

Music and Islamic Law

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Abstract

What does *mūsīqā* mean in the context of Islamic culture and what fields does music in the English sense cover in this culture? Historical examples are given along with the views of muslim jurists, both Sunni and Shi'ite, about music. Different types of specifically religious music are discussed from Qur'ānic chanting to *nawha-khānī* and the *fatwā* of Ayatollah Khomeini and its historical importance mentioned. The essay then turns to *samā'* and its widespread presence in the islamic world. Different types of music prevalent among muslims are then considered from music for weddings to music associated with different professions to military and music along with their legal aspect. Also both classical and folk music are studied in light of their status in Islamic society. The views of a major Persian religious scholar who was also a master musician, Master *Ilāhī* are summarized and the significance of the *fatwā* of Ayatollah Khomeini for the life of music in present day Iran and to some extent elsewhere brought out.

Keywords: The technical Arabic term *mūsīqā*, Qur'ānic chanting, *adhān*, *rawda-khānī*, *nawha-khānī*, Ayatollah Khomeini and his *fatwā*, *samā'*, classical music, folk music, Master *Ilāhī*, Ayatollah Khomeini and classical Persian music

Introduction

Few issues have caused as many diverse and opposing views as the question of the permissibility or illegitimacy of music from the point of view of Islamic Law and among devout Muslims. Is music *ḥalāl* (permissible) or *ḥarām* (forbidden)? And when we say music what kind of music are we speaking about? Such questions have occupied the minds of numerous jurists (*fuqahā*'), both Sunni and Shi'ite, not to speak of philosophers and Sufis, over the ages. Muslim authorities have provided a whole spectrum of responses to such questions and this diversity is due to a large extent to the fact that there is no explicit reference in the Qur'ān concerning the licit or illicit nature of music; nor is there a definitive edict for or against the playing or hearing of music in the *Ḥadīth*. That is why, "Few subjects have been debated or have raised as many contradicting emotions and opinions as the statute (*ḥukm*) of music vis-à-vis religious law and at the heart of Islamic society." To deal with this complex issue, it is necessary to clarify first of all what we mean by the term music when used in the Islamic context although it is hardly possible to define such a universal term as music in English. The term closest to music in Arabic is *mūsīqā* (*mūsīqī* in Persian), both derived from the same Greek word. *Mūsīqā* and *mūsīqī*, however, do not cover the same field of meaning in Arabic or Persian as does music in English. What would be called music in English, as far as the Islamic world is concerned, would not always be called *mūsīqā*. For example, the chanting of the Qur'ān would be called music in English but not *mūsīqā* in Arabic. There are several terms in Arabic and Persian, besides *mūsīqā* and *mūsīqī*, which would be translated as music such as *qirā'at al-qur'ān*, according to the discipline of *tajwīd*, as well as *ghinā'*, *ṭarab*, *rāmishgarī* and *khanyāqarī*. Even the Muslim call to prayer (*al-adhān*) is sung and is musical although not called as such. The diversity of terminology used in the experience and production of sounds that would be called music in English is an important element to consider when discussing the relation of music to Islamic Law. A jurist might consider music sung by an Arab or Persian singer to be *ḥarām*, but

if someone sings the *adhān*, which is the usual practice in the Islamic world, that same jurist would not protest even if the notes of the music of the chanting of the *adhān* could be written down.

In this study we shall turn our attention to the whole phenomenon of what in English would be called music and not only *mūsīqā* or *mūsīqī* in Arabic and Persian. Only in this way will it become clear what kind of music is considered as *ḥalāl* or *ḥarām* according to different authorities and also the consensus (*ijmāʿ*) of the Islamic community and go beyond such often-heard simplistic statements that music is *ḥarām* in Islam or some other general statement which does not correspond to the reality of the status of music in Islamic civilization over the ages.

Diverse Views Concerning Music and Islamic Law

The diversity of views of Islamic authorities, jurists as well as philosophers and Sufis, resulted not only from their views concerning the nature of music, which of course before modern times was traditional music, but also from the effect of music upon the soul of the hearer which means considering also the nature of the soul of different types of human beings. Many from al-Fārābī to the Ikhwān al-Ṣafāʾ to al-Ghazzālī were favorable to the audition of music under the right spiritual conditions, while at the other end of the spectrum such jurists as Ibn Abī'l-Dunyā and Ibn al-Jawzī along with many Shīʿite jurists condemned music outright.

Those Muslim jurists, who were concerned only with the outward aspects of the religion, usually condemned music because they claimed that it led to the strengthening of the negative passions and base desires, what they usually called *al-laha wa'l-la'ib*. Other Muslim jurists who were also connected to the inner dimension of Islam, that is, Sufism and esoterism, did not condemn music outright and usually provided a more nuanced answer, defending the legitimacy of types of music that had a spiritual content and helped one to remember God. We can see an example of the former

in Ibn al-Jawzī and the latter in al-Ghazzālī. If it were otherwise, music would not continue to exist on a wide scale and many forms of music would not flourish in different Islamic countries.

As an example, one can cite the Ottoman Empire. The Ottomans were Ḥanafīs and Islamic Law was promulgated throughout their realm. The Shaykh al-Islam of the Ottoman world was one of the most powerful figures of the land and the Turks were pious people with strong faith. And yet, classical Turkish music, especially the music of the Mawlawiyyah Order, was not only allowed, but thrived throughout the land, forming the foundation of classical Turkish music. Similar situations can be seen elsewhere, but not everywhere. For example, when Wahhābism took over Arabia, the traditional schools of music were harmed and today if one wants to hear traditional Hijāzī music in Jeddah, one has to contact underground groups which have preserved the musical tradition outside of the view of the public during the past century since the Wahhābīs conquered Hijāz. Such a situation must not, however, be generalized. In most other Sunni countries there is a spectrum of views of jurists about the legal status of music. This fact itself creates a situation in which governments can permit music to be played on the radio and television as well as in concerts or private gatherings without any notable opposition from the *fuqahā'* or jurists. The question of what kind of music should be played and especially the introduction of anti-traditional and modern music from the West into the Islamic world is another question to which we shall turn later in this essay.

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The diversity of views of the *fuqahā'* is not confined to the Sunni world but embraces the Shī'ite world as well. From the Safavid period onward, when Persia became Twelve-Imam Shī'ite, many forms of music were developed in relation to the Shī'ite rites such as 'Āshūrā, commemorating the martyrdom of the third Shī'ite Imam, Ḥusayn ibn 'Alī—upon whom be peace. At the same time, however, the Shī'ite jurists were in general more strict in their legal

edicts concerning music in general than were their Sunni contemporaries. In this context the famous edict (*fatwā*) of Ayatollah Khomeini, to which we shall turn later, are of particular interest. While earlier he had expressed his views concerning the negative effects of music and forbidding it in most cases, after he became the supreme leader of Iran, he expressed a much more nuanced opinion. After the success of the Islamic Revolution in Iran in 1979, for some time there was no music in the ordinary sense (not including *adhān*, Qur'ānic recitation, etc.) on the Iranian radio or television, but such an interdiction was not practical and could not continue. And so, the head of National Iranian Radio and Television (*Jām-i jam*) among others wrote a letter to Ayatollah Khomeini asking for directions. His *fatwās* on this question are of significance both religiously and historically, coming from one of the most politically powerful '*ulamā*' in Islamic history. He made a distinction between traditional and classical music (with Persian music mostly in mind) and popular music that arouses the lower passions. He also allowed male singers to perform for everyone and female solo singers to perform only for female audiences but not banning two or more female voices singing together, nor banning men or women from playing musical instruments. The effect of these *fatwās* in a country ruled by a jurisprudent (*faqīh*) was immense. Classical Persian music was revived and the conservatory of music re-opened. Gradually more modern expressions of Persian music returned, but so did Western music including pop music which is now widespread in Iran.

Although Islamic philosophers and Sufis were not always also jurists, although some were, they did also express their views concerning the effect of music on the soul and what kind of music should be heard by those who seek God. Among philosophers who dealt with music and its spiritual, psychological and even physical effects one can mention al-Fārābī, the Ikhwān al-Ṣafā', Ibn Sīnā, Quṭb al-Dīn Shīrazī and Fayḍ Kāshānī and among the Sufis the two Ghazzālīs, Abū Ḥāmid and Aḥmad, Rūzbihān Baqlī and Rūmī. In later centuries fewer philosophers wrote about music, but Sufis

continued to be concerned with it both practically and intellectually, as well as in many cases legally.

Different Types of Music and Legal Views Concerning Them

There are many types of music in the Islamic world in the English sense of music and even *mūsīqā* in its Arabic connotation. The relation of the major views of Islamic Law concerning various forms of music in the Islamic World need to be treated at least as far as the most important forms and kinds of music are concerned.

1. Qur'ānic Recitation and Chanting

Muslims most often experience the Qur'ān through its recitation which is usually combined with beautiful chanting. Only the human voice is used in this art without any instrumental accompaniment, a situation similar to the singing of Gregorian Chant in the West during the Middle Ages and even later. In contrast to Christianity which later allowed instruments to accompany the human voice in its sacred music, however, Islam has remained faithful to this day to its teachings of restricting the chanting of the Qur'ān to the human voice exclusive of any instrumental accompaniment. To the Muslim ear the Qur'ān, when chanted by someone like the celebrated Egyptian *qārīs* 'Abd al-Basīṭ 'Abd al-Ṣamad and Shaykh al-Ḥuṣarī, is the purest and highest form of music although not called music in Arabic. Needless to say, the vast majority of jurists of the orthodox schools of Islam not only accept but also encourage the musical art of Qur'ānic chanting that is taught usually under the discipline of *tajwīd*, which has been able to preserve and continue the tradition of Qur'ānic chanting through all the centuries of Islamic history.

One should add that although the tradition of Qur'ānic chanting has been well preserved over the ages, since the last century some Egyptian *qārīs* submitted to some extent to the influence of European operatic style of singing. Strangely enough, however, such innovation (*bid'ah*) did not bring forth any appreciable

reaction by the *fuqahā'*. Fortunately from the traditional point of view such innovations have been until now marginal phenomena and have not affected the main tradition in an appreciable manner. The music of Qur'ānic chanting has, therefore, survived as a strong, living tradition, influencing directly or indirectly many other forms of music of the Islamic *ummah*. One needs only to recall that to this day many of the most notable singers of classical Arabic, Persian, Turkish and other schools of music of Muslims have begun their singing careers as Qur'ānic chanters. A major example is Iran's most famous contemporary traditional singer Muḥammad Riḍā Shajariyān.

2. Religious Songs such as *Madā'iḥ* and *Nu'ūt*

There are many forms of religious chanting in Islamic society including poems in praise of the Prophet and in the case of Shi'ism also of the Imams, works dealing with themes of Islamic sacred history, songs dealing with the lives of saints and even epic works that have a religious dimension. In the Sunni world one needs only to cite as examples *al-Ṣalāt al mashīshiyyah* by Ibn Mashīsh, that is usually chanted and is very popular in North Africa especially Morocco, and the *Burda* by al-Buṣṭī which is recited in its totality every Friday after the Congregational prayers in the mausoleum of al-Buṣṭī in Alexandria, Egypt. The text is recited melodiously and has a clear musical element in it.

In the Shi'ite world likewise there are many works chanted in praise of God, of the Prophet and the Imams. An example is the chanting of the prayer *Jawshan-i kabīr*. This type of art is often called *nawḥa-khānī* and is accompanied by some of the most sorrowful chanting imaginable especially when the subject of the chanting is the martyrdom of Imam Ḥusayn. Singing of religious songs and chanting and/or the use of percussion and wind instruments are to be found also in such Shi'ite practices as *rawḍa-khānī*, *sīna-zanī* in which large crowds of men beat their chest rhythmically and the passion play (*ta'ziyah*) which has its own distinct music. A

particularly interesting case of this kind of religious music is *naqqāra-khānī* which is still very much of a living art in the mausoleum of the eighth Shī'ite Imam 'Alī ibn Mūsā al- Ridā in Mashhad. There is tower in the area of the sanctuary where musicians play a loud wind instrument called *Karnāy* accompanied by *naqqārah* which is a percussion instrument and also with human voices. The music is meant to arouse and awaken people religiously speaking and is a reminder of trumpet of the Archangel Israfil (*sūr-i Isrāfīl*) which will be blown on the Day of Judgment to bring the dead back to life. Music dealing with such rites forms an important *genre* of traditional music not only in Persia, but also in Iraq, Pakistan, India and other lands where there is substantial Shī'ite presence. Except for the passion play whose performance has been opposed by a minority of Shī'ite jurists, the other *genres* of religious chanting or singing or chanting combined with various religious rites have been fully supported by the jurists who realize its significance for the preservation of religious fervor and faith among the masses.

3. Sufi Music

In discussing the relation of music to Islamic Law, few subjects are as significant as Sufi music which pervades the whole of the Islamic world and is associated with most spiritual and profoundest *genres* of the music of the Islamic peoples. The music being of spiritual nature bears deep religious significance. Its practitioners are usually very pious and strong followers of Islamic Law. The Sufi concerts called *samā'* (literally audition) usually begin with Qur'ānic recitation and benediction upon the Prophet and the music is combined with the essential element of all Sufi gatherings which is the *dhikr* or invocation of the Names of God as revealed by the Islamic revelation. The music accompanying the *dhikr* and the sacred dance, that is often performed with it, can range from simple drum beats whose rhythms govern the movements of the bodies of the invokers (*al-dhākirūn*) as one finds for example in the Shādhiliyyah and Khalwatiyyah Orders to elaborate orchestral

music involving many instruments that one sees in the Mawlawiyyah Order in Turkey or the Chishtiyyah Order in the Indo-Pakistani sub-continent. Sufi gatherings combine the *samāʿ* with canonical prayers (*ṣalāh* or *namāz*) as promulgated by Islamic Law when the Sharīʿite times specified for various prayers arrive. All laws of the *Sharīʿah* are observed strictly during the *samāʿ*. Sufi masters have been careful to point to the conditions necessary to perform *samāʿ* which included the practice of the *Sharīʿah* including abstentions from what is forbidden by the Law and ritual purity both outward and inward.

The practice of *samāʿ* has for its goal to help the soul to fly to the spiritual world and experience God's Presence. It often conduces a spiritual state called *khalṣah*, that is, a state that is combined with contemplation and ecstasy. Again Sufi masters have warned that the disciple who wants to participate in *samāʿ* must have the necessary spiritual qualities which includes both good character and obedience of God's laws and that there can result from *samāʿ* not only authentic *khalṣah*, but a false one that is injurious to the soul, false *khalṣah* resulting from the disciple not possessing the right qualifications and not fulfilling all the necessary conditions, including following the promulgations of the Divine Law, in order to participate in *samāʿ*. Despite such warnings there have been, however, some people who have performed *samāʿ* only superficially without fulfilling all the necessary conditions. In modern times this type of phenomenon that used to be marginal has become more common and there are even those who perform *samāʿ* for the general public as a show. The most notable example of this pseudo-*samāʿ* is the performance of the elaborate Mawlawī dance for tourists in modern Turkey while the authentic Mawlawī *samāʿ* also continues to exist and is performed privately, as has been the traditional practice in all Sufi orders, only by and for authentic *fuqarāʾ* or members of a Sufi order.

Despite the deeply religious nature of Sufi music and its vast influence upon the phenomenon of music in Islamic society, it is mostly this kind of music that, along with some forms of popular

music, became the target of attack by certain jurists over the centuries. That is why so many Sufi masters and gnostics from the two Ghazzālīs and Rūzbihān Baqlī to Mullā Muḥsin Fayḍ to many contemporary masters have felt and still feel it necessary to not only explain the spiritual significance of Sufi music but also to respond to the opposition of those jurists who usually attacked Sufi music without being aware of its real nature. How limited the effect of some of the jurists against Sufi music actually was can be seen in the vast religious popularity of classical *qawwālī*, a form of Sufi music in the Indo-Pakistani Subcontinent, *qawwālī* being performed almost continuously at the tombs of saints such as Niẓām al-Awliyā' in Delhi and Mu'in al-Dīn Chishtī in Ajmer for millions of devout pilgrims or *samā'* being held inside the mausoleums of Sayyidunā Ḥusayn and Sayyidatunā Zaynab in Cairo on Thursdays and Fridays after the canonical prayers.

4. Music for Special Events and Occasions in the Social Calendar

Many events in the life of traditional Muslims are accompanied by music. As in other civilizations, the newly born in the Islamic world have lullabies (*lālā'ī* in Persian) chanted to them by their mothers to other women in the family and this is usually the first music that the infant hears along with the chanting of the Qur'ān. Likewise, on another major occasion of life, weddings, the playing of music is very prevalent throughout the Islamic world and it was specifically permitted by the Prophet. Then there are works of literature, usually but not always poetry, that are chanted to young and old by professional story-tellers and chanters. An example is *Shāhnāma-khānī* in Iran, the chanting of verses from the *Book of Kings* or *Shāh-nāmah* of Firdawsī. Music also accompanies traditional physical exercises called *zūr-khānah* (The House of Strength) which is related to traditional chivalry and has a deep religious significance. People participating in these ceremonies are usually among the most pious in the community and few jurists have

spoken against this type of music, or the other types mentioned above.

5. Music Dealing with Various Professions

In traditional Islamic society, which belonged to the pre-industrial ages, objects were made by hand and there were numerous guilds whose members made various objects from metallic utensils to porcelain, from weaving carpets to building edifices. In almost every profession music played a role. For example, to this day carpet weavers move their dexterous hands in weaving a carpet in tune with musical rhythms. Traditional brick-layers still lay bricks in order in building a wall according to the rhythms of a chant. In older days when there were caravans of camels everywhere and even today when some still survive in such areas of the Sahara, caravan songs accompanied and still accompany the caravan and the bells around the necks of the camels also create a haunting music as the camels moved and still move through the desert.

Numerous other examples could be given of songs, chants, melodies and rhythms that were connected to the creation of all kinds of objects as well as different forms of agriculture. Again in this domain the jurists did not usually object to such types of music. Usually in Islamic cities the bazaars are the loci of the most pious elements of society and it is also in the traditional bazaars where one hears a symphony of musical sounds intermingled with the cacophony of the market place. One hears people selling their products through the chanting of songs as well as various manufacturers making various objects while taking recourse to singing.

6. Military Music

The Prophet had allowed the use of drums accompanying soldiers going to war and since then military music has thrived in the

Islamic world. Everyone who has studied Islamic history has heard of the bands of the Janissaries in the Ottoman Empire but not everyone knows that the military band in the West was created on the basis of what was learned from these bands. In addition to instrumental military music, the human voice was also used in the old days when often one person from one army would engage someone from the army of the enemy. Before engaging in battle, such warriors would often chant a song to strengthen their own morale and weaken the morale of the enemy. Called *rajaz-khānī* in Persian, this type of military music developed a particular style of its own with variations related to each local culture. As with music of different professions, military music was rarely criticized by the jurists and even strict interpretation of Islamic Law accepted its permissibility pointing to the practice permitted by the Prophet himself.

7. Classical Music of the Islamic Peoples

There are several traditions of classical music in the Islamic world, the main ones according to most musicologists being the Western Arabic, the Eastern Arabic, Persian, Turkish and North Indian with several branches of each. The *dastgāh* system of Persian music and the *maqāmāt* in Arabic, Persian and Turkish music belong to this category. This category is also penetrated by Sufi music on the one hand and some forms of music that would be called folk music on the other. In some places such as West Africa and Indonesia the two intermingle more than elsewhere and all the traditional music of these regions is often categorized as folk music.

Putting these considerations aside, it can be said that the several traditions of classical music in the Islamic world are considered by connoisseurs of music in both East and West as being among the richest and most precious musical traditions of the world.

Often the *fatwās* issued against music by jurists have included in discriminately these traditions of classical music of the Islamic peoples as well but most often it is the more popular music that has

borne the brunt of their criticism. Historically most performers of these schools of traditional music have very pious people, many devoted to the practice of the spiritual life. One of the greatest among them in the contemporary period, Bismillah Khan, the peerless master of the *shahnāy*, used to say that for him there were only two essential realities in life: *sāz* and *namāz*, that is, music and prayer.

8. Folk Music

The category of folk music embraces a vast field whose boundaries are vague. On the one hand it intermingles with classical music and on the other with the categories of religious and Sufi music mentioned above. As for what is generalized usually under the category of folk music, it includes such types as music associated with agriculture from the planting of seeds to the harvesting of plants and the picking of fruits, social songs sung in villages on various occasions outside big cities, music connected with the herding of various animals, even popular love songs, etc.

Usually these types of music, especially when belonging to outside of cities, have not been the subject of condemnation by jurists. In the Islamic countryside one can often see an *‘ālim* or jurist present without his objecting to the music being played. The very rich traditions of folk music that exist to this day in the Islamic world from Morocco to Indonesia have not survived and even flourished in spite of the objections of the doctors of Islamic Law but because most of the jurists have not considered this category of music to cause *lawh wa la‘ib* and so have not usually opposed it but have seen it as a part of the traditional life of the people. The few jurists who have done so have not won the day.

9. Court Music

At the other end of the spectrum from folk music socially speaking stands court music, which was not quite the same thing in Islamic civilization as it was in the West where it was often juxtaposed to

church music. In the Islamic world we have such diverse and even opposing types of music as the passion-inciting music played at the court of Yazīd ibn Mu‘āwiyah and the music of Mawlawī ensembles at the Ottoman court where the music performed was of a highly spiritual nature.

Nevertheless, most jurists opposed court music which they associated with dancing girls and passion arousing qualities. In the courts, the jurist who was close to the ruler did not usually give a *fatwā* against the ruler and his courtiers for hearing music but did not participate in such sessions themselves. There is such diversity in the type of music played at courts in the Islamic world that perhaps one should not even consider court music in Islamic lands as a separate category when it comes to the question of the relation of this category of music to Islamic Law. Nevertheless, we found it necessary to mention at least this category.

In this essay it is not possible to consider every kind of music that has flourished in the Islamic world. Our aim has been to cover most of the important and widespread *genres* and the views of Islamic jurists concerning them. To consider every type of music would simply not be possible in a single essay of the nature being presented here.

The Views of a Religious Authority Who Was Also a Master Musician

It is rare to have a master musician who is also an authority on Islamic Law and religion. One such person was the Persian spiritual and musical master, Nūr ‘Alī Ilāhī, from Western Iran, to whose teachings, as explained by one of his choicest students, Dariush Safvat, himself a master musician and also authority in the philosophy and science of traditional Persian music, we now turn.

Ilāhī mentions that there are in the Islamic Law five categories that determine the duties of Muslims. They are called *al-aḥkām al-taklīfiyyah*, that is, obligatory injunctions. The five categories are

wājib (obligatory), *mustaḥabb* (recommended), *mubāḥ* (allowable), *makrūḥ* (disapproved) and *ḥarām* (forbidden). The music that is *ḥarām* is called *ghinā'* in the language of jurists. The music that is *mubāḥ* is one in which there is doubt as to whether it is *ghinā'* or not and so he considers it to be *mubāḥ* like drinking water that is also *mubāḥ*. As for the music that is *mustaḥabb*, it is a music that helps in furthering the welfare of society and/or purifying one's character, making one more ethical and spiritual.

Ilāhī summarizes his views on the legal status of music as follows:

1. On the basis of *aḥādīth* and transmitted traditions musical sound is of three basic kinds: forbidden *ghinā'*, permitted *ghinā'* and beautiful sound that is *mamdūḥ*, that is, commendable.
2. *Sharī'ite* injunctions about music are not absolute but conditioned and relative.
3. The criterion for forbiddenness of music is its leading to *lahw wa la'ib*.
4. The criterion for the permissibility of music is that it exalt and elevate ethics in human actions and distance the person from *lahw wa la'ib*.
5. The criterion of approbation of music is the purification of the soul and its leading to worship.
6. The perfection sought and the end to be achieved in music is to attain the state of remembering God (*dhikr*) and worship.
7. To generalize illicitness associated with *lahw wa la'ib* to all music is an irrational interpretation removed from justice.
8. One should never make what is *ḥalāl ḥarām* and what is *ḥarām ḥalāl*.

These words by such an authority as Master Ilāhī reveal how complex the issue of the relation of music to Islamic Law actually is. This truth was also recognized by some leading Shi'ite '*ulamā'*' such as Mullā Muḥsin Fayḍ Kāshānī in the 11th century (AH), Shaykh Murtaḍā Anṣārī and Akhūnd Mullā Muḥammad Kāẓim Khurāsānī (13th century AH) who also wrote with nuance about the

licitness or illicitness of different kinds of music. A similar situation to that of Shī'ism can be found in the Sunni world.

A Critical Appraisal of the Edicts of Some Jurists

Most jurists over the ages and even today identify all music with *ghinā'* which they consider to be *ḥarām*, there being some important exceptions to one of which we shall turn shortly. In this discussion we shall limit ourselves to Shi'ite jurists especially those in Iran, but the situation is more or less similar elsewhere. The most important source for Shi'ite teachings about the relation of music to Islamic Law is *al-Makāsib* of Shaykh Murtaḍā Anṣārī on which many commentaries have been written. But many other Shi'ite scholars have also given *fatwās* on this subject from early authorities such as 'Allāmah Ḥillī and Shaykh-i Ṭūsī to Safavid '*ulamā'* such as Fayḍ Kāshānī to contemporary authorities such as Ayatollah Burujirdī, Ayatollah Gulpāyigānī and Ayatollah Khomeini. Some like the Qajar '*ālim* and jurist Mullā Aḥmad Narāqī (in his *Mustanad al-shī'ah fī aḥkām al-sharī'ah*) have gone to great lengths to define the meaning of *ghinā'*. Mullā Aḥmad in fact mentions twelve meanings for the term *ghinā'*. Still, such figures as Fayḍ and Muḥaqqiq-i Sabziwārī, in contrast to most other jurists who consider all *ghinā'* to be *ḥarām*, have distinguished between *ghinā'* being *ḥarām* in its essence and being so only accidentally and do not condemn all forms of music as *ghinā'*.

Despite such wide condemnation by most jurists of *ghinā'*, which is then generalized by many to include all music, problems remain. First of all why limit the meaning of *ghinā'* rather than use it in its original sense? Why associate it with only *lahw* and *la'ib*? Some like Fayḍ have in fact pointed out that considering *ghinā'* to be illicit by jurists, both Sunni and Shi'ite, involved the music at the court of the Umayyads and Abbasids, not all chanting and singing. The jurists who oppose *ghinā'* cannot draw a clear line, musically speaking, between what is *ghinā'* and what is a religious song that they permit and even encourage. And then what about forms of

music of other Islamic peoples not to speak of Westerners with which they are not acquainted? Who decides what kind of music incites passions or *lahw wa la'ib* and what kind does not or which listener will be reminded of the love of God and which will think of illicit love in hearing a traditional love song?

These and many other questions have lingered on over the centuries while the jurists have continued to issue their legal edicts or *fatwās*, and while at the same time music has continued to be cultivated in many forms in the Islamic world, the most important of which we have discussed above. But the situation changed dramatically when the Islamic Revolution in Iran succeeded in 1979 and for the first time in the history of Islam a jurisprudent (*faqīh*), who was at the same time a philosopher (*ḥakīm*) and gnostic, became the leader of a major Islamic country. We mean of course Ayatollah Khomeini. His views on the legal status of music were so important in themselves and for the future of music in Iran that we have to treat his views separately.

Ayatollah Khomeini and the Legal Status of Music

Let us not forget that Ayatollah Khomeini was not only a jurist, but primarily a philosopher and gnostic who in his earlier days in Qom used to teach mostly Ibn 'Arabī and Mullā Ṣadrā. Moreover, he loved classical Persian Sufi poetry especially Ḥāfiẓ whose poetry has such a strong musical dimension. Moreover, Ayatollah Khomeini was a fine poet himself, composing poetry in the tradition of the mystical love poetry for which the Persian language is so famous. Yet, before the 1979 Revolution, he expressed the same views concerning the illicitness of *ghinā'* as did most of the other '*ulamā'*' as we can see in his *al-Makāsab al-muḥarramah* and *Tahrīr al-wasīlah*.

After the Revolution for a while there was silence on this issue, but soon Ayatollah Khomeini realized that in the new situation in Iran the juridical views were not only theoretical (*naẓarī*), but also had a

practical (*'amali*) importance and that, therefore, the question of music from the point of view of Islamic Law had to be reconsidered in light of the needs of society. In answer to questions posed by various people or sometimes on his own Ayatollah Khomeini issued a number of *fatwās* and general responses about the legal status of music that opened a new chapter in the history of this subject in Islam. Moreover, these views, coming from the politically most powerful jurist that Islamic society has seen, a figure who was both a *faqīh* and the supreme political authority in a major Islamic country, had a great effect on the whole subject of the relation of music to Islamic Law in Iran and even in some other Muslim countries. The new views on music of Ayatollah Khomeini, following the success of the Islamic Revolution, are contained in his *Risāla-yi istiṭfā'āt*, *Tawḍīḥ al-masā'il* and *Ṣaḥīfa-yi Imām* as well as in some reports from him conveyed by those close to him.

Here are some of his views concerning music that had a major effect on the life of music in the Islamic Republic: When Ayatollah Muṭahharī was martyred, a Persian musician named Aḥmad 'Alī Rāghib composed a song to commemorate the occasion and Ayatollah Khomeini heard the song. He ordered the composer to come and see him and told him that it was the most beautiful music he had ever heard and that the composer should continue to compose such songs. In 1367 (AH solar) he issued a *fatwā* that the buying and selling of musical instruments did not pose a problem from the *Sharī'ite* point of view. He even discouraged other jurists from declaring the buying and selling of musical instruments to be *ḥarām* and pointed to the new conditions in which Muslims live today. Ayatollah Khomeini pointed out that even if a senior *'ālim* would be aware of all the issues in circles of religious learning (*ḥawzah*) and that alone, he would be in no position to give edicts in matters outside the *ḥawzah*, matters that concerned society as a whole, problems that of necessity included the arts including music. Altogether Ayatollah Khomeini, through the practice of *ijtihād* (giving a fresh legal view), distinguished between a music that leads to *lahw wa la'ib* and a music that has spiritual qualities or fulfills

legitimate needs of society. He encouraged music that brings the listener closer to God or strengthens positive virtues such as courage and compassion. Far from closing the door on all music as *ghinā'* as understood by the earlier jurists, he distinguished between different types of music thus opening a space for the flourishing of classical Persian music and even new expressions of music that possessed some redeeming features but paradoxically also other kinds of music with no spiritual quality and even negative psychological content, music coming mostly from the West or of modern Western inspiration.

A Critical Appraisal

The post Revolution views of Ayatollah Khomeini concerning music have of course had much positive effect upon the cultivation of music in Iran, but they seem to have left out whole categories of music which have affected the Iranian musical scene greatly, most of their effect being negative from the point of view of the Islamic tradition and Persian traditional culture. As he said, there are many new conditions and factors that require new examination and the practice of *ijtihād* by the *fuqahā'*. This new situation includes the tidal wave of Western music that has flooded the Islamic countries including Iran from Western classical to pop music. One does not expect Ayatollah Khomeini to have known the difference between Schönberg and Mahler, Tchaikovsky and Bach, Western folk music and hard rock not to speak of traditional ballads and rap music, the last of which did not even exist at the time when he issued his *fatwās* concerning music. But at least he could have established some principles and asked those who knew these imports to issue directions concerning them.

The result of this omission is that thirty-seven years after the advent of the Islamic Revolution the musical space in Iran especially for the young, is filled more with pop music and even rock and rap in Persian that are almost pure *lahw wa la'ib* rather than with traditional Persian music. These days one even hears rap music in Ira with the gnostic poetry of Hāfīz and Rūmī combined with a

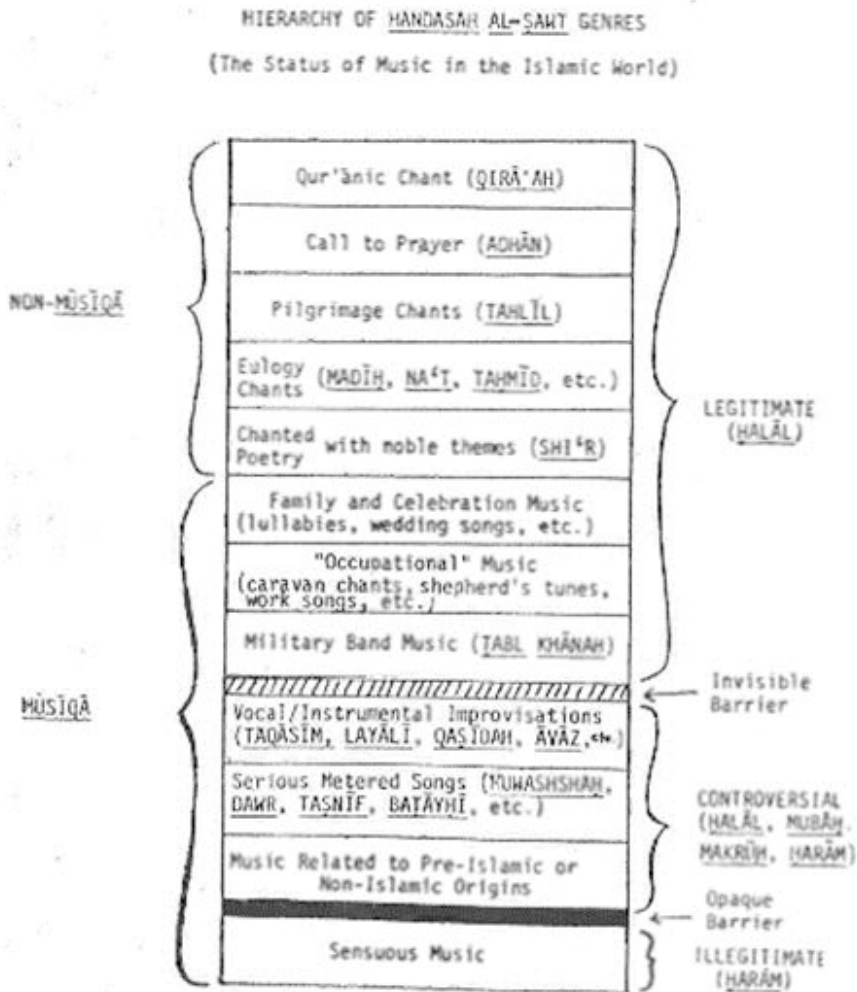
music that is completely devoid of spiritual quality. As for traditional music, these days many of its practitioners speak of mystical music (*mūsīqī-yi 'irfānī*) while knowing nothing of real '*irfān* and even without practicing the *Sharī'ah*. This situation in turn has had a devastating effect upon authentic Persian traditional music. One has to ask how such a situation came about? How did the trajectory of music in Iran go from the positive *fatwās* of Ayatollah Khomeini to what we observe today? We cannot provide answers here to these complex questions that need a separate study, but we have to pose here at least the questions concerning a society that has chosen to live according to Islamic norms and sees itself as a fully Islamic society, yet within which music is in such state.

A Summary Treatment

The American scholar of Norwegian origin of Islamic art and especially music, Lois al-Faruqi, who was a devout Muslim and also well acquainted with both Islamic Law and music has provided a synthetic study of the relation between music and Islamic Law which is worthy of study and analysis.¹ She uses the traditional term sound arts or *handasat al-ṣawt* to embrace all kinds of music and summarizes the result of her study of the hierarchy of *handasat al-ṣawt* in relation to categories of Islamic Law as follows:²

As we can see, from this table she uses four of the five traditional categories of action according to the classical texts of *fiqh*, that is, *ḥalāl*, *mubāḥ*, *makrūḥ*, and *ḥarām*. She then classifies various types of music in Islamic society according to these *Sharī'ite* categories. Her categorization is clear and does not need further explanation. One needs to add, however, that she skips over the category of *mustaḥabb* and certain types of religious music which fall under that category. She also fails to include Sufi music (*samā'*) which has played and continues to play such an important role in the musical life of the Islamic world. Moreover, since she was acquainted most of all with Arabic music, she fails to include such forms of music of non-Arabic Islamic countries as the music of

religious mourning in Shī'ite countries (which in this case also includes some Arab countries such as Iraq and Lebanon), the music of the *zūr-khānah*, *qawwālī*, etc. Nevertheless, the schema of al-Faruqī provides a helpful synthesis and reveals how superficial the opinion that music is *ḥarām* in Islam actually is.



Conclusion

The discussions above reveal albeit briefly, the complex nature of the relation between music and Islamic Law especially if we consider music in its English sense rather than as *mūsīqā* or *mūsīqī*. In its English meaning but in the Islamic context it includes all the way from the recitation of the Qur'ān to religious songs to caravan songs to various forms of classical and popular music of the Islamic peoples. When one looks upon the full spectrum in the Islamic world to what must be called music in its English meaning, it becomes clear how simplistic and false the often expressed view that music is forbidden in Islam is. The ambiguity in the views of various authorities expressed over the ages concerning the relation of music to Islam seems itself to be providential resulting in the survival and even flourishing of a set of rich musical traditions in the Islamic world while reducing to a large extent until recently until recently the presence and impact of music related to the lower passions or in the language of jurists *lahw wa la'ib*. The opinions of the jurists, at least those who considered music to be *ḥarām*, is that they identified *mūsīqā* with *ghinā'* as understood in a limited sense by them, such figures as an al-Ghazzālī in the Sunni world and a Mullā Muḥsin Fayḍ Kāshānī in Shi'ism, men who were both jurists and Sufis, being exceptions.

In recent decades with many cultural and social changes occurring in the Islamic world, the issue of the relation between music and Islamic Law has been revisited by a number of authorities. None is more important in this domain than Ayatollah Khomeini whose *fatwās* and less formal declarations concerning this issue have had great bearing upon the life of music in Iran and even elsewhere. We have analyzed his views separately because of their importance but have also criticized the fact he did not pay the necessary attention to the flood of music, mostly from the West and most of it devoid of any redeeming religious or spiritual features, that has inundated the sound space of much of the Islamic world including the Iran that is governed by the Islamic Republic. Nor has he or most other religious authorities paid attention to the status of other forms of

traditional music outside the Islamic world from the perspective of the Islamic *Sharī'ah*. Those who are devoted to traditional Islamic culture including its music cannot but be deeply saddened and upset by the turn of events in the musical scene and must remain critical of the present situation as far as the playing and listening to music in Iran and in fact much of the rest of the Islamic world are concerned.

The relation of music to Islamic Law and in fact to the whole of the Islamic tradition must remain a major concern of all those who are concerned with the preservation of both the Islamic religion, including its laws, and the rich culture, including music, that Islamic civilization created and caused to flourish over the centuries, a culture that is now threatened from both within and without. Nowhere can this sad situation be seen, or rather heard, more clearly and easily than in the domain of music. The survival of the very rich set of musical traditions in the Islamic world depends not only on preserving the music in its authentic form, but also in re-examining, in the context of the present day situation, the attitude of Islamic Law and Islamic thought in general to the whole spectrum of the music to which present-day Muslims are exposed and which is available to them so easily.

Endnotes:

1. J. L. Michon, "Sacred Music and Dance in Islam," in S. H. Nasr (ed.), *Islamic Spirituality*, vol. II, New York, 1991, p. 469.
2. See A. Shiloah, *La Perfection des connaissances musicales*, Paris, 1972, pp. 65–68, where the views of al-Fārābī and Ibn 'Alī al-Kātib are mentioned.
3. See N. Kermani, *God Is Beautiful: The Aesthetic Experience of the Quran*, trans. T. Crawford, Cambridge (MA), 2015.
4. See my essay "*Tajwīd*," forthcoming.
5. See Hamza Yusuf (trans.), *The Burda* (part of a three-CD recording of the *Burda* by Sandala, Turkey, 2002).
6. See J. Raḥmānī, *Ā'in wa usṭūrah dar Īrān-i shī'i*, Tehran, 1394 (AH solar).

7. On Sufi music and *samāʿ* see J. L. Michon, *op. cit.*; S. H. Nasr, "Islam and Music" and "The Influence of Sufism on Traditional Persian Music," in his *Islamic Art and Spirituality*, Albany (NY), 1987 pp. 151–174; and J. Dering, *La Musique et l'extase*, Paris.

It is worthwhile to mention in this context that the soul of the great master of Sufism Rūmī was so attuned to the rhythm of *samāʿ* that once when he was in the bazaar of ironsmiths, the rhythm of the beating of their hammers put him in such a *hāl* and spiritual state that he went into a swoon and lost his ordinary consciousness.

8. See D. Şafwat, *Hasht guftār dar bāra-yi falsafa-yi mūsīqī*, vol. 2, Tehran, 1391 (AH solar), pp. 30 ff. See also N. Caron and D. Safvat, *Iran* (Collection *Les Traditions musicales*), vol. 2, Paris, 1972.

9. Safwat, *Hasht guftār*, p. 32.

10. See Shaykh ʿAbd al-Hādī al-Faḍlī and Ayatollah Muḥammad Hādī Maʿrifat, *Barrisī-yi fiqhī-yi padīda-yi ghināʾ māhiyyat wa ḥukm-i ān*, trans. M. Ilāhī Khurāsānī, Qom, 1380 (AH solar).

11. This fact is based on the information given to us by Seyyed Hossein Nasr who has first hand knowledge of this matter.

12. See ʿA. Muḥammadian, "Bāzpazhūhī-yi ḥukm-i fiqhī-yi mūsīqī wa ghināʾ az manzar-i Imam Khumaynī," in *Majatta-yi muhandasī-yi farhangī*, vol. 8, No. 79, 1393 (AH solar) pp. 182–184.

13. Imam Khumaynī, *Istiftāʾāt*, vol. 5, Qom, 1422 (AH lunar); and Imam Khumaynī, *Ṣaḥīfa-yi Imām*, vol. 4, Tehran, 1386 (AH lunar) on.

14. *Ibid.*, p. 185.

15. See L. al-Faruqī, *Islam and Art*, Islamabad, 1985, chp. VIII, pp. 175 ff.

16. *Ibid.*, p. 179.

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