

Questions from America
by the Grand Mufti of Egypt, Shaykh Ali Gomaa

ARTICLE I

I have received six questions from several individuals working for the Common Ground News Service that, being unlike what preoccupies our fellow Egyptian journalists with their attempts to construe religious questions in terms of controversial issues for the dailies and absent that characteristic whereby a writer does not care to read about or study his subject-matter, have made me remember again and again – as a consolation to my heart and the hearts of Muslims – that: “There is no power nor strength save in God” and “Verily, to God we belong and unto Him we return.”

For these were not questions dealing with the permissibility for women to pluck the eyebrow or the ruling concerning statues in Islamic law; they dealt rather with the following questions, which we will attempt to clarify to the best of our ability – relying on God – in this present article and in forthcoming articles:

1. What are the most misunderstood Islamic principles that cause alarm to the international community today?
2. Is there room for greater cooperation between Islamic scholars and experts on the one hand, and imams and other religious leaders in Muslim societies on the other?
3. How can *ijtihad* (or ongoing reevaluation in accordance with the principles of Islamic juristic reasoning) by religious leaders and academics help shift public opinion toward the real tradition of Islam and toward better relations between East and West?
4. To what extent can Muslim scholars in the West contribute to a better understanding of Islam’s principles all-round, especially Islamic sacred law or *shari’ah*?
5. What lessons can Muslims learn from the challenges faced by scholars and experts in other religions such as Judaism, Hinduism and Christianity?
6. What role can individual *ijtihad* play in people’s lives without altering its specialized qualifications?

Reading these questions, I feel as though I am before an intellect that thinks like the early Muslims used to, and as did Muslims throughout history prior to the chaos of this modern period in which people neither read nor reflect. I feel I am before an intellect resembling the one in the texts, marginal notes and commentaries of the traditional sciences taught at the University of al-Azhar; an intellect that does not stop short at particulars but considers the principles

involved, that does not turn questions into disputations, that looks to the future, accepts the Other and their culture, and attempts to transcend both past and present. It is precisely this intellect that has been especially stifled since the arrival of journalism no matter what its coloring: the yellow and the black, the clever and the idiotic, all these modern colors which crowd the space beneath various headlines. Again I remind myself: "Verily, to God we belong and unto Him we return" and "God will enrich us out of His bounties, He and His Messenger."

I struggled with my pen -- should I respond to those Egyptian journalists or lay the groundwork for answers to these questions from America, in the hope that they will reach the other side of the ocean and benefit the people there, helping to cultivate the earth and contribute to human thought. Perhaps they will be a brick in the project of building a bridge between East and West. And perhaps I will pray for the guidance of our Egyptian brethren, for the illumination of the eyes of their hearts, and for their health and prosperity, in particular considering that a large number of them are now octogenarians. Let me pray then: Our Lord, illuminate the eyes of their hearts. We beseech thee and pray to thee, O Sovereign Good, in the words of Thy Chosen Prophet 'Our Lord, guide my people for they are without knowledge."

In response to question one, regarding the fundamental principles of Islam that have been most seriously misunderstood thereby causing alarm over international peace and cooperation, I would like to mention four such principles.

First, the **absoluteness of the Qur'an**. The Qur'an, according to Muslims, is a Book revealed by God Most High to His Prophet. God preserved its letters and words from corruption, and it remains in the same form in which it was revealed and in its totality. Muslims cannot change a single letter of it or the position of a word, nor substitute a word, nor strike out a word from it. They cannot object to anything in it without exception. For them, it is valid for every time and place, for all conditions and for all humanity. Because of this, Muslims believe that it is always applicable. Now the Qur'an is not a book of abstractions but contains rather two types of text: one whose meaning is unquestionable, and one whose meaning is probabilistic. The *unquestionable* text is that in which no two people differ, as dictated by the rules of the Arabic language that have been transmitted to us and upon which there is agreement. Concerning these, we do not find any disagreement about their meaning between Muslims of the East and West, or between those of earlier and later times. The verses whose meaning is *probabilistic*, however, have led to a variety of understandings based on various linguistic usages. They have resulted in numerous schools of Islamic thought including theological and juridical schools. This is an area suitable for *ijtihad*,

constituting as it were the branches of knowledge, whereas its principles are represented by the *unquestionable* text. All this applies in the context of the belief and creed, *shari'ah*, or ethics.

Such a Holy Book is not in the experience of the West. Instead, we see that it is the purview of the eminent Church Doctors to correct what scholarly and other evidence suggest to them is wrong in their Book by modifying the text, deleting words, or changing their position. They have no objection to doing so and consider it permissible as long as it takes place officially and under the auspices of the proper authority for making such changes, corrections, and improvements. Muslims cannot imagine something like this happening to their Book and no Muslim, whoever they are, has the authority to change a single letter in this Book which has been transmitted down to us in every way – in written form and orally – in a single tongue, namely Arabic.

If other Books in other religions, however, are treated similarly to what one finds in the West, it is as a result of the loss of the original copies of the books in their original language. Indeed, changes may also occur in translations of the Qur'an also, in which case it is acceptable to object to errors there as well, and seek to correct them or change them – but always with reference to the Arabic text. The existence of a Holy Book with an unaltered text, in the original Arabic in this case, is a fact that many in the world fail to understand. Some have even searched in various works, taking a word from here or there in an attempt to establish the occurrence of a change in the Noble Qur'an. The existence of these apocrypha, however, in books of history, or law, or in narrations is itself a testament to the truth of Muslim belief concerning the Qur'an since these have not affected the text of the Qur'an whatsoever. We find but one text throughout the centuries, unaltered by human shortcomings or mistakes in recitation. So the absoluteness of the Qur'an is the most important principle that has been severely misunderstood, thereby causing alarm in the international community which perhaps views its non-changeability less favourably than do Muslims, who take pride in this very fact and find comfort in it.

ARTICLE II

The second misunderstood principle I want to mention relates to the **universality of the message**, and refers to the fact that Islam came as a universal call to the people of all times and places. This is not the case for many other religions, at least not for the majority of them, although Christianity, after the Apostle Paul, did gain this characteristic. Indeed, the prophets of old were only sent to their own people until the Beloved [of God], Muhammad – may God send His Blessings and Peace upon him and his family – was sent to all of mankind. God

Most High says: “We have not sent thee but as a universal (Messenger) to men, giving them glad tidings, and warning them (against sin), but most men understand not. (34:28)” And He said: “We sent thee not save as a mercy for the worlds. (21:107)”

This principle has given birth to a number of concepts including the concept of an Islamic Community (*ummah*) consisting of the community of Believers who believe in the Qur’an and its Prophet, and who follow him; and the community of the Called which includes all of mankind even those as yet unborn. This understanding creates in the Muslim a sense of brotherhood with his fellow man. See the example of Ali, the Prophet’s cousin and son-in-law and the fourth caliph -- -- may God be pleased with him -- when he wrote to Malik bin al-Ashtar whom he had appointed over Egypt:

“Do not behave towards them as if you are a voracious and ravenous beast and as if your success lies in devouring them. Remember, Malik, that amongst your subjects there are two kinds of people: those who have the same religion as you have -- they are brothers to you -- and those who have religions other than yours, and they are human beings like you. Men of either category suffer from the same weaknesses and disabilities that human beings are inclined to: they commit sins, indulge in vices either intentionally, or foolishly and unintentionally, without realizing the enormity of their deeds. Let your mercy and compassion come to their rescue and help in the same way and to the same extent that you expect Allah (God) to show mercy and forgiveness to you.”

The Muslim also understands from the concept of the Community that humanity from the first of creation constitutes One Community. “And, verily, this Community of yours is one single Community, since I am the Sustainer of you all: remain, then, conscious of Me! (23:52)”. Because of this, Muslims accept pluralism, even if some may view non-Muslims as being mistaken. The judgment of this error, however, is for God to make on the Day of Resurrection. The Muslim cooperates and coexists in this worldly life with the people around him, and the history of Islam testifies to the truth of this. Muslims never exterminated peoples or compelled them to enter Islam by force. All religions had a place within the bosom of Islam from Hinduism to Zoroastrianism, to Christianity, to Judaism, and others. Many people are nevertheless too obstinate to accept this fact and would deny it, but it is a fact as obvious as the sun and requires no proof – *res ipsa loquitur*.

Implicitly understood in this principle of the Universality of the Message is the preservation of the Book from corruption, as described earlier as well as the finality of the Message. Indeed, our master Muhammad is the Messenger of God, the Seal of prophecy, after whom there is no prophet.

The universality of the message also entails the necessity for the Muslim to explain his Islam to people and to manifest its reality. This is not a reference to the kind of activity associated with Christian missionaries: there is an immense difference between calling people to faith through manifesting it, and missionary activity based on stratagems connected with educational programs, healthcare, and so on.

A third fundamental principle of Islam that has been misunderstood globally is that of **jihad**. Jihad, according to Muslims, is a significant and compound term, as well as a comprehensive concept that cannot be reduced to the act of fighting alone, as the instigators of conflict would have it. God Most High has said: "And strive [carry out jihad] for God with the endeavour which is His right. He hath chosen you and hath not laid upon you in religion any hardship; the faith of your father Abraham (is yours). He hath named you 'Muslims' [those who submit to Him] of old time and in this (Scripture), that the messenger may be a witness against you, and that ye may be witnesses against mankind. (22:78)." And He Most Glorious has said: "As for those who strive in Us, We surely guide them to Our paths, and lo! God is with the good." (29:69) The Messenger of God, Muhammad, has said: "Thou went forth and well thou did; thou hast gone forth from the lesser jihad to the greater jihad, the jihad of a servant against his passions" - in another narration "...the jihad of the heart."

In other words, jihad is the exertion of effort to attain everything that pleases God whether this be a virtue or a deed, and to prevent everything that incurs His Wrath. The jihad of physical combat is but one form of jihad and does not signify the totality of the meaning of jihad. Even the type of jihad involving physical combat has certain criteria as it has been enjoined in Islam. God Most High has said: "Fight [qatilu] in the way of God against those who fight against you, but begin not hostilities. Lo! God loveth not aggressors." (2:190) The purpose of jihad therefore is to come to the relief of the oppressed and repel aggression. God Most High has said: "Permission to fight is given unto those who fight because they have been wronged; and God is Able to give them victory. Those who have been driven from their homes unjustly, for no cause other than for their saying: Our Lord is God." (22:39-40)

Nevertheless, we find fanaticism and intentional disregard towards the reality of this primordial religion of Islam, as well as an insistence on making of it a partner for fighting and a *casus belli*. This has led to a great deal of confusion concerning the proper understanding of jihad. Islam, it is said, was spread by the sword and summons men to war and violence. In order to refute this false notion, it suffices to mention what unbiased Westerners have written. Thomas Carlyle in his book, *On Heroes and Hero Worship*, calls the accusation that our Prophet Muhammad relied upon the sword to convince people to accept his

message as sheer stupidity and nonsense; it is contrary to reason that a man would draw his sword to kill people and that these same people would accept his message. If people believed in Muhammad, they obviously did so willingly and freely. Those who believed in him exposed themselves to outside attack before they were even capable of fighting back.

The French historian Gustave Le Bon in his book *La civilisation des Arabes* (1884) wrote, when discussing the secret to Islam's spread in the time of the Prophet and in the time of the conquests after him:

Far from being imposed by force, the Qur'an was spread only by persuasion. It is obvious that persuasion alone could bring the peoples who conquered the Arabs later, like the Turks and the Mongols, to adopt it. In India, where the Arabs only passed through, the Qur'an spread so far that it counts today more than fifty million adherents... The spread of the Qur'an in China was not less considerable...though the Arabs never conquered the least piece of the Celestial Empire...

And may God to inspire us with what is correct and truly guided.

ARTICLE III

A fourth Islamic principle that has been greatly misunderstood is its position regarding the **status of women**. There are two groups of issues related to this question. One group consists of those issues whose explanation below should be readily understandable by the West, whereas the other group consists of those issues that continue to represent a challenge to Western thinking. Perhaps we can deal with the latter group as a response to the fourth question from America, which was: to what degree can Muslim scholars living in the West play a part in better explaining the principles of Islam especially with regard to the *shari'ah*.

As for the first group, it includes the unequal distribution of inheritance as an indication of Muslim bias against women, the question of divorce, and the question of polygamy. It is clear that the perception of a bias against women in matters of inheritance is based on the understanding that a certain juristic rule applies generally, whereas it is only related to specific cases. We are speaking here of the rule that the male has the share of two females, and it derives from His Words - Most High is He: "God chargeth you concerning (the provision for) your children: to the male the equivalent of the portion of two females¹ (4:11)."

Without wishing to over-burden the reader with complex rules of dividing up an inheritance, suffice it to say that this particular rule applies to only *four* specific cases within the Islamic system of inheritance, which is a comprehensive one.

There are other cases in which a woman receives as much as a man, and yet others where a woman receives more than a man. There are still other cases in which women inherit but men do not. Examining the totality of these cases, which makes a comprehensive system as such as already mentioned, we find that there are more than 10 cases in which a woman's inheritance is equal to a man's. There are more than 14 cases in which a woman inherits more than a man and there are 5 cases in which a woman inherits whereas a man does not. On the other hand, there are only 4 cases in which a man inherits twice the portion of a woman.

This system of inheritance is intertwined with other arrangements such as the obligation of adequately supporting the wife in every respect which is something mandated by Islam on men. It is also intertwined with fact that women are not only financially independent, but there is no obligation upon their wealth in the same way that men are obliged. This should dispel any lingering doubts in the minds of Westerners concerning the supposed bias of Islam in this regard.

As for divorce, the West has come to accept divorce in its own society and so no longer protests against Islam on account of it, especially given the permissibility of a woman to divorce a man if he fails to meet a precondition laid down in the marriage contract. Likewise, the case of polygamy should not be a point of contention particularly since Islam neither introduces it nor makes it obligatory but only permissible, and then only under certain conditions, and because it exists in other religions also, particularly Judaism, being mentioned in the Holy Books of the Old Testament - all of which means there is no reason for it to conflict with the Western mindset.

There are other issues related to this group but here is not the proper place for elaborating upon them.

The second group of issues includes: the head-cover for women, the intermingling of the sexes, the permissibility of physically disciplining a woman, and so on.

At the beginning of the twentieth century, Shaykh 'Abd al-Rahman Ilaysh expressed the view that there could be an interpretation of the law specifically for Muslim minorities, and that Western Muslim scholars could constitute a new school of thought, in parallel with their Eastern counterparts, that would perhaps seem foreign to Eastern scholars.

This developed later into what has come to be called the Jurisprudence of Minorities. We have seen some worthy attempts at dealing with it in Fathi Othman's book in the English language, *Understandings of the Qur'an*, and in his

writings on the jurisprudence of minorities; also, Taha Jabir al 'Alwani in his numerous scholarly works on understanding the Noble Qur'an and in his book on the question of apostasy; as well as 'Abd al-Hamid Abu Sulayman in his book on the exegesis of the verses of the Qur'an that mention the physical disciplining of a woman. All of the aforementioned are contemporary authors.

This endeavor found a firm basis in the writings of Martin Lings, René Guénon and Frithjof Schuon-- all Western Muslims -- among others of the same school, as well as in the efforts of Muhammad Asad in his two lengthy books *Islam at the Crossroads* and *The Road to Mecca*, and in his attempts to translate the meanings of the Noble Qur'an into English as well as his commentaries upon it.

We should add here the labors of Dr. Jeffrey Lang in his books *Struggling to Surrender: Some Impressions of an American Convert to Islam* and *Even Angels Ask* both of which have been translated into Arabic by Dr. Mundhir al-'Abasi and published by Dar al-Fikr, Damascus. In the first book, he brings to the fore a large collection of impressions, discussions, questions, and difficulties on this subject and then proceeds to discuss them the way in which we ought to discuss questions of this nature - that is, by using a scholarly methodology and without rejecting sources, combined with a profound and thorough review of the problem, the consequences and difficulties of each solution, and other possible proposals, all of which should be indicative of the utmost effort of *ijtihad* and not simply uninformed objections.

We have not seen an effort equal to these examples in terms of degree of reflection and discussion since. I propose the convening of a conference that gathers the entire spectrum of Western Muslim scholars such as Nuh Keller, 'Abd al-Hakim Winter, Khalid Blankenship, Hamza Yusuf and Seyyed Hossein Nasr, along with those mentioned earlier, and that has an agenda that is broad enough for these kinds of issues, and perhaps others. The purpose of it would be to study these issues and clarify the various perspectives on them without it being necessary to reach a consensus since the reality is such that it demands multiple viewpoints.

Thus in the previous three articles, I have outlined four Islamic principles that alarm the international community as a result of their not being properly understood. I have also addressed the question of how scholars in the West can contribute to a better understanding of Islamic law, or shari'ah. Four questions remain, which I will attempt to answer in the next two articles.

ARTICLE IV

The second and third questions were: “Is there room for greater cooperation between Islamic scholars and experts, on the one hand, and imams and other religious leaders in Muslim societies?” and “How can *ijtihad*, or ongoing re-evaluation in accordance with the principles of Islamic juristic reasoning, by religious leaders and academics help shift public opinion toward the real tradition of Islam and toward better relations between East and West?”

The response to the second question is represented by the concept of juridical and research councils or academies, of which the most profound and oldest endeavor is perhaps the Islamic Research Academy of the eminent University of al-Azhar in Cairo. It began its activities in the early sixties of the 20th century. It gathers together 50 members of which some 30 are Egyptian and 20 are from all over the Muslim world. It also comprises various areas of expertise be it in the medical sciences, astronomy, engineering, and such or in various fields such as law, politics, economics and the like. In addition, there are a group of intellectuals, jurists, and scholars well-versed in the various specialized disciplines of the *shari'ah* such as hermeneutics, *hadith* (sayings and traditions of the Prophet), doctrine, and so forth.

We note that it was named the Research Academy and not the Jurisprudence Academy to make clear that it would cover all the concerns of the Muslim Community including contemporary issues, whether these concerns be in the area of jurisprudence, legislation, politics or human society; whether they be for establishing positions necessary for the Muslims to unite around in the face of change; or for the investigation of various opinions and ideas or to establish the proper framework for the review of these opinions and ideas; and for whatever else the term “research” would apply more than the term “jurisprudence.”

The Academy also brings together a group of highly experienced people who are called upon to help in examining whatever it is the Academy requires pertaining to scholarly questions in narrow areas of specialization so that the members of the Academy may understand the nature of the challenge posed by this specialized area; and also in order that the members grasp the depth of the issue of concern, its relation to other issues, the consequences following from the choice of a particular opinion or stance vis-à-vis the issue being researched, as well as the degree to which the ultimate aims of the *shari'ah* are realized in this area. It also brings together researchers in numerous specialties and specialized committees formed of various members branched out to research different questions which need to be studied.

Another endeavour that has proven successful is that of the Supreme Council for Islamic Affairs under the Ministry of Endowments of Egypt which began its activities in the early sixties of the twentieth century. It forms numerous

committees to deal with matters such as basic Islamic instruction, Islamic thought and propagation, and other matters. Every one of these committees comprises a large group of specialists in the diverse fields of not only the *shari'ah* sciences but many other sciences as well, if not all of them. The Council produces research which it publishes in Arabic, printing in large numbers so it represents a distinctive religious address to religious leaders, preachers, and the public in general. It also issues a monthly journal, translated into English, French, German, and many African and Asian languages, that acts as its mouthpiece and is responsible for communicating the results of its work to those who benefit from it across the globe.

Similarly, another successful endeavour is that of the Islamic Fiqh Academy of the Organization of the Islamic Conference which is based in Jeddah. It was established in the year 1980 and in a quarter of a century has produced much solid work on contemporary questions of jurisprudence. It also includes various specialists from around the Muslim world, having its own group of experts and researchers. The Academy convenes its sessions biennially in a Muslim country and its members choose a number of subjects to study and conduct necessary research on, publishing this in its journal which now spans over forty volumes. It also publishes the discussions that ensue around these studies and this is a unique step in the endeavour to unify juridical opinion across the Muslim world, which is something many people feel strongly about.

The Islamic Jurisprudence Council of the World Muslim League in the blessed city of Mecca is another successful effort. It gathers together scholars from the entire Muslim world, aided by specialists in every field as well as researchers dedicated to the collection of scholarly materials. It releases its opinions and *fatwas* every year in the form of decisions and recommendations concerning issues it has studied.

Yet another notable effort has been the International Union for Muslim Scholars and the European Council for Fatwa and Research, which published the seventh edition of its semi-annual journal in July 2005 (the eighth may be published but has not yet reached me). This journal has dealt with many important issues and has offered noteworthy opinions and solutions.

All of these efforts indicate that there has been a qualitative shift in Islamic jurisprudence and thought in our present age which underscores the fact that greater room for cooperation between Islamic scholars and experts on the one hand, and imams and other religious leaders in Muslim societies on the other hand, has indeed been realized. There is always the potential that the benefit of this will increase and expand geographically and qualitatively and that there can be even more interaction.

The third question asks: “How can *ijtihad*, or ongoing re-evaluation in accordance with the principles of Islamic juristic reasoning, by religious leaders and academics help shift public opinion toward the real tradition of Islam and toward better relations between East and West?” These are achieved in my opinion by:

1. Emphasizing the concept of an authoritative religious body and stressing the fact that religion is akin to a science and not a public field of activity. In this sense, it is like the science of medicine. This is because religion has its own sources of knowledge and its own means of investigation. It has its own questions and its own scholarly methodologies. Furthermore, it has its own schools of thought on the implementation of all of this. These are characteristics of a science. Religion is not a field of activity such as the arts, sports, or partisan politics, all of which allow for the participation of the public and allows for the expression of opinions, thoughts, or “brainstorming”. To treat religion as if it were a field of activity is detrimental to religion itself and creates a barrier both to arriving at that desired exchange of ideas and experiences and to inculcating a scholarly attitude in people that might lead them to be convinced of our words.
2. Presenting things in the best possible manner and adapting the language of communication to achieve a widespread culture of understanding around those decisions that have been reached. This can be accomplished only by defining the concepts denoted by a given terminology and then spreading the terminology used for those concepts via media that is well-informed and understands the significance of these issues.
3. Continuing in the interaction and exchange that will allow us to achieve our goals.

Two questions remain of those presented to me: on the lessons Muslims can learn from the challenges experienced by other religions, and on the role and scope of individual *ijtihad*. We shall answer these in the fifth and final article.

ARTICLE V

The fifth of the questions of the Americans is: “What lessons can Muslims learn from the challenges faced by scholars and experts in other religions such as Judaism, Hinduism and Christianity?” and the sixth is: “What role can

individual *ijtihad* play in people's lives while maintaining its individual characterization?"

As a response to the fifth question, we say: there is potential for us to benefit from those religions and there is no objection to doing so. This would require certain things including: studying these challenges and the means of facing them; adopting those solutions which conform to the doctrines of Islam as well as to local and national circumstances; and benefiting from certain other solutions after adapting them. The most important thing, though, is studying these challenges in a wide-ranging, profound and scholarly manner, which is what the University of al-Azhar is engaged in today.

I believe our knowledge in this regard is still poor. Acquainting ourselves with other religions, especially those of non-Middle Eastern origin, remains elusive. There is in fact but a single study in the Arabic language on Buddhism. There is not even an Arabic translation of the Hindu Vedas or of the *Encyclopaedia of Religion and Ethics* which was printed in English in 1912.

This is doubtless urgently needed today following the unprecedented manner in which the world has opened up to become like a single village. There is a certain prevalent attitude that might have been suitable and correct in the past, which is that there is no need for a Muslim to be informed of that mass of religious doctrines that apparently contradicts Islam, but it has now become a present-day obligation not only in order to defend Islam itself but to be able to better act on its message. And for every moment there is a duty.

In response to the sixth and last question, the one that inquires about the efficacy of individual *ijtihad* in the survival of Muslims in the world today and in maintaining their interactions with the world in a way that preserves their identity and distinctiveness, we say that this individual *ijtihad* would be contingent on the existence of certain factors:

1. **The freedom of belief that is permitted Muslims who live in the West.**

This was not afforded to them in the past, when religious sectarianism prevented the existence of religious and cultural pluralism. War then occurred in the form of forced emigration and the extermination of peoples for the sake of religious homogeneity; we all know that what happened in Andalusia (Islamic Spain) after it fell to the Catholic kings is an example of this though we do not stop to ponder about it much today. The freedom of belief afforded to Muslims in the West today is a reality that escapes the notice of many Muslims and it is necessary to make it clear for them and fix it in their minds because it is one of the peculiarities of secularism which must be acknowledged. While religious people,

Muslim and non-Muslim alike, rightly reject the suppositions of secularism, it must be admitted that it has succeeded in establishing a pluralism that has allowed Muslims to spread across the world and enjoy essential freedoms sometimes not afforded them at home. Many Muslims refuse to concede this, since their religion, for its part, already acknowledges others and has accepted confessional and intellectual pluralism throughout its history and lands. Their experiment in pluralism arrived at the same results without having to defy religion and confine it to the sphere of personal belief. This, however, belongs to the realm of historical experience whereas the reality we live in is as we mentioned.

2. **The second issue is that of lawfulness**, by which we mean that Muslims living in a non-Muslim society must abide by its laws in their conduct and behaviour and they must not oppose the generally prevailing order or customary manners. They must not wilfully violate its laws or deviate from the order. If they have need for distinct treatment for example because of unique issues related to personal affairs, or concerning life and death, eating and drinking, burial and other things required by their *shari'ah* but conflicting with the law of the land, then the early jurists formulated a way for an agreement with the governing authority - or what we call a protocol in contemporary times - allowing Muslims to establish their rites and maintain their distinctiveness without opposing laws or the prevalent order. Muslims have exercised this option often, succeeding most of the time, which permits us to be optimistic about its possibility in the future.

Abiding by the law while dealing with the facts of life sometimes requires ingenuity in finding new ways or ideas appropriate to the milieu, for as they say, "between yes and no there are many degrees". A good example of this is the experience of Muslims living in present-day India and their system of independent adjudication for cases involving themselves. They are permitted to plead intra-communal cases before an internal court as long as both litigants agree to it. However, if the litigants oppose and contest each other's rights such that one of the parties does not accept to argue before a *shari'ah* court, preferring to plead its case before a civil court instead, or if one party rejects the ruling of the *shari'ah* court after it is issued, then the ruling becomes non-binding, and the case can be taken to a civil court. Chief Justice Shaykh Mujahid al-Islam Qasimi - may God have mercy on his soul - informed me in 1994 that there had not been a single instance of one of the litigants rejecting the *shari'ah* court since 1936, when this system was first put in place. Arrangements similar to this, in which there is a parallel judiciary, draw their effectuality and legal

obligation from the larger community and the fact of its falling under the authority and legitimacy of the state.

3. **Existence of an authoritative religious body.** This is realized only when Muslims possess a scholarly authority that has their confidence, to whom they refer, and whose judgments they adhere to and accept. The responsibility for this falls *a priori* on Muslims but it must be acknowledged by non-Muslims who need to understand its extreme importance with respect to the issues of the participation of Muslims in society and their assimilation; it is nothing like what some of them believe in imagining that an Islamic authority is something to be feared and will reduce their security and stability. Indeed, our great jurists have left behind for us nearly twenty thousand juridical principles that represent a broad and flexible array of thought capable of fully comprehending every variable. It possesses a moral dimension which we feel no one in the world would reject, given that it calls for mercy and for kindness amongst neighbours, for cooperation, for transparency, and for many other qualities which we do not feel the humanity of our times would reject.

These, then, are the questions we received from the Americans. We hope that students and specialists in our university, as well as those concerned with general intellectual matters, will take note of the effort behind these questions, how they came to be issued only after extensive information-gathering and study that could fill shelves and after the kind of organized thought that draws connections between various facts and which does not busy itself with the illusions, trifles and pettiness that upend the edifice of knowledge. Indeed, answering these questions from America has given me reason to be both glad and concerned – concerned at the responsibility upon our collective shoulders.

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