do with such teachings but that, unfortunately, had been conflated with those teachings by people of mischief and those who had vested theological interests. The author clearly, and correctly, indicated to the student that the practice of infibulation has nothing to do with Islam.

One of the consequences that ensued from the e-mail was that the other members of the Ashland group were very upset with Mr. Gartenstein-Ross for having written such an e-mail. The author was told that he did not have the right to issue a fatwa, and there were numerous scholars in Saudi Arabia who were far more qualified than was Mr. Gartenstein-Ross and who were prepared to answer such complex questions of Islamic law.

Despite all too many facets of the Muslim community operating for some 1100-1200 years under the contrary delusion (since the rise of various schools of jurisprudence within the Muslim

community), there is no such thing as Islamic law. While there are legal systems that have been generated by Muslims, and while, sometimes, these legal systems do seek to incorporate this or that understanding concerning what certain people believe Islam to be about, the result is not Islamic law but, rather, Muslim law.

A whole cacophony of religious scholars, imams, qazis, muftis, and theologians have arrogated to themselves the right to make pronouncements – called fatwas -- which they believe to be binding on others. They have developed arcane, obscure, irrelevant, and deeply flawed methodologies for generating torturous explanations that attempt to justify such practices as female mutilation, or that seek to justify: why women should be completely covered, or why women should be deprived of the rights that the Qur'an clearly gives them, or why men should be beaten if they don't grow a beard, or why a woman who is raped should be executed for fornication, or why honour killings are okay, or why not belonging to a given madhab or school of jurisprudence is a heinous crime and renders one an unbeliever, and other similar iniquities.

The practice of infibulation or female mutilation is not a matter of complex Islamic law. It is a matter of a complex pathology.

There is nothing of a reliable nature in the Qur'an to support such a practice. There is nothing

of a reliable nature in the sunnah of the Prophet Muhammad to support such a practice.

However, the fundamentalist mind-set seeks to induce one to believe that life is real only when one submits to the beliefs and teachings of certain acceptable – to the fundamentalists -- religious scholar. According to that mind-set, if one doesn't operate out of a given madhab's (school of jurisprudence) book of fiqh or application of law based on such a school's interpretation of the Qur'an, Hadith, and subsequent legal commentary, then, one is leading an invalid, haramic life.

For such a mind-set, validity is not a matter of whether a given understanding can be shown to conform to the guidance of the Qur'an. Rather, validity is purely a function of whether a given understanding conforms to a certain theological paradigm.

If one conforms, then, one is a brother or sister. If one dissents, then, one is likely to lose one's family affiliation and become branded as a kafir or unbeliever.

On page 94 of *My Year Inside Radical Islam*, one reads:

“As I was walking toward the red Tercel, a dark-haired woman who looked to be in her late thirties greeted me. She wasn't wearing a hijab, the head scarf worn by Muslim women. I was surprised

to see her. It took me a second to realize the reason for my surprise: it had been weeks since I'd had any real contact with a woman. And, to my dismay, I had begun to internalize the dress code of the Musalla. Her lack of hijab struck me as wrong."

What Mr. Gartenstein-Ross is describing when he talks about having begun to internalize the dress code of the Musalla or Muslim center in Ashland is, actually, an expression of Pavlovian classical conditioning. In some of the early experiments conducted by Pavlov, a dog would be presented with an unconditioned stimulus, such as food, and, the presentation of the food would automatically induce the dog to salivate, which was referred to as an unconditioned response. In the next stage of the experiment, a tone would be sounded at the same time as the food was presented, and when the tone and sight of the food were paired enough times, the sounding of the tone was enough to induce salivation in the dog even if no food was present.

The process through which the dress code was being internalized within Mr. Gartenstein-Ross is not exactly the same as the previously described experiment of Pavlov, but there are some important similarities. When most men who have grown up in North America meet a woman – such as the situation described by Mr. Gartenstein-Ross - - there is no inherent sense that there is anything wrong with the way such a woman is dressed as

long as her clothes fall within certain broad parameters of aesthetics and decency.

In such a case, the unconditioned stimulus is the woman and her clothing. However, under normal circumstances, there is not necessarily any particular unconditioned response that is likely to be displayed by someone like Mr. Gartenstein-Ross in relation to such an encounter.

Yet, if one works and spends time within an environment like the fundamentalist-leaning group of Muslims in Ashland as Mr. Gartenstein-Ross did, then, what happens is that every time a woman appears on the scene, certain behaviours, comments, or body language are given expression through the male hierarchy of the group. Having spent considerable time in such environments, I am well aware of the things that are said, or the behaviours that are encouraged and discouraged, or the kind of body language and facial expressions that are used to induce people – both men and women -- to conform to a specific way of doing things.

One of the chants of the fundamentalist mindset is that women must be kept out of sight. Women should not participate in mosque activities – unless it is to cook food. Women should be herded into little rooms in the basement or to some other room away from the main focus of activity. Women should be dressed in a particular way. Women should observe hijab. Women need to be kept separate from men.

After enough pairings of the foregoing sort of theological perspective and the presence of women, then, in a relatively short period of time, the presence of a woman in and of herself -- unaccompanied by the presence of a fundamentalist-oriented commentator -- is enough to elicit the mind-set that has been conditioning the thoughts and feelings of someone who is in a position like that of Mr. Gartenstein-Ross. Consequently, a person who is in a position similar to that of Mr. Gartenstein-Ross begins to automatically disapprove of a given woman if she does not conform to the theological mind-set that is in place.

One does not think about what is going on. One merely feels what one has been conditioned to feel such that the unconditioned stimulus -- the presence of a woman without hijab -- is enough to elicit feelings of disapproval ... that is, the conditioned response.

Although both Muslim men and women are enjoined to be modest in their manner of dress, the Quranic verse that indicates that women should cover themselves does not stipulate that no part of a woman should be visible to the world. This extended notion of covering up is someone's interpretation of what God meant. If covering up is for the sake of modesty, and men are required to be modest in their dress, then, why is it that women are required to be so much more modest and so much more covered up in this respect than men?

Why aren't men the ones who are stuffed into small rooms in the basement or up in the cramped quarters of the balconies? Why aren't men the ones who are kept away from the main center of activities within a mosque? Why aren't men the ones who are discouraged from taking part in mosque activities? Why aren't men the ones who are told that they cannot use the main entrance to enter the mosque? Why is it okay to listen to the sound of a male voice in the mosque, but listening to the sound of a woman's voice somehow threatens to shake the foundations of all that is true and just?

In all too many mosques and Muslim centers, none of the foregoing questions are really open for discussion. Everyone – both men and women – has been conditioned to accept the status quo without engaging in any rigorous, critical exploration of whether such is the way things need to be or should be.

Almost everyone is on auto-pilot, operating in conjunction with classically conditioned responses. Reason, insight, critical inquiry, dialogue, rigorous examination, and wisdom concerning such issues are almost nowhere to be found.

As pointed out by Mr. Gartenstein-Ross, if one has objections to any of the foregoing, one is chastised and criticized for the weakness of one's faith, or one is given a book to read that is written by someone with the "right kind" of theological orientation, or one is recited a litany of obscure

names residing in this or that Muslim country whom one is enjoined to treat as authoritative icons whose words are not to be disputed.

After all, those people are scholars. They are experts. They know Arabic.

Don't think! Don't reflect! Don't question! Just blindly accept what one is being told, and if one is not prepared to do this, then, you, my friend, are likely to be accused of being an unbeliever ... or a minion of Satan.

In fundamentalist-leaning groups [and what is being said here applies as much to fundamentalist Christian and Jewish communities as it does to Muslim groups] there is tremendous pressure – both spoken and unspoken – that is imposed upon people – both men and women – to submit to the theology being promulgated by the group. One is encouraged to internalize the idea that obedience to what the theological leaders are saying is the only acceptable form of adab or spiritual etiquette.

If one objects to the idea of being required to show blind obedience to human beings, and, instead, one humbly expresses the opinion that ‘I thought we were supposed to submit only to God’, one is told that what these leaders are saying is precisely the same as what God is saying. From their perspective, what they are promulgating is what God meant even if what they claim God meant is not necessarily what God actually said in the Qur'an.

According to the fundamentalist orientation, one should be ashamed for even considering the possibility that God might have meant something other than what the leaders are telling one is the case. Creating such controversy is described by those with vested theological interests as being tantamount to fitna or creating discord in the community

Furthermore, one is "informed" by this same fundamentalist orientation to keep in mind that the Prophet Muhammad (peace be upon him) condemned the practice of fitna. But, while it is true that the Prophet is reported to have spoken against the practice of fitna – that is, the sowing of discord in the community – nevertheless, what, precisely, the Prophet meant by, or had in mind with respect to, the term of 'fitna' and what the fundamentalist mean when referring to such a term are not necessarily the same.

In other words, if you don't agree with them, then, you are the source of fitna. To suggest that such people might be the source of fitna for introducing problematic ideas and understandings in the first place does not appear anywhere on their theological radar except as a hostile invader seeking to destroy Islam.

For the fundamentalist mind-set, the only way to achieve group and community harmony is if everyone submits to their theology. Thus, the fundamentalists have set up the game plan to be something of a fait accompli ... keep one's mouth

shut and do things their way or be labelled as an unbeliever and as one who creates fitna in the community.

The fundamentalist strategy often tends to consist of bullying, intimidation, indoctrination, control, and oppression. Sincere dialogue and rigorous exploration of the issues are not compatible with such a strategy as Mr. Gartenstein-Ross indicates was his experience on many occasions during the course of his interaction with the Muslim group in Ashland, Oregon.

There are several junctures in Mr. Gartenstein-Ross' book when the issue of apostasy is, to a degree, discussed. This topic, of course, is of particular interest to the author of *My Year Inside of Radical Islam* because toward the end of his book he provides an account of how he left the Muslim community to become Christian.

Prior to the foregoing point, however, the issue of apostasy is explored within a period of time when Mr. Gartenstein-Ross still considered himself to be a Muslim. For example, on pages 153-154 of his book, Mr. Gartenstein-Ross relates the words of someone -- a fellow by the name of Abdul-Qaadir -- for whom the author had respect on the basis of other conversations that they had engaged in previously.

Mr. Gartenstein-Ross wanted to know if such people should be killed. His friend said:

“The reason a lot of people are uncomfortable with this is because they don’t understand the notion of apostasy in Islam. ... They hear that you can be killed for leaving Islam, and their reaction is ‘Huh?’ What they’re not considering is that religion and politics aren’t separable in Islam the way they are in the West. When you take the Shahadah, you aren’t just pledging your allegiance to Allah, you’re aligning yourself with the Muslim state. Leaving Islam isn’t just converting from one faith to another. It’s more properly understood as treason.”

Mr. Gartenstein-Ross reports that his response to the foregoing was: “That makes sense.” Actually, the fact of the matter is that such a perspective makes no sense at all.

To say that religion and politics aren’t separable in Islam is to propagate a myth. As the Qur’an points out, and as has previously been noted, when Muslims pledged their oath of allegiance to the Prophet at Hudaibiyah, not only was their oath given to Muhammad (peace be upon him) as the Prophet of God, but via revelation, Allah clarified the matter and said that the oath of allegiance given by Muslims was really to God for God’s hand was above the hand of the Prophet.

There was no Muslim state at the time. There was a community in Yathrib whose people – both Muslim and non-Muslim – had, for the most part, agreed to accept the Prophet as leader of that

community and who were prepared to accept his rulings in certain matters.

A constitution was established in order to formalize the nature of the relationship that had been agreed to between the Muslims in Yathrib and certain non-Muslim tribes. As such, this constitutional understanding did not bind the non-Muslim tribes to a Muslim state but, instead, outlined the duties and rights of the respective signatories and in this sense was more like a treaty among different peoples than a document that created a political state.

The Prophet Muhammad (peace be upon him) is reported to have said:

“Leave me alone so long as I leave you alone.” He did not encourage people to make requests that he lay down further spiritual precepts beyond what was given in the Qur'an, nor did he encourage them to question him minutely about deen for fear that people would burden themselves in such matters beyond what God had intended and beyond what they were able to do.

Certainly, the Prophet was not someone who busied himself with setting up a political, state apparatus. He did what was necessary in order to establish a judicious, safe, stable public sphere, but this was done not for the purposes of politics or creating a state but, instead, was done in order to

develop an atmosphere that was conducive to people pursuing shari'ah according to their individual capacities and inclinations.

When the Prophet Muhammad (peace be upon him) passed away, a convention was established in which certain people in the community gave oaths of allegiance to whomever was elected to be Caliph of the community. The taking of such an oath did not bind the individual to an Islamic state but was, rather, a contract between the leader and those who acceded to being led by such a person.

As Hazrat Abu Bakr Siddiq (may Allah be pleased with him) indicated upon becoming Caliph:

“Obey me as long as I obey Allah and His Prophet, when I disobey Him and His Prophet, then obey me not.”

The issue of the relationship between a leader and those who came to be aligned with that leader through an oath was not a function of politics or membership in a state, but, rather, this was a matter of a person's understanding concerning the truth. When all parties involved in such an arrangement were on the same page with respect to their respective understanding of the nature of truth under a given set of circumstances, then, all such parties worked together, and when there were differences entailed by their respective

understandings of the truth, then, allegiance no longer bound the two parties together.

Shortly after the Prophet passed away and prior to becoming Caliph, Hazrat Abu Bakr (may Allah be pleased with him) said:

"Listen to me, ye people. Those of you who worshipped Muhammad (peace be upon him) know that he is dead like any other mortal. But those of you who worship the God of Muhammad (peace be upon him) know that He is alive and would live forever."

Then he repeated a passage from the Qur'an:

"Muhammad is but a messenger, Messengers of God have passed away before him; What if he dies or is killed? Will you turn back upon your heels? And whosoever turns back upon his heels will by no means do harm to Allah, and Allah will reward the thankful."

A Muslim's primary allegiance is to Allah. Messengers pass away, and Caliphs pass away, and leaders pass away, but Allah is ever-lasting, and, ultimately, it is one's relationship with God that is of essential importance – not one's relationship with a state or government ... Muslim or otherwise.

With respect to those who accept Islam and then turn away from it, the Qur'an says:

“Those who turn back to unbelief after the guidance has become clear are seduced by Shaitan who gives them false hopes.” [47:25]

There is nothing in this ayat that alludes, either directly or indirectly, to the idea that such a person has committed treason with respect to the Muslim community. Moreover, there is a question concerning exactly what it means to “turn back to unbelief”.

If someone becomes a Muslim and, then, due to various circumstances, leaves the Muslim community but still retains many of the same beliefs, values, and commitments, can one necessarily and categorically state that such a person has turned back to unbelief? If such a person believes in God, and the Prophets, and the life here-after, and the Day of Judgment, and the angels, and has respect and love for Prophet Muhammad (peace be upon him), and prays to God (but not necessarily in the prescribed format), and remembers God, and seeks to do good for the sake of God, and engages in charitable works, and is committed to fighting against injustice, and seeks, for the sake of God, to exercise qualities of patience, humility, honesty, love, compassion, kindness, forgiveness, and tolerance – can one say that such a

person has turned back to unbelief? If one does not pray the five daily prayers or does not fast during the month of Ramazan or one does not go on Hajj even though one is physically and financially able to do so, but one believes in the oneness of God and gives zakat or charity, can one conclude that such a person has turned back to unbelief?

If someone comes to Islam accepting all the basic beliefs as well as observing the pillars of Islam, but, then, because of spending time with certain Muslims who are authoritarian, dogmatic, oppressive, arrogant, intolerant, misogynistic, and ignorant, then decides that he or she does not want to turn into that kind of Muslim yet is led to believe, through the use of undue influence in a cult-like set of circumstances, that anything that does not reflect such oppressive, arrogant dogmatism is not the true Islam, and, as a result, such a person wishes not be considered a Muslim anymore, can this kind of individual really have been said to have returned to unbelief? Isn't it much closer to the truth to argue that leaving behind the ignorance of such a group is actually moving toward Islam and not away from it ... that leaving such a group is an act of belief in support of truth and a rejection of falsehood?

If a person gravitates toward Islam because she or he has been led to believe that the way of Divinity is about the sort of love, compassion, remembrance, piety, character, justice, kindness, tolerance, patience, friendship, and integrity that

shatters the heart due to its breathtaking beauty and majesty, and, then, one is instead shown through people's words and actions that some Muslims actually promote having contempt for others, judging others, talking behind their backs, maligning people, harbouring enmity toward Muslims and non-Muslims alike, killing whomever disagrees with you, terrorizing humanity, being obsessed with harshly punishing others, oppressing people, and being intolerant toward one and all, why would anyone wish to stay mired in such a spiritual cesspool? Would not anyone with the least bit of understanding counsel such a person to leave the latter group of Muslims and return to her or his original understanding concerning Islam?

One begins to descend a very slippery slope when one starts to arrogate to oneself the right to decide who is, and who is not, a Muslim. A person treads on very dangerous spiritual ground when he or she assumes that God has appointed her or him to not only determine whose faith and deed constitutes the 'real Islam' but that God has, as well, authorized one to kill such individuals or punish them in any way.

Whatever might, or might not, have been the practices of the Prophet in relation to the issue of apostasy, this does not necessitate that such a practice must be observed in the present day. Just because the Prophet might have had, by the Grace of Allah, the spiritual wisdom and insight to make

determinations in such matters, it does not, therefore, follow that anyone in today's world enjoys the same kind of spiritual wisdom and insight or that anyone in today's world has the same duties and responsibilities that accrue to a Prophet of God but which do not necessarily accrue to the rest of us.

According to some individuals, there is a reported hadith of the Prophet Muhammad in which he indicated that 'Whoever accepts Islam and then renounces that faith should be killed.' On the other hand, there also are reported hadiths which indicate that the Prophet told people to destroy their collections of hadith.

First of all, it is not clear what the Prophet meant – if he actually did say what he is reported to have said in this regard – when he allegedly indicated that anyone who commits apostasy should be killed. There are people who claim that they know what he meant, but I'm not quite sure why I should believe that such individuals actually know the mind and intentions of the Prophet.

Secondly, the Qur'an says:

"O believers! Obey Allah, obey the Rasul and those charged with authority among you. Should you have a dispute in anything, refer it to Allah and His Rasul, if you truly believe in Allah and the Last Day. This course of action will be better and more suitable." (Qur'an 4:59)

Now, if the Prophet ordered that collections of hadith were to be destroyed, I'm rather uneasy with the spiritual appropriateness of following something – namely, collections of Hadith -- which has reached me in apparent contradiction to such guidance. This is especially so since the alleged saying concerning apostasy does not just require me to do something that affects only my own, individual life but, rather, is requiring me to do that which has serious ramifications for other human beings and their being able to continue to live.

The Qur'an indicates I might refer any such quandaries or disputes to Allah and His Rasul, and I have done this. The counsel of my heart that arises from this process of referral tells me something quite different than what the alleged hadith concerning apostasy indicates. Moreover, since the Prophet Muhammad (peace be upon him) is reported to have said, as previously indicated, that I should follow the counsel or fatwa of my heart no matter what others might say, then, this too would seem to mitigate against following the – I repeat -- alleged hadith concerning apostasy.

Of course, there will be those who will point out that when the Prophet said one should listen to the fatwa of one's heart no matter what others might say, the Prophet was not suggesting that this gives people permission to act in contravention to spiritual principles. I tend to agree with such a perspective while simultaneously noting that there

is both considerable ambiguity as well as quite a few degrees of freedom concerning the nature of what, precisely, is entailed by such principles.

In addition, although the previously noted ayat of the Qur'an does indicate that one also should obey those who are charged with authority among us, there are quite a few questions that arise with respect to the issue of precisely who it is that has been charged with such authority. There are many people who have usurped authority in illegitimate ways. There are many people who have arrogated to themselves the power to oppress the lives of others. Yet, I have a sense that those among us who actually have been charged by Divinity with true spiritual authority are few and far between.

Many people confuse power with authority. Just because God has granted one power, this does not mean that God also has granted one authority.

There are many pretenders who seek to use their power to leverage such authority or use their power to act as a pseudo-substitute for such authority, but, in reality, there are precious few people who have been charged with authentic authority. Furthermore, I am not at all convinced that such legitimate authority is necessarily given expression through the head of any specific political state or nation or that being charged with valid spiritual authority necessarily entails membership in the circles of religious scholars, imams, muftis, jurists, mullahs, or theologians.

On pages 177-178 of *My Year Inside Radical Islam*, Daveed Gartenstein-Ross writes:

“... my spiritual needs are irrelevant if Allah exists. If Allah exists, none of our spiritual needs will be fulfilled if our relationship with Him is based on falsehood. If Allah exists, we don't forge a relationship with Him. Instead, He dictates a relationship with us. Salafism led me to comprehend this in a way that I never did before. The scientific methodology espoused by Bilal Philips and others like him was an effort to ensure that our understanding and actions accord with Allah's will.

“Salafis carefully interpret the Qu'ran and Sunna because they believe that the best way of interpreting Allah's will is going back to the earlier understanding of Islam. The earliest generation of Muslims is a pious example because if Muhammad were truly a prophet, those who were closest to him and experienced life under his rule would best understand the principles on which an ideal society should be built.”

While one might agree that a person's spiritual needs might not be fulfilled if the individual's relationship with Divinity is based on falsehood rather than truth, this still leaves the problem of determining what is truth and what is falsehood. According to the quoted passage, those who are

under the influence of the Salafi approach to things believe they are capable of differentiating truth and falsehood, but is this necessarily the case?

The Salafis claim to have a methodology that will bring one back to the earliest understanding of Islam ... the one that existed at the time of the Prophet and his Companions. The Salafis contend that the ones who were closest to the Prophet had the best understanding of the principles on which an ideal society should be built, and, therefore if one can understand what they understood, then, one will have what one needs to be able to build an ideal society.

Leaving aside the issue of whether, or not, the point of Divine guidance actually is to help people establish an ideal society, there are a few other potential problems with the Salafi perspective as outlined in the earlier quote. First of all, why should one be expected to permit one's relationship with God to be filtered through someone else's understanding (for example, that of the Salafis) of, in turn, another individual's understanding (for example, that of the Companions of the Prophet) of God's guidance?

Furthermore, what guarantee does one have that the manner in which Salafis go about interpreting the earliest sources is correct or leads to valid conclusions? Why should I suppose that the Salafis have correctly understood the intentions, meanings, and purposes of such earliest sources?

When someone says something, all one has to go on are the words. One does not have direct access to what is going on in the mind, heart, and soul of the person who utters such words, but, rather, one must try, as best one can, to try to deduce the condition of a person's mind, heart, and soul based on analyzing the words.

One might, or might not, also have a concrete context out of which words are spoken to assist one, somewhat, with deciphering what might have been meant by certain words in such a context. However, here again, one must not only deal with the problem of trying to determine whether, or not, one actually understands such a context in all of its historical, social, personal, and spiritual complexities, but as well, one still must deal with the problem of whether, or not, one accurately understands that context as the person making the statement understood such a context.

The truth of the matter is that most of us have difficulty trying to figure out what people mean when they speak in contexts going on today. Consequently, I have my doubts about how accurately someone will be able to render what was going on inside of the minds, hearts, and souls of people more than 1400 years ago.

Even if one were to agree with the idea that some of the people who lived in the time of the Prophet might have had the best and most intimate insight concerning the nature of Divine Revelation or the behaviour of the Prophet, nevertheless, one

must jump a huge historical and experiential chasm to be able to go on to claim with any degree of validity that one understands things in precisely the way that people understood things some 1400 years ago. What is more, there is no way in which one can prove such claims.

The Salafi methodology and mode of approaching the problem of how does one differentiate truth from falsehood is unnecessarily circuitous, indirect, and complicated. God's guidance was meant to be engaged by individuals who depend on God's help to arrive at a correct understanding of revelation rather than seeking to have one's understanding of Divine guidance filtered through someone else's understanding of someone else's understanding.

Each individual has her or his own responsibility to struggle with the task and challenge of working toward ascertaining the nature and meaning of Divine guidance for himself or herself. My spiritual duty is to seek and to surrender to God's truth. My duty is not to seek and submit to someone else's version of that truth.

Unfortunately, shari'ah has been made a public issue when, in fact, it is a private matter. Shari'ah has been subordinated to a system of religious leadership and power struggles that demand obedience to the leadership and its perspective. Guidance is not a demand for obedience but is an attempt to draw one's attention to a path that leads

toward, through, and by means of truth, justice, identity and purpose

Spirituality has been “legalized” in the sense that the former has been reduced to being a function of legal dogmas and rules that are an oppressor of spirituality not the means of realizing and unleashing spirituality. Spirituality has been made a matter of obedience when, in truth, spirituality lies entirely at the opposite end of the spectrum from matters of obedience.

Spirituality is about honoring – through realizing and fulfilling – the amana or trust that has been bequeathed to us. Spirituality is not about ceding moral or intellectual authority to others. Spirituality is about what it means to be a servant of God who creatively serves the responsibilities of being God’s Khalifa, or vice-regent, on earth and, and as such, all of life becomes an expression of worship.

It is not possible to realize the amana or trust through obedience to authority in and of itself. Mere obedience to authority removes the active and dynamic element of personal responsibility, commitment, and on-going intellectual and moral choice that is necessary for the struggle toward spirituality.

The Prophet Muhammad (peace be upon him) is reported to have said that: “the one who knows one’s soul, knows one’s Lord”. One can’t come to know one’s soul by abdicating one’s spiritual responsibilities and ceding them to another

person's understanding of things – even if the latter understanding is correct.

The Qur'an gives expression to wisdom. Nonetheless, as the Prophet is reported to have indicated: "What good is the Qur'an without understanding?" Consequently, the understanding one must have is one's own understanding instead of mere obedience to another individual's way of understanding things.

All too often, obedience qua obedience entails a desire on the part of an individual to get out from beneath the felt existential burden of having to constantly and rigorously search for truth and justice. As a result, all too many people shy away from embracing the struggle that the Qur'an indicated that God intended life to be for human beings.

"And surely We shall test you with some fear and hunger and loss of wealth and lives and crops."
(Qur'an, 2:155)

The struggle of life requires us to constantly seek that which is more true, just, and essential and to leave behind that which is less true, less just and less essential. The intention with which one pursues spirituality should not be to submit to and satisfy someone else's theological likes and dislikes but, instead, to seek the truth concerning oneself and one's relationship with Being and to do justice

in accordance with that truth and in accordance with one's capacity for both truth and justice.

One must stand alone before God and affirm [through understanding and action] one's relationship with God - 'Am I not your Lord?' As the Prophet Muhammad (peace be upon him) is reported to have said: "Every one of you is a guardian, and every one of you shall be questioned about that which you are guarding."

The aforementioned affirmation is not out of obedience qua obedience. Instead, the indicated affirmation is an expression of one's recognition of the way things are with respect to the Divine order of creation and Allah's purpose for creation.

First comes understanding ... however limited this might be. Obedience without understanding is an empty form, and when the mind, heart, and soul have a proper insight into the nature of creation, then, intentions arise, God willing, that conform with the nature of truth and justice. This conformity between, on the one hand, intention, and, on the other hand, truth and justice is not obedience per se but, rather, the conformity constitutes action rooted in one's knowledge concerning the nature of one's being and its relation to Divinity.

Mr. Gartenstein-Ross lends credence to what is said above when his book described how he abdicated his own moral and intellectual authority and proceeded to cede them to the Salafi perspective. On page 154, he says:

“I didn’t want to be racked by doubts and uncertainty. ... I wanted to live a life of conviction – like Abdul-Qaadir, like al-Husein [both imbued with the Salafi perspective]. I wanted a clear guide for telling right from wrong.”

In exchange for what Mr. Gartenstein-Ross was led to believe would be a mental clarity free from doubts and uncertainty, all the author had to do was cede his intellectual, moral, and spiritual authority to the Salafi leaders. They would tell him what was true and what was false. He needn’t worry about anything except submitting to what he was told.

As the author of *My Year Inside Radical Islam* wrote just prior to the above quotation:

“Now, when I heard a new fatwa or an unfamiliar point of Islamic law ... I no longer asked if it was moral. Rather, I asked whether this was a proper interpretation of the Qur’an and Sunna.”
(page 154)

The meaning of what constituted a “proper interpretation of the Qur’an and Sunna” would be provided by the Salafi leaders in their literature, audio recordings, DVDs, lectures, sermons, and everyday interactions.

If one bowed down to Salafi theology, then all doubts and uncertainty would disappear amidst the absolutist -- albeit rather arrogant, self-satisfied and unproven -- pronouncements of the Salafi leadership. One didn't have to struggle with anything except the demand to submit to the theology being propagated by the Salafi brotherhood.

Mr. Gartenstein-Ross's original idea of seeking God and seeking to please God became lost amidst the theological musings of the Salafis. The author, by his own admission, became more preoccupied with not wanting "to be regarded as a heretic by my brothers and sisters in faith," (page 154) and in the process he ceded his intellectual, moral, and spiritual authority to people who did not have his best spiritual interests at heart.

Later, in reference to himself, Mr. Gartenstein-Ross writes:

"When you became Muslim, you thought that the moderate interpretation was clearly right. You thought that extremists were either ignorant or manipulating the faith for their own gain. Your time at al-Haramain (the Ashland Muslim group) has made you question this. As your cherished vision of Islam collapsed, you're left feeling depressed, helpless, and confused."

The truth of the matter is that Mr. Gartenstein-Ross' cherished vision of Islam collapsed because he permitted spiritual vampires to come into his life and suck that vision from him. Of course, just as is the case in the movies, when Mr. Gartenstein-Ross decided to go to work at al-Haramain, he didn't realize he would be associating with such spiritual vampires, but, unfortunately, we don't always exercise due diligence under such circumstances and, as a result, we often have to scramble just to be able to stay sufficiently alive, in a spiritual sense, to be able to protect ourselves against those who would rob us of our God-given birthright to seek out, and live in accordance with, the truth.

Mr. Gartenstein-Ross' cherished vision of Islam collapsed because he ceded his intellectual, moral, and spiritual authority to someone else so that he wouldn't be "regarded as a heretic by his brothers and sisters." He permitted concerns about how others would perceive him – which is a worry of the ego and not a spiritual principle -- to cloud his judgment and to undermine his spirituality.

Mr. Gartenstein-Ross' cherished vision of Islam was ripped from his heart through a process of undue influence exercised on him by the people involved with the cult-like Ashland Muslim group that was associated with the allegedly charitable al-Haramain Foundation. Having been exposed to similar people and situations, I know the incredibly relentless, stifling, and oppressive pressure that

can be placed on a person to induce him or her to submit to the theological propaganda being espoused by such fundamentalist-leaning self-proclaimed leaders.

Perhaps, the biggest difference between Mr. Gartenstein-Ross and myself is that I had someone whom I could trust to help me, by God's Grace, to resist permitting my understanding of, and love for, Islam to become corrupted. By his own admission (which was noted previously), Mr. Gartenstein-Ross had no one whom he could trust to help him protect his cherished view of Islam, and, consequently, he became "depressed, helpless, and confused" ... just the sort of psychological and emotional condition that people of unscrupulous spiritual nature – such as the leaders of the Ashland Group -- love to take advantage of because a person who is drowning doesn't tend to consider what the cost might be when someone of questionable spiritual integrity throws one what seems to be a life line.

Mr. Gartenstein-Ross' experience was with a group that had a Salafi orientation. However, there are other fundamentalist-oriented groups within the Muslim community with whom he might have become entangled.

Moreover, although Mr. Gartenstein-Ross generally has good things to say about the Sufis throughout his book, the sad fact of the matter is that not all groups and teachers who refer to themselves as Sufi are necessarily authentic. We

live in truly precarious spiritual times when spiritual counterfeiters are virtually everywhere and are busily engaged in trying to pass off what is ultimately worthless as legitimate spiritual tender.

Actually, on the one hand, given the obvious warmth that Mr. Gartenstein-Ross felt toward the Sufis, and given that it was his friend at Wake Forest who introduced him to Islam through ideas and teachings that were Sufi-oriented, and given that Mr. Gartenstein-Ross even took Shahadah with a Sufi group in Italy, one might ask the question of why the author of *My Year Inside Radical Islam* didn't communicate, in some way, with his Sufi connections in order to find a way of trying to counter what the Salafi group at the Ashland al-Haramain meeting place were doing as that group pulled the author deeper into the depths of the latter group's world view. On the other hand, the fact of the matter is that his friend at Wake Forest had himself come under the influence of a fundamentalist group and had largely distanced himself from the Sufi perspective. Furthermore, once these sort of fundamentalist groups are successful in creating a sense of vulnerability in a person such that the individual begins to have doubts about how to go about seeking spiritual truth, and, as a result, the individual begins to cede more and more of her or his intellectual, moral, and spiritual authority to the leaders of the fundamentalist group, then, a person becomes less and less inclined to consider any source of understanding as being reliable except that which

one is told is authentic by the fundamentalist group. In short, one begins to exist in an almost hermetically sealed environment in which seeking access to information and behaviours other than what the fundamentalist group are espousing doesn't tend to enter one's mind or heart.

In effect, one begins to self-censor one's own thoughts, feelings and behaviours in order to try to fit in with what is going on around one and to be accepted by the group. Moreover, whenever one says or does something that runs counter to the worldview of the fundamentalist group with which one is associating, one undergoes a new round of criticism, censorship, and indoctrination by the other group members ... which, in time, leads to further forms of self-censorship.

Little by little, one is emptied of oneself and replaced by the worldview of the group. The pressure applied to the individual is somewhat like what happens when a boa constrictor wraps its body around, say, a human being.

The person seeks to take in new air. However, at some point, the individual also has to exhale. When the individual does this, the boa constrictor wraps more tightly around the individual that, in turn, restricts the ability of the individual to take in new air with the next round of breathing.

This cyclical process of increasing constriction continues until the person is unable to take in any new air at all and/or the person's bones begin to break. What happens within fundamentalist groups

as well as within inauthentic Sufi groups is similar to the interaction between a boa constrictor and its prey, except that in the case of such groups, it is the mind, heart, and soul of the individual that is broken, and as well the individual becomes less and less willing – because of the group pressure that is being applied -- to take in new information and possibilities concerning the nature of truth and justice.

Toward the latter part of his book, Daveed Gartenstein-Ross describes some of the factors that played a role in his leaving what he believed to be Islam and converting to Christianity. Let us leave aside the issue that, perhaps, what Mr. Gartenstein-Ross left was not Islam but, instead, was someone's theological invention that the fundamentalist group in question referred to as Islam and, thereby, helped confuse people like Mr. Gartenstein-Ross who, while being very interested in learning about Islam, unfortunately, took up associating with the wrong people ... people who led him further away from Islam rather than deeper into it.

On pages 231 through 233 of *My Year Inside Radical Islam*, Mr. Gartenstein-Ross writes:

[Beginning of a long quotation] “In church the next Sunday, the sermon was about God's love. For months, I was sure that I couldn't possibly be worthy of God's love. ... The sermon had an angle I didn't expect: that we weren't really worthy of God's love.” Nobody deserves salvation,” the

preacher said. "We're all tarred with sin; we are all dead in our own sinfulness. None of us is worthy of standing before God on the Day of Judgment."

"Long pause. "But He loves us anyway. He loves us with a perfect divine love. The only way we can be worthy of standing before God is through the sacrifice of the perfect embodiment of humankind, the sacrifice of one without sin. That is why God gave us the ultimate sacrifice, the sacrifice of His only begotten son, the Lord Jesus Christ.

"This was the first time that I had considered that God might love me even though it was a love that I didn't deserve. The idea appealed to me deeply on an emotional level. But was it the truth?"

He goes on to write:

"I found that Islam and Christianity had two very different accounts of what became of Jesus. Christianity holds that Jesus was crucified, died, was buried, and rose from the dead. ... Verse 4:157 [of the Qur'an] addressed the crucifixion: "That they said (in boast), 'We killed Christ Jesus, the son of Mary, the Messenger of Allah'; -- but they killed him not, nor crucified him, but so it was made to appear to them, and those who differ, therein are full of doubts." Which one was right?

"What principle could distinguish between the two accounts? I thought of the persecution that Jesus' disciples suffered because of their belief in

the crucifixion and resurrection. They didn't die for a set of ideals – it was for a set of facts. Do people die for a set of facts that they know to be false?

“I felt that I was on to something. Slowly, with each layer that I pulled back, I felt my ideas about God shifting.” [End of long quotation]

I should start by saying that the point of the comments that are to follow has nothing to do with trying to establish who is right and who is wrong with respect to the life of Jesus (peace be upon him). We all have responsibility for the spiritual choices we make concerning beliefs and behaviours, and both Christians and Muslims believe that each of us will be held accountable for such choices on the Day of Judgment.

My focus is, instead, on a style of argument that is being used by Mr. Gartenstein-Ross. In fact, it is almost as if Mr. Gartenstein-Ross doesn't seem to understand that the manner in which he talks in his book about the kind of considerations that led to his conversion to Christianity tends to indicate that he appears to be committing many of the same kinds of mistakes he made with respect to his interaction with the Salafi-oriented group in Ashland, Oregon.

Other than referring to themselves, respectively, as Christian and Muslim, what is the difference between the Christian preacher to whom Mr. Gartenstein-Ross refers and the Salafi shaykhs

or preachers whom he mentioned? They both are espousing their worldviews and seeking to influence the people who are listening to their respective sermons. They both believe themselves to be correct and to have a sound understanding about what the relationship is between God and creation.

According to the Christian preacher whom Mr. Gartenstein-Ross quotes, none of us is worthy of God's love. Well, maybe, but on what empirical evidence is such a claim based? How does one go about proving such a statement?

Isn't it conceivable that precisely because we are God's creation that such a fact, in and of itself, renders us worthy of Divine love not necessarily because of us, per se, but because human beings give expression, in part, to God's handiwork. Creation is worthy of God's love because creation comes from God. Why assume that God would create something that Divinity would find unworthy rather than create something that God loved and cherished?

Indeed, in the Qur'an one finds:

"Behold thy Lord said to the angels: "I will create a vicegerent on earth." They said "Wilt thou place there one who will make mischief therein and shed blood? Whilst we do celebrate Thy praises and glorify Thy holy (name)?" He said: "I know what ye know not." (Qur'an 2:30)

Allah has placed within each of us a potential for worthiness – a worthiness that was hidden from the understanding of the angels. Unworthiness is rooted only in the failure to nurture and develop the spiritual potential that God placed within us.

According to the Christian preacher cited by Mr. Gartenstein-Ross: “We’re all tarred with sin; we are all dead in our own sinfulness. None of us is worthy of standing before God on the Day of Judgment.”

One might agree that we are all tarred in sin of one kind or another. Most of us are aware of our individual faults, the mistakes we make, and the people we hurt through our deeds and misdeeds. The empirical proof of such a claim is in our daily lives.

However, the further contention that “we are all dead in our own sinfulness” might be quite another matter. This is an expression of a theological position for which proof is much harder to come by, if one can demonstrate it at all.

One might believe that such is the case. Nevertheless, having such a belief and proving that such a belief is true is not necessarily one and the same thing even though many people do suppose that because they believe something, then, somehow, merely having the belief means that the belief must be true.

Furthermore, when the Christian preacher mentioned by Mr. Gartenstein-Ross also claims that “None of us is worthy of standing before God on the Day of Judgment,” such a statement tends to generate a sense of dissonance with certain facets of both Christian and Islamic understandings. According to both religious traditions, the Day of Judgment is something that most of us will have to face irrespective of whether we are worthy or not and irrespective of whether we are ready or not. We don't get any choice in the matter.

Then, the Christian preacher goes on to say: “The only way we can be worthy of standing before God is through the sacrifice of the perfect embodiment of human kind, the sacrifice of one without sin. That is why God gave us the ultimate sacrifice, the sacrifice of His only begotten son, the Lord Jesus Christ.” First, the preacher says that none of us is worthy to stand before God on the Day of Judgment, and, then, it turns out that there is, after all, a way of being worthy of standing before God – namely, through Jesus (peace be upon him) who is described as being one that is without sin and who is the perfect embodiment of human kind.

I am willing to accept that Jesus (peace be upon him) is a perfect embodiment of human kind, and I am even willing to accept the idea that the life of Jesus (peace be upon him) was without sin. I also am willing to accept the idea that Jesus (peace be upon him) dedicated his whole life to God, and, in this sense sacrificed his life for the sake of God.

Nonetheless, saying all of the foregoing does not in any way require me to conclude that Jesus (peace be upon him) was the only perfect embodiment of human kind or that he was the only human being who was without sin or that he was the only person who willingly sacrificed his life for the sake of God. There have been many examples of perfection, sinlessness, and sacrifice in the prophetic tradition.

So, if it is the case that what renders one worthy of standing before God on the Day of Judgement is because of the perfection, sinlessness, and sacrifice of a servant of God, then, perhaps there are many individuals from among God's prophets and messengers whose quality of life renders their followers worthy of standing before God on the Day of Judgment. One cannot simply take Jesus (peace be upon him), remove him from the context of spiritual history, and conclude, with any persuasiveness, that Jesus (peace be upon him) is the only one capable of making us worthy.

One also might raise a question about whether, or not, what renders someone worthy to stand before God on the Day of Judgement is a function of what someone else did quite independently of the choices we make as individuals. According to the theological perspective being espoused by the Christian preacher to whom Mr. Gartenstein-Ross alludes, the sacrifice of Jesus (peace be upon him) only renders us worthy of standing before God on the Day of Judgment if one believes in Jesus (peace

be upon him) and the sacrifice that he is alleged to have made.

Therefore, the sacrifice of Jesus (peace be upon him), in and of itself, is not sufficient to render someone worthy of standing before God on the Day of Judgment. A person must make the decision to accept and believe in that sacrifice, and it is the making of such a choice that is said to be necessary if the sacrifice of Jesus (peace be upon him) is to be effective in the life of that person. According to such a theology, Jesus (peace be upon him) is purported to have done his part, but individuals must also do their part – that is, to accept and believe in Jesus (peace be upon him) in accordance with the dictates of the theology being espoused.

With respect to the foregoing, Mr. Gartenstein-Ross says: “This was the first time that I had considered that God might love me even though it was a love that I didn’t deserve. The idea appealed to me deeply on an emotional level.”

The fact that an idea appeals to one on a deeply emotional level doesn’t necessarily make such an idea true. There were many ideas described by Mr. Gartenstein-Ross in his book that allude to his being touched on a deeply emotional level ... ideas that had to do with certain aspects of Islam, including its mystical, Sufi dimension, and, ideas that were sufficiently intense and deep to induce him to become a Muslim, and, yet, which, apparently, Mr. Gartenstein-Ross has decided to

cast aside in favour of a certain kind of Christian theological argument. If both positions are rooted in something that touched him on a deeply emotional level, then, obviously, emotional considerations, in and of themselves, are not necessarily capable of settling the matter of what is true and what is not true.

Furthermore, there is certain ambiguity entailed by the perspective that Mr. Gartenstein-Ross is putting forth at this point. If the perfection, sinlessness, and sacrifice of Jesus (peace be upon him) only has efficacy if a person chooses to accept and believe in those dimensions of the life of Jesus (peace be upon him), then, clearly, there is something that renders one worthy of standing before God apart from, but related to, the issue of Jesus (peace be upon him) – namely, the choice or decision one makes concerning Jesus (peace be upon him).

In Islam one is required to make certain choices for which one will be held accountable on the Day of Judgment. In Christianity one is required to make certain choices for which one will be held accountable on the Day of Judgment.

Theologies have arisen among both Muslims and Christians concerning what the nature of such choices should be. There is nothing new in what Mr. Gartenstein-Ross is doing in conjunction with his move toward Christianity that he wasn't previously engaged in when a Muslim – that is, he is caught up in theology, and he is being influenced by

what others are saying rather than thinking for himself or examining any of these issues in a critically rigorous manner.

Of course, Mr. Gartenstein-Ross believes there is a huge difference between the two theologies. He believes that the Christian theology is correct and that the Muslim theology is incorrect.

In support of his conclusions he says – as noted previously:

“What principle could distinguish between the two accounts? I thought of the persecution that Jesus’ disciples suffered because of their belief in the crucifixion and resurrection. They didn’t die for a set of ideals – it was for a set of facts. Do people die for a set of facts that they know to be false?”

This is not a very good argument. It is saturated with problems.

For example, he mentions how the disciples of Jesus (peace be upon him) suffered because of their willingness to believe the crucifixion and resurrection, but this, in and of itself, proves nothing except that they were committed to their beliefs. There were many Companions of the Prophet Muhammad (peace be upon him) who suffered, who were tortured, and who lost their lives because of their commitment to their belief in the Prophet and the Qur’an.

If willingness to endure suffering as a result of belief in something is the measure of truth, then, why make reference to only the disciples of Jesus (peace be upon him)? Should one not suppose that if one is to abide by the logic of the argument being put forth by Mr. Gartenstein-Ross at this point, then, the fact that if a person suffers as a result of the beliefs they hold, then, this is an indication that what they believe is true?

Consider the following set of cases. One person believes in the existence of God and undergoes suffering as a result of that belief. Another person does not believe in the existence of God and undergoes suffering as a result of that belief.

Both of the aforementioned cases involve suffering. According to Mr. Gartenstein-Ross, the presence of willingness to suffer for what one believes is an indication that what is believed must be true, and, yet, what the believer in God holds and what the disbeliever in God holds cannot simultaneously be true.

At this juncture, Mr. Gartenstein-Ross asks what he appears to believe is a rhetorical question: "Do people die for a set of facts that they know to be false?" The implied answer is "No! People do not die for a set of facts that they know to be false, and, therefore, according to Mr. Gartenstein-Ross, one must conclude that the set of facts for which the disciples were willing to die were and are true.

However, while one might agree with Mr. Gartenstein-Ross that people are not likely to be

willing to suffer or die for a set of facts that they know to be false, this is not the situation with which any of us really is confronted. We have beliefs, and one of those beliefs is that there is truth, and we hope that the other beliefs we have accurately reflect the nature of truth or reality, but, the fact of the matter is that in many cases we don't know whether, or not, the beliefs we hold are true.

People might not be willing to suffer or die for something that they know isn't true. Nonetheless, people often are willing to undergo suffering or to die for something that they believe to be true even if, ultimately, what they believe might turn out to be false.

The fact that certain people who claimed to be following Jesus (peace be upon him) were willing to suffer and die for what they believed with respect to the crucifixion and resurrection proves absolutely nothing about the truth of that in which they believed. The fact that certain people of a Salafi-orientation claim to be following the Qur'an and the Prophet Muhammad (peace be upon him) and are willing to suffer and die for what they believe in this respect proves absolutely nothing about the truth of that in which they believe.

When he was a Muslim, Mr. Gartenstein-Ross ceded his intellectual, moral, and spiritual authority to a group of fundamentalist Muslims who followed Salafi teachings. When he became a Christian, Mr. Gartenstein-Ross ceded his intellectual, moral, and

spiritual authority to another set of theological teachings.

Mr. Gartenstein-Ross might feel that everything has changed with his rejection of Islam and his conversion to Christianity. And, of course, in certain ways this is true, but in an essential sense, nothing really has changed in his methodological approach to developing a spiritual world view.

In both cases he seems to have made choices on the basis of emotional considerations as well as on the basis of problematic theological thinking, rather than having made decisions due to any essential spiritual understanding. In both cases, he had a tendency to cede his intellectual, moral, and spiritual authority to other people rather than try to establish what the truth might be in terms that were rooted in his own spiritual capabilities.

When Mr. Gartenstein-Ross was inclined to ask lots of questions and engage in critical reflections concerning issues of morality, values, and justice, whether with respect to Christianity or Islam, then, in my opinion, he came a lot closer to the truth of things, than when he was inclined to cede away his intellectual, moral, and spiritual authority to others. Moreover, this is so irrespective of whether one is talking about Christian or Muslim theology.

As Mr. Gartenstein-Ross said when he was at an existential point that was sort of in between Islam and Christianity:

“For months, I was sure that I couldn’t possibly be worthy of God’s love. How could I be? Here I was racked with doubts, unable to trust myself to do the right thing or to follow basic rules.” (page 231)

Earlier in his book, Mr. Gartenstein-Ross said almost exactly the same thing as he hovered at a sort of spiritual fail safe point at the edge of the Salafi sphere of influence – namely, “I didn’t want to be racked by doubts and uncertainty ... I wanted a clear guide for telling right from wrong.” (page 154)

In the latter case, he permitted himself to be drawn into the Salafi theology. In the former case, he permitted himself to be drawn into the sphere of influence of Christian theology. In both cases he abdicated his spiritual responsibilities and ceded his intellectual, moral, and spiritual authority to someone else and permitted those people to establish the criteria for differentiating right from wrong and the true from the false.

Should one infer from the foregoing that I am saying that one should be the decider of truth? The answer to this question is: “No!”

God has given each of us spiritual sensibilities, faculties and capacities. These sensibilities, faculties, and capacities function best when we open ourselves up to be taught directly by God through the truth inherent in authentic revelation,

through the truth that is manifested in the lives of the servants of Divinity, through the truth that is inherent in the nature of creation, as well as through the truth that is inherent in our unique spiritual capacity and essential identity.

The process of permitting oneself to be opened up to truth as it is manifested on different levels of being is a long, difficult struggle. During this process one must go through a great deal of purification with respect to the different aspects of the soul and, as well, one must undergo many spiritual transformations across states and stations in order, God willing, to acquire the character traits that tend to be reflective of a mind, heart, soul, and spirit that has committed itself to learning how to let God teach one to travel along the spiritual path.

In this spiritual quest, people who are spiritually knowledgeable can play very important catalytic and supportive roles in assisting one, God willing, to travel along the path. However, at every point along this journey, one has responsibility for properly exercising one's God-given intellectual, moral, and spiritual authority. When this authority is ceded to others, one is extremely likely to encounter significant problems on the spiritual path.

I learned a great deal from my shaykh. However, at no point did he ever ask me to cede away my intellectual, moral, or spiritual authority to him. Rather, he focused on helping me learn how to exercise such responsibilities in a way that

would lead me toward realizing my own personal relationship with Divinity rather than a relationship that was being mediated through, and filtered by, someone else.



Some Approaches to Shari'ah

When Iranian students occupied the American embassy on November 4th, 1979 and, in the process, took 52 employees of the embassy hostage – and would continue to do so for the next 444 days – the actions set in motion, among other things, a wide-ranging discussion. Included among the themes of the discussion were such questions as: Why did it happen? Who was responsible? What did the leaders of the event want? Could those leaders have accomplished their purpose(s) in some other way? Were international agreements concerning the sanctity of embassy employees violated? If so, could such violations be justified? Were human rights being trampled upon? Had the United States done anything to provoke the affair? What should leaders in the United States and around the world do in response to the situation?

All of the foregoing questions, and many more, could have been asked 26 years earlier – but, for the most part were not – when Kermit Roosevelt, grandson of Teddy Roosevelt and a member of the Central Intelligence Agency, helped orchestrate a coup d'état of Iran's democratically elected government of Mohammad Mossaddeq and appointed Mohammad Reza Pahlavi, the Shah of Iran, as the new ruler of Iran and, in the process, effectively assisted him to take millions of Iranians as hostages – and would continue to do so for the next 26 years. Those who control the media get to frame world events as they please, which is why

depriving Iranians of their most basic right of self-determination has been depicted by most American media as being justified in 1953 because it was said, by various leaders, that over-throwing a democratically elected government was in the interests of the United States, whereas what happened in 1979 was described by various leaders as not being in the interests of the United States and, therefore, not justified.

People's human rights were trampled upon in both cases. People were taken hostage in both cases. International law was flouted in both instances.

There were a few differences in the two cases, however. First, none of the 52 embassy employees were tortured or killed by their Iranian captors (although some of the hostages were treated roughly and kept isolated for a time), whereas thousands of Iranians were tortured and killed by the U.S. supported regime of the Shah and his infamously notorious security force: SAVAK. Secondly, the Iranians voluntarily released their hostages after a little over a year had passed, whereas the United States was not prepared to ever release the hostages it had helped the Shah to take until the United States was forced to do so by the 1979 embassy incident in Tehran.

The foregoing scenario helps to introduce several issues that will figure prominently in the remainder of the present discussion. (1) Trampling on the rights of others and taking hostages, in one

form or another, is a common practice of many so-called leaders within the Muslim (and non-Muslim) community; (2) the leaders for a variety of Islamic revival movements believe – incorrectly -- that they are justified in undermining, nullifying, or controlling the God-given sovereignty of both Muslims and non-Muslims to make individual choices concerning matters of spiritual and material welfare; (3) shari'ah and Divine justice are not legal issues but give expression to matters of ontology, metaphysics, morality, identity, essential potential, and spiritual development that are best handled individually and, when necessary (i.e., when problems arise), through seeking social – not legal – consensus or mediation.

The following discussion will briefly explore some of the ideas of a number of individuals who are considered to have played an important role in pioneering various species of social reform within the Muslim world and/or with respect to Islamic revivalism. While this exploration is not meant to be definitive, it is intended to be suggestive in relation to various issues of leadership among Muslims.

Sayyid Jamal al-Din al-Afghani was a nineteenth century proponent of employing so-called 'pan-Islamic unity' as a strategy for resisting and fighting against British imperialism. While all people have a right to be free from the oppressive tentacles of imperialism – whether this imperialism is: British, American, French, German, Chinese, Japanese, Russian, Christian, Jewish, Muslim or other – the character of the tactics that are used to fulfill such an intention tend to reveal a lot about the person using those tactics as well as about the sort of “leader” that individual seeks to be.

For example, although born in Iran and educated through a Shi'a perspective, Afghani often claimed to be a Sunni from Afghanistan. The issue here is not whether he was Sunni or Shi'a – or neither – but, rather, the point is that he was willing to alter his biographical narrative as a tactical means of promoting his overall strategy concerning anti-imperialism.

In fact, there is considerable historical evidence to indicate that Afghani was not much interested in being either a Sunni or Shi'a but was, instead, committed to certain philosophical and political ideas. Religious themes were considered by him to be merely useful tools to bring about the kind of non-spiritual end in which he was interested.

Afghani sought to blaze a path that was neither rooted, on the one hand, in a blind, unthinking commitment to the sort of theological tenets and practices that populated a great deal of the

traditional Muslim landscape nor, on the other hand, was he interested in a slavish subjugation to Western values, ideals and practice. Afghani believed that the 'correct' use of rationality, political/military strength, and social activism would enable Muslims – both individually and collectively – to reinterpret Islam in a manner that would effectively unite Muslims against the onslaught of British imperialism, in particular, and Western imperialism in general.

Afghani was wrong. Islam doesn't need to be re-interpreted. Islam was, during the days of Afghani, what it always has been since the time of Adam (peace be upon him), and what it is today, and what it will continue to be in the future. Islam is the Deen or spiritual way given by God to humankind so that the latter might -- with appropriate effort and if God wishes. -- find their way to, and drink from, the water of Divine Truth, wisdom and knowledge in accordance with one's primordial spiritual capacity, or fitra, to do so.

Islam is not something that needs to be reinterpreted, reformed, or revived. What needs to be refashioned are the human attitudes, practices, and ideas that serve as obstacles to the discovery of Islam's actual nature.

Discovery is a process of learning, development, spiritual maturation, and, ultimately, of Divine Grace. This process of discovery is a delicate, fragile, challenge-laden struggle.

Such discovery is not something that can be imposed on or forced on someone ... either individually or collectively. The Quranic principle that there can be no compulsion in matters of Deen is a reflection of the complex and subtle character of the process of spiritual discovery.

Afghani was also mistaken in other ways. Islam is not something to which one can reason one's way ... although reason does have a role to play during the discovery process. Islam is not something that can be discovered or defended through political and military strength but, rather, Islam is eternally protected by Divinity ... although individuals do have the right to resist attempts by Muslims or non-Muslims to undermine one's ability to engage the discovery process concerning the nature of Islam. Moreover, social and political activism will not, in and of itself, lead to the discovery of Islam ... although social activism might be an appropriate means under the right circumstances and conditions to help protect and secure the rights of all human beings to have full sovereignty with respect to choice in relation to the process of spiritual discovery concerning the way or path or Deen that God has provided to humanity through which essential identity and capacity might be realized for purposes of learning how to worship Divinity.

In many ways, most of the foregoing points are moot as far as Afghani is concerned because he was not really interested in Islam per se. Afghani was

committed to certain philosophical ideals – especially rationalism.

He believed that truth was capable of being apprehended through the scientific use of reason. However, only an elite was capable of achieving this, while the vast majority of Muslims were limited to – and should be constrained by – a form of religious belief that maintained that misdeeds in this world would be punished in the life to come and, by conforming to such a belief system, would cause no trouble in this world for the elites who would rule over the masses.

For Afghani, the populace should be induced to unify and, thereby, provide the elite with the power and strength the latter needed to pursue philosophical truths in relative freedom. Through social activism, the masses could be shaped and directed by leaders to serve an agenda that entailed something other than the discovery of Islam or the true spiritual welfare of Muslims. Through reason, Afghani hoped to demonstrate that certain aspects of Islam could be organized to form an effective ideological buffer against the encroachment of imperialism ... a buffer that would protect the elite and create the public space necessary to enable such an elite to pursue their own ends free from the oppressive intrusion of imperialism and without being bothered by Muslims who would be preoccupied with seeking to attain salvation in the next world by not transgressing in this world.

Afghani was skeptical concerning the potential of religion. He saw it as little more than a way of helping to console people's anxiety concerning what came after death and/or as a means of comforting people with respect to the problems of this world.

However, although skeptical about the value of Islam – or, really, the value of any spiritual tradition – Afghani felt that such sentiments could be exploited if one could convince Muslims that imperialism was a threat to their way of life. Furthermore, if one enhanced the foregoing threat with the idea that imperialism was the Trojan horse through which Christianity would be forced upon Muslims, then, one might have a very effective tool for manipulating and harnessing Muslim emotions and concerns to serve other political and social ends.

Although Afghani often would paint himself in the colors of an ardent defender of Islam, he was merely camouflaging his true intentions. He considered prophets to be wielders of a craft rather than true emissaries of God. He believed that Islam was antithetical to science even though through the Qur'an's guidance concerning the importance of empirical observation and critical reflection, the Muslim world had helped transform the face of scientific practice. Moreover, he had a fairly misogynistic view of women that did not reflect the actual esteem with which women are held in the Qur'an.

As noted previously, he felt that religion had little more to offer than as a way of consoling people concerning the difficulties of life and, consequently, as something that had no solutions to the problems of life. According to Afghani, only rationalism, military strength, and social activism could provide solutions to the challenges of life.

Apparently, Afghani was intelligent, charismatic, and had some oratory skills. He used these qualities to attract some followers, but in concrete terms he was able to accomplish very little except to be able to gain access to some of the more influential social and political circles in certain localities and, thereby, have the opportunity to ply his gift of gab.

In fact, Afghani got kicked out of a number of places when, among other reasons, he ended up on the wrong side of a political crisis despite his connections. These localities included: Iran, Istanbul, Afghanistan, and Cairo.

Interestingly enough, although various pronouncements of Afghani were considered to be heretical with respect to Islam, he was never killed for espousing his views. Instead, he was escorted out of the locality.

Afghani sought to be a leader. However, his desire to be a leader was almost entirely self-serving and predicated on a need to exploit others and to control them to serve his ends.

He tried to clothe his intentions in the language of Islam, but, in point of fact he had very little

understanding of Islam. To the extent that he did speak some of the language of Islam, this was used as a tactical tool to bring about Muslim unity so that he would have a power base through which to fight against British imperialism and open up the sort of free space that would enable him to pursue his own – and that of others whom he considered to be among the elite – rationalistic approach to truth.

Some people might wish to cite Afghani as a pioneer of Muslim reform and Islamic revivalism. Nevertheless, I believe that anyone who takes a closer look at his life and teachings will see that he has nothing to offer to anyone who is sincerely seeking to discover the truth about Islam.

Unfortunately, there are all too many so-called Muslim leaders who are prepared to use the language of Islam to serve agendas that are not concerned with Islam or the spiritual needs of Muslims. Indeed, Afghani belongs to the lineage of would-be leaders who are willing to exploit, oppress and rule others for the ends of the alleged “leaders”, and, perhaps, that is why some people try to invoke Afghani’s name as a kindred, revolutionary spirit and, in doing so, unintentionally disclose something of their own underlying, self-serving agenda with respect to Muslims and Islam.

When Afghani was in Cairo, one of the individuals who was a part of Afghani's circle was Muhammad Abduh, a student at al-Azhar University. Afghani purportedly led the circle in discussions of philosophy, law, theology, and mysticism.

Whatever Afghani's facility with philosophy, law, and theology might have been, he knew next to nothing about mysticism because he had never been a practitioner of the discipline. However, when the people who are being led are relatively ignorant about a given topic, it is amazing how wise and informed someone with the gift of gab can sound to the uninitiated.

There is evidence that Muhammad Abduh had a passing acquaintance with some aspects of the Sufi path because he had spent time in the company of an uncle, Darwish Kadr, who was reportedly a shaykh and sought to teach the young Abduh about the principles, practices, and adab of the Sufi way. Nevertheless, Abduh's time among the Sufis was fairly short-lived and, in fact, later in life Abduh came to be quite critical of this mystical tradition.

Afghani was an activist. Muhammad Abduh was influenced by Afghani to also be inclined toward political and social activism, but Abduh was more interested in reform than revolution.

At one point, Afghani's activities became too problematic, and he was expelled from Egypt. Due

to Abduh's association with Afghani, the younger activist also ran into difficulties, but new opportunities arose when Abduh was appointed to be one of the editors for 'The Egyptian Gazette', an official newspaper, and later went on to become the chief editor for the publication ... a position that permitted him to wield considerable influence in framing public discussion about a variety of issues.

Eventually, Abduh's criticisms of military and political leaders, as well as his writings concerning nationalism and the British occupation led to a three year period of exile. During this hiatus, Adduh reconnected with Afghani in Paris, and the two of them formed a society and publication whose primary objective was to sound the clarion cry concerning the dangers of European imperialism and interference in the affairs of non-western peoples.

Both the society and publication came to an end. Abduh returned to Beirut where he taught young children and, as well, wrote about a variety of issues.

In time, his exile from Egypt ended, and he was appointed to one of the law courts in Egypt. Subsequently, he became part of an administrative council at al-Azhar, and, then, later on he became the Grand Mufti for Egypt. While Grand Mufti, Abduh issued a number of fatwas for individuals who came to him with a variety of problems involving legal issues and matters of morality.

Abduh was aware of the allure that European civilization had for many Muslims. For instance, Western weapons of war were superior to anything in the Muslim world, and many Muslims felt they needed to acquire Western technology in order to be able to defend their lands against further Western encroachment. In addition, the economic wealth of the West was in stark contrast to the economic impoverishment of large parts of the Muslim world, and, again, many Muslims thought that if they imitated Western approaches to economics, that some of the 'magic' might rub off on Muslims.

War, technology, economics and politics were all fed and shaped by ideas. Some Muslims believed – quite incorrectly – that if the Muslim world would incorporate Western ideas into their lives, then perhaps, Muslims might ascend, once again, to the glory days of early Islam.

On the other hand, as much as many Muslims were dazzled and intrigued by the success of the West, it was also apparent that a considerable amount of that success was coming at the expense of Muslims whose lands and resources were being taken – through force, intrigue, or the co-opting and corruption of Muslim leaders – by Western powers. Muhammad Abduh was one of the individuals who understood that there was a basic disconnect between the lofty principles of freedom, democracy, technological progress, and economic growth espoused by the West, and the oppressive

manner in which the West sought to induce the non-Western world to subsidize the materially expansive way of life that was being established in the West.

Muhammad Abduh also believed, however, that the West was not necessarily the primary reason for the problems of the Muslim world. In fact, he laid the responsibility for those problems at the feet of Muslims themselves, and he maintained that the wretched condition of Muslims was a punishment from God for having strayed from 'true' Islam.

Abduh's solution was multifaceted. He urged Muslims to be guided by the authority of the salaf or spiritual forbearers of early Islam, but he felt that all such authority should be measured against the teachings of the Qur'an.

He argued that human texts were capable of being critically questioned to determine their degree of authoritativeness. On the other hand, he believed that the Qur'an did not contain any errors and, therefore, must serve as the source of criteria for judging the spiritual authoritativeness of the texts written by human beings – even those of the salaf.

Abduh believed, however, that there could be no disagreement concerning the teachings of the Qur'an. Consequently, the Qur'an would become the means of uniting Muslims and ridding themselves of their sectarian differences, and reason would be the essential tool for ascertaining

the principles and values being given expression through the Qur'an.

Through discernment of the true teachings of the Qur'an, one could become spiritually united with the understanding of the followers of Muhammad (peace be upon him). Through the use of reason and, coming to understand the actual nature of the Qur'an, all schools of theology and law, according to Abduh, would come to share a common foundation, and, as a result, the ummah or spiritual community would become united once again.

Reason is something of a will-o'-the-wisp that seems to give off a kind of light but often tends to recede as one tries to approach it and determine its true nature. Oftentimes, one person's reason is another person's insanity or nightmare, and although we all make appeals to the importance of reason, we frequently have difficulty clearly stating, or agreeing upon, just what reason is.

Furthermore, trying to use reason in conjunction with understanding the Qur'an is fraught with problems. This is not to say that reason has no place in relation to the Qur'an, but one cannot start -- or end -- with reason.

In a number of places in the Qur'an, one is told that if an individual will have taqwa, or piety, then God will teach that individual. So, the starting place is a matter of taqwa, not reason.

Taqwa is more of a spiritual orientation marked by an individual's openness to, or willingness to, go

in whatever direction Divinity wishes to take a person. The use of reason might have played a role in helping to shape the condition of taqwa, but taqwa cannot be reduced down to a rationalistic process since taqwa is also informed by understandings that are fed by other dimensions of human existence ... such as faith – which is not a matter of blind belief but of informed, insightful experience that comes through Divine grace – and faith (as do God's blessings) has many levels and degrees ... the faith of a Muslim is not the faith of a Momin, and neither of these is the faith of a Mohsin – that is, one who practices ihsan.

Reason is only one of the mediums through which Divine teaching takes place. Moreover, Divine logic will not necessarily be reflected in what someone considers to be an expression of impeccable reason, and, therefore, although all Divine logic is eminently rational, not all human reason resonates with such rationality.

The mind, heart, sir, kafi, and spirit – all of which are referred to in the Qur'an – do not employ the same modes of understanding, and each of these faculties are taught by Divinity in accordance with the capacity of that faculty. Reason is a function of the mind, and the mind is capable of understanding some things while it is incapable of understanding other dimensions of truth.

Unfortunately, many Muslims erroneously believe that the Qur'an can be penetrated and circumscribed by what they consider to be tools of

rationality or reason. As a result, they use reason to interpret the Qur'an instead of waiting for Divinity, if God wishes, to teach them about the principles and nature of the Qur'an. Interpreting the Qur'an is a sign of impatience and lack of humility.

So, Abduh was wrong when he believed that there could be no disagreement about the Qur'an. Many people (both Muslim and non-Muslim) have a tendency to bring their own agendas to the Qur'an and filter the words of the Qur'an through that agenda, and this can lead to nothing but distortion, misunderstanding and sectarian divide. They might use the words of the Qur'an, but the Divine meanings of those words often have been corrupted, sullied, and/or distorted by human ignorance.

The Qur'an gives expression to nothing but truth. However, the interpretational methodologies and disciplines through which the Qur'an might be engaged by human beings lead to nothing but problems since the Qur'an tends to close itself – unless God wishes otherwise -- to whomever seeks to touch the Qur'an in a condition of impurity – not just physical impurity but intentional impurity and emotional impurity and mental impurity as well ... and the desire to interpret the Qur'an is but one manifestation of such impurity.

Abduh spent a considerable amount of time writing about how what he considered Islam to be was superior to Christianity. Yet, the very book that he claimed as the ultimate authority – namely, the

Qur'an -- indicated that Christians were people of the Book, as were Jews ... as were the followers of other Prophets who were alluded to in the Qur'an but were not specified.

He put forth his interpretation of Christianity just as many Christians put forth their interpretations of Islam. But, in the end, all such disputes are mired in the quick-sand of arbitrary speculations and musings in which so-called rational arguments are crafted through the tools of human rather than Divine logic ... although everyone involved in the quarrel seeks to claim -- in self-serving ways and, therefore, without reliable proof -- that Divine logic is on their side of the argument.

Rather than get on with the business of life's actual purpose, Abduh, at times, allowed himself -- and in the process sought to induce others to do the same -- to become preoccupied with irrelevant issues of which civilization -- or spiritual tradition -- was superior and that civilization -- or spiritual tradition -- was inferior. The coliseums in which such battles are waged are the playground of nafs, Iblis and fools.

It doesn't matter what someone else thinks of me, or whether someone else labels me as inferior. All that matters is what God thinks of me, and this is something to which no one else is privy and that no human being can establish.

Unfortunately, when the ego is caught in the vise of pride and self-esteem, Deen, fitra, and Divine

assessment tend to be forgotten. Under such circumstances, everything of real importance tends to be relegated to the sideline before the childish concerns of nafs.

In trying to argue about the purported superiority of Islam over Christianity -- or, on another front, the importance of Semitic contributions versus Aryan contributions to the greatness of a given civilization relative to another -- one becomes enveloped in a war of interpretations that are entirely man-made, and, as a result, quite distant from the truth of Divinity even as the respective antagonists seek to argue that their delusional systems reflect Divine truths. Yet, Muhammad Abdu's allegedly pioneering efforts in this regard have helped frame the way in which all too many Muslims today seek to engage the spiritual problems before us.

Motivated by a massive sense of inferiority because of the material success of the West and motivated by a deep sense of self-doubt that often asks the question of themselves as much as of God: namely, how could the alleged infidel be so powerful and dominant, while the true believers (i.e., Muslims) are so oppressed and unsuccessful, the quest of many Muslims -- due to the teachings of so-called leaders like Muhammad Abduh -- becomes diverted by issues of wanting to feel superior, to feel powerful, and to recapture what they perceive to be the lost glory of a by-gone age ... they want to be victorious and defeat an external

foe, while ignoring the internal foe (their own nafs) that is caught up in trivialities.

What many Muslims seem to forget is that Allah has promised in the Qur'an that people's faith will be put to the test in various ways. Sometimes the test will be through wealth and riches, and sometimes the test will be through privation and constraint.

Both the West and the East have been tested through historical events. Who comes out on top in a historical sense does not necessarily reflect the spiritual calculus that God uses to assess who passed and who failed such tests.

What many Christians, Jews and Muslims often share in common is an essential ignorance about the relationship between God and human beings. That ignorance is used to "reason" about life, the world, and what should be done in relation to a series of humanitarian crises that have been brought about by delusional interpretations that reflect agendas other than Divine purpose.

Samuel Huntington was quite wrong when he talked about an irreconcilable clash of civilizations involving the West and Muslims. What makes the clash irreconcilable are the delusional systems rooted in ignorance that populate both sides and that are driving the conflict ... and Huntington, as well as people like Muhammad Abduh - each in their respective ways - has helped to perpetuate that problem of ignorance over the years.

Muhammad Abduh had been disappointed with his early encounters with education, feeling that too much emphasis was given to learning by rote and too little effort was invested in helping individuals understand the meaning and significance of what they were being required to memorize. He ran into the same kind of problem when he attended al-Azhar.

Consequently, one is somewhat perplexed when one reads about Abduh's approach to certain facets of education. For example, he maintained that the children of craftsmen and peasants should be given no more education than is necessary for them to follow in the footsteps of their parents.

According to Abduh, this meant providing such children with nothing more than summaries of Islamic teachings, along with outlines of ethical principles that indicated what was considered to be right and wrong. In addition, such children should be provided with a list of reasons as to why Islam became ascendant in the world.

Yet, we didn't come into this world primarily to become peasants or craftsmen or teachers. We came into this world to learn about and realize our relationship with Divinity, and, in effect, Abduh wanted certain classes of children to be subjected to little more than the very kind of rote learning with which he had been unhappy as a child.

Abduh believed that the curriculum for higher education should consist of, among other things, being exposed to the exegesis of the Qur'an, as well

as learning about the science of Hadith, and being taught to have a rational understanding of doctrine. Again, one is confronted with the specter of rote learning in which one must simply learn and accept someone else's ideas – the accepted beliefs of the time -- about exegesis, the so-called science of hadith, and what constitutes an allegedly rational understanding of Islamic doctrine. I don't really see any focus in Abduh's approach to learning that gave emphases to assisting students to learn how to become open to being taught directly by God rather than being taught through the intermediary of human interpretations, theories, and ideas about the nature of Islam.

In the realm of politics, Abduh maintained that the ummah or community is not only the fundamental source of authority for any ruler, but, as well, the ummah is the sole determiner of what is in the best interests of the ummah, together with being the sole determiner of the means that are to be used to realize such interests. Abduh also held that rulers are not permitted to interpret the Qur'an and that rulers are to be obeyed only as long as they adhere to the requirements of the Qur'an.

Elsewhere, Abduh argued that the final authority for everything is God and His Prophet. He further stated that in Islam, there is no authority except the call to do good and condemn the evil.

The foregoing several paragraphs -- although admittedly merely a summarized overview of Abduh's perspective -- seem somewhat

problematic. If God and His Prophet are the final authority for everything, then it would seem that the source of a ruler's authority might be something other than the ummah. Moreover, presumably, it is God not the ummah -- Who is the One that determines what is in the best interests of the ummah, as well as the One Who determines what is the best means through which things should be done. Is this not the whole point of revelation or guidance?

Moreover, just as a ruler is not to be obeyed if that individual deviates from the teaching of the Qur'an, so too, might one not suppose that the same principle applies to the ummah. In fact, one is a little fuzzy about just who it is, within Abduh's scheme of things, that is to establish what constitutes the true teachings of the Qur'an.

Abduh mentions that shura, or consultation, should govern the relationship between the ummah and the ruler. Yet, the precise character of this process of shura and how it is to govern the relationship between ruler and the ummah seems somewhat amorphous.

He claims that it is not necessary for people to have been trained in various disciplines of argumentation, investigatory research, or the like in order to participate in the process of shura. According to Abduh, all that is required is that people be committed to the truth and to the pursuit of what is in the public interest.

What it means to be committed to the truth is an issue of some contentiousness. Moreover, what constitutes the public interest or welfare also tends to be a very complex issue.

Does shura require unanimous consensus? Or, can shura be just a matter of simple majority? Or, is it enough that only certain elite groups be in consensus concerning such matters? And, can individuals – without prejudice -- opt out of, and not be part of, something to which others might agree? Finally, if a ruler consults with the ummah and, then, rejects or ignores the direction indicated by the shura process, has the ruler abided by the requirements of shura? Just what are the requirements of shura?

These matters are not straightforward. They have not been settled in a definitive manner – although there are some people who claim that the fundamental features of all of this were settled by the 10th century and, consequently, further deliberations were not only unnecessary but, according to such individuals, were, somehow, haram or forbidden ... although I don't recall that God said any such thing in the Qur'an.

The foregoing problems are not being raised in order to argue that the idea of a Muslim community is unworkable. Rather, the problems are being raised as a way of pointing out that a great deal of additional thinking, exploration, reflection and discussion needs to take place in order to be able to have a better understanding of the possible

relationships among ummah, authorities, the Qur'an, God, welfare/public interest, truth, and Shari'ah.

Abduh – and this also is true of many other Muslims – seems to want to give the impression that everything is known ahead of time ... that principles of right, wrong, truth, public interest, authority, and purpose are already known by everyone and have been agreed upon. Consequently, all we have to do is measure the conduct of a leader against the established standard and everyone will know where they stand.

The Qur'an enjoins human beings to obey the Prophet and those who have been placed in authority over one. What is less clear is whether, or not, for example what the Prophet said more than 1400 years ago should be obeyed today especially when the Prophet himself gave the order – on several occasions -- that all collections of his sayings should be destroyed. Indeed, if we are supposed to obey the Prophet Muhammad (peace be upon him) and if the Prophet indicated that one should not keep collections of Hadith, then why are we listening to Bukhari or Muslim or Dawood rather than the Prophet, and on what justifiable and convincing basis can it be argued that I am obligated to follow such sayings under such conditions?

Even if it could be undeniably established that we should consult the Hadiths, there are a great

many questions about how to apply those sayings, teachings, and principles to the problems of today. When someone tells me that the Prophet, if he were physically with us today, would do things in a certain way and we can tell what that would be by consulting what he said some 1400 years ago, the question arises in me: Would I be obeying the Prophet or would I be obeying someone's interpretation of the Prophet, and if I were to obey the latter, would this necessarily be following the Prophet?

In addition, what is not clear with respect to the meaning of God's words with respect to the process of having someone placed in authority over one is just that: What does it mean to place someone in authority over another individual? The Prophets have been placed in authority over human beings. Therefore, when the former directly indicate – that is, when one is in their physical presence, or when one is given a veridical dream or spiritual encounter – that a specific individual ought to do something, then one should try to obey them.

Parents have been placed in authority over their children. But, even here, the Qur'an indicates that one is not obligated to obey one's parents if they depart from the teachings of Islam ... although there is an etiquette to such departures and, as well, there is much upon which to reflect with respect to trying to determine what it might mean to claim that one's parents had departed from the teachings of Islam.

Everyone and everything has certain rights over me. To the extent that I honor such rights, then people and things have authority over me, and I am obligated to obey such authority in relation to fulfilling the structural character of the rights that bind them and me.

My shaykh was placed in authority over me when I became his mureed. To the best of my ability, I sought to obey him.

Over the years, other individuals claimed to have been placed in authority over me. However, with time and experience I came to be skeptical concerning such claims.

Furthermore, I am much more cautious about whether, or not, what Divinity might have meant in relation to the idea of placing someone in authority over one is that this should extend to an assortment of would-be leaders and rulers simply because the latter individuals might have come to power in some way. After all, power and authority might not be co-extensive.

For example, one possible question is this: is coming to power through whatever means necessarily a matter of God having actively placed such people in authority, or is it merely a matter of Allah having permitted such things to happen without investing any Divine authority in those individuals, and, as such, these individuals have power but not Divinely sanctioned authority? I am equally uncertain that what God meant in the Qur'an with respect to obeying those who have

been placed in authority over one means that one is required to obey whatever religious clerics, imams, muftis, mullahs, and other such authorities say simply because they claim that they have been placed in authority over one.

Would-be leaders – both Muslim and non-Muslim -- make many claims concerning how things in society should be arranged ... about who should decide, and about how they should decide and in accordance with what criteria things should be decided and in relation to which goals decisions should be made and about what the obligations of people are with respect to such decisions. Nevertheless, it of essential importance that one not cede one's intellectual, moral and spiritual sovereignty or authority to such so-called leaders until one is completely sure – and this might never be the case -- that such a process of ceding, if it does take place, will not be betrayed, abused, or exploited ... and one only can become certain about such issues through a rigorous process of asking – and having satisfactory and complete answers be given – for an extensive variety of very pointed questions.

Besides studying jurisprudence and law in Qom, Iran, Ruhollah Khomeini also studied two other subjects, both of which were to have a tremendous

influence in shaping how Khomeini understood Islam. These topics were (1) 'irfan' -- which has to do with the issue of gnosis or spiritual knowledge; and (2) 'hikmat' -- which, as used and understood by Khomeini, is a form of wisdom that combines elements of, on the one hand, a system of thinking that is rooted in a form of logical scholasticism and, on the other hand, a way of seeking experiential understanding of ultimate reality.

For Khomeini, hikmat -- wisdom -- was the means through which irfan, or gnosis, was to be realized. By adhering to a discipline shaped by religious law as well as a set of spiritual practices, one would arrive, according to Khomeini, at a spiritual condition through which, if God wished, the individual would be 'opened' to spiritual truths.

Khomeini believed that irfan and hikmat were not antithetical to shari'ah but, in fact, were inextricably tied to Divine law. By following shari'ah one would be led to both hikmat (wisdom) and irfan (gnosis), and, as well, through hikmat and irfan one would be led to a deeper understanding of shari'ah.

There is no doubt that Khomeini was not only very knowledgeable with respect to traditional Shi'a poets, but he also knew about Sufi poets like Jalal-ud-din Rumi and Hafiz of Shiraz (may Allah be pleased with them). In fact, his familiarity with poets was such that it has been reported that a person could recite a line from almost any Sufi poet and Khomeini would be able to recite the following

line. Furthermore, there is considerable evidence to indicate that Khomeini was fairly conversant with at least some of the writings of Ibn al-'Arabi (may Allah be pleased with him).

Like Ibn al-'Arabi (may Allah be pleased with him), Khomeini believed that the path to gnosis consisted of a process of purification. He broke this process down into four stages or modes of spiritual journey.

The first journey allegedly went from the human being to God. During this stage, the individual seeker of truth and ultimate reality attempts to transcend the realm of human limitations.

The second stage was said to be a journey with God through the Names and Attributes of Divinity. By means of this kind of journey, one supposedly came to understand how the Names and Attributes manifested themselves and governed different facets of reality.

The third facet of the spiritual journey involved the seeker's return to the material world and society. However, during this stage, the seeker is not separated from Divinity but is intensely aware of the Divine presence.

The fourth and final stage of the spiritual journey occurs when the seeker, after having acquired gnosis, uses that understanding and knowledge to assist others to struggle toward Divinity. According to Khomeini, one of the ways in which such assistance would be given is when the spiritually

realized individual implements a government of Divine justice through which human beings will be guided toward perfection.

For Khomeini, the individual who had completed the four stages of the spiritual journey was the 'perfect' human being. Such people were the vicegerents of God and the ones who were to be placed in authority over the rest of humanity.

In essence, Khomeini's system of thought was an amalgamation of: (1) some of the teachings of Ibn al-'Arabi, Rumi, Hafiz and other Sufi poets/authors (may Allah be pleased with them) concerning various aspects of transcendental mysticism; (2) Suhrawardi's philosophy of light (and this Suhrawardi is not to be confused with the Sufi mystic of the same name); (3) Avicenna's school of rationalistic philosophy, and, finally, (4) Shi'a theology. What is far less clear is whether, or not, Khomeini ever actually successfully traversed any of the four stages of the journey -- outlined previously -- to become a spiritually realized individual or perfect human being.

Many people who are intelligent can spout the theory of, say, mysticism ... and, indeed, academia is replete with these individuals. Such people can impress and dazzle many with their encyclopedic knowledge of poetry, doctrine, theory, and history, but none of this 'knowledge' necessarily means that such intellectually gifted people have realized the condition of gnosis concerning their relationship with Divinity. 'Talking the talk' of gnosis does not

always entail 'walking the walk' of actually being spiritually realized.

Gnosis is not about genetically inherited intelligence. Gnosis is about the gift of experientially realized understanding that God gives to whomsoever Divinity pleases.

Furthermore, there are different modalities of human perfection. Human perfection is about the realization of primordial fitra or potential that defines one's essential nature.

There are as many different kinds of human perfection as there are created fitras or potentials. The perfection of the Prophets gives expression to 124,000 kinds of perfection. The perfection of the saints gives expression to countless other forms of perfection. The potential for perfection in each and every human being gives expression to still further modes of perfection.

Perfection is not about becoming God. Perfection is about fulfilling the potential that is inherent within us.

Happy is the person who is content with such perfection. Longing for any other kind of perfection will be a tawdry exercise in endless disappointment, frustration, and problems – for oneself and for others.

Consequently, even if, by the Grace of God, someone is able to realize her or his primordial potential or fitra, this does not mean such a person should assume that she or he has the right or duty

to 'lead' others. To be God's vicegerent is to be a caretaker of creation, and having such duties of care does not necessarily mean one should become a political or social leader.

The individual who is a spiritually realized person has no need to seek to lead or guide others. By being who he or she essentially is, that person's mode of being a vicegerent is manifested through whatever that individual does or does not do. God uses that perfect 'tool' in whatever way Divinity pleases to serve God's purpose.

According to Khomeini, government can only be authentic when it acts in accordance with the rules of Divinity. Consequently, in order to be authentic, Khomeini believes that governments must implement shari'ah.

All too many Muslims have been brow-beaten into believing that shari'ah is purely a function of jurisprudence, legal doctrine, and legalisms. However, the Qur'an is not a legal document but a book of guidance, discernment, wisdom, example, balance, and knowledge that provides human beings with an opportunity to rigorously explore what it means to be a human being.

The Qur'an very clearly states that there can be no compulsion in matters of Deen, so just how does someone justify making government the medium through which shari'ah will be implemented and forced on the people in a given locality? The Qur'an also very clearly indicates that oppression is worse than killing, and, one wonders what could be more

oppressive than when someone tries to force people to live in accordance with some given interpretation of shari'ah that reduces shari'ah down to little more than a narrowly conceived legal system.

Shari'ah is Divine Law, but this does not mean that such 'Law' must be explicated through legalistic doctrines and principles. Divine Law is the nature of the universe on all levels of Being ... material, emotional, mental, human, spiritual, and transcendental.

Shari'ah is the path that leads to a place where, if God wishes, one might be opened up to the truth – literally, to drink the waters of reality -- concerning the nature of the universe, including the nature of one's own essential self. To be sure, shari'ah is a path of purification, but there are many non-coercive, non-oppressive, and non-legalistic ways through which such purification might, God willing, be realized.

On the positive side, purification involves acquiring such qualities as: patience, courage, nobility, honesty, generosity, tolerance, integrity, friendship, forgiveness, repentance, love, steadfastness, humility, kindness, dependence (on God), longing (for God), and remembrance (of God). On the negative side, purification involves ridding oneself of such qualities as: jealousy, anger, envy, hatred, hypocrisy, deceit, selfishness, insensitivity, cruelty, resentment, arrogance, impatience, and heedlessness.

Can prayer, fasting, zakat, and hajj assist one with respect to the foregoing processes of purification? Of course, they can, but if one tries to compel people to pursue those practices, there is a very high likelihood that such compulsion and oppression will not only result in zero beneficial spiritual effects but quite possibly will have a problematic, if not destructive, spiritual impact on the people so oppressed.

Neither character nor morality can be legislated. One cannot be legally forced to develop character or to be moral since both character and morality are rooted in, among other things, having a purified niyat or intention, and methods of compulsion and oppression will never bring about such purification.

Outward behavior might be controlled through such methods, but the inner world of the heart and mind will not be so-controlled ... indeed, it is human nature to be inclined to respond in problematic ways with respect to such oppressive attempts. Since spiritual progress is a matter of inward transformation not just changes in external behavior, seeking to compel people to follow a given legalistic path – even if it were correct (an assumption about which I am deeply skeptical) – is doomed to failure as a means of assisting people to realize their spiritual potential.

Does the foregoing perspective mean there should be no regulation of the public space ... that there should be no attempt to protect our better

selves against our lower selves? No, it doesn't, but the regulation of public space is not shari'ah. Rather, the regulation of public space is a process of creating conditions that are conducive to people being able to choose to pursue, or not, the actual path of shari'ah without adversely affecting the right of other people to make different kinds of choices concerning how to proceed in life regarding such matters.

One of the most precious gifts – and challenges – which God gave to human beings is the right to choose. Those who wish to make shari'ah a legalistic system of coercive rules seem to believe that they have the right to take away one of the most essential gifts that God has given to human beings.

Steps do need to be taken to ensure, as best as possible, that when the personal exercise of choice spills over into the public space in a problematic or destructive way, the possible deleterious ramifications of such choices for other human beings must be constrained and limited. However, the Qur'an offers up a tremendous variety of principles for dealing with such matters that do not have to be limited to legalisms ... and, in fact, a very good argument can be made that to insist on such legalisms as the only way of regulating public space is to be oppressive with respect to the guidance and teachings of the rest of the Qur'an.

What the Prophet did with respect to the regulation of public space when he was in this

world physically is one thing. But, none of us is a Prophet, and, therefore, we should not suppose that we have the wisdom, gnosis, or authority to regulate public space in the same way he did.

We have absolutely no reliable insight into, or understanding of, what went on in the mind and heart of the Prophet when he was called upon to make different decisions. We have absolutely no reliable proof that if the Prophet were physically with us today that he would decide matters in this day and age in precisely the same way as he did more than 1400 years ago.

People who seek to use only part of the Qur'an to regulate public space are not following the example of the Prophet Muhammad (peace be upon him). The Prophet's character, understanding, behavior, insight, judgment and decisions were shaped by the entire body of the Qur'an – not just a part of it -- and there are very few, if any, people living today who can claim to know how all of this would come together to shape how the Prophet might seek to resolve any given problem involving the regulation of public space if he were physically living among us in today's world.

In the '70's Khomeini sought to convince students that they had an obligation to establish an Islamic state – that is, a government that was to be ruled by Khomeini's conception of shari'ah. During this time, Khomeini also sought to persuade clerics that they had a responsibility to assume control of such a state and to ensure that the state would be

regulated through the enforcement of shari'ah construed as a legal system.

Khomeini's justification for seeking to establish an Islamic state was rooted in the doctrine of 'Velayat-e Faqih'. This idea has been translated in a number of different ways including: 'the guardianship of the legal jurist' and the 'theological vicegerency of the jurist'.

In turn, the notion of 'velayat-e faqih' is rooted in Khomeini's ideas about the four stage spiritual journey to spiritual realization that culminates in a return to society through which the spiritually realized individual, or perfect human being, sets about leading other people to perfection. All of this is very presumptuous.

Khomeini seemed to assume that he was such a perfect man. He assumed that it is the right and duty of a perfect man to tell others how to live their lives. Khomeini assumed that it is the right and duty of such a person to impose shari'ah on others and to force them to pursue a particular way of life. He further assumed that a perfect person could lead others to perfection.

I believe that the Prophet Muhammad (peace be upon him) is a perfect human being, and, yet, the Qur'an clearly indicates that the Prophet cannot guide people to the truth. Only God can lead a person to realization of the truth. Only God can open up hearts to faith and knowledge.

The Prophet is the best of examples. He is a friend and supporter and one who prays for the forgiveness of his community and for all creation. He assists people – whether Muslim or Muslim – whenever he can and in accordance with the limitations of the sort of help that he has been permitted and enabled by God to offer. He gives counsel when asked, and, yet, he encouraged people not to ask him questions concerning Islam. Why did Khomeini believe that he could accomplish what the Prophet could not and, indeed, what was not even within the Prophet's mandate to try to do?

Ibn al-'Arabi (may Allah be pleased with him) – someone who Khomeini considered to be a perfect human being – never sought to establish an Islamic state nor did the former individual ever try to impose shari'ah (however he might have conceived it) on others. This is also true of Sufi mystics such as Rumi, Hafiz, and others (may Allah be pleased with them), and Khomeini looked favorably on all of these individuals.

However, somewhere along the line, Khomeini came to a very different conclusion than the spiritual predecessors whom he admired and quoted. This fact raises a lot of red flags concerning the legitimacy of Khomeini's understanding of many things.

Once Khomeini achieved power he proceeded to seek to purify society by ridding it of the alleged forces of evil that had been serving, in one capacity or another, as agents of the deposed Shah. The

manner in which this allegedly perfect man sought to lead the evil-doers to a purified condition was not through counseling, guidance, dialogue, spiritual assistance, or the like, but, rather, he purified them by having them executed, and such executions were followed by similar purifications of other lesser officials and military personnel.

The Qur'an indicates that one is justified in killing those who spread corruption in the earth, but this doesn't mean that one must do this. Furthermore, one could engage in a rather lengthy discussion about who, exactly, was spreading corruption in the land with respect to the Iranian revolution ... especially given that the Qur'an says that if it were a matter of taking humankind to task for their transgressions against God, then not one living creature would be left on the face of the Earth (Qur'an 16: 61).

Once he ascended to power, Khomeini increasingly wanted everything under his control. He didn't do this because he was a spiritually realized individual and knew – via gnosis – what was best, rather he sought to control things because he apparently failed to realize that oppression and compulsion are not part of shari'ah.

Behavior sometimes is a good indicator of the intentions underlying it. In many ways and as the foregoing discussion suggests, Khomeini's behavior betrayed his apparent belief that he was a spiritually realized human being.

Unlike Khomeini, the example set by the Prophet Muhammad (peace be upon him) did not involve oppressively and forcibly trying to control the lives of people ... although that example did involve some instances of regulating public space in a way that resonated with the times in which, and circumstances under which, he and the rest of the community lived. Therefore, whenever a so-called leader presumes he or she has the right and authority to oppressively and forcibly control the lives of others, then one should observe due diligence in examining the theory of leadership out of which that person operates.

Hasan al-Banna, an Egyptian, was born in 1906 and passed away at the age of 43. Among other things, he founded the Muslim Brotherhood.

When he was approximately 12 years old, Banna joined a Muslim group that was concerned with issues of moral behavior. In fact, one of the primary purposes of the group was to induce its members to actively observe whatever the group considered to give expression to a strict code of Islamic behavior, and part of the inducement process was to levy fines on anyone who transgressed against that code.

A little later, he joined another group whose activities also revolved around issues of morality

and bringing pressure to bear on anyone who might have erred – at least according to that group's leaders -- with respect to some aspect of moral behavior. One of the practices of this group was to send threatening letters to the alleged miscreants.

When he was thirteen, Banna became associated with a Sufi Order. This group was not only committed to following a strict code of Islamic behavior, but, as well, it had a charitable arm that sought to reform the morality of others, and Banna became actively involved with this dimension of the Sufi Order.

Although Banna developed an appreciation for certain aspects of the Sufi mystical tradition, he also had reservations about certain practices associated with some Sufi groups. On the one hand, he was attracted to what he felt was the tendency of Sufis to adhere to the moral dimension of Islam, but, on the other hand, he felt that too many innovative practices, or bid'a, had become intermingled with the Sufi path.

Without wishing to make a pronouncement one way or the other as to whether, or not, Banna was correct in his assessment of the Sufi path, a point does need to be raised with respect to the issue of bid'a or spiritual innovation. More specifically, while the Prophet Muhammad (peace be upon him) had issued warnings about the dangers of spiritual innovation, his warnings tended to be of a general

nature and done without specifying that which constituted innovation.

Unfortunately, it is a common practice of all too many Muslims to try to claim that what the Prophet meant when he gave such warnings has to do with whatever the Muslims are against who are invoking the saying of the Prophet concerning spiritual innovation. If those Muslims are against music, then music becomes bi'dah, and the claim is made that this is what the Prophet had in mind when he talked about spiritual innovation. If those Muslims are against certain kinds of art, then such art becomes bi'da, and the claim is made that this is what the Prophet had in mind when he warned about spiritual innovation ... and so on.

Such Muslims may, or might not, be correct in their claims. The problem is that they don't really know what the Prophet meant when he is reported to have said what he did with respect to the issue of spiritual innovation.

The Prophet did indicate on a number of occasions that people should not make or keep collections of his sayings. So, is it an instance of spiritual innovation, or bi'da, when people seek to cite the authority of the Prophet's words to justify imposing beliefs or behavior on others?

While later in life, Banna never condemned the Sufi path, per se, he did argue that misguided Sufis should be reformed. Moreover, Banna indicated that Sufi writings should be rid of their impurities.

Determining who was a misguided Sufi and what writings needed to be cleansed were a function of Banna's judgment concerning such matters. Moreover, Banna believed that it was people such as himself who should be the ones who ought to have influential authority in relation to determining how misguided individuals and impure writings should be reformed.

Indeed, one of the facets of the Sufi path with which Banna was much enamored involved the relationship between a seeker and the shaykh or teacher. According to Banna, the connection was one of absolute obedience – a characterization with which I would take exception since I do not believe it reflects the actual nature of the relationship between a shaykh and a seeker. Banna wanted to extend this theme of absolute obedience to other kinds of relational arrangements involving so-called leaders (which he considered himself to be) and followers.

Obviously, if Banna was a leader, then the generality of people – who are defined by Banna as followers -- should obey what he, and others like him, said with respect to matters of bi'da, impure writings, and being misguided. According to Banna, it is the prerogative and right of the leader to decide, and it is the duty of follows to follow the prerogative of the leaders.

I have no problem with someone like Banna believing anything he likes. This after all is the right

of sovereignty concerning the exercise of choice that God has bestowed on human beings.

I do have a problem when what someone like Banna believes spills over into the realm of behavior, and through this spill over, Banna begins to try to control me, or others, so that I, or they, become obedient to, and are compelled to serve, his vision of things. Banna presumes he has a right – nay duty -- to interfere in my life and rid me of whatever misguidance and impurities he believes me to operating through, and his justification for doing so is that he believes that he is right and that I am wrong.

Even if Banna were correct with respect to his understanding of the 'true' Islam – and this is not a foregone conclusion – there is a logical jump he is making that needs to be justified independently of being correct about something. This logical jump concerns the following question: under what circumstances, and to what extent, does someone have the right to interfere in another person's life even if one were to assume that the former person is correct and the latter person is wrong about some given issue?

The Prophet Muhammad (peace be upon him) was told through the Qur'an that it was not the Prophet's duty to guide others to the truth. Guidance belonged to Allah alone. Therefore, if the Prophet did not have the responsibility of guiding people, why does Banna believe he has the right and duty to do what the Prophet could not do?

When Banna was 21 years old, he wrote an essay to fulfill part of his educational requirements. In the essay he was critical of Sufis for withdrawing from society.

He believed that such a tendency limited their effective influence with respect to reforming society. Moreover, Banna argued that because regular teachers did not withdraw from society and, as a result, had a better opportunity to influence, change, and reform the lives of people, regular teachers were better than Sufi shaykhs.

Banna's essay was predicated on the presumption that: it is the job of a teacher or Sufi shaykh to influence, change, or reform other human beings. Perhaps part of the reason why some Sufis chose to withdraw from society is because they wished to remove themselves from the temptation of trying to interfere in the lives of other people rather than focus on reforming and changing their own lives.

Banna's essay is more than a little self-serving since, at the time, he was trying to satisfy the educational requirements for becoming a teacher. Moreover, his thesis seems not to reflect his earlier experience with a Sufi Order that did promote charitable acts with respect to the needy in society.

Of course, feeding, clothing, and housing people does interfere in the lives of people. However, this kind of interference is quite a bit different than trying to change, influence, reform, or purify the way people live their lives.

The former kind of interference has always been encouraged by both the exoteric and esoteric dimensions of Islam. However, there are many cautionary considerations surrounding the latter kind of interference ... and one of these cautionary considerations is that the process of actively interfering in another person's life in order to reform or purify such individuals would seem to come in direct conflict with the Quranic teaching that there can be no compulsion in matters of Deen, and, as such, therefore, possibly qualify as an expression of bid'a.

One of the central principles in the Muslim Brotherhood that Banna established in 1928 revolved around the idea of restoring the caliphate. Banna, among others, had been appalled when earlier Kemal Ataturk had done away with the position of caliph in Turkey, and Banna believed that restoring the caliphacy would be an important means through which to reform and purify society so that it could be brought back to the true Islam.

Later on, Banna argued that politics should not be subjected to the divisiveness of a multiparty system, but, instead should be regulated through just one party. Supposedly, having just one party would be a means to unify the electorate or ummah, but Banna does not seem to have appreciated the fact that divisiveness comes from individuals not parties ... or said in another way, the divisiveness of parties is a function of the divisiveness of individuals as each, in her or his

own way, seeks to find ways of controlling others to serve some agenda, and, therefore, the aforementioned divisiveness also can occur within single party systems as well as within multi-party systems.

Although Banna believed in holding elections, he believed that the people who ran for office should be restricted to certain classes of people. He felt that, on the one hand, only experts in religious law and public affairs, and, on the other hand, already established leaders of organizations, families or tribes, should be permitted to run for office.

Obviously, Banna was something of an elitist or oligarch and believed that power should be invested in a select group of individuals of whom Banna approved. Commoners, peasants, the unempowered and women need not apply.

Indeed, Banna had a fairly repressive view of the role of women in society. He believed their activities should be restricted to motherhood, housekeeping, and staying out of sight. Consequently, he felt that women should not be taught religious law, technical sciences, or foreign languages but only those subjects that would permit them to be mothers, housekeepers, and invisible.

Apparently, among other things, Banna interpreted the Quranic ayat that men had been given a degree of superiority over women to mean that men had the right to take control of pretty much everything concerning the lives of women.

However, although the Quranic ayat in question does not say in what way men had a degree of superiority over women, this has not stopped Muslim men from interpreting the passage in whatever way serves their interests, and, in the process, might be guilty of trying to introduce innovation, or bi'da into Islam.

For Banna, the government would manage all aspects of society. This control would extend from: ensuring that Islamic practices were correctly observed, to: censoring whatever books, films, songs, or ideas were considered to be antithetical to the 'true Islam'.

Banna is presuming that he and the other leaders of society know what 'true Islam' is. He also is presuming that even if he did know this that he has the right to impose such views on other human beings. What part of: 'there can be no compulsion in matters of Deen' doesn't he understand?

To be sure, society as a whole – not just government – has the challenge of determining how to proceed in a way that balances individual freedom with the need to protect the public space so that exercise of such individual freedoms do not adversely affect the capacity of others to pursue their own God-given right of sovereignty with respect to choice. This issue has a potential for being very problematic.

Nonetheless, acknowledging the existence of such a problem of social balancing does not mean that the government has the right or authority –

although it might have the power to do so – to solve this problem for others and, in the process, impose its solution on the people.

Banna claims that leaders must listen to the will of the people. But, what does this really mean?

First of all, not every instance of the will of the people is necessarily in the best interests of the people, anymore than one can suppose that every instance of the will of an individual is necessarily in the best interests of that person. So, how does one decide between those expressions of the will of the people that should be listened to and those expressions of the will of the people that should not be listened to?

Secondly, if it is the will of the people that should be listened to, then, why is there any need for government? Can't people carrying out their own will? If it is the will of the people that should be listened to, then why are only government leaders in charge of educating, reforming, propagandizing and purifying that will?

The way in which Banna organized the Muslim Brotherhood reveals his intentions with respect to society if he should ever gain control over the reins of government. By 1946, Banna had established a hierarchical organizational model in which Banna had control over every facet and level of the activities of the Muslim Brotherhood.

Banna ran his organization in accordance with his erroneous understanding of the relationship

between a Sufi shaykh and a mureed or seeker. Namely, Banna believed that everyone in the organization owed absolute obedience to him. While he did establish a smaller and larger body of members with whom he would consult concerning matters, the final decision would be his.

The process of becoming initiated into the Brotherhood is also very revealing. Candidates were required to take an oath of commitment to Banna's conception of jihad in which a person should be willing to seek out death and martyrdom as he sought to convert the world to Banna's ideological stance concerning Islam.

The foregoing oath of commitment was taken in a darkened room. During the ceremony, the would-be initiate had to swear secrecy concerning the Brotherhood while his hand was on a Qur'an and a pistol.

The pistol is a multi-faceted symbol. On the one hand, it implies a willingness to use force to carry out the agenda of the Brotherhood, and, on the other hand, it implies what lays in store for anyone who violates the oath of secrecy or the demand for absolute obedience.

Considered from another perspective, the use of both a pistol and the Qur'an in the initiation ceremony suggests a deep-rooted lack of faith in God. Among other things, the presence of the pistol tends to indicate that Banna seemed to believe that the Qur'an, by itself, was not considered a

sufficiently adequate focus of loyalty, commitment or solution to life's problems.

According to Banna, the purpose of the Brotherhood was to offer assistance to the rulers. The form of this assistance concerned advising the ruler how to run the country in accordance with the ideals of 'true Islam'.

Nevertheless, Banna also indicated that the Brotherhood should be prepared to use force if the rulers proved to be intransigent with respect to the 'advice' or 'counsel' that was being offered through the Brotherhood. In other words, his position seemed to be: 'listen or else', and as someone once told me, if you can't hear no, then, what one is asking is not a request or a mere giving of advice and counsel.

The fact of the matter is that at times violence was employed by the Brotherhood, not only with respect to the government but, as well, in relation to individuals with whom the Brotherhood considered to be purveyors of something other than the 'true Islam'. This willingness to resort to violence if one doesn't get what one wants is a very slippery slope that very quickly ends up justifying all manner of acts of cruelty, brutality, and oppression.

Banna wanted to return to the teachings of the salaf, the spiritual forbearers of early Islam. However, his motives for wishing to do so are somewhat muddled.

On the one hand, he blamed the condition of the Muslim world -- vis-à-vis being in a position of degrading subjugation to Western imperialism and colonialism -- on the fact that Muslims had strayed from the teachings of 'true Islam'. Banna argued that the salaf adhered completely to 'true Islam' and, as a result they were rewarded with control of a large part of the known world at that time.

Banna believed that if Muslims were brought back to the 'true Islam', then Muslims would, once again be rewarded by God -- as he believed had been the case in relation to the salaf -- with control of the world and, in the process, would be permitted to throw off the shackles of Western oppression. Unfortunately, by thinking in this manner, Banna has muddied the waters of intention in which what is done by a Muslim should be done for the sake of Allah and not for the sake of any advantageous rewards or ramifications that might come from this.

The Muslim Brotherhood might have accomplished any number of good things such as: assisting the needy, feeding the poor, building schools, physically cleaning up neighborhoods, and helping the sick. However, such good deeds always had a hidden price and cost in which sooner, or later, people would be expected to pay for those good deeds by ceding their moral, intellectual, and spiritual authority to the leaders of the Brotherhood.

If God wishes, true Islam teaches individuals how not to cede their moral, intellectual, and spiritual authority to anyone but God. If God wishes, true Islam teaches individuals that one does not need to commit oneself to the way of God with one's hand on a pistol and that the Qur'an, alone, is more than adequate. If God wishes, true Islam teaches individuals that while we have duties of care to others, nevertheless, seeking to fulfill such duties does not entitle one to absolute obedience from others. If God wishes, true Islam teaches individuals that trying to convert others to Islam is not one of the pillars of Islam and that the inclination of hearts to Islam is the business of God, not of human beings. If God wishes, true Islam teaches individuals that one should have some degree of humility with respect to the correctness of one's understanding of the truth and that just because one believes one is right, this does not justify one's trying to impose one's beliefs on others. If God wishes, true Islam teaches individuals that there can be no compulsion in matters of Deen, and, therefore, to whatever extent one uses compulsion, force, and oppression in order to induce someone to adhere to one's interpretation of the 'true Islam', then, one is violating one of the basic tenets of Islam.

Given the foregoing, I am of the opinion that there is a great deal about the 'true Islam' with which Banna was not familiar. Given the foregoing, I am inclined, God willing, to be prepared never to cede my intellectual, moral, and spiritual authority

to would-be leaders like Banna who tend to filter reality through their own high opinion of themselves and believe they have been given Divine sanction to proceed in a direction that, unfortunately, seems far more likely to take people away from the 'true Islam' than toward it.



Bibliography

The books listed below were read and reflected upon prior to, and during, the writing of *Shari'ah: A Muslim's Declaration of Independence*. However, as anyone who has read the listed books will understand, the direction in which the present work journeys tends to be quite different – with certain exceptions -- from the perspectives being put forth in such books.

Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law by Abdullahahi Ahmed An-Ma'im Syracuse University Press, 1996.

Islamic Law: From Historical Foundations to Contemporary Practice by Mawil Izzi Dien, University of Notre Dame Press, 2004.

A History of Islamic Legal Theories by Wael B. Hallaq, Cambridge University Press, 1997.

Understanding Islamic Law: From Classical to Contemporary, Edited by Hisham M. Ramadan, Altamira Press, 2006.

Islam and the Living Law: The Ibn al-Arabi Approach, Oxford University Press, 1997.

The next to last chapter of the book involves a critical response to a book by Daveed Gartenstein-Ross – namely, *My Year Inside Radical Islam*. During the course of that chapter, various dimensions of

the process of shari'ah are given expression through an exegesis of the aforementioned book.

The final chapter of the book is based on material drawn from a work edited by Ali Rahnama entitled: *Pioneers of Islamic Revival*. However, the manner of drawing upon that information is done according to my own inimitable way of doing things ... be that for better or worse.



