Towards An Islamic Ethical Theory

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ABSTRACT

This research addresses three fundamental questions: First, what is an Islamic ethical theory? How rules and regulations (i.e. sharia) relate to Islamic ethical theory? And finally can ethics and rules be subjected to reason and reasoning? The study identified elements of an ethical frame, which are Quranic based using Mohammed al-Jabiri’s organization of the Quran based on the sequence of revelation. Such organization allows for revisiting relation between ethics and rules from holistic perspective and historically sensitive reading. Using analytical and synthetic method, the following ethical principles, which add up to an Islamic order were identified including: principle of pure faith and sincerity, protection of the weak and vulnerable in society, protection of family, maintaining life and finally protection of community. Under each of these ethical principles relevant rules and regulations were also identified their relationship and-association with such ethical principles were examined. The research argues that rules and regulations in Islam can only have meaning if placed in the context of ethics, Rules and regulations have no intrinsic value of their own. The research also demonstrates that both Islamic ethics and that of rules and regulations are subjected to reason and reasoning. In other words, they both can be part of public deliberation.

Keywords: Contemporary Arab-Islamic thought, Quran, Ethics, Deliberations, Rules And Regulation (i.e sharia) Public Reason.

1. INTRODUCTION

1.1 Justification and literature Review

Many Arab–Islamic scholars have been trying since the 19th century to argue for a rational Islam. Rational Islam which means Islam itself can and should be subjected to human reason and reasoning. Without reason and reasoning the very idea of human free choice would have no meaning. Despite differences in approach and methodology and occasionally very uneasy relationship almost all contemporary Arab–Islamic scholars have one attribute in common namely a strong advocacy of introducing reason in approaching Islam. The most obvious and famous scholars come to mind including Mohammed Al-Jabiri, Mohammed Arkoun, Hisham Jueit, Nasr AbuZaid, George Tarabishi, and Abdullah An-Naim. The relationship and even hostility of Al-Tarabishi towards Al-Jabiri is almost anecdotal, yet Al-Jabiri as well as Al-Tarabishi both argue for rational Islam and the need for introducing rationalism as a way of visiting and revisiting Islam.

Indeed, such wide ranging and remarkable mental and intellectual efforts made by such distinguished scholars have made it possible for any scholar of Islam to take the assumption of rationality of Islam for granted. Indeed one can safely now construct any theory on Islam on the premise of rationality. This is truly great achievement. Despite their differences one might even argue because of it, rational Islam of reason and reasoning has become well established. Abdullahi An–Na’im’s book Islam and the secular State: Negotiating the Future of Sharia (2008) does only demonstrate that confidence.

However, no similar confidence can be expressed when it comes to issue of ethics in Islam. This is surprising considering that without such ethical frame it will be impossible to settle or even to engage in meaningful debate to settle differences between competing and conflicting narrative on the very fundamentals of Islam. Islam can not be both moderate and fundamentalist at the same time. Equally, Islam can
not be open and rational on the one hand, close and dogmatic on the other. The approach which mainly has been adopted on the side of those with competing and conflicting stands was to selectively choose certain verses from the Quran or sayings of the prophet to support their competing narrative. They can not be both right!

Leaving aside the obvious limitation of a method which deliberately select certain verses or saying, in support of a given argument which simply contradicts the very idea of proof but also it provides no meaningful method to settle disputes. It becomes a matter of opinion based on partial evidence. It makes it impossible to move the debate forward.

Al – Jabiri was the first to recognize the need for such an ethical frame. The most ambitious attempt by Al-Jabiri and his last was made in his four volumes book on the Quran. However what Al-Jabiri accomplished was not an Islamic comprehensive ethical theory, but rather elements of a theory the relationship between such elements was left unexplored. More fundamentally, despite Al-Jabiri’s important assertion, that Islamic sharia, what I will call rules and regulations, should correspond to Islamic ethical frame, however, such assertion was left totally unexplored or meaningfully examined. We simply can not find in Al-jabiri’s major work an answer to this fundament question of how to relate rules to ethics in the Quran.

Abdullahi An-Nai’m was also aware of this fundamental issue of Islamic ethics and sharia - rules and regulations. His early attempt was made in the 1990. In it An-Naim argued for drawing a distinction between Mecca verses and Medina verses in which Islamic ethics can only be based on Mecca verses alone. Not only such distinction compromises the integrity of the Quran, but as I will argue it is simply not called for. More recently, An-Naim (2008) referred to Islamic ethics but only in passing or more accurately as starting point for his analysis. There is nothing close to an Islamic ethical theory in An-Naim last work.

I deliberately skipped over the other important names mentioned earlier in the context of Islamic ethical theory, namely Arkoun, Jueit, Abu Zaid and Al-Tarabishi for the simple reason they do not have an Islamic ethical theory.

1.2 Research Problem

The research addresses three basic questions: first, what does constitute an Islamic ethical theory? Second, how do rules and regulations (i.e Sharia) relate to such ethical theory? Third, can Islamic ethics as well as rules and regulations be subject to public reasoning?

1.3 Purpose of Research

Thus my intention in this paper is to do three things: first, to develop an Islamic ethical theory based on the assumption of the integrity of the Quran. Second, to examine the relationship between rules and regulations (i.e Sharia) and ethics. Third, to look at ethics and rules from public reason perspective.

1.4 Preliminary Thesis

My main argument is that Islamic ethical theory can only be based on the assumption of unity and integrity of the Quran as a whole. Islamic ethics can not be differentiated on Mecca vis. Medina verses. Mecca and Medina verses can be useful for other purposes but not for the purpose of developing an Islamic ethical theory. Islamic ethics is the point of reference to Islamic rules and regulations. This can only mean that rules and regulations in Islam are illustration to Islamic ethics. By considering rules and regulations as illustration to Islamic ethics, or translation of ethical principles under various circumstances, allow for the possibility of revisiting such rules and regulations. Indeed, that correlation between ethics and rules prevent the possibility of developing a dogmatic interpretation of Islamic religion in general. (Qutub, 2008)

1.5 Methodology

As indicated above an Islamic ethical theory is Quranic based. Every Muslim would agree that the Quran is the central point of reference to Islam. Prophet’s sayings and acts similar to rules and regulations in the Quran can be revisited in reference to Islamic ethical principles based on the Quran itself. Focusing on the Quran itself makes it possible to use the same consistent principles for evaluating, revisiting and thus accepting or rejecting any contribution towards an Islamic ethical theory.

The method used in this study is that of analytical and synthetics method. This means that the study identifies elements of a framework, which are Quranic based, such elements are brought into one single ethical frame through aprocess of reconstruction. The following ethical elements were identified including: sincerity and faith; protection of the weak and vulnerable in society; protection of family; maintaining life and finally protection of community. Under each ethical principle
relevant rules and regulations were examined and their relationships to the ethical principle were assessed.

I followed Al-Jabiri’s organization of the Quran based on sequence of revelation rather than the customary organization of the Quran which is normally available. There are two reasons for that choice: first, this is an important historically sensitive work illuminates very clearly the evolution of revelation. This by itself is valuable and worth taking exercise which tunes the reader to a text sensitive to human condition and changing circumstances. Second, for the purpose of my work it makes the point that all elements which define a comprehensive Islamic ethical theory are to be found in the Mecca verses of the Quran which allows for considering Medina verses as an extension to and illumination to Mecca verse rather than separate text. Al-Jabiri locates surat Al-Hajj in the Meccan verses numbering 90 in consequence of revelation, and the last Meccan verse. In other words, surat Al-Hajj serves as a bridge between Mecca verses and Medina verses. The linkage is related to ordaining of jihad in Islam. The controversy surrounding issue of jihad is well known, a point I will address in details, but what al-jihad signifies in terms of ethical principles is the protection of community. If protection of community is accepted as an ethical principle then the whole controversy concerning Mecca vis Medina verses would loose its justification. And this would allow for taking the Quran in term of developing an ethical theory as a single text. This as I do recognize does not solve the difficult challenge of addressing the nature of relation between rules and regulations in Islam and that of ethics. However, without such comprehensive approach to ethics any attempt to address that question will end up as an adhoc interpretation, arbitrary and undisciplined opinion. Indeed this will be a golden opportunity for others to throw their hats in the ring and come up with an alternative ethical theory to the one I am proposing here.

2. ELEMENTS OF AN ISLAMIC ETHICAL THEORY

The whole idea of Islamic ethics is that of defining life as moral experience and what it means for an individual and a community to be moral beings. The ideal of morality is based on a notion of sincerity product of faith in God, that faith is derived from and based on reason and choice. This sincerity based moral frame is defined by the following parameters which add up to an operational definition of moral existence. These elements are: protection of the weak and vulnerable; maintaining life; protection of community and protection and maintaining of family. In this section I explore the elements of such ethical frame. Under each heading I explore relevant rules and regulations. I then address the issue of public reasoning. Reasoning is used as an open process of public deliberation (Cohen, 1989).

2.1 On Being Sincere

It is a feeling, strong in some men and perhaps unknown to others, that unless there is a God, it is un bearable to be a man (Plamentaz, 1963).

No single notion captures the idea of faith in Islam better than that of sincerity and on being sincere. Indeed it is safe to assume that one of the Quran’s basic assumptions is that without faith the notion of sincerity could be fallacious. Sincerity is that aspect of Islamic faith which can only be known to God. It is not subject to human authority or judgment. It is private attitude between man and God. God therefore is the only judge on faith. In this section I will try to capture the idea of sincerity based on faith. I will also show that faith is and should be based on reason and human choice without which there can be no human responsibility. And if this were to apply to most fundamental and most ‘invisible’ part of the Islamic faith, it should equally be extended to other ethical aspects of Islam if not more so.

The existence of God, which is the backbone of the Islamic faith, is not given in the Quran as a premise but rather as a proposition to be tested and verified. Despite many verses in the Quran which indicate that the existence of God is taken as given, the Quran is structured in away to show that the existence of God requires reasoning and evidence. On average every Sura in the Quran (111 out of 114 suras) has a reference to God’s existence supported by evidence. These evidences include the nature of the universe and the creation of man. We may argue about the quality of evidences in the Quran, raising fundamental question about nature of truth, but the fundamental point remains valid namely that proving God’s existence is major concern of the Quranic text.

One interesting and revealing story in the Quran is the way Abraham became a believer in God. The story reveals that he had a wondering spirit and uncertain disposition if not skeptical:

Thus we showed Abraham Kingdom of heavens
and earth,
so he would be among those who have faith
with certainty.
So when it turned dark at night, he saw a star
he said: ‘This is my Lord!”.
But when {the star} vanished, he said” I like
not those which disappear!”
When he saw the moon rising, he said “This is
my Lord!”
But then it set, he said: Unless my Lord guides
me,
I shall surely be among those
Who do not find the way!
When he saw the sun rising
He said “This is my Lord! This is greater!
But when It (also) set, he said: O my people!
I am free of all those you associate With God.
I have turned my face towards Him,
Creator of heavens and earth, I associate No
one with Him,
God and God alone! (Al-Ana’am, verses 75-79)

This is a verse which simply says that faith, true faith
is product of contemplation and reasoning. God
according to this verse had to present evidence leading to
faith. Kingdom of God is the evidence. Such evidence
had to be processed by reasoning. And this is a constant
theme in the Quranic narrative of proving God’s
existence. God’s existence needs to be demonstrated and
that demonstration falls into the realm of reason. Quality
of evidence as stated earlie r can be debated but what is
really of value is to assert that even faith is a matter of
reasoning.

This is also true of the Day of Judgment so central to
the Quranic narrative. Let us turn to Abraham in another
revealing encounter with God:

And when Abraham said: “My
Lord! Show me how you bring
Life to the dead?
He said (God):
Do you not believe?
[And Abraham] said: yes I do,
But to be on firmer ground!
He said (God): Take four birds,
Cut them into pieces,
Place different portions on
Different hills.
Then call on them, and they will come to
You in haste!
And so you know God is All-Mighty,
All – wise (Al-Baqarah, 260)

Prophet was presented in this verse also as skeptic and
even doubtful. God questioned his faith but took the view
that faith (i.e. resurrection - Day of Judgment) needed
demonstration and evidence. The Quran acknowledges
that such evidence many not swing many doubtful, but
the principle remains important namely that issue of faith
should be subjected to reasoning and demonstration. Else,
why one should accepts a given faith but rejects another.
The main challenge the Quran presented against non-
believers was the Quran’s contention that their faith and
that of their parents did not make sense and was
unreasonable.

Acts of God or on behalf of God were not immune to
questions God responded by offering explanations, reasons
behind such acts. God’s acts were justified by appealing to
reason or accepted values. Accompanying an angel who
was acting on behalf of God, Moses was questioning those
acts and even reprimanded the angel. The angel was
presented as a man of knowledge who had access to God’s knowledge. Moses wanted to accompany him; the angel agreed but cautioned Moses about the journey:

May I follow you, so you teach me some of that knowledge, knowledge of God.

But you will not be able to bear, how can you be patient about something you do not know? (i.e. understand).

So they both proceed till they embarked on a ship, [which the angel then] scuttled.

Moses said: Have you scuttled it to drown its people! You have committed a dreadful act!

Then they both proceeded, till they met a boy, and the angel killed him!

Moses said: Have you killed an innocent person, who had killed no one? You have committed an evil act!

Then they both proceeded [to a town], they asked them for food, but they were turned down. They found a wall about to collapse, and the angel set it up strait! [Moses complained] that if you so wished, you could have been paid for doing that!

Here we will be parting company you and I, but I will offer you interpretation of these acts.

As for the ship, it belonged to poor people working at sea. So I wished to partly damage it, as there was a king behind them who seized every ship (in good shape) by force.

And as for the boy, his parents were believers, and we feared [had he lived] he would oppress them into disbelief.

And as for the wall, it belonged to two orphan boys in the town, and beneath it a treasure belonged to them… and your Lord intended that they should attain their age … and take out the treasure as a mercy from your Lord.

And I did them not of my own accord.

That is the interpretation of those acts which you did not tolerate. (al-Kahf, 67-82).

God’s acts had to be presented as being reasonable, just and not arbitrary. Two acts were justified by reference to an ethical principle of protecting weak and vulnerable in society (poor and orphans). The act of accidentally killing the boy the most disturbing of the three acts was justified by placing very high value on belief.

If the very heart of faith needed explanation and reasoning, what about other ethical codes in Islam? The answer is almost self-evident. But before proceeding to other Islamic ethical elements, let us pursue the issue of faith and sincerity further.

Having demonstrated God’s existence, the Quran moves into another realm, namely, the relation between God and the faithful. The question amounts to asking what does it mean to live in the shadow of God? For the faithful living in the shadow of God means living in a natural world which is in constant prayer to God and that relation between God and the faithful is based on affection, intimacy and total reliance on God.

Whoever in heavens and earth falls into submission to God, willingly or by coercion, so do their shadows, mornings and afternoons. (Ar-Rad, 15)

In such portray the natural world is no longer alien, hostile or inhospitable, but rather one of God’s creature which in tune with God’s will and join the faithful in a state of contemplation, prayer and praise of God. Faithful is engulfed by pure light, God’s light:

God is the light of heavens and earth…
Light upon light (An-Nur, 35).

Living in the shadow of God is not a state of trembling fear but rather a state of hope, reassurance and affection:

You were granted my love, so you were brought up under my watchful eye. (Taha, 39)

Such love and affection are reinforced by intimacy and closeness to God:
My Lord is so near and responsive. (Hud, 61)

And also:

If my people were to ask about me, I am so near... (Al-Baqarah, 186)

In God we trust becomes the expression and manifestation of that relation between God and the faithful. It is a total reliance on God:

There is only one God,
The living the protector, guardian and sustainer of the universe,
He neither sleeps nor become weary,
Heavens and earth belong to God,
No one can intercede without his permission,
He knows current state and the future,
His kingdom and authority encompass Heavens and earth
Their protection cause God no burden,
God is the exalted, the Great. (Baqara, 255)

Occasionally such trust in God and such intimacy take a form of personal appeal revealing human weakness, vulnerability and even fear. God becomes a shelter, a comforting hand:

My Lord, my bones have grown feeble,
My head covered with gray hair,
But never despaired appealing to you, my Lord (Maryam, 4)

And again:

God who had created me, God would show me the right way,
God provides me with food and drink,
When falling ill, God is the healer!
God takes my life away, God will put life into me, (Ash-Shuara 78-81)
Living in the shadow of God is living a life which belongs to God:

My prayer, my sacrifice, my life, and death all belong to God,
Lord of the universe (Al-Ana’m, 162)

Sincerity and faith, despite the intimate relation between the faithful and God, are not taken on face value as given, but rather as an attitude to be tested and thus can be translated into ethical principle or principles. Test of sincerity takes the form of unbearable challenge or threat by opponent of believers. Such a threat can take a form of prosecution, threat of severe punishment, a threat of death. It is at that particular juncture of sever test, manifestation of faith and sincerity had to demonstrate itself as clear, conscious decision by the faithful. As a result of that choice God usually intervenes on behalf of faithful who also happened to be the weak and vulnerable in society.

But as we progressively more from this intimate relation between God and faithful into the realm of human to human relations, there is gradual shift and more emphasis on human nature and human condition. Somehow, God’s intervention becomes ‘invisible’ and there is more emphasis on human choice and responsibility. Human relations are approached from human angel and human logic. This shift becomes self evident when we move from ethics into rules and regulations in Islam. Human judgment and human reasoning become greater.

2.2 Protection of the weak and vulnerable

When it comes to inter-human relations the most important single ethical principle is that of compassion based on the spirit of giving. Translation of faith in God is compassion towards others. No ethical principle was elevated in parallel to faith in God other than generosity of spirit, spirit of giving. It is the most applaud and yet
the most rare of qualities. Purification a side, giving intends to uphold the ethical principle of protection and caring for the weak and vulnerable in society (poor, orphans and women). Rules and regulations, in this context, serve two purposes: first, an illustration and an elaboration on the ethical principle and second, recognition that such ethical principle based on generosity of spirit is unlikely to be sufficient to provide the necessary protection of the weak and vulnerable. Rules and regulations therefore should be revisited in the spirit of ethical principle.

The Quran seems to associate the dark side of human nature to that of the devil’s temptation. But there is also a reference to “the devil within us”. In certain occasions the Quran seems to dilute the line between human nature as being part of the devil’s temptation and that of human nature as customary used, namely, in built quality.

Love of wealth and caring for money is one of those interesting occasions. Man in general is portrayed as inclined to thrift and lacking in generosity:

Righteousness is not to turn your face (in prayer) toward east or west, But rather (to be generous) in giving away money, despite one’s love of it… (al-Bqrarah, 177)

Another verse which refers to no devil but to our nature as human beings: You love money excessively (al-Fajr, 20). The Quran seems to suggest that man’s natural inclination is to resist giving:

If he (the prophet) were to press you vehemently to give away, you would covetously withhold (from giving), and your ill feelings would be so apparent to see! (Mohammed, 37)

Considering that Islamic ethical principle of giving and being generous is set against human natural inclination, those who would adhere to the call are always a minority, no matter how many times such request is made. The prevailing of human natural tendency led even God in one rare verse to complain. During Friday sermon, while the prophet was delivering his sermon, he was left with only twelve people listening to him and the rest left attending to their businesses and watching a dancing parade passing by (al-Jabiri, vol. 3, p. 340, f.n. 4 based on al Qurtobi). Then a verse was revealed:

And when they see some trade or entertainment, they disperse leaving you (the prophet) standing there!

Say: what does God have is far much better than entertainment and trade! And God is the best provider.(al-Munafiqun, 11)

The Quran acknowledges that although spirit of giving is the most applauded and celebrated of qualities, it is also the most rare. Providing and caring for the vulnerable and poor can not be ensured relying merely on spirit of giving and generosity of the faithful. Protection of weak and vulnerable can not be achieved relying on the good will of others. In this context rules and regulations (i.e zakat) are recognition of the limit of ethics in managing human affairs. It acknowledges that protecting the weak and vulnerable can only be accomplished taking into account human nature and human condition.

To translate ethical principle into reality of life requires human reasoning taking into account human reality itself. Rules and regulations are at best an illustration to the ethical principles of giving and caring for the weak, at worst it can be taken as a reflection of its inherent limitation. In terms of value rules and regulations have no inherent intrinsic value of their own unless related to the ethical principles are supposedly intend to address. Rules and regulations are not the subject of celebration. Considering that caring for the weak and vulnerable takes precedence to rules and regulations, the later should always be revisited to make sure they continue to reflect the moral and ethical principle underpin such rules. Rules and regulations are by themselves not ethical principles giving and caring for the vulnerable are.

The Quran usually refers to poor, needy and orphans as a single group. When they are not poor and needy, orphans are always vulnerable to mistreatment and manipulation considering their tender age. The Quran takes into itself providing for their protection and well being.

There is always the constant appeal in the Quran to human compassion and to spirit of generosity to alleviate the plight and vulnerability of such group. One method the Quran uses to highlight the precarious status orphans find themselves is to ask rhetorically what if these orphans were your own left to others to care for them?
The Quran shows sensitivity towards dignity and pride of orphans and poor. Two rare moments in the Quran the prophet himself was reprimanded because of acting in a manner showing lack of courteously and respect to the poor and needy. (Abasa, 1-10; Al-Ana’am 52-53). Giving accompanied with posturing is also treated as a violation of the poor sense of dignity. It also turns giving into hypocritical act:

Good word and forgiveness is far much better than act of giving followed by harm or hurt [i.e posturing and requesting the receiving party to show their gratitude!]

Those who do not know them (the poor) think of them as rich because of their dignity. (Al-Baqara, 265-274)

The Quran, however, acknowledges the limitation of relying on compassion and the good will of others for the protection of weak and vulnerable in society including most clearly orphans. Protection of the weak requires rules and regulations as well as ethics. Rules and regulations in this context demonstrate the limit of ethical value rather than an extension to neither such values nor an elaboration on such values. Rules and regulations in this context are methods to uphold ethical principle namely protection of the weak and vulnerable. At best rules are illustration to how such ethical principle can be met.

One central rule for such protection is the right to inheritance. The general principle is that orphans, male and female, have the right to inherit:

Be ware if one were to leave behind him weak offspring!

So be mindful to God and speak good words. Those who eat up orphans property, they digest fire in their stomach.

God’s recommend to you [in regard to inheritance] that inheritance of a male to be as twice as that of a female. If they were only daughters, two or more, their share is two-third of inheritance. If there is only one daughter, her share is half. (Nissa, 11-12)

Ratio of distribution of inheritance between male and female members of a family may be controversial but it should not be arbitrary. Such ratio of distribution as well as the general principle of inheritance should be subjected to two ethical principles namely, Quranic notion of fairness and second, the protection of weak and vulnerable in society. Whether and how such rules and regulations do correspond to such ethical principles are legitimate questions of an inquiry. I will take up this point further when addressing the protection of family as another Islamic ethical principle. Here I am merely emphasizing the function of rules in ensuring the protection of weak and vulnerable in society.

The Quran goes a step further than merely emphasizing right of inheritance as well as distribution of inheritance to that of addressing managing inheritance on behalf of orphans. Initially the Quran argued for managing inheritance on behalf of orphans free of charge. (Al-Baqara, 220). It also allowed for the possibility of joint capital namely that of inheritance and capital of custodians. (Al-Baqara, 220). However, that practice was later abandoned and subsequently prohibited (Al-Nisa, 2). The concern is that such practice of joint capital can only work to the disadvantage of orphans. Considering human natural tendency to greed and love of money such a risk is real.

Rules and regulations as the Quran itself shows are always open to the possibility of being revisited. More important, such rules related to inheritance have to be shown that indeed they do serve the interest of orphans and that they are well protected and cared for. Rules and regulations as the Quranic narrative demonstrates are not rigid commandment written in stone, but rather points of reference their value is based on the ethical principle they intend to serve. In certain respects, rules and regulations are intended to address the dark side of human nature rather than a celebration of ethical principles.

But orphans are not usually left with inheritance to protect and manage, but more often than not they are poor and needy. Almsgiving (zakat) is one of those rules or obligations the purpose of which is to provide safety net for the poor and needy. (Al-Tawbah, 60).

Another is that of distribution of war spoils in which orphans needy and travelers without means (kung, 2007) are mentioned by name as being entitled to such “revenue” (Al-Anfal, 41) and (Al-Hashr, 7).

Protection of the poor, needy, orphans and other vulnerable groups in society is basic Islamic ethical
principle. Such principle is reasonable and can in theory be subjected to deliberation. Rules and regulations (Sharia) have only meaning if they correspond to such ethical principle. They have to be shown that they are useful in upholding the principle, further its purpose and assist in its implementation. They also must be shown to be reasonable. They must also be shown to be relevant to changing circumstances and acquired knowledge about human nature as well as human condition.

2.3 Protection and Maintaining of Family

It can not be overstated that maintaining and protecting integrity of family is basic Quranic ethical principle. Relevant rules and regulations could only have meaning if shown to be consistent with that principle. The burden of proof is always to show whether such rules as customary evolved or historically applied are still relevant to the idea of a family. Broadening or redefining such rules should always be a possibility. Fixation on rules and regulations as final ruling has prevented revisiting the fundamental relation between rules and ethical principles reducing the latter at best to supporting function to rules contradicting the centrality of ethical principle and their function in any moral theory of Islam.

There is an implied assumption in the Quran that a functioning family is the best protection for its members particularly children and women. The Quran somehow elevated family to amoral unit which may explain the Quranic severe punishment for adultery. Adultery is presented as destroying the very essence of a family which stands for decency, mutual affection and privacy. That is why unsubstantiated accusation of adultery receives heavier punishment than act of adultery itself (Al-Noor, 4). They will be banned for being witness for the rest of their lives.

Despite an indication to the contrary, women in the Quran were perceived as vulnerable segment that needed protection. Rules and regulations in reference to women were presented as being fair rather than argued in the spirit of discrimination.

One of Islam’s early prohibitions was the banning of burying newly borne girls alive, a practice which was practiced by some Arabs. Sanctity of life for women and men was ensured. In doing good work and avoiding wrong doing women were treated as equal moral and autonomous individuals as that of men.

The Quran has given women also absolute right to dispense with their capital or wealth as they see fit constrained only by rules and regulations which apply to wealth in general. Men were prohibited from trespassing on women’s wealth.

Divorce is also one of those acts which the Quran anticipated women’s need for protection and guarantees. At personal level the Quran appeals to men to treat women during process of divorce with courtesy and respect. Financially, whatever woman acquired during her married life is her only. Man can not make any claim for his wife’s wealth. Women can also divorce their husbands.

Inheritance in Islam is as much a family right as it is an individual right. The family as aunti-male, female, parents, brothers and sisters – acquires the whole inheritance (Nissa, 11-12).

Men and women were not treated as opponents locked in a war of attrition, but rather as partners with mutual affection and common purpose of sustaining and nourishing a family. Financial burden of sustaining a family is that of a man’s sole responsibility, women were not required nor called for their financial contribution. As a result God recommended that male’s share of inheritance to be twice as that of female’s share. (Nissa, 33-34; Nissa 11-12). Thus such distribution was presented in the spirit of fairness (i.e disproportional burden of financial responsibility), rather than in the spirit of discrimination against women.

Protection of a family is an Islamic ethical principle. Rules and regulations are intended to sustain and uphold such principle. They have also to be perceived as fair. From public deliberation perspective there is nothing which prevent placing the ethical principle as well as rules and regulations to public reasoning. The principle has to be demonstrated as being morally defensible, and that rules and regulations do correspond to the principle. Rules and regulation in this case have also to be demonstrated as being fair as well. The source of such ethical principle as well as the rules is by itself not a hindrance to such deliberation God ultimately defended such principle and advocated such rules as being both reasonable and fair. So should we.

2.4 Maintaining life

One can not escape a sense of irony in Quran’s narrative of wealth and richness. Usually there is that evident negative and condescending view of wealth and money. Non-believers are usually portrayed as being rich. Wealth leads to tyranny and abuse. Wealth is associated
with posturing, arrogance and greed, qualities which are highly despised in the Quran. God usually intervenes on behalf of the weak and the poor razing the ground of towns as a result of conduct by those wealthy and powerful. In short one does not feel comfortable being rich and wealthy in the Quran. On the other hand, there is no quality which has been elevated to the status of faith as that of giving and caring for the poor and vulnerable. But without wealth how can a man give?

The question then becomes how to reconcile between the Quran’s usually negative view of wealth especially accumulation of wealth and that of protecting the vulnerable, needy and poor in society which can only be achieved using existing wealth? There can be no giving if there is no wealth to give.

Wealth in the Quran can only have meaning if it serves in creating and sustaining life as moral experience and existence. Wealth as such is not an object of celebration. Accumulation of wealth is not only discouraged but also condemned (al-Hashr, 6-7). Wealth as such has no intrinsic value. Wealth should never get into the heart of faithful. Love of God and love of money can not be reconciled.

Wealth in the Quran is always placed in broader context to emphasize its relative value. Life in 48 occasions in the Quran was portrayed as that of pleasure and passing enjoyment. But without exception every time such portrayal was followed by emphasizing the greater and the more lasting enjoyment of the life after:

Life is nothing but a amusement and indulgence. But the here after is far much superior … (Al-Ana’am 32).

This is not to suggest that life is insignificant but underline its relative value. Without life there is no meaning to the life after. Indeed, the dialectical relationship between life and after-life in Islam gives the impression of life and after-life as an extension rather than separate and disconnected phases. This is an attempt to redefine life not as closed system but rather as an open-horizon. Wealth should always be placed in this open horizon context.

After all it is God’s wealth and man is entrusted on behalf of God to manage such wealth. Wealth in this sense is not private privilege but rather private and individual responsibility.

Managing such wealth on behalf of God means directing that wealth for moral purposes (i.e protection of the weak, poor and vulnerable) as well as protection of moral communities. That is why defense of community comes from wealth of the community, God’s wealth. Management of God’s wealth also means avoiding waste, indulgence and irresponsibility.

This may explain the severity of punishment for stealing in Islam, which may underline the principle that stealing is violation of God’s wealth, entrusted to individuals on behalf of God and for the purpose of maintaining moral community. It is not as traditionally been suggested a defense of private property in liberal and free-market sense, wealth in Islam is entrusted to individuals on behalf of moral community. There is no notion of absolute private property as we know it.

Management of resources is not the equivalent of accumulation of wealth. Management in Islam means one has to use common sense and being reasonable, the purpose of which is maintaining life not accumulation of wealth. Life can be ensured without accumulation of wealth, accumulation of wealth can actually destroy life as we know it (environmental degradation). Accumulation of wealth can only happen when wealth is the ultimate goal in life. Thrift and lack of social responsibility are not far the offspring of love of money. Not only one does not feel comfortable being rich in Islam, Islam itself does not feel comfortable with wealth either.

Maintaining moral life is an ethical principle. Wealth can only have meaning in creating the necessary condition for such moral life. Wealth in Islam is not for the purpose of private indulgence, excess and posturing. Rules and regulations are intended to protect God’s wealth, the wealth of moral community. They give suggestions and general recommendation on how such wealth can be managed. Such rules and regulations are too many, including recommending storing of crops for future uncertainty; prohibiting stealing, detailed account of contracts to a recommendation of writing a will. However, such rules do not add up to a theory of management nor do they answer the fundamental question of how wealth can be used to ensure the survivability of moral community. This has been left to human reason and human judgment.

Maintaining life can only have meaning as reasonable moral principle. Rules and regulations should serve to further the ethical principle. Rules and regulations can not be more than a recommendation on how the ethical principle of maintaining life can be appreciated. Both the
ethical principle of maintaining life and rules associated with such principle to be accepted have to be shown they are reasonable. As life in Islam, the ethical principle should serve to broaden and create new horizon. Revisiting the principle is by itself a moral exercise.

2.5 Protection of community

When it comes to considering protection of community as an ethical principle and morally justifiable, Islam has not broken new ground. Plato and Aristotle took it for granted that communities, political entities needed protection and self-defense. That is why warriors occupied such high moral and social grounds for the two philosophers. The idea of self-defense is still perceived as legally and morally justifiable for the advocates of ‘just war’ doctrine (Walzer, 1976). Islamic controversial doctrine of ordaining jihad should be seen in this context, namely, as a rule for the protection of moral community. It is based on highlighting individual and group responsibility for their own defense. The rule underlines a certain Quranic narrative and perception of human nature and human condition in which logic of power has a certain function to play.

The Quran does show a degree of sensitivity to function of power in human affairs. That sensitivity and awareness of power was evident in the Mecca verses of the Quran. God’s intervention on behalf of the weak and vulnerable was partly motivated by a symmetry of power between believers and non-believers, and that God’s intervention fits a function of balancer trying to prevent a hegemony:

Pharaoh had grown too powerful in the Land, dividing communities, subjecting weak ones killing their children and abusing their women [pharaoh] was unscrupulous. We wanted to carry a favor with those who were weak and oppressed and to empower them in the land.

As for pharaoh, Haman (his military commander) and their soldiers, we wanted them to witness what they most fear! (Al-Qassas, Mecca verse, 46) ; Yunis, Mecca verse, 88-92)

Other Quranic verses recalling the experiences of other prophets, carried almost identical message, namely, abuse of power by non-believers was met by God’s intervention, swift and uncompromising as if readdressing the balance (Fusselat, Mecca verse, 15-16). (Houd, Mecca verse, 94-95).

All those involved in the Quranic stories, believers, non-believers and God, were conscious and a ware of the working of power. It was narrated in the Quran that an exchange of “diplomatic notes” took place between Prophet Solomon, who was famous for his ability to communicate with animals and birds, and Queen Shiba. Queen Shiba summoned her advisors as to how to respond to Solomon’s call on them for submission. That was their response:

They said we are too powerful,
They said we have great strength and pronounced in battle.(al-Naml,33)

In response, Solomon had this to say:

Go back to them [addressing the messenger], we will come to them with soldiers beyond their capacity to bear, and we will drive them out, humiliated and in disgrace. (Al-Naml. 37)

Another Quranic dialogue between Prophet Shua’ib and his opponents reveals similar power calculation:

They said: “O Shuaib, we do not understand much of what you say, and we see you weak among us, was it not {for the support] of your people, we would have certainly stoned you! And you had no power compared with us (Hud, Mecca verse, 91)

In the later part of the Mecca verse we begin to see a subtle shift from God’s intervention to more emphasis on human action and responsibility towards defending oneself and that of community. Initially it was about praising certain acts such as erecting barrier as a line of defense against more powerful enemy (i.e al-kaif, Mecca verse, 97) and making armor as personal protection in battle. (al-Anbya, Mecca verse, 80).

These are explicit, active human efforts in addressing issue of power. The right of self-defense based on principle of reciprocation was already established in the Mecca verse of the Quran:
Punish those who inflicted harm on you (al-Nahla, 126).

The fact that endurance was preferable to that of self-defense or reprisal as the case might be, should not detract from acknowledging and accepting right of defense as legitimate and possibly moral act. God’s intervention is giving way to human responsibility for ensuring self-survival and that of community as moral beings. Human condition requires human response and human reasoning. The notion of jihad should be read in this spirit.

Jihad as a notion was introduced in the Meccan part of the Quran. Surat al-Ankabout in which the notion of jihad was introduced is Mecca Sura by consensus. Surat al-Hajj which took jihad to a level of commandment is more controversial as to whether it belongs to the Mecca part of the Quran or that of Medina section. The Quran as available to us places the sura as belonging to Medina part. Professor al-Jabiri suggests it is Meccan Sura numbering 90 according to sequence of revelation (al-Jabiri, 2010, vol. 2, pp. 372-386). I follow al-Jabiri’s ordering for the simple reason that the verse fits the notion of human responsibility which as suggested above was evident in the Meccan verses of the Quran.

Let us return to these two important Suras. The term jihad was mentioned three times in Surat al-Ankabout 6,8,69. The term is used in very general sense to mean strive and working in God’s cause. But in Surat al-Hajj the term is unambiguous about using force to defend one self, faith and that of community:

God defends believers ... [but God’s] permission [to fight] was granted to those who were wronged and confronted [by non-believers] And Surely God would deliver victory to believers. Those who were expelled from their homes unjustly, for no other reason than saying God is our Lord.

And if it was not God’s will to check one group of people against another, the earth will be full of mischief (al-Baqara, 251)

The medina verses of the Quaran do not contradict neither the ethical principle of protecting community nor the rule associated with it which is the central role of human act.

Both the principle of protecting community which means ensuring its survival under the assumption of human condition and the rule of relying on human responsibility and act can be put forward as reasonable propositions. They are certainly qualified to be part of public deliberation and can be subjected to public reasoning. As a result of such process their claim of reasonableness can be accepted or rejected.

3. SUMMARY AND CONCLUSION

I have tried to reconstruct a comprehensive Islamic ethical theory. This was achieved by identifying elements of an Islamic ethical system which is Quranic based. These elements constitute ethical and moral statements. They include the principle of sincerity and purity of faith. Another moral principle is that of protection of the weak and vulnerable in society. This demonstrates strong Islamic sensitivity to the idea of justice and fairness. There is also the principle of protection and maintaining of afamily, the later being considered as amoral unit. Another ethical principle is that of protection of life. There is a strong emphasis in the Quran on issue of survivability of both individuals and community. It demonstrates Islamic discouragement to anotion of accumulation of wealth as customary the case in system of free and open market. However, such moral principle can only have meaning if related to the final ethical principle namely protection of community. Accumulation of wealth in this context is community based not individually based. The importance and implication of such moral principle on say nature and role of political authority is difficult to assess and would require further research. The above ethical principles constitute Islamic moral order.

The research demonstrates that Islamic rules and regulations (i.e Sharia) can only have meaning if shown
to be based on ethical principles. The basic rationale of such rules is to serve and strengthen ethical principles. Rules and regulations have no intrinsic value of their own. Under each ethical principle relevant rules and regulations were identified and their correlation to the principle were assessed. For example under the ethical principle of protecting the weak and vulnerable in society rules of inheritance were examined. Similarly, when addressing the principle of protection and maintaining family. Rules and regulations related to women rights were also assessed Under the ethical principle of maintaining life, various Islamic economic rules were examined. Finally, rule of self – defence was- examined in the context of protection of community.

Reconstruction of Islamic ethics and that of rules and regulations allow for the possibility of introducing Islamic ethic and that of rules and regulations into the realm of public deliberation and public reasoning. It was demonstrated in the first section of this research that the existence of God, which is the backbone of the Islamic faith was given as proposition to be tested and verified. Indeed, God's acts were also presented as being reasonable and just. As we moved from pure faith into human relations, human judgment and reason were evident. Nature of religious truth does not even arise (Cooke, 2011).

What finally emerged out of such process of reconstruction was not abstract, disconnected principles from reality and human nature condition, but rather ethical principles sensitive to both human nature and human condition.

REFERENCES


 نحو بناء نظرية أخلاقية في الإسلام

محمد خير عيادات *

ملخص

تطرح هذه الدراسة ثلاثة أسئلة أساسية متريطة: الأول ما ملاح النظرية الأخلاقية الإسلامية؟ السؤال الثاني، ما العلاقة بين أحكام الإسلام والمبادئ الأخلاقية؟ أماً، هل يمكن إخصاع النظرية الأخلاقية الإسلامية والأحكام الإسلامية للمنطق وفكرة المداخلات العامة؟ قامت الدراسة بتحديد العناصر التي تشكل بمجمعة الأطر الأخلاقية العامة، اعتمد تحديد هذا الإطار على مرجعية قرانية مستخدمة فكرة تسلسل النزول كما جاء في عمل محمد عابد الجاهلي عن القرآن، بسمح استخدام تسلسل النزول بإعادة النظر في العلاقة بين الأخلاق والشريعة من وجهة نظر كلية، كما أنه يسمح بقراءة لها حساسية تاريخية. باستخدام منهج إعادة بناء والتركيب، تم تحديد المبادئ الأخلاقية العامة والتي تشكل بمجمعة إطاراً أخلاقياً عامةً. هذه المبادئ تشمل مركزية الأخلاص في الإسلام، حماية الضعيف للمعرض في المجتمع، حماية الأسرة، المحافظة على الحياة، وأخيراً حماية المجتمع، ثم بعد ذلك تحديد الأحكام الشرعية ذات الصلة بالمبادئ الأخلاقية العامة والعلاقة بين تلك الأحكام والمبادئ الأخلاقية تم إعادة تحليلها. تقوم الدراسة على فرضية أساسية أن الأحكام والضوابط الشرعية يمكن أن يكون لها معنى في إطار الأخلاق فقط، يعني أخيراً البحث أن الأحكام والضوابط الشرعية ليس لها قيمة مستقلة بذاتها. كما وضع البحث أن الأخلاق في الإسلام والأحكام والضوابط الشرعية ذات الصلة يمكن أن تكون جزءاً من المداخلات العامة.

الكلمات الدالة: الفكر العربي الإسلامي المعاصر، القرآن، الأخلاق، المداخلات، أحكام الشريعة، المنطق العام.

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