

Islam and Human Life: Beyond Ancient Needs

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This paper is expository in nature. It attempts to describe how Islam came in response to a cultural need to civilize the ancient Arabs but is fit for all times and people. The faith's influence proved to be thorough. Its legislative matter covers all aspects of human life: social, political, economic, and educational. It also delineates the paths to good health, scientific progress and human relationships including family ties, matrimonial matters, and inheritance distribution. However, Muslims seem to have a lax hold on Islam. There is a big gap between ideological awareness and practical application. This paper will attempt to highlight both the comprehensive nature of Islam's legislative system and its interest in human welfare as well as the decline in Muslims' reliance on the faith despite its usefulness to different aspects of human life.

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I. Introduction

This paper is expository in nature and aims at explaining Islam to non-Muslims. A historic background that describes the life of the Arabs before the advent of Islam early in the 7th century AD will be explained. Depending on historic sources, the study highlights the fact that prior to the appearance of Islam the Arabian Peninsula was steeped in intellectual darkness and cultural ignorance. Compared to the surrounding nations and civilizations, its people were less enlightened on all cultural, intellectual, religious, political, social, and economic levels.

The study also analyzes how Islam transformed and civilized life in the Arabian Peninsula. It uplifted and reformed every aspect related to people's life on both the spiritual and the practical levels and enabled them to create a great civilization that extended from the Arabian Peninsula to India, China, and Russia in Asia; to Spain, Southern France, and the Balkan lands in Europe; to North Africa up to the Atlantic Ocean and to many other locations in the Black Continent. The population of the Arabian Peninsula and the surrounding nations flourished under Islamic guidance for centuries and enjoyed political stability, cultural enlightenment and progress in different sciences like physics, chemistry, geology, geography, astrology and medicine. In delineating Islam's contribution to the life of the Arabs, the paper emphasizes the Faith's comprehensive legislative coverage of all aspects of human life that makes it fit for contemporary and future use.

Finally, the paper explains how and why Muslims have relaxed their hold on Islam despite its valuable precepts and thorough legislative coverage. The study confirms that this lapse is no fault of Islam but of the political, social and educational systems that diverted from the proper

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Islamic path. It suggests that Islam's moral and religious values, political, economic, and judicial directives can be accessed as sources of wisdom in structuring modern familial, social and ruling systems. If Muslims have chosen to neglect such treasure, Islam cannot be held responsible for such lapse.

The paper differentiates itself from previous historical studies by combining three periods of Arab history and highlighting parts of their cultures in relationship to the Faith's presence or absence from them. These periods are the pre-Islamic past, the period following the Arab's reception of Islam and the present time. Historical studies often focus either on one period or combine two, but do not cover all three. Moreover, unlike the present study, they merely address history without involving legislative matter. A good example is Ali's (1993) book on Arab history before Islam and Amin's (1999) book on the early years of Islam.

On the other hand, writings on Islamic legislation usually focus on this subject exclusive of history. Books on Islam's legislation are mostly modern reprints and electronic versions of ancient sources that document the Prophet Muhammad's speeches (*hadiths*) or interpret them. Some such sources are al-Bukhari's (n.d.) edition of the Prophet's *hadiths* and al-Asqalani's (1997) interpretation of al-Bukhari's certified collection of them. An exception to this exclusion of legislation from history is a pioneer book of al-Kattan (1996) on the history of legislation. This source, however, does not touch on changes in Arab history in relationship to Islam's influence, which this paper intends to do.

In brief, unlike the existing resources in both fields of history and legislation, the present study selects aspects of history across a broad spectrum of three historical periods and examines them in relationship to Islam's legislative matter. It will draw on Ali (1993) and Amin (1999) for being instrumental in delineating history of their respective eras. It will also use al-Bukhari (n.d.) and al-Asqalani (1997) for information on Islam's legislative principles. Al-Kattan's (1996) history of legislation will be called upon when necessary but will be transcended into highlighting the relationship of legislation to the history of the people. All these sources and more will be accessed in the first and second parts of the paper, while the third that addresses Muslim's lax hold on Islam is the final contribution of the study. Direct quotes of the *Qur'an*, the Muslim's holy book, will be used to support personal insights and elaborations. Quotations will depend on Pickthall's (1971) translation of the holy text.

Section II provides a historical background. Islam and its influence are introduced in Section III. Section IV is devoted to the shifts in legislation and relaxing hold on Islam's values. The final section provides a summary and conclusions.

II. Historical Background¹

This background covers several aspects of life in the Arabian Peninsula prior to the advent of Islam early in the 7th century AD. It describes the intellectual, religious, economic, political, and cultural conditions that Islam has transfigured. Such background is necessary for measuring out and recognizing the Faith's early contribution to the Arab civilization and the subsequent claims that this study makes on behalf of Islam as potential source of guidance to human life in other cultures.

¹ This historic background is largely indebted to Ali (1993). However, it does not directly quote from this source nor literally translate its content from Arabic into English. The background is more of a summing up and re-writing of parts relevant to the study.

A. Intellectual Situation

The ancient Arabs of the Peninsula were illiterate people. Their only source to fruitful thinking and to fine language was poetry. Poets composed and recited poems that the majority of the population indulged, and memorized. The exchange was generally oral. No form of reading or writing was available with the exception of the best poems being inscribed, by one of the very few scribes in the Peninsula, and hung on the Ka'ba building that the prophet Abraham (Ibrahim) and his son Ishmael (Ismail) have built back in history to worship the Creator of the universe.

B. Religious Setting

It reveals a great deal of backwardness and primitivism. Most of the Arabs in the Peninsula were heathenish. They worshipped stones and trees. Statues of pagan gods were installed around the Ka'ba, the structure that was originally intended to honor the one and only God of the universe. All Arabs whether Ibrahimites or heathenish came for annual pilgrimage to Mecca. No one bothered about the cultural merging between monotheism and paganism. People in the northeast were fire worshippers under Persian influence. The Christian faith at the northwest hardly reached people in the Peninsula, while that of Judaism traversed from the southwest and remained exclusively active in Yemen and Yathrib (contemporary al-Madina).

C. Economic State

Economically speaking, the majority of the Arabs of the ancient Arabian Peninsula was nomadic and had mainly shepherding for a vocation. With scarcity of water in a vast desert, the chances for a civilized settling into agricultural life were meager and occurred only in very rare areas. The varieties of fishing or pearl diving were only possible by the seacoast. In big cities there was trade, the closest possible form to a civilized living. But even there, the rich were wasting their life away in drinking and gambling in the form of bidding on their horses and camels. No solid economic system was detectable in the Peninsula.

Hijaz, the western part of the Arabian Peninsula, where the Prophet of Islam, Muhammad bin Abdul-Allah [PBUH]² (570-632) AD was born and raised, was better off than the other locations. The city of Mecca, in particular, was a center of attraction to most Arabs in the Peninsula and the bordering northern countries. With the Ka'ba building standing at its center from the time of the prophet Abraham and his son Ishmael, the city became a place of attraction for the Arabs even before Islam. They all came for pilgrimage but exchanged commodities as well. Trade thrived through arriving pilgrims but Meccan also travelled north and south for further commercial purposes. Some went as far east as India.

D. Political System

The political system in the Peninsula before Islam's advent was tribal with the chieftain as the highest and most absolute authority. Hundreds of tribes were present in the region and the relationships between them were not always very peaceful. Wars broke between them not only out of economic necessity but also out of tribal allegiance among tribe members and competition

² "Peace Be Upon Him" is the Muslims' regular greeting to his good soul, often abbreviated into [PBUH].

among different tribes. Tribes on the trade ways plundered on trade caravans or required them to pay tribute on passing.

The lack of unity among the different tribes and the absence of central authority in the Arabian Peninsula made it a prey to powerful nations around, like the Persian Empire (northeast), the Roman (northwest), and the Ethiopian (southwest) (al-Kattan, 1996, p.195; Amin, 1999, pp. 12-30). These surrounding empires occupied the neighboring parts of the Arab world and threatened the rest. Truce was obtained at the high price of subservience to these empires, a matter that increased dissent between the tribes inside the peninsula, for the dominating empires often fed that dissent. The Arabs needed some force to stabilize the political situation in the Peninsula and outside of it to the north and to unite them under a single flag. Islam became such force in the 7th century AD.

E. Customs and Manners

The ancient Arabs had more vices than virtues for cultural traits. Among their positive traits they had hospitality, generosity, warmth and charity. The Arabs were extremely generous with guests and would sacrifice their best animals for hosting them. They would warmly greet an approaching visitor or even a passer-by, shake hands with acquaintances, embrace closer relatives and bless a sneezing person. They would respect their elderly and avoid gazing at women passing by on the roads. They would protect a person that seeks sanctuary in their tribal boundaries or private homes and defend him sometimes at the cost of their own lives.

But the ancient Arabs had notorious vices as well. Debauchery, violence, tribalism and superstition are some such vices. The rich, in particular, kept themselves recklessly entertained at night with drinking and attending to slave girls singing and dancing. They drank, gambled and fornicated. On the tribal level, the Arabs fought and plundered other tribes and traders' caravans. They would kill men in such attacks, enslave younger boys and women and collect spoils. Wars were also waged for other reasons beside the economic. Tribal feuds and rivalries based on the tribe's name and status were other reasons for such wars. Serial wars of revenge over a single killing not only of a human being but sometimes of an animal would last for years. One such war, called "al-Basoos War," extended on and off over the span of forty years (Ali, 1993, pp. 256-257). Irrational attitudes could also be detected in the ancient Arabs superstitious ways of thinking. Important decisions were made or altered on such basis. A traveler would cancel a journey for a bad omen if an owl would be seen to cross his path on the day of travel.

III. Islam and Its Influence

The Arabs at that time, the late 6th and early 7th centuries AD, were in dire need for some civilizing power. Islam came to overcome ignorance, superstition, debauchery, brutality, and tribalism. It also provided fair economic and political systems that enabled the Arab people to move into a civilized status.

A. No Revolution But Cultural Evolution

Divinely ordained,³ the Faith started the process of cultural change in a gradual and discreet manner. The evolutionary process lasted for twenty years, thirteen in Mecca, the Prophet's hometown, and seven in al-Madina, the city that he immigrated to, seeking sanctuary for his Faith, Mission and followers from the unbelievers of Mecca.

Muslims believe that the *Qur'an* descended from the highest heaven to the first nearest to earth as one whole, but it completed its march down to Earth to be revealed to the Prophet in a gradual manner (al-Asqalani, 1997, p. 3; al-Kattan, 1996, p. 195).⁴ There are several reasons as to why the *Qur'an*'s revelation to Prophet Muhammad [PBUH] took twenty years. Some are as follows:

- a) The descent of the *Qur'an*, the divine words of the Creator, *Allah*,⁵ on the Prophet through the Archangel Gabriel was a physically stressful experience that caused the Prophet to sweat, tremble and come close to fainting. A gradual descent of the holy text was necessary to minimize the strain.
- b) The resistance of the Faith by the wild and heathenish nation was fierce and stubborn and the Prophet needed encouragement and moral support as he moved along in his mission. For each turn of resistance, an *ayah* (a verse in the *Qur'an*) would come to sustain the Prophet and inform him of how other prophets and messengers suffered while delivering and spreading the word of the Creator and how they endured.

³ The *Qur'an*'s divine origin is evident in its prophetic statements of future events in human history. In reference to Noah's Ark, the holy text indicates that the Ark is preserved as a sign for those who wish to remember and to believe (al-Quamar/The Moon, 15). In the 7th century AD, no sign of the Ark was present. Modern excavations uncovered it in an eastern mountain in Turkey in 1960. The same can be said of preserving the body of Moses' Pharaoh. On the day of his drowning, the *Qur'an* decrees: "But this day We save thee in thy body that thou mayst be a portent for those after thee" (Yunus/Jonah, 92). The body of the Pharaoh was found in the Red Sea in 1898 (twelve centuries after the *Qur'anic* statement) well preserved without the traditional mummification methods.

⁴ al-Asqalani is actually quoting and interpreting the Prophet's speeches in his book. This is a *hadith* (a speech of the Prophet) that indicates that the *Qur'an* descended in its totality then reached the Prophet in smaller portions.

⁵ Another evidence of the divinity of the *Qur'an*'s origin is disclosed through computer calculations of systematic recurrence of significant words and their parallels or opposites inside the text. No human power would have devised and introduced such a miraculous balance into the text especially back in history at the 7th century AD. The following timetable gives examples of this textual miracle.

Word	Frequency	Parallel Word	Frequency
Days	365	Day	30
Month	12	Moon	12
Faith	25	Blasphemy	25
Men	24	Women	24
The World	115	The Day of Judgment	115
Angels	88	Devils	88
Punishment	117	Forgiveness	117
Death	145	Life	145

- c) In their challenge of the Prophet, his people kept inquiring about ancient events and nations of the past. In response to each inquiry, the pertinent part of historical matter would unfold in order to satisfy and convince.
- d) A gradual act of elimination of an old way of life and implementation of new systems was necessary to keep Prophet Muhammad's followers unburdened by novel teachings and to guarantee acceptance. Debauchery, gambling and usury were normal acts of daily life that would need time to phase out. Superstition and racist feelings of tribal allegiance and superiority were inherent in the people's psychic structure. A sudden or forced change would not have been easily acceptable to them.
- e) It was necessary to give the recipients time to memorize the divine words of the Creator. Receiving the whole at one instance would have confounded the process. Memorizing the book was necessary because the Arabs were not a literate nation. They could neither read nor write. Their only way of keeping knowledge was memory. Earlier in their pre-Islamic dark ages they learnt poetry by heart but Islam then introduced the holy book as a more fruitful verse. Moreover, the Arabs were in the habit of substituting words in poetry if lapses of memory occurred upon reciting it. Such habit was necessary to overcome in order to preserve the accuracy of the divine text and its injunctions. An accurate learning of the rules of the book would depend on keeping its exact wordings. All of this needed time and gradation.
- f) Since Islam was not merely an abstract faith but also a practical religion that was meant to meet and respond to actual life and daily matters, its teachings were revealed in gradual steps in response to daily needs. The *Qur'an* came to the Prophet to help him make decisions on daily matters as they unfolded (Amin, 1999, p. 195).

B. Faith Comes First: The Mecca Phase

B.1. Religious Factor

Since people would only accept new teachings and acquiesce to novel ways of life upon having faith and trust in them first, Islam started its mission by generating Faith in the Creator of the universe and His Messenger, the Prophet Muhammad (al-Kattan, 1996, p. 45). The early verses of the *Qur'an* focused on inviting man to contemplate the world and its coordinated parts and orderly operations. Relying on invoking rational thinking in the recipients and providing palpable evidence, the early verses pointed out how such a vast universe could never have invented itself but must have been indebted to some capable maker. The harmony and correlation between its different parts and processes can only occur if it has one creator, for the many gods the Meccan kept around the Ka'ba structure were not just incapable but would have definitely disagreed in the process of making and running the universe. Believing in the Prophet, on the other hand, entails trusting that he is the Creator's messenger to mankind and the recipient of His holy words, the *Qur'an*, through the Archangel Gabriel. Most of the verses of the Mecca period focused on these two elements which combined are called the first pillar of Islam, a structure of five.

The process of establishing and deepening faith also depended on invoking the history of other heavenly religions that preceded Islam and requiring faith in them and in their respective

messengers. It affirmed that Muhammad came as the last in a series of prophets who preceded him in this matter of guiding humanity to good worldly conduct and to the right path back to heaven.

B.2. Moral Values

Islam implemented moral values necessary for a good earthly existence and an ultimate return to heaven. This is not to say that Islam totally negated cultural values of the past. It did approve of and retain positive moral traits available in the culture like generosity towards guests, warmth in human relationships, respect for the elderly and support for a person in need (al-Kattan, 1996, pp. 47-48). In short, the Faith enforced the positive and eliminated the negative habits and traits from the life of the ancient Arabs.

The new emphasis falls on honesty, sincerity, keeping promises and honoring covenants; good intentions, goodness to others, helping those in need, and charity; pleasant manners, peaceful greeting, warmth, and generosity. More of the Faiths moral concerns will be highlighted in due time in the study.

The negative values of the ancient culture and the wild and coarse ways of its people were either immediately repealed or gradually phased out, depending on how harmful to human existence they were. Securing justice in human relationships and eliminating all forms of aggression among people were major concerns of the new Faith from the start. Killing innocent people (including the horrible practice of burying a newly born baby girl alive out of fear of future sexual disgrace) was condemned and prohibited right away. Stealing, cheating in trade, and unjustly ripping off orphans' money were other vices that Islam had to promptly put to end. Adultery and all forms of fornication were instantly negated and forbidden (al-Kattan, 1996, pp. 47-48).

The second pillar of the Islamic structure, which is praying five times a day, came next and was introduced during the Mecca phase of Islam's initiation into the Arab culture. It was quite compatible with the moral objectives of that phase for prayer was intended to help a wild people overcome their moral and behavioral vices. Standing five times a day between the hands of the Creator in the act of praying would be a regular reminder against aggression and vices. The *Qur'an* elucidates: "Lo! worship preserveth from lewdness and iniquity" (al-Ankabut/The Spider, 45).⁶

C. Legislation Comes Next: The al-Madina Phase

Although the al-Madina phase is a legislative period in the history of the Faith, other forms of worship were simultaneously introduced. The next three pillars of Islam were established. These are the *zakat* (paying an annual percentage of one's fortune to the poor), Fasting during a specified month of the year (*Ramadan*), and the *Hajj* ritual (performing a pilgrimage once in a life time, during a specified period of time, to the holy lands around Mecca and to the holy mosque).

Legislation covered every aspect of human life including economic order, social matters, health conditions, and family relationships.

⁶ Although there are several translations of the *Qur'an* available out in print and variations on the names of its *surahs* (a *surah* is a large unit in the *Qur'an* that contains smaller units called *ayahs*), this paper follows Pickthall's translation of the text and naming of the *surahs*. Pickthall, however, has translated the Arabic word prayer into worship which I believe is inaccurate because worship is a general term that includes other religious rituals. The *ayah* is very particular about what kind of worship has such power to cultivate behavior and reform character.

C.1. Economic System

The economic system of Islam that the Prophet established during this phase encouraged trade and forbade usury. It taught people to lend money (interest free) and to invest in trade, industry and agriculture. It emphasized the legal necessity to document and to certify such processes and forbade dishonesty in all dealings. It also condemned gambling as a psychologically demoralizing and economically destabilizing practice.

C.2. Family Life

The al-Madina phase took care of family and hereditary matters as well. It clarified rules of marriage and inheritance. It explained women's financial rights and moral dues in marriage, divorce, and the transitional stage before re-marrying. It emphasized the woman's sustainable rights from the divorcing husband and the proper time to re-marry after divorce. (A period of four months is necessary to secure the proper parentage of any possibly conceived child not made manifest yet.) The al-Madina phase also established inheritance rules and organized hereditary matters. It specified who inherits what and the inherited amount due to each person.

C.3. Judicial Matters

The legislative al-Madina period also enforced punishments for crimes committed against fellow human beings to guarantee the human right to a peaceful living. It called, like other religions, for preserving the safety of five essentials for a human being: life, progeny, property, religion and brains. It also affirmed self-dignity for all human beings by claiming their equality in origin and status. Tribalism and racist prejudices were designated as stinky. The *Qur'an* affirms: "The believers are naught else than brothers. Therefore make peace between your brethren" (al-Hujurat/The Private Apartments, 10).⁷ Against rivalries and feuds the principles of peace making and forgiveness are strongly recommended. The Prophet supports this teaching of the *Qur'an* by saying: "He who calls for racism is not one of us" (Amin, 1999, p. 74).

C.4. Food and Health

Legislation in Islam included rules in food consumption too. Such rules are based on the principle of supplying good nutrition for people and eliminating harmful matter. Operating under its stated principle that alcohol has some good for the human body but that more harm comes out of it, the holy text aimed towards prohibiting it (al-Baqarah/The Cow, 219). However, it did so in stages. Drinking of alcohol was one of the vices that had to wait for the second period in the history of the Faith, the legislative one, to be struck out. Used to drinking, the Arabs needed time to overcome that habit. The Prophet and some of his best companions never tasted alcohol neither before nor after Islam, but not all of the Prophet's followers abstained. Witnessing the amount of moral evil and human disgrace it caused, those who did not drink wished to see the practice disappear. However, this was done in stages. Islam, first, forbade the person who consumed

⁷ The numbers given in parenthesis are those of the *ayah* inside the larger unit, the *surah*. The *ayah* number remains the same in any edition of the *Qur'an* in any language. So is the *surah* number, if given. This paper, however, prefers to provide the name of the *surah* instead of its number as the custom is in Arabic scholarship on the *Qur'an*. It gives both the Arabic name in transliteration and the translated one as well.

alcohol to pray till he is fully sober again. Second, alcohol was designated as a Satanic vice that ought to be avoided. The third stage of ultimate prohibition occurs not in the *Qur'an* but in the Prophet's words that curse those who drink, serve or sell alcoholic beverages.

Food injunctions go beyond alcohol to focus on and forbid feeding on non-vegetarian birds and animals like beasts and birds of prey or animals that feed on unhealthy matter like pigs and hyenas. Islam also forbade consumption of dead animals or of animals that were not slaughtered in the proper Islamic way. Suffocating or strangling the animal is a slow, painful and unmerciful death and is therefore prohibited. Moreover, the blood that remains inside the veins in such processes would corrupt the freshness of the meat and jeopardize the health of the consuming subject.

In keeping with its concern for good habits in nutrition, Islam directed to moderation in food consumption. The Prophet advised that only one third of the stomach ought to be reserved for food, the second is for fluids and the third for air. He also recommended that one should eat only upon feeling hungry and should stop before reaching satiety.

D. Beyond the al-Madina Phase: Meeting the Requirements of All Times

Not all legislation acts necessarily occur in the *Qur'an* or during the al-Madina phase. Islam has left the gate open for future extension of the process to meet changing cultural conditions and evolving human needs. This flexibility does not mean that Islam has left gaps. The holy text states basic injunctions in a manner that precludes doubt and confusion. Issues that ought not to depend on human contribution are firmly declared in the holy book. Condemning homicide, lying and false testimony; prohibiting cheating, gambling and usury; naming the debarred partners in marriage (mothers, sisters, aunts); defining the rules of inheritance; and specifying punishments for crimes committed against fellow human beings (a life for life, an eye for eye, etc. unless the victim forgives) are some such matters that did not wait for human elaboration. Only negotiable matters are left open for future acts of legislation. The ongoing process is, nevertheless, varied and multi-levelled. It includes the following figures and steps.

- a) The Prophet: The holy text has licensed the Prophet to judge, evaluate, legitimize or prohibit to human convenience matters that come his way. Such license is evident in the Qur'anic frequent injunctions to Muslims to "obey Allah and His messenger" (al-Mujadilah/She That Disputeth, 13). The text also indicates: "whatsoever the messenger giveth you, take it. And whatsoever he forbiddeth, abstain (from it)" (al-Hashr/The Exile, 7). The license is also enforced by the *Qur'an's* warning to the Faith's followers against disobeying the Prophet for it would lead to "painful punishment" (an-Nur/The Light, 63). The Prophet's contribution to the legislative process of the *Qur'an* is called *sunnah*, a term which literally means a path or a method, connotes legislation and has even become almost exclusively attached to the Prophet's Speeches, deeds and his approval of the wise ways of his learned companions.

The nature of his contribution varies. Besides affirming the rules of the *Qur'an*, the Prophet is authorized to elaborate on them. The *Qur'an*, for example, ordained prayers and *Hajj* as two pillars of Islam. The Prophet detailed the manner of their performance. The Qur'anic text, for another example, prohibited the eating of pigs' meat. The Prophet elaborated to include beasts and birds of prey. The *Qur'an*

recommended kindness to one's parents (even if non-believers) and the Prophet tripled the mother's due share of kindness as compared to the father's.⁸

The Prophet's most extensive contribution came on moral, social, and behavioral matters that the *Qur'an* did not elaborate on like the neighbors' rights including non-Muslims;⁹ seeking education from birth to death; respecting the elderly; forbidding whispering among two persons in the company of a third; condemning gossip and backbiting; economizing in water consumption even if one lives by a river side; encouraging personal cleanliness and removal of dirt and harmful matter from public roads; planting trees and forbidding their cutting even on enemy's lands; paying the workers promptly before the drying of their sweat; freeing slaves by making the act stands as an atonement for big sins;¹⁰ mercy to animals;¹¹ kindness to women, children, the elderly, the blind and the handicapped and sparing them in battlefields (Amin, 1999, p. 85).

The human contribution to the legislative processes of Islam is carried on after the Prophet's death and is supposed to continue across the ages to meet changing human and cultural conditions. His learned companions expanded on the legislative process according to the requirement of social and political life (al-Kattan, 1996, p. 69). Prior to his demise, the Prophet outlined and generated such continuity.

- b) The Prophet has authorized his caliphs¹² after him to face up to the requirements of their times and to be guided in the process by the basics of Islam as stated in its holy book. He told his people prior to his departure: "Take my Sunnah and the Sunnah of my well-guided caliphs after me" (al-Mubarakfory, 2001, Vol. 3, p. 50). Such delegation is supported by the holy book, for the directive is to ask the learned if one does not know: "Ask the followers of the Remembrance if ye know not" (an-Nahl/The Bees, 43).¹³

Each of the four caliphs has had his contribution to the legislative or moral system of Islam. The first caliph, for instance, introduced the grandmother into the inheritors' list. The second caliph performed the extra evening prayers during the Ramadan month in a public congregational form whereas the Prophet prayed them in private (to preclude burdening his followers with any extra prayers after the daily five). The second caliph also specified flogging as punishment for a drunkard if caught on the street (but let go of him if drinking at home). The third caliph licensed the Friday Speech after the noon prayers (though people went back to the early practice of having it before praying). The fourth caliph enforced punishment for

⁸ In regard to both parents, the *Qur'an* stresses: "Consort with them kindly" (Luqman/Lukman, 15); but the Prophet elaborates: "Your mother," and repeats it thrice before he concludes, "then you father" (al-Bukhari, (n.d.) 12:4).

⁹ The Prophet [PBUH] missed his Jewish neighbor and on being informed he was sick went to visit him.

¹⁰ Other cultures and religions practiced enslavements at war, including the ancient Arabs. The Greek and Roman cultures and Judaism had no reservation in benefiting from the practice (Amin, 1999, p. 87). Islam abolished slavery in a gradual manner, like wine taking, because a sudden prohibition, in this case, would have destabilized the economic system of the country.

¹¹ A fallen woman is reported to have earned the eternity of heaven because she has helped a dying dog to some water she obtained for it from a nearby well.

¹² A caliph is the elected political and the religious leader of the Muslim community after the Prophet. Four of them ruled before the Umayyads took the lead by force and made it hereditary. Historians suggested a fifth to be added to the first four though separated chronologically from them because of his extreme piety.

¹³ Here I have to divert from Pickthall's naming of the *surah* because he uses the singular form of the word whereas the title in Arabic is in the plural.

lying about any of Allah's messengers or prophets. A fabricated story about prophet David (Dawood) at the time made it necessary to be strict about this matter.

- c) Consensus: Upon being asked how to judge matters that has had no precedence in the holy book or his *sunnah*, the Prophet instructed his people to meet, discuss, and consult with each other and to ultimately go by the general consensus of the group. The procedure as an official religious legislative method was interrupted after the death of the fourth caliph. However, since the Prophet did not specify time for it, the implication is that it can be performed at all ages and may be resumed in modern and contemporary times as well.
- d) Consulting scientists in fields of their expertise is part of Islam's recommended actions for legislation. Since the objective is to secure human welfare and eliminate danger, threats and risks, the directive (of ask the learned if you do not know) implies that doctors, engineers, economists, chemists, physics experts, etc. ought to be trusted to provide the right advice for religious legislation. To this practice the permission to avail people of organ donation and test-tube babies is indebted.
- e) Contribution with personal insight and parallelism based on measuring new cases against similar old ones in Islamic legislation is an important practice in the process. The practice was approved by the Prophet when he dispatched one of his companions (Mu'ath bin Jabal) to rule in Yemen. He asked him "how do you think you will manage?" The man answered: "by falling back on the *Qur'an* first, if the answer is not present, I go to your *Sunnah*, and if an answer is not present I will use my personal judgment" (ibin Humal, 2001, Vol. 6, p. 321). The Prophet approved of the intended plan.

In short, Islam and its rules have covered the main parts of human life and left solid background and clear examples for new cases, events and situations to be dealt with and legislated for. It covered questions of faith, and worship; moral values and obligations; human behavior; familial, marital, and social relationships; inheritance, economy, and commercial dealings; health and nutrition laws; crimes and punishments. For its contribution to human legislation the Faith received a tribute by Harvard University that quotes an *ayah* (a verse) of the *Qur'an* at the entrance of its Faculty of Law: "O ye who believe! Be ye staunch in justice, witnesses for *Allah*, even though it be against yourselves or (your) parents or (your) kindred" (al-Nissa/Women, 135). The Prophet Muhammad is also honored by the Supreme Court of Justice as one of the Greatest Lawgivers of the World in 1935 (US Message Board, 2013).

IV. Shifts in Legislation and Relaxing Hold on Islam's Values

As early as the time following the demise of the fourth caliph, aspects of the political system started to divert from the truly Islamic path. The principle of people's approval and consensus in electing the Prophet's caliph was abandoned. Mu'aweya, the establisher of the Umayyad ruling house, took the lead by force and made the ruling system hereditary. So did the Abbasid ruling house after the downfall of the Umayyad. The principle of hereditary system survives till the present time in many parts of the Arab world which is not what we would call a truly Islamic way of electing a ruler.

However, more comprehensive changes have become obvious at the present time. Starting with the 20th century, most Arabic and Islamic countries abandoned Islamic legislation and started to adopt foreign systems. A separation of religious creeds and political systems became evident as

a result of such practice. Syria, Lebanon, Iraq, Algeria and Tunisia are obvious examples of this turn. Morocco, Egypt and Sudan retained Islamic legislation only in personal laws related to marriage, divorce and inheritance. Countries with more traditional ruling systems (like monarchies or smaller ruling houses of *emirs*, princes) remain more inclined towards Islamic legislation as a basis for their rule. The Gulf countries, Jordan and Yemen are some such countries. However, even these countries began of late to gradually shift into foreign systems. The Saudi system remains an exception in that it continues to rely heavily on Islamic legislation and to permit change in a much slower and less politically direct manner. Changes in this country are more cultural, social and intellectual than political.

The shift to foreign political systems in the Islamic and Arab world has its roots in political, economic, intellectual and religious forces that this paper will try to highlight.

A. The Political Factor

Despite the Umayyad's usurpation of power, the early Islamic Kingdom remained intact for almost five centuries with a caliph at its center and appointed rulers in its extended parts. As wealth poured in, caliphs departed from the spirit of Islam and procrastinated in luxury. Such indulgence weakened their hold on the kingdom and regional governors broke their loyalty and became politically independent. As many as fifty governors were discernible across the Arabian Peninsula, the adjacent northern parts and North Africa before the Tartar fighter Genghis Khan brought the Islamic kingdom down in 1205 AD.

The Ottoman Empire restored the unity of the Islamic world in 1299, extended its territories up to the Balkan lands, and continued to hold power till its downfall in 1923 by European forces. Europe's resistance, and curtailment, of the Ottoman expansion culminated in the European occupation of most parts of the Arab and Islamic world with the exception of the central and western parts of the Arabian Peninsula. The first was too dry of a desert then to be worthy of attention and the second was the holy places of the Islamic World which Europe had no interest to impinge on.

Such colonization was one of the biggest causes for the departure from Islamic legislation. The colonizing powers introduced their own systems of economy, trade, politics, and the military into the occupied countries. They generally allowed religious freedom and kept personal laws in marriage, divorce and inheritance to go on in the Islamic fashion. The subjugated nations gradually became accustomed to Western values and ruling methods. After the driving away, or the voluntary departure, of the colonizing forces, most of the Islamic countries continued to abide by the colonizer's laws and to acquiesce to the separation between religious practice and the politics.

The reliance on Islamic law in Saudi Arabia prolongs mainly because the country has never experienced foreign occupation.¹⁴ Yet despite such a hold, purity is hard to maintain in a rapidly evolving world. Change occurs in this instance more on the intellectual, cultural and economic levels than the legislative one.

B. The Economic Factor

Due to the rapid development of architecture, economy, and finance, the Arab world in general and the gulf area in particular have recruited foreign labor forces on all levels. The numbers

¹⁴ Commitment to Islamic legislation is an essential part of the Saudi house's claim to political authority as a result of collaboration with the Wahabi movement of religious revival. The hold that the country retains on Islamic legislative matter is an extension of that covenant.

of expatriate workers have grown into a large proportion. The local governments were obliged to adopt international laws in dealing with such large work force in the region and abandon local habits. They had to honor contracts with countries lending hand in the development process to guarantee the rights of the imported work force in an internationally recognized context. These laws are not what the Islamic legislators have written down, though most of them are akin in essence to Islamic values. Medical coverage, limiting of work hours, granting holidays, and paying end of service rewards are newly introduced concepts in the work field, though they do not necessarily contradict the teachings of Islam.

A real type of departure from Islamic values with more serious moral consequences occurs on family levels. Due to the amount of wealth that oil has brought to the region, rich families have recruited external hands on the domestic level. Their number in cases of wealthy households was alarmingly big. This phenomenon has negatively affected family life, children upbringing, and local values as well. The end result of such domestic merging with foreign hands is that the rich became less strictly adhesive to Islamic way of life than the poor in such countries because they could afford such services. They also often travelled abroad for leisure and were more exposed to foreign ways than the poor.

C. The Intellectual Factor

Sending young people abroad for education was one reason for departure from the traditional way of life that has its roots in Islamic teachings. Opening branches of foreign universities in the region like the American University in Egypt, Lebanon and of late in the Emirates has become another cultural factor that brought Western influence within its boundaries. Educated abroad or in foreign universities at home, the young started to adopt Western patterns of behavior like dressing in Western costumes, reversing traditional hair length between boys and girls (with boys growing hair to the shoulders and girls having crew cut), eating in fast food restaurants, using English more than Arabic, paying less heed to religious rituals and so on and so forth. These groups were first reprimanded by the strictly religious sects. Then due to the frequency of what was initially considered a violation and due to the conflicts and confrontations that ensued, the sect dropped the practice. They even became accustomed to the sight of family gatherings in restaurants replacing the old scene of finding only men enjoying such places.

D. The Religious Factor

Although it sounds paradoxical that religion would distract from religious legislation, the intended meaning here is to illustrate how abuse of religious license or limited comprehension of Islamic principles have negatively affected maximum benefits of Islamic legislation. This limitation is observable on several levels.

- a) The eagerness of the religious men to contribute to the ever evolving legislative process of Islam has created different views and several sects across the ages. The disciples of each *imam* (a leading religious thinker) were enthusiastic to the degree of blind prejudice against other legislative groups and ideas. Instead of multiplicity and flexibility in application that such variety was supposed to lend the process, it created dissent. Governments were at loss whom to follow. The safest way out in many cases were acts of borrowing from foreign legislative systems.

- b) Absence of documentation of a large portion of the Prophet's *sunnah* and of the contribution of his caliphs and of early religious thinkers (who were closer to the spirit of Islam than subsequent generations of thinkers) was one more reason for shifts in application of Islamic legislation. Had such contributions been collected and inscribed, they would have made a useful body of Islamic legislation enough to guide in application and to facilitate further acts of law making across the ages.
- c) The interference of hereditary systems of ruling especially of primogeniture has impeded the legislative process. Unelected and unqualified rulers (especially young heirs) were not capable of hosting religious thinkers and generating legislation dialogues. Such atmosphere has isolated the process from the political orders that ran Islamic countries.
- d) The religious thinkers responsible for legislation were unable to keep up with the rapid developments in trade, science, industry and education coming from abroad or to determine whether to accept and issue rules towards adopting them or to reject them altogether.
- e) Religious thinkers found it sometimes difficult to agree on significant issues related to the Muslim nation's welfare and they remained divided among themselves over them. This has opened up a large gap in the face of having a whole and solid body of Islamic legislative matter. Many governments went to authorize different sectors in their administrative body to devise rules of their own or to adopt foreign laws when necessary. The conditions of purging imported rules of forbidden turns that Islamic legislation does not approve of were not strictly adhered to in many cases. Not all borrowed matters proved necessarily congenial to Islam's teachings
- f) A mixing of Islamic values with traditional and tribal social systems has put off many of the moderate and enlightened Muslims from complying with the strict outcome of such merging.

V. Concluding Remarks

This paper has attempted to explain Islam to the non-Muslims by telling the story of Islam with the Muslims. It sheds light on Islam as a civilizing force in the life of the ancient Arabs and moves to explain why Muslims have relaxed their hold on the Faith despite its major contribution to their cultural evolution and growth. In order to trace Islam's influence, the study provides a historical background that portrays the life of the Arabs before the Faith's advent. Such backdrop enables the study to explain how Islam's teachings have transfigured the Arabs' nomadic life style into a civilized order of life on both the spiritual and the practical levels. It purged their religious habits of paganism and directed them to monotheism. It delineated a path to moral propriety and good human relationships on both family and public levels. It legislated on economic, political, judicial and health matters. It suggested means to democracy and to a continuation of its legislative processes to suit evolving human needs across the ages. The study then moves to investigate the reasons behind the Muslim's relaxed hold on Islam. The findings point in the direction of a complex process of internal political corruption and foreign colonization of the Arab world in addition to the inefficiency of the Islamic religious thinkers in dealing with both.

The study has relied on Arabic sources to develop the topic and has as such managed to bring the content of such sources into the sphere of Western scholarship. The accessed sources are both historical and legislative. While the two sides of history and legislation remain separate in Arabic

scholarship, the study links them together in this paper. The historic perspective highlights Islam's influence and the legislative sources indicate its genuine nature and comprehensive coverage of human life. The study, in conclusion, makes claim for Islam as a system fit for application at the present time despite Muslim's relaxed hold on it.

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