

The Church of Ireland held a national in-service training day in Dublin in 2006 at which Chris Hewer spoke and later contributed a paper (see *Introduction to Islam* on this website). There were several “Hard Questions” left hanging on this day, which were answered in collaboration with Dr Jabal M Buaben, the Director of the Centre for the Study of Islam and Christian-Muslim Relations in Birmingham. They were published in the *Church of Ireland Journal*, June 2006.

How can Muslims balance believing in God as “The Merciful, The Compassionate” with assenting to the execution of a man or woman for adultery?

To begin, we need to ask why adultery is a major sin in Islam. There is a saying of the Prophet Muhammad that “marriage is half your religion” in that through the discipline, responsibility, give and take, and selflessness of marriage, the key human dispositions of God-consciousness, patience, and thankfulness to God in all things are learnt. Marriage is the foundational relationship of society as the bedrock on which to build a family and as the only legitimate place in which our sexuality can be exercised. Adultery therefore threatens to undermine the very fabric of human society, it puts in jeopardy certainty over the paternity of children and destroys the bond of mutual trust that is symbolised by marriage, leading to divorce, the most detested of all permissible things. Islam thus stands solidly with the Ten Commandments in regarding adultery as a major sin (Q. 24:2-17). Because this is a sin that impacts on human society and not just “an offence against God’s will”, like missing a time of prayer, then it is accountable before the human courts and a severe beating can be administered to anyone who brings a false accusation of adultery against someone as it calls their honour into question.

One element of Islamic law is to see human society as a whole and not just to consider the individual concerned. Certain punishments are designed to serve as an example for other people to deter them from committing such an offence, thus some corporal sentences should be delivered in public. An awesome punishment itself serves as a deterrent to make it less likely that people will commit that crime. In a few cases of serious acts that destabilise society, such as adultery, the Qur’an lays down a *hadd* punishment. The word *hadd* literally means “the limit or boundary” and some scholars see this as the mandatory sentence that must be imposed by the court if a man or woman is found guilty after due process of law, whilst others see this as the highest tariff, with the actual sentence to be determined by the judge in the light of the evidence. In the case of adultery, the *hadd* is death (death by stoning is of course a biblical not a Qur’anic precept). However the burden of proof required by the court is almost unattainably high: four adult eye witnesses must give sustainable evidence that they saw the actual act of penetration and withdrawal. The only

other evidence accepted is the persistent confession of the person concerned, who must of course satisfy the court that there has been no duress and that they are of sound mind. It might well be asked what kind of witnesses would stand by to see the full act of adultery and do nothing to attempt to stop it.

We turn finally to the balancing of the mercy of God with God's justice in such a case. First, we are told that God is subject to no law except the law that God self-imposes; here God has taken upon himself the law of mercy so the mercy of God overwhelms the wrath of God (Hadith Qudsi). Second, the Qur'an counsels that we must do justice, even if it goes against ourselves (Q. 4:135). Third, the Muslim can never stand by idly in the face of injustice; it must be opposed before it takes root in society and wreaks further havoc and destruction (Q. 3:104,110). Adultery is such a destructive act that, if left unchecked, it will lead to a breakdown of the family and society, an increase in various forms of sexual impropriety and the spread of genitally transmitted disease. Therefore it is a merciful ruling from God to oppose this form of evil before it does more damage. Finally, Islam is always conscious that this life is not all that there is, so it would be better to suffer even the death penalty in this life rather than to be sent to eternal hellfire on the Day of Judgement.

Can you explain the use of the *fatwa*: for instance in the case of Salman Rushdie and *The Satanic Verses* or the man recently condemned to death for converting to Christianity?

A *fatwa* is a legal learned opinion given by a senior jurist who is acknowledged to be capable of so doing. In Sunni schools of Islam, this person is a Mufti, and in Shi'a schools, an Ayatollah. The scholar concerned must cite the sources and arguments on which the *fatwa* is based. It can thus be challenged or supported by other scholars. Whilst a *fatwa* must be taken with a degree of respect, it is not "the last word" on the subject. In judicial cases based on evidence, this would have to be tested before an appropriate court, which would have to rule and then be guided by the *fatwa* in terms of sentence. In the Salman Rushdie case, the *fatwa* was given that, had the offence been committed in an Islamic state and if the evidence had been tried before an appropriate court that found the defendant guilty, then the appropriate sentence would have been death. Hence, the *fatwa* was not a "death sentence" or a license for anyone to take the law into their own hands. Two of the grave offences contained in *The Satanic Verses* were that it was held to have slandered several Prophets, not just Muhammad, and that it spoke of a mixture of good and evil in the life of the Prophet Muhammad, who is held by Muslims to have been protected from sin by the power of God and thus not open to deception in a matter so important as the reception of verses of the Qur'an.

When it comes to the question of conversion away from the Straight Path of Islam, the Qur'an does recognise that there is no compulsion in religion (Q. 2:256) and "to you your way and to me mine" (Q. 109:6). However, this is not

an issue to which Muslims can be indifferent. Islam is the natural state of perfect submission to the will of God, so to opt for anything else is unthinkable for a Muslim as all other paths, even those that remain from the teaching of the earlier Prophets such as Moses and Jesus, must be regarded as defective and lacking in the certain guidance contained today only in the Qur'an. This is not just a matter of importance for this life but if anyone who chooses a religion other than Islam it will not be accepted (Q. 3:85).

In Islamic law, some jurists distinguish between "simple apostasy", that is an individual deciding that she or he will no longer follow the way of Islam, and "compound apostasy", which is apostasy compounded by treason, vilification of the Prophet or the Qur'an, and encouraging others to convert. Provided that simple apostasy is a private act, then there are verses in the Qur'an that indicate that such a person should be counselled to return to the fold but that ultimately this is an offence against God that will have to be accounted for on the Day of Judgment (Q. 88:21-26). If however the apostate compounds their offence by going over to the enemy in an act of treason, by vilification, or by seeking to persuade others to follow suit then this becomes an offence against human society as well that must be answered for in the courts (Q. 5:33, 33:60-62, 47:25-26). This offence, if proven, can lead to a sentence of death in an Islamic state.

We hear of many conflicting reports about the treatment of Muslim women in different countries; what is from Islam and what is cultural?

From the beginning it must be admitted that there is a considerable gulf between the ideals of Islamic teaching on the place of women and the realities that are experienced in many Muslim cultures. However Islam regards men and women as fundamentally equal in terms of their human dignity (Q. 49:13), duties to God and accountability (Q. 33:35); indeed there is a principle in Islamic law that if "equal treatment" would disadvantage women, special provision should be made, e.g. both men and women are equally obliged to perform the Friday Prayers in the middle of the day, the men are required to do so in congregation if at all possible, but whilst women are free and entitled to attend the mosque at this time, they are not under the same obligation as this would be an "unfair burden" given that women traditionally have the main responsibility for children and the elderly. There is a saying of the Prophet Muhammad that "Paradise lies at the feet of mothers" and Islamic tradition knows of four Perfect Women, who are role models for all: Khadijah and Fatima, the first wife and daughter of Muhammad respectively, Mary the mother of Jesus (Q. 66:12) and 'Asiya, the wife of Pharaoh (Q. 28:9), who saved the infant Moses.

The rights of a woman under Islamic law were established in the 7th century. She enjoys the right to own property and dispose of it, to keep her own name and legal identity after marriage, to make her own will, to have an equal

entitlement and to be under the same obligation as men to seek education, to receive sexual fulfilment, to follow any profession or engage in business, to be consulted in public affairs, to sue for divorce, and to keep control of her earnings within marriage, it being the husband's duty to discharge the household expenses. Both men and women are equally required to observe modesty of dress and behaviour and she should cover her "feminine attractions" (*awra*) so as not to attract unwelcome attention from other men; different schools of Islam interpret this in various forms of *hijab*. A wife should not gossip about her husband's business and should guard his honour. A married woman must be open to having children but she is free to ask for the services of a "wet nurse".

All forms of cruelty between a husband and wife, including verbal abuse, are forbidden by all schools. The occasional references to a man having Qur'anic sanction to "beat his wife" are based on misinterpretations of Q. 4:34, which speaks of a case of a wife neglecting her religious duties (*nushuz*). In such a case, four steps are laid down in order: her husband should discuss this with her, he should then refuse to sleep with her, there should then be a symbolic humiliation in which he may strike her with his tooth-cleaning stick (the size of a pencil; hence the misinterpretation "beat her"), finally if all these steps have failed, they should go to arbitration within the extended family.

The Qur'anic injunctions on polygamy were a limitation on this unbridled practice in Arabia at that time. The Qur'an limits men to a maximum of four wives (Q. 4:3), provided that all are treated equally, thus with the recommendation that one is better (Q. 4:129). The classical instances when polygamy was the favoured solution were childlessness on the part of the first wife, men being killed in battle and leaving widows and children without protection or honour, and wives who were abandoned or widowed and thus were brought within the dignity of another man's household. Prophet Muhammad himself took widows and divorced women in marriage to set such an example

Are suicide bombers correct in their understanding that Paradise awaits them as martyrs in the cause of Islam?

This life is regarded as a test in Islam and at the end will come judgement based on how sincerely we have followed the guidance sent by God. Paradise will be the reward of those judged worthy by God, who alone is the judge and therefore we are unable to say for sure whether someone will go there or not. Paradise lies beyond earthly comprehension (Q. 32:17) but the imagery in the Qur'an is of a garden in which flow rivers of pure water, food without toil, shady abodes and partners of the opposite sex. There is also a saying of Prophet Muhammad that speaks of Paradise in metaphorical terms: which no eye has seen and no ear has heard and which cannot even be imagined by a human being.

All human life is sacred (Q. 5:32) and suicide is forbidden according to the Qur'an (Q. 4:29) on the basis that our lives belong to God and are not ours to terminate. There are strict rules of engagement drawn up in the earliest decades of the Islamic Empire for when Muslims have to resort to fighting; these include a prohibition on all indiscriminate killing. There is no precedent in the life of the Prophet Muhammad for sending out a suicide mission, even though his nascent community was sorely pressed. Based on these three grounds, there is a general prohibition on "suicide bombing" in Islamic law. It is important to note that the first suicide attack in Islamic history was in the Lebanon in the 1980s. It did not become a "regular practice" until the Palestinian Intifadah in the 1990s. Many Muslim jurists have accepted that in the exceptional case of Palestine "where defenceless Palestinians face insuperable odds from the Israeli military" (as they see it) then a suicide attack is permissible. This is not generalised into a principle although some groups have made it almost a chosen weapon of attack in Iraq, Afghanistan and elsewhere.

Martyrdom has always been highly praised in Islam (Q. 9:38,111) as the ultimate surrender to the divine will demonstrating that we own nothing, not even our bodies. Paradise awaits the martyr but God alone knows the heart of each person and so God alone is the judge of who is worthy of the martyrs' crown. By tradition those who are believed to have died as martyrs are not washed in preparation for burial and prayers for forgiveness are not said at their funerals. When martyrs are contrasted with suicide bombers the scholars vary. Some say that the suicide bomber may be regarded as a martyr in exceptional circumstances but others draw a distinction based on causality. A martyr takes a stand on a point of goodness and justice before God and will not give way even if an opponent kills him/her; here the death of a martyr is secondary causality, the primary cause is to defend the good and just. In the case of someone who commits suicide, they are actually the primary cause of their own death rather than it being the result of an action done to them by an enemy of God. These scholars argue that there is a fundamental difference between "committing suicide" (active voice) and "being martyred" (passive voice), and therefore suicide bombers cannot be considered martyrs.

What really constitutes *jihad* in Islamic teaching? Is all the talk of "Holy War" today justifiable according to the Qur'an and are there other ways of reading the text?

When speaking of *jihad* there needs to be a sense of continuum between the individual's constant struggle against the wayward self (the Greater Jihad) at one end and the legitimate use of force against those who would do evil on the earth (the Lesser Jihad) at the other. Every Muslim is required to keep up the Greater Jihad at all times to nurture a sense of God-consciousness (*taqwa*) (Q.

17:19, 29:5-6). Resisting temptation may require that we remove ourselves from the causes of sin either physically, by migrating, or psychologically, by "being in the world but not of it". Justice is a key attribute of God, therefore we must do justice even if it goes against ourselves (Q. 4:135), which means that we must be active in rooting out injustice and oppression on the earth. In public life, Muslims are required to "command the good and forbid the evil" (Q. 3:104,110). Similarly there is a saying of Prophet Muhammad that whoever sees an evil act should put it right if possible, or speak out against it, or at least hate it in their heart and commend it to God in prayer. It is at the end of this continuum, if all else has been tried and there is no alternative, that Muslims may be required to resort to the legitimate use of force to defend the good and root out evil and oppression, the Lesser Jihad (Q. 2: 190-193).

Fighting is regarded as being too serious to be left to the decisions of human beings but rather it must be conducted according to the laws of God. *Jihad* can only be used to defend the innocent and oppressed, to root out evil and to preserve the God-given Islamic way of life against injustice. There must be a good chance of success and it must be a collective effort, built on consensus and declared by a legitimate ruler. Traditionally calling a *jihad* was the sole responsibility of the Caliph but this became problematic in human history after the break-up of the single Caliphate and even more so after the abandonment of the Ottoman Caliphate in 1924. A military *jihad* must be conducted according to the rules of engagement: only the minimum necessary force should be used, only combatants are legitimate targets so there can be no "weapons of mass destruction", the basic human needs of water, food and shelter must be respected and not destroyed, and respect must be shown for all religious buildings and their inhabitants. Once a *jihad* is called by legitimate authority, it becomes an obligatory duty upon the Muslim community that can be discharged by a group of Muslims (*fard kifaya*), although if needed every man must fight even if it is distasteful to him as God knows better what is for our good (Q. 2:216).

Many problems with the practical application of *jihad* have become apparent in our own times. First, war is never "holy" even when it is a necessity to combat evil. Second, there is no universally recognised authority amongst Muslims who could call a *jihad* and so all manner of individuals and groups take it upon themselves to utilise the terminology. Third, modern means of warfare are so destructive and indiscriminate that there is a real debate amongst Muslims as to whether their use could ever be justified, just as there is amongst Christian scholars working with the "just war theory". Fourth, many modern battles are fought by surrogates and by economic means rather than by traditional force. Fifth, the whole serious issue is rendered trivial by superficial reporting and the manipulation of media coverage by various parties, including sensationalist unrepresentative Muslims. However, at the end of the day, evil must be resisted and not allowed to take root in the human heart or in society; the methodology to resist it is open to debate and further consideration in the light of divine guidance. All passages within the Qur'an must be read within their

context and in the light of other passages, so the simplistic reading of isolated verses is both against the Islamic scholarly tradition and liable to lead people to make erroneous judgements.