



The Institute of Ismaili Studies

Title: Divine Law/Divine Command: The Ground of Ethics in the Western Tradition – Muslim Perspectives

Author: Azim Nanji

Source: *Studies in Christian Ethics*, Vol. 23, No. 1 Feb 2010

Publication: SAGE Publications Ltd.

Abstract: The article posits that the ethical roots of the pre-modern Western tradition are not just based in biblical norms. The author delves into the origins and roots of Muslim ethics from revelation to the shaping of Muslim law, suggesting a strong connection between western and Muslim values based on linkages developed in medieval times through Latin appropriation of Arabic studies of Classical philosophy. The article also traces the need to address common, contemporary concerns, such as poverty, through a shared ethical stance.

Copyright permission has been sought from the aforementioned publisher.

The use of materials published on the Institute of Ismaili Studies website indicates an acceptance of the Institute of Ismaili Studies' Conditions of Use. Each copy of the article must contain the same copyright notice that appears on the screen or printed by each transmission. For all published work, it is best to assume you should ask both the original authors and the publishers for permission to (re)use information and always credit the authors and source of the information.

© 2011 The Institute of Ismaili Studies

Divine Law / Divine Command: The Ground of Ethics in the Western Tradition- Muslim Perspectives

Azim Nanji

This is an edited version of an article that originally appeared in *Studies in Christian Ethics*, Vol. 23, No. 1 in Feb. 2010 by SAGE Publications Ltd. The article was prepared from a plenary address presented to the Annual Conference of the Society for the Study of Christian Ethics at Westcott House, Cambridge, in September 2009.

Abstract

The article posits that the ethical roots of the pre-modern Western tradition are not just based in biblical norms. The author delves into the origins and roots of Muslim ethics from revelation to the shaping of Muslim law, suggesting a strong connection between western and Muslim values based on linkages developed in medieval times through Latin appropriation of Arabic studies of Classical philosophy. The article also traces the need to address common, contemporary concerns, such as poverty, through a shared ethical stance.

Divine Law / Divine Command: The Ground of Ethics in the Western Tradition- Muslim Perspectives

A common assumption about the ethical roots of the pre-modern western tradition is that they derive primarily from biblical norms as well as the ethical traditions of classical antiquity. Such a view, however, neglects the important role and connection with Islam, which in its formative period, engaged with the intellectual and cultural resources of antiquity and acted as a bridge to transmission of Greek Philosophy to medieval Europe through Latin translations from Arabic texts. Islamic civilisation, which represented a complex of traditions, had nurtured, revised and extended this heritage of philosophical and ethical thought, inspired by Muslim understanding and interpretations of the Qur'an.

The Latin and, to a certain extent, Hebrew translations from Arabic were wide ranging; through them, Christian and Jewish thinkers, from Aquinas to Maimonides, discovered the significant works of Greek philosophers. The notion of a purely western tradition, thus, needs to be revised in the light of this cosmopolitan picture of inquiry and knowledge which transcended religious and cultural boundaries.

Revelation and Prophecy

Muslims regard themselves as the last in a line of a family of revealed faith traditions, whose message originates from One God, the creator and sustainer of all creation:

*To God belongs the East and the West: wherever you turn,
there is God's Face. For God is all-Present, all-Knowing (Qur'an 2:115).*

The revelations given to Prophet Muhammad, through divine inspiration, are believed by Muslims to be recorded in the Qur'an, literally 'recitation'. The Muslim concept of revelation encompasses previous revelations:

We have inspired you [Muhammad] as We inspired Noah and the prophets after him, as we inspired Abraham, Ishmael, Isaac, Jacob and the tribes; and Jesus, Job, Jonah, Aaron and Solomon; and we gave to David the Psalms. [These are] messengers of whom we have spoken to you and others whom we have not mentioned (Qur'an 4:163–4).

Thus, Prophet Muhammad can be situated within the line of prophetic figures who, while seeking to reform their respective societies, were inspired by an experience of transcendence.

The reality experienced by Prophet Muhammad which inspired him to communicate it to his fellow Meccans is not to be understood, according to the Qur'an, as removed from the day-to-day reality of life in society. In fact 'revelation' took on significance immediately because it spoke to the need to transform the moral and social world of the time.

The revelations that came to Prophet Muhammad in the form of divine inspiration are believed by Muslims to be contained in the Qur'an. The Qur'an literally means 'recitation or reading' and it was in this recited form that he communicated it to his followers. Revelation came to Prophet Muhammad over a period of some twenty-two years in the form of powerful, jolting experiences. The process of revelation involved vision as well as hearing. The medium of revelation is described as a 'Spirit of Holiness' (Qur'an 16:102). The angel Gabriel acted as a mediator of revelation. The signs of Allah are described symbolically as a 'figure on the clear horizon' (Qur'an 81:20) who revealed to Prophet Muhammad the message. It is in this way that the Qur'anic conception of revelation involves a 'descent' (*tanzil*), a universal process by which all previous revelations entered this world and was over time recorded by followers to constitute specific forms as a text or book (*kitab*). They all, including the Qur'an, have an original source, referred to as *al Umm al Kitab* (The Mother of the Book) (Qur'an 43:1–5).

All revelations are thus rooted in one transcendent primary source, which through inspiration becomes articulated to humanity. Prophet Muhammad's experience of revelation links the world of transcendence with human affairs, highlighting the sovereignty of God, the reality of the non-material world and the idea of the accountability of human actions. There is thus a dynamic interaction between what can be conceived as the realm of faith (*din*) and the realm of human affairs (*dunya*), which underlines the general Muslim understanding of an encompassing relationship between spiritual and material aspects of life. The Qur'an in Arabic represents the culmination of this process revealed at intervals and appropriate times over the last twenty-three years of Prophet Muhammad's life. He communicated the revelations to his followers who memorised them while scribes also put it in writing under his supervision. Certain individuals came to be noted for both their power of recitation and their ability to memorise the text.

By the time of Prophet Muhammad's death in 632 CE, the Qur'an existed as an oral discourse and in written form. After his death, a complete written text was compiled so that there would be no differences regarding its contents and no risk of having the sacred scripture violated. Muslims believe that the Qur'anic text has therefore been preserved unchanged, systematised, and arranged as a written text, based on Prophet Muhammad's instructions and containing the complete message revealed to him.

Muslim scholars tend to speak of the two historical phases of Prophet Muhammad's life as well as of revelation; the Meccan phase and the phase in Medina. It is in Medina that the community had the freedom under the Prophet to organise itself and to implement the divine commands more fully in the life of the community. It is in this context that one finds revelations related to family life, economic activities, relationship with other faith communities and opposition and conflict with Meccan forces intent on destroying the community. Later scholars refer to them as

conditions that gave rise to specific revelations (*asbab al nuzul*). It is in this way that the ethical and spiritual inspiration of the early period of revelation came to be realised in the concrete conditions faced by the growing community, as it sought to establish itself.

Humanity and Moral Choice

While God's will is revealed in the Qur'an and complemented by the practice of the Prophet, known as *Sunna*, Muslims are also urged to exercise reason in understanding revelations and reflecting on human choice. In the account of the creation of humanity, as narrated in the Qur'an, Adam is shaped from clay, enlivened by divine spirit and endowed with the capacity to 'name things' (Qur'an 2:31). This suggests a layered and multi-dimensional being, in whom material, spiritual and intellectual orientations are combined. Adam is referred to as a *Khalifah* (Caliph) or vicegerent, granted custody of the earth and guided by God to create conditions that enabled life to be lived in dignity and according to an ethical and moral purpose. Being human, in this broad sense, thus has a special, even privileged, status in creation according to the Qur'an (95:4) and brings with it accountability for the choices that are made, as illustrated in the story of creation.

The concept of accountability also relates to belief in life hereafter, and the notion of a Day of Judgement. Muslim scholars of the earlier period therefore exercised their reason and judgement to develop ways of understanding the principles and values of Islam. These methods and their applications varied, but anchored beliefs and practices as a synthesis between revelation and reason.

As Islam spread to various parts of the world, Muslims sought to enact in different regions what they considered to be the inspirational values of the original, revelatory experience. This led to a process by which disciplines such as law, theology and Qur'anic interpretations came to be formalised as Muslims also engaged with other intellectual traditions and important questions of the time. Muslim writings about ethics did not dichotomise human actions but rather sought to harmonise them within an integrated vision. Thus, being 'Muslim' (that is, in accord with God's will) encompassed in their view engagement with the material as well as the spiritual dimensions of life, and a commitment to achieving a balance between the two dimensions of belief and faith and the contexts and conditions of daily life.

This ongoing process evolved differently as historical and geographical contexts changed and Muslim communities arose in different regions of the world. This accounts for both the diversity one finds and also the plurality of the systems that developed over time. Muslim civilisations, as they developed in different regions, produced throughout the medieval and pre-modern period notable experiences in philosophy, the sciences and the arts, and cultivated trade and commerce on an extensive scale. This represents an important aspect of the ongoing engagement of Muslims with the larger processes of societies.

According to the Qur'anic account of creation, humanity was endowed with the capacity to distinguish between right and wrong. God also provided guidance through His messengers so that the 'criterion' that enabled one to recognise and act in accordance to the right way was clear.

In one of the chapters of the Qur'an, entitled the Criterion (*Furqan*: Sura 25), revelation – to all humanity – becomes the point of reference for distinguishing right from wrong. The same chapter goes on to cite examples of past biblical prophets and their role as mediators of God's word to their respective societies. Like Judaism and Christianity, Islam's beginnings are thus rooted in the idea of the divine command as a basis for establishing moral order through human endeavour.

When it appears elsewhere in the Qur'an, the same term also indicates the concept of a revealed morality that presents humanity with a distinction between right and wrong. By grounding a moral code in divine will, an opportunity is afforded to human beings to respond by creating a rational awareness that sustains the validity of revelation. It is then that a wider basis for human action is possible, if rationality comes to be applied as a result of revelation to elaborate criteria for encompassing the totality of human actions and decisions. These themes are played out in the Qur'anic telling of the story of Adam's creation and regress.

Adam, the first human, is distinguished from existing angels, who are asked to bow down to him by virtue of his divinely endowed capacity to 'name things', that is, to conceive of knowledge capable of being described linguistically and thereby codified, a capacity not accessible to angels, who are seen as one-dimensional beings. This creative capacity carries with it, however, an obligation not to exceed set limits. Satan in the Qur'an exemplifies excess because he disobeys God's command to honour and bow before Adam, thus denying his own innate nature and limits.

In time, Adam too fails to live within the limits set by God and loses his honourable status, but without any connotation that this implies a doctrine of original sin. This he will have to recover subsequently by struggling with and overcoming his indiscretions on earth which is the new arena of life that allows for choice and action. Ultimately he does recover his former status, attesting to the capacity to return to the right course of action through awareness of his error. Adam's story therefore reflects all of the potential for good and evil that has been built into the human condition and the unfolding saga of human response to a continuous divine revelation in history. Moreover, it exemplifies the ongoing struggle within humanity to discover the equilibrium that allows for balanced action and submission to the divine criterion.

Revelation, Reason and the Law

Law has been a subject of central importance and significance in Muslim thought and practice. Muslim scholars built on the vocabulary and legal dimension of Qur'anic prescriptions and ethical norms to create a very pervasive legal culture which is often considered as one of the great achievements of Muslim civilisations.

It is important to get a sense of the historical development of law in Islam, to help dispel two false assumptions. The first is that Muslim law is a fixed and unchanging seventh-century system and the second, that it is highly restrictive, mediaeval in its outlook and antithetical to the needs of modern society.

The term used to refer to Muslim law is *Shari'a*. The connotation behind this concept is that God intends human beings to follow a divinely ordained path, but that such a path had also been revealed to others in the past. The Qur'an is explicit in stating:

To each of you we have granted a path and a way of life ... Had God wished He could have made you into a single community. But God's purpose is to test you in what He has granted to each of you; so strive in pursuing virtue and be aware that to God you will all return and He will clarify for you your differences (Qur'an 5:48).

Muslim schools of law developed over a period of centuries in response to questions that arose as the Muslim Community or *Ummah* expanded and encountered other peoples and cultures with established systems of belief and law. There developed over time a methodology of analysis and application through which answers could be obtained. The methodology is known as *fiqh* (science of jurisprudence), its foundational principles are known as *Usul al-fiqh*, and the body of law it

produced is collectively called the *shari'a*. In a certain sense, however, the *shari'a* encompasses more than the understanding of the sum total of its case law. It represents norms, providing a guide for living in accordance with ethical precepts.

Different schools of jurisprudence emerged around geographic centres of the Islamic empire and out of sectarian differences, achieving a systematisation which had many common features. These schools attempted to create procedures for framing human actions, classifying them in legal and ethical terms. These juristically defined categories assimilated traditionally established customary laws which were not superseded in the conversion process. However, among modern Muslims there are significant differences as there were among scholars in the past over how some of these categories are interpreted to take account of contemporary conditions of life in different parts of the world.

Muslim scholars in elaborating the *shari'a* sought to ground it in the Qur'an and the example and actions of Prophet Muhammad, but it was for human beings through the exercise of moral reasoning and rational tools to discover and develop the details of the law. In fact it was the speedy growth of Muslim lands in the first centuries of Islam's history that provided the impetus to ensure that a common legal culture provided the underpinning of the rapidly growing Muslim territories. The difference in approaches helped create a pluralistic legal tradition among Muslims, with differing emphasis on the methodology for deriving legal systems.

The four major Sunni schools [of jurisprudence] are *Hanbali*, *Maliki*, *Shafi'i* and *Hanafi*, so called after their founding scholars. They obtain in different parts of the Sunni world and while differing in some details share a common framework. Shi'ism, whose legal school is called *Ja'fari*, based on the systematisation done by Imams Ja'far al Sadiq (d. 765 CE) and Muhammad al Baqir (d. 743 CE), gives greater emphasis to the role of the Imam in guiding legal development and regards the process of reasoning (*ijtihad*) as being an indispensable part of the law. (The term Imam originally meant 'model' or 'example'. See Quran 2:118, 17:73, 36:11, 15:79, 25:74). In Shi'ism, the Imam is a religious leader, descended from the Prophet, through his daughter Fatima, who was married to his cousin Imam Ali, and endowed with spiritual authority, the position being hereditary and based on a divine designation .

The experiences of Muslims suggests that one of the purposes of law was to create formalised systems that could be applied across society, but also to acknowledge plurality, by having different communities co-exist following different traditions. This plurality reflects the diversity in background and context of the many cultures of humankind and while they embody universal values, based on revelations, they have evolved into different societies which have adapted these values to specific circumstances and historical conditions. This has not however prevented some scholars from time to time taking more rigid approaches to how law should be implemented. Societies such as Indonesia and various African nations, which have significant Muslim populations, have incorporated practices that are indigenous to their societies with traditions of Muslim law and added to these, in modern times, civil codes from Western legal traditions. In general, a great deal of diversity exists in the Muslim world with regard to legal codes and, virtually in every one of them, various systems co-exist, as legal codes continue to be adapted to contemporary life.

Law and Changing Contexts

The process of community development in the Muslim experience suggests that change can only occur when people are able to create institutions that are validated culturally and rely on the goodwill and support of all the constituencies involved. Where poverty and underdevelopment,

for example, have become solidly entrenched, communities often lose the motivation and the means to change their circumstances. The Qur'an stipulates that 'God would not change the condition of a people unless they choose to change themselves' (Qur'an 13:11)

Faith, while functioning to provide hope, needs to be complemented by and translated into social action where those who ultimately benefit are offered the opportunity to become stakeholders and are able to perceive change as affecting not just their economic life but also as an element that deepens and strengthens their sense of identity and religious values.

For that reason, the language of the Qur'an that addresses issues of poverty also speaks to issues that have legal, social and economic implications simultaneously. The community and its leaders are to be seen as custodians of these values and have the responsibility of ensuring that the state and key segments of society oversee the needs of the poor. This compassion and care on the part of leaders or the state as urged by several Muslim thinkers and leaders is seen by them as a key to fostering a just and beneficial order in their societies.

However, in the context of the urgency in our time to deal with issues of poverty, Muslims also need to work with others to promote enabling conditions among the poorer parts of the world, because there is now a universal language and understanding to promote and urge ethical action on all who are concerned. In this respect, Muslims have often sought inspiration from a Qur'anic chapter entitled '*Al-Balad*' (Qur'an 90), which can stand for 'city', 'community', 'village' and 'place' and even by extension, 'the earth'.

The verses are addressed to the Prophet and bear witness to his right to be a free individual in that space, linked to it like the ties binding child and parent (that is, as heir and as custodian). The revelation reminds him that human beings are created to be in a state of struggle, but that they are empowered with choices that God has offered. Of these choices, the verses go on to state, the most difficult path is the one that involves 'freeing the oppressed and relieving the hunger of those uncared for and those so destitute as to be reduced to grinding poverty' (Qur'an 90:13). Those who choose this path are called 'the Companions of the Right Hand', deserving of their exalted status because they embody in their actions the qualities of 'compassion and caring'.

Among the ethical writings of one of the earliest Muslim philosophers, al-Farabi (d. 970 CE), there is a work entitled *The Excellent City*. The excellence embodied in such cities, according to al-Farabi, rests on the balanced connection between the virtues of the citizens, the character of the ruler, and a morality, and ought not to be based on happenstance or chance developments merely resulting from conditions of survival and political stability. The issues of human happiness involve for al-Farabi civil, political, social and ethical/religious dimensions. They are all part of the moral universe of excellence and, if sought as an ultimate goal in each of these realms, then the conditions of the excellent city become possible.

In a world where words like 'crisis', 'conflict' and 'famine' are becoming too commonplace, it may be worth reminding ourselves that the ideal of the excellent city must be achieved in the *balad*, the real world, which is our globe, and that as citizens of it we face the hard choice of striving for excellence through a shared ethical engagement, to alleviate the conditions of conflict and suffering brought on by the global challenges of our time.