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Arguments for Abrogation in the Qur'an: A Critical Evaluation

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Abstract

Many Muslim scholars such as Abu 'Ubayd (d.224 A.H.), al-Nahhaas (d.377 A.H.), Makki (d.437 A.H.), Ibn al-'Arabi (d543 A.H.), ibn al-Jawzi (d.597 A.H.), al-Zarkashi (d.794 A.H.), al-Suyuti (d.911 A.H.), al-Dehlawi (d.1176 A.H.), and al-Zurqani (d.1948 C.E.) have aggressively argued that some verses—ranging from five hundred to only five—of the *Qur'an* are practically invalid due to the apparent conflict between them and other verses on the same subject matter. The arguments are based on some Qur'anic verses, statements attributed to Companions, those ascribed to later generation scholars, claim about the existence of abrogated verses in the *Qur'an*, and the claim of *Ijmaa'* of the Muslim *ummah*. Some other Muslim scholars have argued to rebut the theory of abrogation in the *Qur'an*. The debate is still going on. The Muslim *ummah* stands confused over this issue. There is a need of looking at all the arguments advanced either in favor or against abrogation and analyzing them critically so as to let the clear picture emerge on the matter. This paper represents a humble attempt to carry out that delicate task. The critical analysis of the arguments will be surely based on universal principles of criticism. The objective of this paper is certainly not to discredit Muslim scholarship; it is rather to substantiate that the *Qur'an* in its entirety, without any exception, is all-time valid, and no command therein is ever practically invalid.

Keywords: The Qur'an, Abrogation, *Ijmaa'*, *Ummah*, Critical Analysis.

Introduction

It might not be exaggeration to suggest that the Qur'an is the most widely consulted Scripture, on the one hand, and also the most manipulated source of law, on the other. Fuqaha' and mufassirun have provocatively subjected the Qur'an to their interpretative and legislative contemplation. Consequently, the Qur'an has turned more and more

complicated. Interestingly, one group of scholars is using the Qur'an to substantiate their views and rebut others'; another camp of clerics is also making the Qur'an as the basis of authentication of their thoughts and that of the condemnation of the rivals' approach. The theological and legislative debates revolving around the Qur'an have caused the Muslim ummah to get divided into various camps that have most of the time been at odds with each other over almost all the issues. One such issue related to the Qur'an is abrogation. Muslim scholars in general and fuqaha' and mufasssirun in particular have been aggressively hostile to one another over abrogation in the Qur'an. Predominantly, there are two circles of 'ulama', one favoring the abrogation and the other negating it. Both of them insist on their respective opinion on the abrogation. Neither of the two sections of the scholars is prepared to give up its stand, making a clarion call that it represents the truth while the other is totally on the wrong side. Despite the elapse of fifteen hundred years after the revelation of the Qur'an, the dispute over abrogation in the Qur'an is as fresh today as it might have been at its early stage. Logically, there are two probabilities concerning the claim over abrogation by the two groups: 1. either both groups of scholars have mistaken the issue of abrogation, or 2. only one of them stands for the truth. Both can in no way be on the right side. Innumerable books have been written on this subject. Yet, the matter remains unsettled. The basic factor for this situation is the traditional approach of scholars. They almost despise the rational and critical approach on anything pertaining to the Qur'an. The present paper represents a humble attempt to take a rational and critical look at the arguments for or against the abrogation in the Qur'an.

Abrogation in the Qur'an: Definition

The original Arabic term for abrogation is 'al-Naskh'. In defining this term Muslim scholars have said so many things, leaving the term undefined in a categorical manner. Anyone who reads the works of Abu 'Ubayd (d. 224 A.H.), al-Nahhaas (d. 377 A.H.), Makki (d. 437 A.H.), Ibn al-'Arabi (d. 543 A.H.), Ibn al-Jawzi (d. 597 A.H.), al-Zarkashi (d. 794 A.H.), al-Suyuti (d. 911 A.H.), al-Dehlawi (d. 1176 A.H.), and al-Zurqani (d. 1948 A.H.) on abrogation issue will feel confused as to its definition. What Ibn al-Jawzi has said may be considered the first, to some extent, clear definition of abrogation in the Qur'an. He says: 'al-Naskh literally signifies two things: 1. removal and lifting up, for example, the sun removes (carries naskh) the shadow because with the light of the sunrise the shadow recedes; one such example is also in the Qur'an—'Allah removes (applies naskh) what Satan casts in' (22: 52), and 2. copying a document in another place, for example, they say that the book was copied; a Qur'anic example of this import is 'We had been documenting what you had been doing' (45:

29). As for the application of al-naskh in Islamic law, it signifies in the first sense because the lifting up of a command which was initially obligatory for the people denotes its removal with or without its replacement.⁽¹⁾

Al-Zurqani feels uncomfortable with the complicated approach of scholars to define al-Naskh. He finds the discussions on the meaning of al-naskh in the sources of different nature hence he does not see any wisdom in making reference to them. He coins a definition of abrogation which he claims is more reasonable and closer to the reality: 'Removal of an Islamic command by a legally valid argument (*raf' al-hukm al-shar'i bi dalil al-shar'i*).⁽²⁾ Øubhi al-Saalí deems this definition the most precise. He does not feel contented with the controversies of Muslim scholars over the definition of abrogation.⁽³⁾

Ibn al-Jawzi has suggested five conditions for the occurrence of abrogation. First, the ruling in the abrogating verse and the abrogated verse should be both contradictory to each other. Second, the abrogated ruling should be chronologically prior to its abrogating ruling. It could be known either through divine statement or through historical information. Third, the abrogated ruling should have been initially part of Islamic law. Fourth, the abrogating ruling should also be a confirmed part of Islamic law. Fifth, the justification for an abrogating ruling should be either as strong as that of its abrogated ruling or stronger than that of the abrogated one. In case of the tenuous strength of the abrogating in comparison to the abrogated one the abrogation will not occur.⁽⁴⁾

Arguments for Abrogation in the Qur'an

The proponents of abrogation do not seem to be very clear as to the arguments conforming the theory of abrogation in the Qur'an. The reason is very simple. Controversial approach to abrogation makes the proposed arguments controversial hence not so much valid. Arguments advanced for abrogation are numerous due to the classification of abrogation into various categories.

All these arguments are of two kinds, those strengthening the concept of abrogation in general, and those reinforcing the occurrence of abrogation in the Qur'an itself. As regards the validity of abrogation in normal life and also in Islamic law, there is actually no controversy among Muslim scholars. Ironically, the advocates of abrogation focus more and more on this dimension of the issue, stressing the message that the Qur'an is not excepted from this general rule. This category of arguments is not within the purview of this study. The scope of this article is confined to the arguments for abrogation in the Qur'an. Ibn al-Jawzi and al-Zurqani have both categorically mentioned all the probable arguments for the abrogation in the Qur'an based on the Qur'anic verses, opinions of Sahabah, views of Taabi'un, and claim of consensus.⁽⁵⁾

Arguments based on Qur'anic Verses

The verses that are quoted to corroborate the occurrence of abrogation in the Qur'an are 2: 106, 2: 269, 3: 7, 4: 160, 5: 48, 13: 39, 16: 101, 17: 86, and 22: 53.

2: 106 reads: 'We do not abrogate any verse or cause it to be forgotten but We bring another verse either similar to it or better than that'. This verse in no uncertain term states the occurrence of abrogation effected by Allah Himself. Undoubtedly, this verse forms a substantial evidence for abrogation. But the question is whether this statement talks about the abrogation within the Qur'an. Probably the reason for exultation is the word 'ayah'. To the defenders of abrogation, the word 'ayah' signifies verse of the Qur'an. Does the word 'ayah' invariably connote verse of the Qur'an? Answer to this question is available in the Qur'an. In the Qur'anic usage the word 'ayah', its dual variant 'ayatayn or aayatan', and its plural form 'ayaat' have been used 86 times, only once, and 296 times respectively. These usages do not signify only one thing e.g. verse of the Qur'an. There is no denying the fact the Qur'an has used the word 'ayah' in these shades of meaning: 1. message of Allah (2: 129; 2: 252), 2. mark (3: 97), 3. symptom (19: 10), 4. masterpiece (30: 21, 36: 33), 5. lesson (10: 92), 6. miracle (20: 22, 23: 50), 7. Qur'anic statement (3: 7), 8. revelation in the previous heavenly Scriptures (3: 113), 9. irrefutable proof (30: 22). In order to be sure about the specific meaning of the word 'ayah' in 2: 106, the context and historical background are to be taken into consideration. All the mufasssirin are unanimous over the historical background of the verse 2: 106. When the Jews found several revelations of the Qur'an in contradiction of their Scripture, they claimed that if the Qur'an was from God it would never be in conflict with the command in Torah. For example, the previous divinely sanctioned direction in prayer was Jerusalem. The Prophet (s.a.w.) himself faced Jerusalem in his prayers for around fifteen years. When Allah advised him to change the direction of prayer from Jerusalem to the Holy Mosque in Makkah, the Jews felt perplexed and raised objection to this change. They were of the view that the new direction could not have been suggested by Allah. In response to this approach of the Jews Allah sent the above mentioned revelation (2: 106), underlining the fact that amendment in His own rules was His prerogative. The revelation sent the message that Jerusalem was faced as direction in prayer for a certain period of time; it was in accordance with the command of God; when the direction was shifted to Ka'bah in Makkah, it was also from the command of God.⁽⁶⁾ One can now see that the meaning of the word 'ayah' in the verse concerned (2: 106) is revelation in the previous heavenly Scripture. Thus the verse 2: 106 refers to the abrogation in a verse in Torah by the revelation in the Qur'an. This verse does talk about abrogation but not about that in the Qur'an but rather by the Qur'an. In his interpretation of this verse, Ibn

Kathir and others condemn the rejecters of the abrogation in the Qur'an by citing some examples of abrogation in the law of Allah including the change of direction in prayer.⁽⁷⁾ He forgot here that the Prophet (s.a.w.) did not follow the direction of Jerusalem as per the Qur'anic revelation but as per the previous revelation in Torah. So when the direction was changed, it was an abrogation not in the Qur'an but in the Torah by the Qur'an. Ibn al-Jawzi mentions how one of his teachers pointed out to the change of prayer direction from Masjid al-Aqsa to Masjid al-Haram as an example of abrogation in the Qur'an.⁽⁸⁾ It is highly surprising how Muslim scholars allude to the change of direction as an abrogation in the Qur'an. This approach might have been considered right, if any verse of the Qur'an commanded the Prophet (s.a.w.) to use Jerusalem as direction in his prayers. There is no revelation in the Qur'an of that effect. One might allude here to the verse 2: 115 ('And God's is the east and the west: and wherever you turn, there is God's countenance'), maintaining that the Prophet's facing Jerusalem in his prayers was in the light of this revelation. It seems a far-fetched idea. Ibn 'Abbas is of the view that the verse 2: 115 came down in response to the Jewish objection to the change of direction in prayer from Jerusalem to Makkah.⁽⁹⁾ The Prophet (s.a.w.) faced Jerusalem not only around two years in Madinah but also in Makkah right from the beginning of his mission, whereas the verse 2: 115 is a Madinan revelation.

The verse 2: 265 reads: 'He who was granted wisdom was granted indeed an overflowing good'. This verse is used as an argument for abrogation in the Qur'an on the basis of Ibn 'Abbas' interpretation of this verse. He said:

Wisdom (al-hikmah) here signifies the understanding of the Qur'an's abrogating and abrogated rulings, that of its clear (muhkam) and unclear (mutashabih) verses, that of its beginning and its ends, that of its lawful and unlawful, and its parables.⁽¹⁰⁾

The report through which this statement is attributed to Ibn 'Abbas contains a defective chain of reporters. The narrator who reports from Ibn 'Abb  s is 'Ali ibn Abi Talhah who never met Ibn 'Abbas. A weak report cannot be used as an argument. It is to be checked whether hikmah denotes knowledge of abrogation in the Qur'an. Hikmah literally connotes practical and methodological understanding of knowledge. The Qur'an articulates the duties of the Last Prophet (s.a.w.). One of his various tasks was to teach the Book and wisdom. If, as Ibn 'Abbas interprets, hikmah refers to, among other things, knowledge of abrogation in the Qur'an, the Prophet (s.a.w.) must have taught his followers which verses of the Qur'an were abrogating and which ones were abrogated. But the sources are all deplete with any such information about the Prophet's (s.a.w.) teaching his Companions about abrogated and abrogating verses in the Qur'an. In order to get to the import of the

word hikmah in the above verse (2: 269), one has to read the whole context which spreads over the verses 2: 267-283. In these seventeen verses one can see three main messages: 1. charity work is of great benefit for the believers, 2. usury based monetary transaction is bane for man, and 3. monetary loan is to be properly documented and reliably testified. All these matters are financial ones. The verse (2: 269) is a part of that context. In this particular verse the message communicated is that understanding the objectives and advantages of these wealth related acts is but wisdom; one who understands it is ever prepared to be generous for the sake of Allah. If the scholars who claim to have the knowledge of abrogated verses in the Qur'an are really blessed with wisdom, they should have irrefutable arguments at their disposal. Conversely, the proponents of abrogation in the Qur'an stand confused over how to surely identify and then justify the abrogation in the Qur'án.

The verse 3: 7 reads: He it is who bestowed upon you from on high this divine writ, containing verses muhkamat that are the essence of the divine writ, and others that are mutashabihat. This verse refers to the two categories of the Qur'anic verses, muhkamat and mutashabihat. Aside from the original and allegorical imports of these two terms, Ibn 'Abbas, al-Zahhak ibn Muzahim, and others insist that the word mutashabihat signifies abrogated verses in the Qur'an.⁽¹¹⁾ It seems hard to digest this suggestion of scholars. In accepting this stand there arise several problems. Allah makes it clear that these two categories of verses are of permanent nature; the muhkamat will forever remain muhkamat and the mutashabihat will not change at any stage of the time into non-mutashabihat. But here in the abrogation system, the scholars keep changing their stand on the abrogated verses of the Qur'an. Does it, then, mean that mutashabihat will keep changing its position to muhkamat. Is it fair to supersede the statement of Allah? An example may suffice to bring the point home.

According to Ibn 'Abbas, the command in 2: 180;

... ('It is ordained for you, when death approaches any of you and he is leaving behind much wealth, to make bequests in favor of his parents and near of kin in accordance with what is fair: this is binding on all who are conscious of God') ...

... is abrogated⁽¹²⁾ hence this statement of the Qur'an must be considered as mutashabih. But to 'Ali, 'A'ishah, al-Sha'bi, and al-Nakha'i, the same command (2: 180) is not abrogated hence it is muhkam.⁽¹³⁾ It is ridiculous to refer to the same verse as muhkam as well as mutashabih. What is attributed to Ibn 'Abbas concerning the meaning of mutashabihat as abrogated verses of the Qur'an is doubtful. Al-Tabari has recorded Ibn 'Abbas' view through four chains of narrators (sanad). Two of these chains contain anonymous reporters hence these reports are weak. The two other chains are also defective due to the availability of weak reporters therein. In one chain

the reporter reporting the view of Ibn ‘Abbas is ‘Ali ibn Abi Talhah who did not learn anything from Ibn ‘Abbas. That is why his report from Ibn ‘Abbas may not be considered reliable. The other chain has two unreliable reporters, Asbaat ibn Nasr and Isma‘el al-Suddi. As for the view ascribed to al-Zahhak ibn Muzahim, it is also not based on reliable chains. Al-Tabari has used five chains. All of them are weak due to the names of Juwaybir, Salamah ibn Nubayt, Juwaybir, al-Husayn ibn al-Farj, Salamah ibn Nubayt respectively.

The word *mutashabihat* means illustrative. In the Qur’an one finds the mention of the life hereafter and many other things unseen to man. To describe the unseen facts Allah has used the metaphoric language to bring the picture of the unseen close to the human perception. All the places of the Qur’an where the unseen items, creations, and phenomena have been mentioned constitute *mutashabihat*.⁽¹⁴⁾

The verse 4: 160 reads: ‘For the iniquity of the Jews We made unlawful for them certain good things which had been lawful for them’. None but al-Zurqani claims that this verse speaks about the existence of abrogation in the Qur’an. He takes this position on the basis of the phrase in the verse ‘which had been made lawful for them’. To him, the making of lawful into unlawful signifies abrogation.⁽¹⁵⁾ It is certainly an occurrence of abrogation. But where did it occur? Was it the Qur’an or Torah? There should not be any confusion over the meaning of the verse 4: 160. It indicates to how the Jews were punished due to their belligerent approach to their religion; one such punishment meted out to the Jews was that they were barred from utilizing certain things already lawful. Ibn ‘Abbas says that this verse (4: 160) reminds us of the fact that the Jews carried out some changes in Torah, making certain things unlawful on their own.⁽¹⁶⁾ The concerned part of the verse 5:48 reads: ‘For every one of you We made a law and a way’. Does this verse in any way indicate to the occurrence of abrogation in the Qur’an? In order to get a vivid picture of this divine statement it is but desirable to read not only the whole verse but also its preceding and succeeding verses. The translation of the whole verse is:

And We revealed to you the Book with truth which confirms the Book before it and serves as its guardian: so judge between them by what Allah has revealed, and follow not their vain desires diverging from the truth that has come to you. For every one of you We made a law and a way. If Allah had so willed, He would have made a single people but (His plan is) to test you in what He has given you: so strive as in a race in all virtues. The goal of you all is to Allah; it is He who will show you the truth for the matters in which you dispute.

This verse sends two main messages: 1. the Qur’an represents the truth, 2. the Qur’an is the only source of law for the people, and 3. decision of any dispute is to be made in the light of the Qur’an, and not on the basis of what is there in the previous

Scriptures. The occurrence of the word 'truth' as the attribute of the Qur'an in the verse sends a message beyond any doubt that the Qur'an is truth from every angle and in its each and every single verse. To say that certain verses of the Qur'an are abrogated as to their practicability is tantamount to accept the Qur'an as the truth. It is born in mind that this verse (5: 48) and its preceding and succeeding verses give a repeated call to reject the stand of the Jews on the Scriptures of God and to stick to the Last revealed Scripture of Allah. The above clause of the verse ('For every one We made a law and a way') rather confirms that the previous laws revealed in the previous Scriptures are no longer valid; and that the laws revealed in the Qur'an are the only valid provisions of law. Makki ibn Abi Talib himself stresses that this verse refers to the abrogation of the previous prophets' laws and not the laws in the Qur'an.⁽¹⁷⁾

The verse 13: 39 reads: 'Allah annuls and confirms whatever He will, for with Him is the source of all revelation'. It is used as an argument for abrogation on the basis of a statement attributed to Ibn 'Abbas: 'Allah replaces in the Qur'an whatever He wills to abrogate and retains whatever He wills not to abrogate. Both the abrogated and the abrogating are in the mother of the Book. All that are replaced as well as retained are in the Book'.⁽¹⁸⁾ Qatadah ibn Di'amah claims that this verse conveys what the verse 2: 106 does. To him, as the verse 2: 106 talks about abrogation in the Qur'an, the verse 13: 39 also substantiates the theory of abrogation in the Qur'an.⁽¹⁹⁾ The chain through which Ibn 'Abbas' view has been reported seems to be defective due to the availability of 'Ali ibn Abi Talhah who never benefited from Ibn 'Abbas. Probably, Qatadah made his opinion on the basis of Ibn 'Abbas' statement. This verse uses a word 'mahw' which means effacement and total removal; wherever the 'mahw' takes place, nothing remains in place. Abrogation theory emphasizes that both the abrogating and the abrogated verse remain in the Qur'an. In that case the above verse (13: 39) should not speak about the abrogation in the Qur'an. If we read the whole Surah al-Ra'd (13), we can see that the surah consoles the Prophet and his followers, on the one hand, and rebuts various suppositions developed by the opponents i.e. Quraysh. The above verse (13: 39) forms an answer to the objection raised by Quraysh that with the presence of the previous heavenly Scriptures revealed to previous prophets there did not arise any need of the new Scripture. In the answer it was stressed that Allah willed to efface the previous Scriptures as the sources of law and send new Scripture i.e. the Qur'an.⁽²⁰⁾ Read the last statement of the preceding verse: 'Every age has had its Kitab' (13: 38).

The statement in 13: 39 is connected to the previous one. In this way it can be said that the verse 13: 39 is not advocating the theory of abrogation but rather the prerogative of Allah to annul the previous Scripture and replace it with the Qur'an. Apart from that, the verse is a Makki revelation; it is, then, wonderfully strange to

suggest that this verse alludes to abrogation theory. It is to be born in mind that the concept of abrogation surfaced only in Madinah where a new society based on the Islamic laws was being developed. The verse 16: 101 reads:

And when We substitute one revelation for another—and Allah knows best what He reveals in stages—they say: You are but a forger! Nay, but most of them do not understand it.

This verse is taken as an argument for the progression in the commands of Allah through revelation in the Qur'an. This stand is untenable. This verse is a Makki revelation. In Makki revelation one may not find such progression in the laws. The verse (16: 101) itself refers to the observation of the Quraysh that Muhammad (s.a.w.) himself fabricated the messages in different ways and presented them in stages in the name of God. Quraysh could not have raised the question of abrogation of laws in Makkah. This verse reminded Quraysh that it was not Muhammad (s.a.w.) who made the Qur'an in stages but Allah who knew very well about what to reveal where and when in the Qur'an. Syed Mawdudi, while interpreting the above verse (16: 101), observes that in Makki revelations one can see one and the same message in different styles and arguments that are scattered at various places in the Qur'an; it were these revelations in stages which made Quraysh believe that the Qur'an was Muhammad's own work; had it been from God, it would have been revealed all at once. He maintains that the Makki revelations do not have the progression in Islamic laws.⁽²¹⁾

The verse 17: 86 reads: 'If it were Our will, We could take away that which We have revealed to you: then would you find none to plead your case against Us'. Undoubtedly, this verse refers to the power of Allah to lift up His own command, but it does in no way prove that Allah sent a revelation in the Qur'an and lifted it up. The verse after it—'Except for Mercy from your Lord; for His bounty on you is great' (17: 87)—reasserts that Allah out of His bounty on the Last Prophet (s.a.w.) would never take away what He revealed to him. This verse speaks only about the possibility of abrogation and about the occurrence of abrogation in the Qur'an. It is not to be forgotten that this verse (17: 86) is the part of answer to a question raised by the Quraysh on behalf of Jews in Madinah concerning the meaning of 'spirit'. The answer begins from the verse 17: 85, ('They ask you concerning the Spirit. Say: The Spirit is of the command of my Lord. And you were not communicated of this knowledge but very little') and ends with 17: 87. The Spirit is actually revelation which is entirely at the discretion of Allah where, when, what, and to whom to send down. Makki ibn Abi Talib makes this verse (17: 86) as the basis to claim that Allah erased certain revelation of the Qur'an from the hearts and documents.⁽²²⁾ It is a gross speculation. And speculation does not substitute the truth (10: 36).

The verse 22: 52 reads:

Never did We send a messenger or a prophet before you, but, when he framed a desire, Satan cast something into his desire: but Allah cancels what Satan casts in, and He confirms His messages. Allah is full of knowledge and wisdom.

Even a layman can see that this verse is talking about the abrogation of something cast in the hearts of the prophets by Satan, and not about the abrogation of the Qur'anic verses. Mufasssirun, while interpreting this verse, bring in a story about Satan's putting into the mouth of the Prophet (s.a.w.) some of his own verses which admired the goddesses of Quraysh, and prove how Allah deleted those Satanic insertion into revelation. Mufasssirun forgot the assurance of Allah in the verse 15: 9 ('We without doubt sent the Message to you step by step and We are responsible to safeguard it'). Allah's promise to protect the revelation does not merely signify that after the revelation but also before and during its revelation. To claim that Satan managed to interfere into the process of revelation of Surah al-Najm (53) is to falsify the divine guarantee for the safety of revelation from any corruption whatsoever made in 15: 9.

Argument Based on the Views of Øahabah and Tabi'un Scholars

While showing the significance of abrogation in the Qur'an, the advocates of abrogation quote three statements attributed to three Sahabah, 'Umar ibn al-Khattab, 'Ali ibn Abi Talib, and 'Abd Allah ibn 'Abbas. 'Umar said: 'Ubayy ibn Ka'b is the most knowledgeable among us on abrogation'.⁽²³⁾ Ibn al-Jawzi did not give the chain of narrators of this report hence it is hard to say anything about its reliability. Apart from its authenticity, it is not necessary to construe 'Umar's statement as a reference to the abrogation in the Qur'an. He simply praised the knowledge of Ubayy on the issue of abrogation. He did not say that Ubayy was the most knowledgeable of the abrogation in the Qur'an. Ubayy ibn Ka'b had knowledge of previous Scriptures hence he knew very well which commands of Torah were annulled by the Qur'an.

'Ali's view is advanced in the form of a dialogue between him and a storyteller. 'Ali asked him whether he was aware of the abrogating (al-nasikh) and the abrogated (al-mansukh). When he answered in the negative, 'Ali warned him: You destroyed yourself as well as others.⁽²⁴⁾ In what way does this report constitute an argument for abrogation in the Qur'an? Was the storyteller a teacher of the Qur'an that 'Ali warned him of the serious consequences of his ignorance of abrogation in the Qur'an? Was there any reference in 'Ali's question to the abrogation in the Qur'an? The storyteller was not a teacher of the Qur'an. The title storyteller speaks

very clearly about his position. Had he been a teacher of the Qur'an, he would never have been insinuated as storyteller. It seems from the report that the storyteller used to narrate stories of all sorts, including the stories of the previous people and the prophets based on his understanding of the previous Scriptures. When 'Ali asked him about his knowledge of the abrogating and the abrogated, he might have asked him about the abrogating revelations in the Qur'an and the abrogated verses in the previous Scriptures.

As for Ibn 'Abbas' view we have already seen above. His interpretation of verses such as 2: 106, 3: 7 etc. confirms his view on abrogation in the Qur'an. These verses have been discussed thoroughly as to their import. These verses do not speak about abrogation in the Qur'an but about abrogation by the Qur'an in the previous Scriptures. It will not be out of place to state here that the name of Ibn 'Abbas has been misused and abused by the people with vested interests. If all the reports attributed to Ibn 'Abbas are critically checked, they might be proved either weak or unreliable. The tafsir work entitled 'Tanwir al-Miqyas' is attributed to Ibn 'Abbas. Scholars have proven beyond any doubt that the two reporters who report the tafsiri views of Ibn 'Abbas are liars hence unreliable. It is not Ibn 'Abbas who is to be blamed but the reporters who attribute the statements to him are to be condemned as unreliable.

Among Tabi'un scholars the most prominent supporters of abrogation are Sa'id ibn al-Musayyib, Mujahid ibn Jabr, Qatadah ibn Di'amah, and al-Zahhak ibn Muzahim. One can find their declaration of this verse or that verse as abrogated in the sources. Since they consider certain verses of the Qur'an abrogated, the theory of abrogation in the Qur'an is taken as justified. There is no doubt that they declared certain verses as abrogated. But we have to investigate what they meant by declaring a verse abrogated. Some examples may suffice to crystallize the matter. First, When Anas ibn Malik grew old and turned unable to fast in the month of Ramadhan, he would feed the poor instead every day as compensation for his fasting. This he used to do in the light of the concession granted in the Qur'an: 'For those who can do it is the ransom, the feeding of an indigent' (2: 184).⁽²⁵⁾ It is to be born in mind that Anas ibn Malik like others also considered that facility as abrogated. Why did he, then, practice it? Because, to him, abrogation of a ruling in the Qur'an never signified permanent invalidity of the Qur'anic command. Second, Once Ibn 'Abbas decreed for a woman after giving birth that she was allowed to pay ransom in place of fasting.⁽²⁶⁾ It is Ibn 'Abbas who said time and again that the permission to pay ransom for fasting (2: 184) was abrogated. If he meant permanent abrogation of the verse, why did he, then, allow the woman to do that? Certainly, abrogation in the Qur'an, to him, meant impracticability of certain ruling of the Qur'an in a certain

given situation. Third, 'Abd Allah ibn 'Umar was once asked about the position of a pregnant woman who fasted in Ramadhan but suffered from dehydration. He advised the woman to break the fasting and pay the ransom every day.⁽²⁷⁾ He did consider that concession abrogated for a healthy and normal woman and man but for the pregnant and the sick he did not find the ruling abrogated. Fourth, Abu al-'Aaliyah in his old age would not fast in the month of Ramadhan and pay the ransom instead.⁽²⁸⁾

Argument based on the Existence of Abrogated Rulings in the Qur'an

Al-Zurqani advances an argument in favor of abrogation in the Qur'an saying that there do exist in the Qur'an certain verses that can never be practiced.⁽²⁹⁾ Is this an argument? Who said that this verse or that verse was abrogated? Did Allah clearly indicate to the abrogated revelation in the Qur'an? Certainly, there is no statement in the Qur'an referring to the abrogated rulings. Did, then, the Prophet (s.a.w.) identify the practically invalid commands in the Qur'an? There is no such tradition in the Hadith literature. It, then, simply means that al-Zurqani and others from the community of Muslim scholars made supposition on their own that some verses of the Qur'an were practically invalid forever. Ironically, the identification of abrogated rulings in the Qur'an has been in the past and still is an act of personally motivated manipulation of the Qur'an. Scholars of abrogation, fuqaha', and mufasssirin miserably failed to refine the principles of abrogation so as to give them universal shape. Different scholars have come up with their own standards of abrogation in the Qur'an. That is why, they could not agree unanimously as to which verses are abrogated. Al-Suyuti vehemently enforces upon others his own personal preference concerning the number of abrogated verses of the Qur'an. He has selected twenty one verses as abrogated ones and decreed that any claim about abrogated verses other than these was not justified.⁽³⁰⁾ He also accepts that the position of some of these abrogated verses is controversial. Behind this declaration there is a hypothesis that the number of abrogated verses might be reduced further. Probably, Shah Wali Allah al-Dehlawi took up this challenge and played his part in bringing down the number of abrogated verses from twenty one to only five. This narrowing down of the abrogated verses has taken place on the basis of interpretation of the verses concerned. According to him, the only abrogated verses in the Qur'an are 2: 180, 2: 240, 8: 65, 33: 52, and 58: 12.⁽³¹⁾ Interestingly, these five verses have been declared by others from the proponents of abrogation as non-abrogated.⁽³²⁾ It means that no verse of the Qur'an

stands abrogated. In this case, the stand of al-Zurqani about the existence of abrogated verses in the Qur'an turns untenable.

Argument based on the Claim of Consensus

Commentators of the Qur'an and scholars of Qur'anic Studies claim that over the abrogation in the Qur'an there is a consensus of Muslim ummah. Ibn al-Jawzi says that 'ulama' have the consensus over the occurrence of abrogation in the Qur'an but some did not agree to it.⁽³³⁾ Al-Nahhaas says that some people rejected the existence of abrogating and abrogated verses in the Qur'an; their approach is not reasonable because they oppose the consensus of Muslim ummah and also the Qur'anic stipulation on the matter.⁽³⁴⁾ Al-Suyuti claims that Muslims have consensus of opinion on the abrogation in the Qur'an.⁽³⁵⁾ Al-Zurqani slightly changes his statement: 'Early generation of Muslim scholars (salaf al-ummah) had consensus of opinion over the fact that there occurred abrogation in the Islamic law'.⁽³⁶⁾

In the statement of al-Nahhaas and Ibn al-Jawzi there is a very clear recognition of controversy among scholars over the abrogation in the Qur'an. Both of them accept the existence of some who rejected the abrogation theory. Does this situation refer to consensus? They have themselves disputed their own stance. It is known that consensus occurs only when all the scholars without any exception agree to the issue concerned; even the dissent of one single scholar makes the matter controversial. Al-Suyuti avoided the mention of difference of opinion on the abrogation, although he knew very well the nature of situation. He most of the time borrows ideas and information from al-Zarkashi's work on 'Ulum al-Qur'an. Why did he not, then, take from al-Zarkashi the statement concerning Muslim scholars' controversy over the abrogation. Al-Zarkashi refers to the views of some other scholars who considered the Qur'an abrogator of the previous Scriptures, and not of its own revelations. Al-Zarkashi seems to be supporting the idea of the Qur'an being protected from all kinds of contradictions. To substantiate his understanding he quotes 15: 9 ('Verily, We sent the Message (Qur'an) down step by step and We shall safeguard it').⁽³⁷⁾ Al-Zurqani, on the one hand, suggests Muslim scholars' consensus over abrogation in Islamic law and describes, on the other, disagreement of some other scholars from the early as well as modern times.⁽³⁸⁾ The fact is that there is no consensus of opinion on abrogation in the Qur'an among Muslim scholars; scholars are divided into groups, one supporting it and the other negating it. The claim of consensus controverts the reality in the history as well today. Al-Raazi takes a stand that the consensus of Muslim scholars is not a sufficient basis to cancel the practical validity of Qur'anic rulings.⁽³⁹⁾

Aayah al-Sayf and Aayah al-Qitaal VS Generosity and Justice towards Non-Muslims

There are a number of verses in the Qur'an which exhort believers to uphold justice and treat generously the non-believers. For example, 4:90 reads:

So if they (non-Muslim fighters) withdraw from you, and fight not against you, and offer peace to you, then Allah opened no way for you against them.

part of 5:2 reads:

And let not the hatred of some people in shutting you out of the Sacred Mosque lead you to transgression. Help you one another in righteousness and piety, but help you not one another in sin and rancor,

The beginning phrase of 20: 130 reads: 'So be patient with what they (non-believers) say'; 33: 48 reads:

And obey not the unbelievers and hypocrites, and disregard their insolence; but put your trust in Allah, for enough is Allah as a Disposer of affairs.

These verses many others advise the Prophet (s.a.w.) and his followers to be patient with the insolent approach of the enemies, to be generous towards non-believers, and to be just towards non-Muslims. But the stalwarts of abrogation dare declare all such commands of the Most Merciful null and void. Their argument is based on two statements: 9: 5 ('Kill the polytheists wherever you find them, capture them and besiege them, and lie in wait for them in each and every ambush'); 9: 29,

Fight against those who believe not in Allah, nor in the Last Day, not forbid that which has been forbidden by Allah and His Messenger, and those who acknowledge not the religion of truth among the people of Scripture until they pay the jizyah with willing submission and feel themselves subdued.

These two verses are known in legal terminology aayah al-sayf and aayah al-qitaal. Qatadah ibn Di'amah observes: 'Everything in the Qur'an advising avoidance of conflict with the disbelievers stand abrogated by the aayah al-sayf and aayah al-qitaal'.⁽⁴⁰⁾ As per the calculation of Ibn al-Jawzi around one hundred ten (110) verses which promote leniency, kindness, patience, generosity towards non-believers are considered abrogated by aayah al-sayf and aayah al-qitaal. He does not agree to this number but supports the abrogation of only twelve (12) of them.

They forgot that the aayah al-sayf and aayah al-qitaal came down in connection with the situation of war. As for the normal situation, these two verses remain unexecuted. The Prophet's (s.a.w.) agreements with the Jews, Arabs particularly

Quraysh, and other warring parties for peace serve as enough evidence for the peaceful co-existence policy of Islam.

It seems that the image of Muslims in the west as terrorists is consequent upon the abrogation of generosity towards non-Muslims.

Arguments against Abrogation in the Qur'an

On the forefront of the movement against the abrogation theory was Abu Muslim al-Asfahani. His arguments to rebut the claim about abrogation in the Qur'an are of two kinds: 1. statement of the Qur'an, and 2. interpretation of the Qur'an.

According to him, the statement of the Qur'an which negates the existence of abrogation in the Qur'an is,

No falsehood can approach it from before or behind it: it is sent down by One Full of Wisdom, Worthy of all Praise (41: 42).

He declares in no uncertain term the abrogation theory as falsehood (batil).⁽⁴¹⁾ Is his stand right? Al-Zurqani rebuts the observation of Abu Muslim with his conviction that abrogation in the Qur'an is the truth (al-haqq), and not falsehood (batil).⁽⁴²⁾ Al-Zurqani does not give any evidence to prove the authenticity of his belief except the verse 2: 106 which states that Allah carries out abrogation (we have already discussed the message of this verse above). This verse 2: 106 does refer to the abrogation but not in the Qur'an but in the previous scriptures by the Qur'an. It is hard to accept the theory of abrogation in the Qur'an as the truth (al-haqq) because the theory of abrogation insists on the existence of conflict (ta'aruz and tanaquz). The notion of conflict between one revelation of the Qur'an and another is nothing but that of falsehood. Al-Zurqani maintains that abrogation denotes permanent suspension of practical validity of a verse but it does retain the position of the verse concerned as a Qur'anic revelation.⁽⁴³⁾ Al-Zurqani forgot that reciting a verse and believing in its authenticity as the part of the Qur'an necessitate its imperativeness. Every command of the Qur'an represents the truth from every possible angle: it is a revelation from on high; it is a part of the Qur'an; it is to be believed in as the most sacred; it is to be recited as a command of God; and it is to be acted upon wherever it is relevant. But abrogation theory throws its validity for practical purpose. It is certainly tantamount to consider it invalid. Invalidity of a Qur'anic command is to render it false. The argument of Abu Muslim seems to be logical.

Al-Asfahani proposes that the Qur'anic verses should be interpreted rather than abrogated. Supporters of abrogation, for instance, declare (2: 180) ('It is prescribed for

you, when death approached any of you, if he leaves wealth, that he makes bequest to parents and next of kin according to reasonable usage. This is a duty upon the pious') abrogated. Abu Muslim interprets it in a way that it remains practically valid. He says that the bequest, as the verse suggests, should be as per reasonable manner (bi al-ma'ruf). He explains that al-ma'ruf here means in accordance with the command of God as available in aayaat al-mirath (4: 7-14). Al-ma'ruf does not certainly mean according to the prevalent custom in the society; it means 'what is good'. And the good is only what Allah declares as good. What is wrong in this interpretative approach of Abu Muslim? There is nothing wrong; his suggestion rather seems to be quite rational. With this method to interpret the Qur'an, the practical validity of the so called abrogated verses can be traced.

The stand of Abu Muslim is sufficiently substantiated by the Qur'an. Verses such as 2: 185, 4: 82, 5:3, 11: 1, 17: 82, 36: 2, and 39: 28. unequivocally spell out that the Qur'an in its entirety is ever relevant in human life.

2: 185 reads: 'Ramadhan is the month in which was sent down the Qur'an as a guide to mankind, and as clear proofs for guidance, and as the criterion (for right and wrong)'. This verse speaks about three attributes of the Qur'an, source of guidance, proofs of guidance, and standard for the right and the wrong. These three qualities apply to the entire Qur'an. In case the abrogation in the Qur'an is taken for granted, certain part thereof will get deprived of these attributes. Abrogation has created confusion and irreconcilable controversy among 'ulama' and the Muslim masses. This is not a situation of guidance. Thus anything curtailing the position of the Qur'an as guidance is not sustainable.

4: 82 reads: 'Do they not ponder on the Qur'an? Had it been from any other than Allah, they would surely have found therein contradictions a lot'. According to this statement, the Qur'an is free from any kind of discrepancy. And the lovers of abrogation theory insist that there are legal rulings that are contradictory to each other. Now, it is a matter of choice between the two statements, one from Allah and the other from man. Certainly, the choice will be of Allah's declaration because the belief in the abrogation theory amounts to the existence of contradiction among verses of the Qur'an. If there are no conflicts between commands of Allah, as the above verse (4: 82) communicates, there is no abrogation in the Qur'an at all.

5: 3 is along verse highlighting the lawful and unlawful for the believers; one part thereof reads: This day have I perfected your religion, completed My favor upon you, and have chosen for you Islam as your way of life. With the revelation of this message the Prophet (s.a.w.) and his followers were assured of the perfection of the Qur'an. Abrogation theory negates it and thrusts by force an idea that the Qur'an

is still imperfect. Perfection of anything does not leave any room for anything that could spoil its perfection.

11: 1 reads: ‘Alif Laam Raa; this is a Book the verse whereof were perfected (uġkimat) and then explained in detail from One who is All-Wise, Well-Aware’.

The message of this verse is very clear. Both the categories of verses in the Qur’Ēn—muhkamat and mutashabihat—are full of wisdom. There has been left no lacuna in either of the two kinds of verses whereby imperfection of any nature can penetrate into the Qur’an. This verse refers to two qualities of the Qur’anic verses, perfected and explained in detail. Do these two attributes of the Qur’anic revelations give way to abrogation? Abrogation is in stark contrast with the two features of the Qur’an.

17: 82 reads: ‘We send down of the Qur’an that which is cure and mercy for the believers’. Whatever came down in the Qur’an serves as cure for the suffering of man in this life. It is this message conveyed through this verse. Abrogation prevents the believers to keep away from some of the Qur’anic panacea. Why? It is simply because the defenders of abrogation in the Qur’an look at some of the Qur’anic revelations as poison for practical life. The Qur’an is all remedy but the abrogation theory renders some part thereof malady. Undoubtedly, each and every single piece of the Qur’an is remedy, and not what the champions of abrogation proclaim.

36: 2 reads: ‘By the Qur’an, full of wisdom’. This verse refers to the Qur’an as hakeem (wise). This is also one of the attributes of Allah. The Qur’an is wise because it originates from the Wise. This attribute of the Qur’an speaks volumes of the position of the Qur’an: each and every single command of Allah is relevant. If any verse of the Qur’an is relegated as irrelevant for man, the Qur’an, then, cannot remain as wise. Abrogation theory serves as antithesis to this position of the Qur’an.

39: 28 reads: ‘This is Qur’an in Arabic without any crookedness therein’. But the abrogation theorists indirectly utter: ‘Beware, there is crookedness at some places in the Qur’an’. Is the abrogation theory anything other than crookedness? Abrogation theory and the declaration in the verse 39: 28 are two contradictory dimensions. Which one is, then, acceptable and which one is to be rejected. Naturally, the information conveyed in the verse 39:28 represents the truth.

Abrogation in the Qur’an and the Prophet (s.a.w.)

The Qur’an was revealed to the Prophet (s.a.w.). He was also granted by Allah the bayaan (explanation) of the Qur’an. Since he taught the Qur’an to his followers, he must have given them all that was necessary for them. One does not find any clear cut

statement of the Prophet (s.a.w.) indicating to any verse of the Qur'an as practically invalid. If he remained silent over this matter, it means there is no verse abrogated. Abrogation theory affects adversely the integrity of the Qur'an. Anything causing the Qur'an to lose its original position stands logically rejected.

Conclusion

The arguments for the abrogation in the Qur'an are based on some Qur'anic verses, views of early generations of scholars, claim about the existence of abrogated verses in the Qur'an, and claim of consensus. In most cases, the Qur'anic verses used as arguments in favor of abrogation theory are misquoted. They are read either outside the context or they are advanced only in part. When read those verses in full and also in the context, a totally different message emerged. Reading the Qur'an halfheartedly is manipulation and not interpretation. The concept of abrogation in the eyes of early generations of scholars was not what was construed later. To them, abrogation never denoted permanent suspension of the Qur'anic commands. Claim of consensus is misrepresentation of the situation. There has always been controversy over this matter. To claim that some verses of the Qur'an are abrogated is to cast doubt about the authenticity of the Qur'an. Neither Allah nor His Prophet ever guided man in a categorical manner that this verse or that verse is practically invalid. There are many verses in the Qur'an which spell out various attributes of the Qur'an (eg. guide, wise, cure etc.), which necessitate the practical relevance of the Qur'an in its entirety. There is no authentic statement of the Prophet (s.a.w.) referring to the abrogated verses of the Qur'an. In order to resolve the abrogation related controversy the only viable way is to make endeavor to interpret the verses concerned. Sincere effort to understand the practical relevance of the verses in dispute will certainly prove result oriented.

Notes

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3. Øubhi al-Saalií, *Mabahith fÊi 'ulum al-Qur'an* (Dar al-'Ilm li al-Malaayeen, Beirut, 2000), p. 260-261.
4. Ibn al-Jawzi, *op. cit.* p. 23-24.
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6. Ibn al-Jawzi, 'Abd al-Rahman, *Zad al-Masir fi 'Ilm al-Tafsir* (Dar al-Kutub al-'Ilmiyyah, Beirut, 2002), vol. 1, part 1, p. 110; Al-Qurtubi, Muhammad ibn Ahmad, *Al-Jaami 'li Ahkam al-Qur'an* (Dar al-Kutub al-'Ilmiyyah, Beirut, 2000), Vol. 1, part 2, p. 43.
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10. Ibn al-Jawzi, *Nawasikh.*, p. 32.
11. Al-Tabari, *op. cit.*, Vol. 3, p. 172-173.
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16. Ibn Kathir, *op. cit.*, Vol. 1, p. 590.
17. Makki ibn Abi Talib, *Al-Izaah li Nasikh al-Qur'an wa Mansukhihi* (Dar al-Manarah, Jeddah, 1986), p. 63.
18. Al-Tabari, *op. cit.*, Vol. 7, p. 402, report no. 20489.
19. *Ibid.*
20. Syed Mawdudi, *op. cit.*, Vol. 2, p. 465.
21. *Ibid.*, Vol. 2, p.572.
22. Makki, *op. cit.*, p. 64.
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25. Abu 'Ubayd, al-Qasim ibn Salam, *Al-Nasikh wa al-Mansukh fi al-Qur'an al-'Aziz* (Maktabah al-Rushd, Riyadh, 1990), p. 55.
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27. *Ibid.* p. 63.
28. *Ibid.* p. 57.
29. Al-Zurqani, *op. cit.*, Vol. 2, p. 472.
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40. Ibn al-Jawzi, *op. cit.*, p. 208.
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Reviving Social Justice Concept in the Post-Modern World: An Islamic Economics Perspective

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Abstract

Concepts of social justice have been in the focus of social science discourse in the West every now and then. For a long time this concept's development was monopolized by leftist thinkers, which turned it into one of the keywords of socialism/communism. At the same time, for the different set of reasons Islamic thinkers and their views on social justice were ignored and stayed out of ongoing debate.

In the context of more people friendly policies and stressing the necessity for addressing poverty reduction problem in the world social justice is about to have its re-birth. However, collapse of socialism in practice and eclipse of welfare state have demonstrated that the new 'social justice' concept is to be different. This paper summarizes contemporary views on social justice in Islamic philosophy and draws a contemporary paradigm of 'Islamic social justice'.

It compares this paradigm with mainstream occidental views on social justice and concludes that Islamic concept of social justice combines various elements of known in the occidental social science notions, having the closest crossing points with the Rawlesian theory of justice.

The paper claims that this post-modern and post-liberal concept of social justice could serve as theoretical and methodological basis of public policies and could be used to measure social justice level in national economies.

Keywords: Justice, Islamic Economics, Postmodernism, Social Justice, Islamic Perspective.

Introduction

Concepts of social justice have been in the focus of social science discourse in the West every now and then. For a long time this concept's development was

monopolized by leftist thinkers, which turned it into one of the keywords of socialism/communism. At the same time, for the different set of reasons Islamic thinkers and their views on social justice were ignored and stayed out of ongoing debate.

In the context of more people friendly policies and stressing the necessity for addressing poverty reduction problem in the world, social justice is about to have its re-birth. However, the collapse of socialism in practice and eclipse of welfare state have demonstrated that the new 'social justice' concept is to be different.

We summarize in this paper the contemporary views on social justice in Islamic philosophy and draw a new paradigm of 'Islamic social justice'. However, it first presents mainstream occidental views on social justice. Then it discusses and compares this 'Islamic' paradigm with the occidental ones. Finally, it concludes that Islamic concept of social justice combines various elements of known in the occidental social science notions.

Genesis of Social Justice Concept in the Occidental Social Science

The concept of social justice and its implications for public policy have been often discussed among occidental scholars and is one of the debatable topics in the modern social science. In the occidental political economy many authors have stressed an importance of ethics in socio-economic relations (Smith, Marx, Sen, Rawls, Nozick and many others). However, they try to explain the integration of social justice and public policy in the light of a system orientation. The matter is that the neo-classical assumptions of bounded economic rationality still remain intrinsic in the claims of social science, welfare economics, institutional economics and public choice theory (Choudhury 2002).

Moreover, not all prominent thinkers agree on the importance of social justice. For instance, Freidrich fon Hayek claimed that term 'social justice' is not a mistaken, but meaningless one, similar to saying something like a 'moral stone' (fon Hayek 1978, p: 35). Fon Hayek, emphasizing on objective laws, argued that market and competition only aim to serve to efficient management of economy, not to justice. He thinks that the economists who expect market, competition, prices and profits fulfill moral demands are wrong, because the aim of the market economy is to introduce efficient from the economic point of view management as an autonomous sub-system.

A general result of the market process emerges as a consequence of lots of individuals and their limitless actions. Not any individual or group controls this

process as a whole, so it is wrong to call separate groups to account for the end result. To von Hayek, category of justice can be applied to the action of individuals, but not to the end result of a system.

According to Homann and Blome-Drez the conception of 'social justice' in Europe was first introduced in the 19th century by catholic theologian Jesuit Luigi Taparelli (Homann – Blome-Drez 2001), based on teachings of Thomas Aquinas. A necessity of this conception emerged from a social result of the transformation of a 'household' to a 'national economy': now the focus is not about moral assessment of activities, but evaluation of the results of the system. According to the traditional economic perception, 'social justice' is a criterion for evaluation of the institutions. However, this criterion does not deduce out of the institutions, but is external. It is needed to evaluate the institutions according to their results.

For a long time this concept's development was monopolized by leftist thinkers, which turned it into one of the keywords of socialism/communism. These ideas were largely influenced by a Marxist view of social justice, which claimed that neither the human condition nor social reality is fixed, but are the results of social-economic relationships and cultural patterns, rationalized by the ideological frameworks (Marx 1964). Barry Lobelfeld's speculations about social justice are very exemplary: 'What is 'social justice'? The theory that implies and justifies the practice of socialism. And what is 'socialism'? Domination by the State. What is 'socialized' is state-controlled'. (Lobelfeld 2004) Here social justice means distributive justice. Economic inequality is the core of all injustice created by the capitalist system, which must be replaced by 'social justice' - a 'classless' society created by the elimination of all differences in wealth and thus 'power'. However, equalization of incomes implies the emergence of the class of 'equalizers', those in control of justice, privileged economically and politically. This potentially results in violation of social justice and suppression of other classes by the dominant class of a totalitarian state.

Among contemporary occidental social scientists Rawls takes the closest position to an Islamic approach to public policy and role of justice. He draws on the utilitarian insights of Bentham and Mill, social contract concept of Locke, and the categorical imperative concepts of Kant. For Rawls, governments should, first of all, preserve and promote the liberty and welfare of individuals. Thus, principles of justice serve as standards for designing and evaluating public policies (which as we will see further are in total agreement with the statements of Muslim scholars about justice being the criterion for public policy). What Rawls lacks is the criteria for formulating and justifying the principles of justice. He places everybody to 'the original position' and behind 'the veil of ignorance' in order to achieve the

agreement about distribution of what he calls 'primary goods': the rights, opportunities, powers and wealth. Here is another parallel with Islam, where ideas of consultation and social contract are vital, though again it is framed by Islamic creed and order.

Rawls (1971) further assumes that in the original position people will agree on two principles of justice:

1. Each person must have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

2. Social and economic inequalities must be arranged so that they are both (a) to the greatest benefit of the least advantaged and (b) attached to offices and positions open to everybody under conditions of fair equality of opportunity.

The first principle has priority, since it guarantees a system of liberty for all. The second principle governs the distribution of social goods other than liberty. Stressing the importance of liberty, Rawls himself limits the freedom of those in original position by what he calls 'natural duties' in the following sequence of priority: 1. The duty of justice – supporting and complying with just institution; 2. The duty of helping others in need or jeopardy; 3. The duty not to harm or injure another; 4. The duty to keep promises. These duties are virtually the same duties as those presented by Ross and Stratton-Lakes (2003) as *prima facie* duties. Although again he does not present criteria and rules to justify his ranking. This way of thinking also brings them both closer to Islamic approach, which limits freedoms by duties and gives justice the highest priority as compared to forgiveness, charity and generosity.

Rawls does not permit those in original position to know anything about themselves and their conception of the good but the primary goods, proposed by him. As many critics say, Rawls excluded morally relevant knowledge. One of them, Munson (1992: p. 25) writes:

It is impossible to see how people could agree on principles to regulate their lives when they are so ignorant of their desires and purposes. Rawls seems to have biased the original position in his favor, and this calls into question his claim that the original position is a fair and reasonable way of arriving at principles of justice.

Brennan and Buchanan have supposed a new idea related with rational recreation of a concept of justice based on utilitarianism. (1985). Each concept that provides substantiated expectation is 'justifiable'. Expectations concern with rules and institutions, because the essence of rules and institutions is to stabilize the expectations of controversial attitudes and provide them. The concept of justice is consequent in the framework of definite rules. Thus it regards the existence of rules.

However, the problem of concept of justice is an evaluation of these rules. Brennan and Buchanan create other principles in order to evaluate this problem (moral) claiming these major rules are meta-rules. Using the perception of hierarchy of rules they attain a pure meaning of justice and verify appropriateness, provision of substantiated expectations, as well as laws and institutions according to their justifiability.

From a libertarian perspective, Nozick developing from Hayek's perspective opposes the state based on utilitarianism, which forces an individual to sacrifice for the greater common good, if gains from such violation of rights are greater than individual's loss from it. Like Rawls, he stresses the importance of non-violation of rights. The difference is that Rawls cares more about the fairness in outcomes while Nozick argues for the fairness in process (Nozick). As long as rights are not violated by the system, the outcomes of distribution are legitimate (ibid.).

The libertarian 'justice in holdings' is articulated through Nozick's 'entitlement theory' based on three principles:

1. 'The principle of justice in acquisition', which regards the process by which unheld things got to be held';
2. 'The principle of justice in transfer', which frames the way individual may transfer or exchange their holdings with others;
3. 'The principle of rectification of injustice', by which prior wrongs are accounted for.

Again, entitlement theory is the 'process-centered' and no structure or pattern in end-result is specified. Libertarian problems with patterned and end-result distributions is that they involve redistribution, which assume the violation of individual's rights (Nozick: pp. 164-166). As a result, individuals do not own what they gain and become 'part-owned' by others, their time and actions being appropriated which is immoral and violates social justice.

Recent contribution of the debate came also from Amartya Sen and Martha Nussbaum, who argue that the focus should be not on resources as the case in all previously described theories, but on capabilities. This approach asserts that a public criterion of social justice should consider for the individual rates at which individuals with diverse physical and mental constitutions can convert resource available into valuable functioning (Sen 1993, Sen 2010). So the distinctive feature of this so called capability approach is that it focuses in Sen's word, 'on the state of the person, distinguishing it both from the commodities that help generate that state, and from utilities generated by the state.' (Sen 1993, p. 43). For example, in this case capability approach would suggest to look 'at her nutrition level, and not just,

as Rawlesians do, at her food supply or, as welfarists do, at the utility she gets out of eating food: (idib.).

Thus this concept adds some determinants ought to be taken into account such as:

- Distribution within family;
- Differences in relational perspectives;
- Variations in social climate;
- Environmental diversities;
- Personal heterogeneities.

Such in-depth analysis of the degree of conversion of the access to resources into actual capabilities, or valuable functionings is very comprehensive conceptually, but is difficult to operationalize and measure in practice due to high level of subjectivity. Despite this fact, the annual Human Development Reports by the UN use the concepts of functionings and capabilities as one of their theoretical cornerstones followed by 500 regional and country-level Human Development Reports (UNDP).

Religion has also contributed to this discourse. As was already mentioned the term 'social justice' in the West was first introduced by catholic theologian Taparelli. He criticized both capitalist and socialist theories of that time from a Catholic natural law perspective. He accused the rival theories of thought in undermining the unity of society present in Thomistic metaphysics, based on subjective Cartesian thinking, and ignoring public moral philosophy (Greaney 2007).

Taparelli's views were further developed and formalized by Pope Leo XIII, who rejected both socialism and capitalism, but defended labor unions and private property, stressing the need for the cooperation and not class conflict and competition, in the society. This line of thought was completed by Pope Pius XI's theory of social virtue. He was claiming that society was not just a number of individuals, but individual's association and groups, taking on the forms of institutions, which embody means, modes and 'social transactions' developed within a society to help its members in acquiring and developing virtue (Ferree 1997). Thus this 'social virtue' is directed at the good of society as a whole. It assists institutions of society to enable them to help individuals in acquiring and developing individual goods. However, it is not quite clear which specific institutions are needed and how they should be built (Greaney 2007).

Critics of a theological approach claim that the arguments by theologians are 'generally quite thin and remarkably irrelevant, showing little perception of the relevant issues' (Brunner 1987, p. 154). Brunner also discusses the 'Manna Syndrome' - an intrinsic pattern in religious views of social justice, which is expressed by the

view that wealth appears as manna from God. As a result, all resources are gifts of God and belong to all mankind, and must be distributed fairly among everybody (ibid.). The big problem with this approach is that there is no feedback connection between creation of wealth and its distribution.

In general, criticism of the idea of an objective standard for social justice comes from several camps. Besides already mentioned libertarians, these are moral relativists (e.g. Sophists), who do not believe that there is any kind of objective standard for justice in general. There are also cynics (e.g. Machiavellism) who believe that any ideal of social justice is ultimately a mere justification for the status quo.

Finally, postmodernists have their own comprehensive critique of the concept of social justice. They expanded and in a way further obscured the concept by including other issues and groups, and goals of justice beyond the achievement of economic and social equality and equity (Reisch 2002). These include peace and nuclear disarmament issues, women, gay and lesbian rights, promotion of multiculturalism and social diversity, defense for affirmative action, empowerment practices, etc.

The Notion of Justice in Islam

Social justice occupies an important place in religious beliefs and Islam is not an exception. In general, there are three dimensions of justice: divine, individual and social, which are derived one from another in the given order. Divine justice is expressed through the fact that every action of God is based upon intrinsic knowledge of what is in the best interest of the being (Fattaah 1984). So, *a priori* God can not be unjust and wrong. This issue is interrelated with the problem of destiny and free choice. Imam Ali ibn Abu Taleb is narrated to say:

Allah ... assigns something giving with it free choice (to either do it or not), or He forbids something and warns (about it) ... He is not disobeyed because he is overcome by someone, nor is He disobeyed because He forces obedience (Fattaah 1984).

Individual justice is when one refrains from the greater sins and attempts to abstain from unworthy actions (ibid.), since any sinful act is an act of injustice towards one's soul. This person achieves certain level of piousness and can be considered just. Moreover, he is qualified to issue judgments, govern, and lead others and so on. From the public policy and administration perspective this person should be considered to be just by others and gain high level of legitimacy as a result. In fact, this approach may assume that social justice is highly dependent on individual justice. There are a lot of hadith about corrupt leadership being the root of corruption and injustice. We will discuss a leadership problem in detail later.

Social justice is about interpersonal relations (or institutional framework) when actors do not violate rights of others and are all equal before the divine law. Thus social justice in Islam has two main related dimensions: legalistic and ethical. It implies law enforcement and individual responsibility (based on consciousness). This concept of justice is comprehensive and governs all kinds of social relations including those between the ruler and the ruled, parents and children, husband and wife, etc. (Singh 1998).

Legalistic justice has in itself two categories: substantive and procedural. Substantive justice is about the elements that law must contain to be just. Thus, the Shariah, consisting of laws derived from Qur'an and Prophetic traditions as well as from derivative sources (consensus of jurists, analogy, logical reasoning) is considered to be the closest to express the Divine justice on Earth (Khadduri 1984). The second category deals with procedures, meaning that even if legal system is devoid of substantive justice, it may have observed rules of procedure, constituting formal justice (*ibid.*), of which many Western legal systems are a good example.

There always have been advocates of legalistic and ethical dimensions. For instance, Ibn Khaldun sought to achieve justice through judicial procedure, while Ibn al-Arzaq viewed social justice as a concept broader than only procedural, stressing the fact that rulers are the most efficient instrument in achieving justice, since they are entitled with power over others (*ibid.*). Ibn Khaldun's tradition was developed by Islamic reformists of 19th century head by Mohammed Abduh. Although individualistic approach prevailed among Muslims all the time. It is considered that having just leaders will solve the problem of injustice. In order to be considered just, leaders should be pious, intelligent, brave, fair, loving people and committed to justice. It is only when they possess these qualities and work hardly for the public well-being justice will prevail (Muzaffar 1993).

Justice is one of the key principles of Islam and Islamic economic doctrines based on Islam. According to Islam hunger, poverty and economic backwardness are not result of insufficiency of natural resources, but they come from unjust system founded by individuals and unfair division of resources according to existing laws.

Nobody has a preference over another one in utilization of these resources. Individuals will not attain complete satisfaction without providing their moral demands. Islam tries to clearly answer the question of 'how to provide just distribution of resources among the members of society'? Thus Allah is an only owner of everything in the Earth and sky and all these are delegated to human beings for their management based on trust. However, he/she do not have to forget about the real owner while managing these things.

Thus in Islam a property is considered a right of management within the definite bounds presented by Allah. Among these bounds there are laws that do not allow intentional exploitation of natural resources and instructions about just distribution of material resources in the society, which will be discussed later.

Islam does not deal with in detail definition of attaining wealth and the ways of its extension. Instead it shows the main principles of division of resources among the members of society. The boundaries of freedom have to be the norms derived from Shariah. Furthermore, Muslims are forbidden to steal, swindle, waste and be avaricious because his main goal is not only to obtain material resources but get appreciation of Allah.

In Islam economic policy is directed to provide demands of the society. It must provide minimum living standard for everybody as well as make their way to additional resources due to their skills and ability in the framework of Islamic boundaries.

However, according to Islam interests of society must not be completely sacrificed for self-interest. Demands for food, clothes and house have to be provided in any condition. Moreover, according to Islam each man who has ability to work must have a job that can subsist himself and the people for whom he is responsible for. The people who have not ability to work must be taken care either by relatives or a state.

The goal of Islam is to achieve a harmony between a person and society. It makes neighbors responsible for the poor who live near by. Each Muslim has to spend full of energy to prevent injustice. Prophet Mohammed made a simple analogy on society and double-deck ship: the passengers on the lower deck had no direct access to water and when they needed access they applied to the people on the upper-deck. It caused conflicts among the passengers every time. Then the passengers on the lower-deck decided to punch a hole under the ship to access to water. Thus the Prophet claims that all society can be destroyed if those in need are ignored and not supported.

Drawing a Contemporary Islamic Paradigm of Social Justice

Islam defines social justice based on the nature and abilities of a human being proposing the absolute and coherent unity of existence (derived from Tawhid) and mutual responsibility of individuals and societies (Singh 1998).

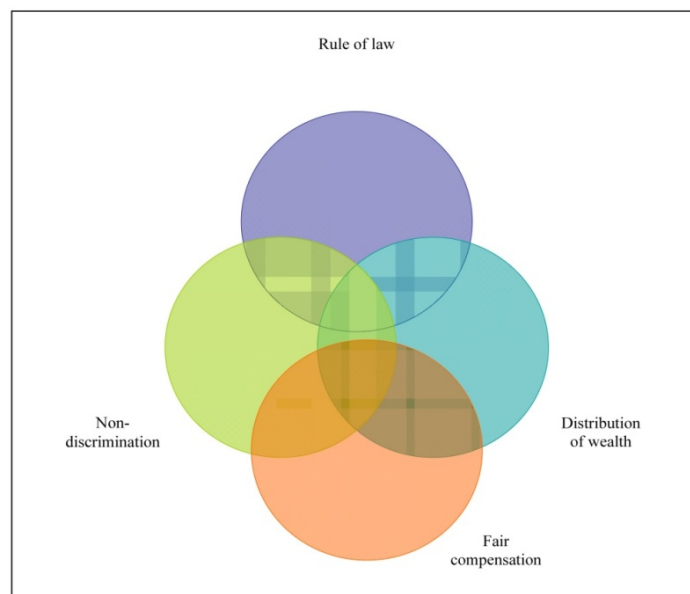
Based on what was discussed in the previous chapter, it can be argued that there are several prerequisites that frame the basis for social justice according to Islam:

Human behavior and motivation based on the belief that one is a part of the whole world and other's rights can not be sacrificed;

Personal accountability for ones deeds;
Everybody is equal before God and the law as a result;
Piousness is the criterion for judging people's characteristics;
Nobody can exceed the limits set by God and the law as a result and get extra rights;
Everybody has the same roots and should respect and love one another.

Thus we derive four interrelated elements of social justice according to Islam: rule of law, non-discrimination, fairness and distribution of wealth. These elements shown in the following Diagram frame the Islamic paradigm of social justice.

Development of socialist (communist) ideology and then society, its conflict with the capitalistic one influenced Muslim thinkers in the last century. They started to position themselves as a medium, third way free of shortcomings and extremes of both. Some thinkers were more pro-socialist (collectivist) while others were more pro-capitalist (pro-market) (Nomani and Rahnema 1994). In reality, no synthesis of two systems with 'Islamic flavor' has yet emerged. Although attempts have been made, for example in proposed plans like 'Islamic equilibrium' (*al-takaful al-ijtimai*) in which 'a balanced system of combining egalitarian and free enterprise principles may be achieved' (Khadduri 1984, p. 223).



Elements of Social Justice

One of the elements of social justice according to Islam is economic (distributive) justice that is supposed to guarantee certain standards to all members of the society (Singh 1998, Khadduri 1984). Moreover, the roots for poverty and economic misbalance are in social injustice embedded in a socio-economic order. Kotb writes in this respect: 'Poverty and need are the fruits solely of vast and concentrated wealth, and the poor in every age are the victims of the rich. And the rich are produced generally by stipends and assignments, by partiality, by injustice, and by exploitation' (Kotb 1970, p. 219).

The rule of law is supreme and enforcement of justice is above everything else (Ajjola 1984). The stress made on Shariah compliance and legal regulation imply the rule of law in any kind of Islam-based society. The rule of law is expressed through procedural justice and is about the enforcement of existing legislation. It means everyone is equal before the law despite his social status, wealth, position, etc. It also means that legal procedures are vital and not subject to dual interpretation. The early history of Islam is full of cases when the Prophet, Pious Caliphs and other leaders behaved and acted in the ways that stressed the importance of procedures and the rule of law.

It is common to think that in Islam as any other religion only its followers are subject to justice and equal treatment. Thus any system based on a religious creed is supposed to discriminate. However, in matters of law and justice Islam does not recognize any distinction between Muslims and non-Muslims. Here we arrive to another element of social justice – non-discrimination. There are several facts supporting this argument. First of all, it is Qur'an, which states:

Verily, Allah commands you to give over trust to those entitled to them, and that, when you judge between men, you judge with justice. And surely excellent is that with which Allah admonishes you ... (An-Nisa: 59).

Equal treatment of all people is not some kind of law in the books, but practice very common for the times of Prophet Mohammad and first caliphs.

In this regard, the so-called Medina Constitution is worth mentioning as well. This document, adopted more than 600 years before the *Magna Carta*, represents an initiated by Prophet Mohammad social contract between tribes living in Yathreb expressing their commitment to form a City State of Medina and formulating their rights and obligations towards each other. It is very important that it asserts the unity of all members of this civil society, for the Jews and unbelievers were considered to form one nation with the Muslims sharing equal obligations in the defense and maintenance of peace in Medina (Singh 1998).

Another direct and documented indication to the principle of 'justice for all' in Islam is in the famous letter of forth Caliph Hz. Imam Ali to the Governor of Egypt Malik Ashtar, in which he writes:

Remember that the citizens of the state are of two categories. They are either your brothers in religion or your brothers as human beings (Nahjul-Balagha: web-source).

Ali also once pointed out regarding non-Muslim citizens:

We received jizyah⁽¹⁾ from them to protect their property and their life so that their property becomes as sacred as our own property and their blood as our own blood (ibid.).

Finally, the element of fairness as expression of social justice is easily derived from the element of non-discrimination. It is very similar to the Rawlesian 'justice as fairness' and liberal human rights concept, where everyone has certain minimal rights as a human being. This means that there is a group of those who are ex ante have unequal conditions and thus some 'inequality' should be introduced for them for the sake of the common good and thus social justice. These are those from vulnerable social strata, under poverty line, uneducated, living in disadvantaged regions, victims of wars, disabled people, etc. Thus minimal human rights of all people should be provided to achieve social justice. In this regard fairness implies a kind of compensation for those who are ex-ante in underprivileged position (poverty, disability, etc.)

However, one needs to be cautious in order to avoid opposite to anti-Islamic extreme apologetic view, which claims that, the modern understanding of human rights and justice have been the part of the Islamic creed. Social justice in the Western understanding very often is based on the conception of human rights, which in turn is based on the Western tradition of political thought (Ockham, Hobbes, Locke, Wellman, Nozick, Raz, etc.).

In general, this approach is absolutely foreign to Islam. This is not to say that the value judgments made on the basis of human rights are un-Islamic *per se*, if un-Islamic is understood as something violating doctrines and values of the religion. Legenhausen (2000, p. 177) writes in this respect:

While it is typical among Muslim writers on human rights to attempt to show how various human rights established by modern conventions may be supported by religious sources, these writers tend to ignore the specific philosophical foundations of human rights concepts, and the differences between recognition of rights and recognition of duties.

There are certain similarities between the modern concept of human rights and Islam. Donnelly (1993, p. 51) suggests the reason is that 'the social and political

percepts of Islam do reflect a strong concern for human good and human dignity'. Another reason is mentioned by Legenhausen (2000, p. 178), who notices that:

... in traditional Islamic jurisprudence we do find the expressions *haqq Allah* and *haqq al-'abd* or *haqq al-nass*, which are naturally translated as 'the rights of Allah' and 'the rights of the servant' or 'rights of the people'.

One clear message of an Islamic approach is that justice is the measure (criterion) against which policies as well as individual and social affairs are judged. Ya'qubi comments in this regard:

... Justice serves to bring about social and economic equality and remove class differences. In other words, such virtues as charity and generosity may help some segments of society but other segments may escape the attention of the generous and the charitable. Thus, society will resemble a body some organs of which are healthy and well-fed while other organs remain weak and malnourished. In a word, we shall have an unbalanced society. Justice, on the other hand, leads to social harmony and balance. It puts everything and everyone in their proper and rightful place. Everyone gets what he needs and deserves based on his abilities and efforts. Thus we shall have a harmonious society in which all segments are properly developed.

Superiority of justice over other tasks is explicit in Islamic philosophy. For example, Ya'qubi mentions Imam Ali's statement that 'justice benefits all while forgiveness benefits a particular group' as well as the fact that charity and generosity cannot be compared to social justice since the latter 'investigates problems in a deep and exact manner and pinpoints needs and requirements' (ibid.).

Conclusions and Implications: Developing Social Justice Index

Although already mentioned post-modernism challenges the very notion of social justice and especially any religious interpretations, involving natural law and objective principle characteristics, the new epistomological approach of post-modernists allow religion-based concepts taking part in the discourse. This was not the case with Eurocentric modernism, which excluded anything having to do with religion from social science discourse. Using Lyotard's vocabulary all religion-based concepts and interpretations, if personified, were under category of *differend* – someone experiencing its versions of justice from the petite narrative, being in a subordinate role (Lyotard 1989).

Lyotard as many other post-modernists call for inclusion of these *differends* with their petite narratives through temporary contracts, and religion is not exclusion. This, in turn, creates some opportunities for Islamic political economists to present their

arguments and contribute to the discourse. Call for justice in Islam is strong enough to turn into a call for action. As Legenhausen (2000: p. 213) writes:

Muslims have not abandoned the hope for a just society in this world. Because it began as a political no less than spiritual movement, Muslims cannot deny that Islam demands them to seek justice in the here and now.

Moreover, Islam has something to offer that any secular ideology is not capable of, which is the moral basis and orientation, based on the spirituality (ibid.).

This approach would consider justice when designing, implementing and controlling public policies, including distributing resources, allocating positions in the government and organizations, promulgation and enforcement of laws, taxation, budget process, financing development projects and so on will result in building a balanced and fair society. And the good news for Islam is that is to lesser extent is prone to *Manna syndrome* ('religious moral hazard').

Lack of objective justification on the part of liberal explanations of justice and moral issues of utilitarian and libertarian theories of justice do not allow for comprehensive implementation and instrumentalization of social justice. Perils of the *Manna syndrome* common for religious concepts of justice could be overcome only and only if the stress is moved from changing the system through perfecting leaders and villains to creating such an institutional framework that will force even wickedest leaders to play fairly and the laziest people to work.

Thus such comprehensive definition of social justice that also includes various aspects mentioned by other theories and especially John Rawls and Amartya Sen (despite their arriving at them from absolutely different epistemological premise) could serve as a basis for measuring social justice in different national economies. Such index could help policy makers, development specialists and researchers analyze and compare countries in terms of social justice and aspects expressed through its sub-indices. Whether one looks to Holy Qur'an or Rawls or other philosophical traditions, there seems to be wide consensus that social justice is not to be understood as a final state or condition, but as something derived from the relationships between individuals and institutions. Therefore measuring social justice we measure process rather than content.

For the sake of an objectivity of the index would imply that we do not make value judgments on some morally and legally controversial issues on which various ethical systems have not arrived at any consensus. For example, legal persecution of homosexuals in the countries which follow legal systems and where based on them legislations consider homosexuality as a crime would not be an indicator of social

injustice, despite some emotional connotation it has for individuals with secular and liberal views. Or presence of interest-based loan mechanisms in the country will not serve as unjust per se, despite its unlawfulness according to Islamic law. So each country should be judged against the laws and the rule of law principle with this kind of controversial issues. However, such controversies are a few and although they may make some doubt the extent of accuracy of the index, they would not undermine its validity.

First, let's define determinants of the index. Since social justice is very comprehensive notion. Determinants are grouped in four groups following four dimension of social justice in Islamic political economy.

#	Indicator	Sub-indicators
1	Rule of law	1.1. Rule of law index 1.2. Property rights 1.3. Judicial independence 1.4. Corruption perceptions 1.5. Political instability index
2	Distribution of wealth	2.1. Income Gini coefficient 2.2. Inequality adjusted income index 2.3. Favoritism
3	Non-discrimination	3.1. Gender inequality index 3.2. Political democracy index 3.3. Disrespect for human rights 3.4. Protection of minority shareholders interests 3.5. Tolerance index
4	Fair compensation	4.1. Life satisfaction corrected for inequality 4.2. Diversion of public funds 4.3. Pay and productivity

Social justice index (SJI) is denoted through the following formula:

$$SJI = (RL (2.5); DW (2.5); ND (2.5); FC (2.5))$$

where,

RL = *rule of law*; DW – *distribution of wealth*; FT – *fair treatment*; ND – *non-discrimination*; FC – *fair compensation*.

Each of sub-indicators accounts for the maximum 2.5 points of total 10 point scale interval. For the sake of robustness and balance, no weights will be assigned to any of indicators, which are in total correspondence with the Islamic economic approach to social justice, discussed above.

All the sub-indicators are already measured by other indices and will be transformed for the purpose of our research using the ranking rubric shown in Table based on 0-1 point scale.

	Sub-indicator	Source	SJI score 0.1 – 2.5	SJI score 2.6–5.0	SJI score 5.1–7.5	SJI score 7.6 – 10.0
1. Rule of Law						
1.1.	Rule of law index	The World Justice Project	0.0 – 0.25	0.26– 0.50	0.51–0.75	0.76-1.0
1.2.	Property rights	The Global Competitiveness Index	1.0–2.5	2.6–4.0	4.1–5.5	5.6-7.0
1.3.	Judicial independence	The Global Competitiveness Index	1.0–2.5	2.6–4.0	4.1–5.5	5.6-7.0
1.4.	Corruption perceptions	Transparency International	0.0 – 2.5	2.5 – 5.0	5.1 – 7.5	7.6-10.0
1.5.	Political instability index	EIU Analysts	5.0 – 4.1	4.0 – 3.1	3.0-2.1	2.0-1.0
2. Distribution of wealth						
2.1.	Income Gini coefficient	UN Gini	100%-76%	75%-51%	50%-26%	25%-0%
2.2.	Inequality adjusted income index	UN Human Development Index	0.0 – 0.25	0.26– 0.50	0.51–0.75	0.76-1.0
2.3.	Favoritism	The Global Competitiveness Index	1.0–2.5	2.6–4.0	4.1–5.5	5.6-7.0
3. Non-discrimination						
3.1.	Gender inequality index	Gender Gap Index	0.0 – 0.25	0.26– 0.50	0.51–0.75	0.76-1.0
3.2.	Political democracy index	EIU Democracy Index	0.0 – 2.5	2.5 – 5.0	5.1 – 7.5	7.6-10.0
3.3.	Disrespect for human rights	Global Peace Index	5.0 – 4.1	4.0 – 3.1	3.0-2.1	2.0-1.0
3.4.	Protection of minority shareholders interests	The Global Competitiveness Index	1.0–2.5	2.6–4.0	4.1–5.5	5.6-7.0
3.5.	Tolerance index	World Values Survey	100%-76%	75%-51%	50%-26%	25%-0%
4. Fair compensation						
4.1.	Life satisfaction corrected for inequality ²	World Database of Happiness, Happiness in Nations	1.0 – 2.5	2.5 – 5.0	5.1 – 7.5	7.6-10.0
4.2.	Diversion of public funds	The Global Competitiveness Index	1.0–2.5	2.6–4.0	4.1–5.5	5.6-7.0
4.3.	Pay and productivity	The Global Competitiveness Index	1.0–2.5	2.6–4.0	4.1–5.5	5.6-7.0

Thus sub-indices may be denoted as follow:

$$RL = (1/5 \sum (RL_1; RL_2; RL_3; RL_4; RL_5)) / 10$$

$$DW = (1/3 \sum (DW1; DW2; DW3)) / 10$$

$$ND = (1/5 \sum (ND_1; ND_2; ND_3; ND_4; ND_5)) / 10$$

$$FC = (1/3 \sum (FC_1; FC_2; FC_3)) / 10$$

Based on the scores we can classify countries according to the following groups:

SJI score	Group
0.1 – 2.5	Unjust society
2.6–5.0	Partly just society
5.1–7.5	Mainly just society
7.6 – 10.0	Just society

Let us calculate SJI for a number of selected countries to test as an example:

	Sub-indicator	France	Indonesia	Mexico	Turkey	USA
1. Rule of Law						
1.1.	Rule of law index	7.5	5.1	4.5	4.9	6.7
1.2.	Property rights	9.4	6.4	6.4	6.7	8.2
1.3.	Judicial independence	7.8	5.8	5.1	5.3	7.8
1.4.	Corruption perceptions	6.9	2.8	3.3	4.4	7.5
1.5.	Political instability index	10	8.5	5.5	4.5	10.0
	RL	0.832	0.572	0.496	0.516	0.804
2. Distribution of wealth						
2.1.	Income Gini coefficient	6.7	6.1	5.2	5.7	5.9
2.2.	Inequality adjusted income index	7.1	4.2	4.7	4.9	6.7
2.3.	Favoritism	5.9	6.2	4.6	4.5	5.3
	DW	0.656	0.550	0.483	0.503	0.597
3. Non-discrimination						
3.1.	Gender inequality index	7.3	6.6	6.5	5.8	7.4
3.2.	Political democracy index	8.1	6.3	6.8	5.7	8.2
3.3.	Disrespect for human rights	7.0	4	3	3	4
3.4	Protection of minority shareholders interests	7.7	6.9	6.6	6.2	7.7
3.5	Tolerance index	8.6	5.7	7.0	4.6	8.2
	ND	0.774	0.590	0.598	0.506	0.710
4. Fair compensation						
4.1	Life satisfaction corrected for inequality ³	2.2	2.3	2.5	3.0	2.1
4.2	Diversion of public funds	8.2	5.3	4.5	5.3	7.4
4.3	Pay and productivity	6.6	7.2	5.9	6.1	7.8
	FC	0.566	0.493	0.430	0.480	0.577

Thus, we get the following results for these five selected countries:

	SJI	Group
France	7.073	Mainly just society
Indonesia	5.513	Mainly just society
Mexico	5.018	Partly just society
Turkey	5.013	Partly just society
USA	6.718	Mainly just society

So comparison of 5 countries can not be enough to derive any correlations between social justice and other factors and this was not the objective of this chapter. Rather it was used to show an example of how this concept could be utilized and there is need for more research and analysis to quantify it further. The index helps balance between institutional and non-institutional variables serving as a comprehensive measure of social justice concept of Islam. This index reflects all the peculiarities of Islamic concept of social justice that were discussed in this chapter.

Note

1. Ziyah – a tax paid by non-Muslim in an Islamic state.
2. This data is indicative of how much citizens differ in enjoyment of their life-as-a-whole. Life-satisfaction assessed by means of surveys in samples of the general population.
3. This data is indicative of how much citizens differ in enjoyment of their life-as-a-whole. Life-satisfaction assessed by means of surveys in samples of the general population.

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Blackwater Theology, or on the Unholy Trinity: Sirico, Friedman, & Strauss

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Abstract

This essay is an attempt to examine the confluence of three religious, economic, and political philosophies that converge within the worldview of Erik Prince, founder and owner of Blackwater Worldwide, a private corporation dedicated to military-like duties. Erik Prince was raised in a religious household that was equally influenced by the corporate success of his Calvinist father, Edgar Prince. These two influences have shaped the political, economic, and religious orientation of Erik Prince and his corporate-military endeavor, i.e. Blackwater Worldwide. Often accused of being mercenaries, Blackwater's vision is rooted in the 'unholy trinity' of the Calvin-esque theo-economics of the 'corporate Catholicism' as understood and developed by the Catholic priest Robert Sirico and his Acton Institute, the free-market radicalism of the economist Milton Friedman, and the Machiavellian political theory of enigmatic philosopher Leo Strauss. I claim that Blackwater's combination of theo-economics and politics leads to a certain kind of religious philosophy of war – one that personally makes Erik Prince not only the financial beneficiary of war, in this case Bush's 'war on terrorism', but also allows him to appropriate a certain Calvinist confidence that he is of the 'elect' via his enrichment through the war. This essay is an attempt to shed light on one instance of the convergence of corporatism and religion and how they ultimately serve the needs of free-market capitalism and diminish if not totally de-legitimate the prophetic nature of the Abrahamic religious traditions.

Keywords: Calvinism, Blackwater Theology, Corporate Catholicism, *Dialectic of Enlightenment*, Religion.

Introduction: Erik Prince and Blackwater Theology

The 2003 'War on Iraq' brought the greatest privatization of warfare ever seen in the history of the modern world. The U.S. government, after years of scaling down the

physical size of the U.S. military, while augmenting its technical capabilities, outsourced many 'inherently governmental' positions and tasks to 'Private Military Firms,' or PMF's. Chief among these firms was Blackwater Worldwide, located in Moyock, North Carolina; just a short distance from Washington D.C.⁽¹⁾ Blackwater is the creation of a West Michigan son of a Millionaire, Erik Prince, heir to the Prince Corporation's money, power, and prestige. Far from being a simple business owner, providing goods and services to the U.S. government, corporations, and Nations abroad, Erik Prince has a worldview that is rooted and motivated by three important religious and economic factors.

In this brief study, I wish to reconstruct the worldview that has shaped, molded, and guided Erik Prince - and consequently his corporate empire-in his attempt to implement his militarized Christian business vision. I will locate the primary influences of this vision in three dominant forces, 1. the religious traditions of his father's Calvinism & the Catholic Priest Robert Sirico's Corporate Catholicism, (the Fathers) 2. the radicalized 'free-market' economic doctrines of Milton Friedman, (the tangible Son) and 3. the political tradition of the esoteric German Jewish Philosopher Leo Strauss and his Neo-Conservative followers (the unseen Holy Ghost). This 'unholy trinity' is the foundation of the social-economic and political worldview that I identify as:

Blackwater Theology

Erik Prince, well funded and connected, much like his mirrored twin in the Middle East-Usama bin Laden, suffers not from the all too post-modern *theory-praxis* disconnect. Both men get things accomplished, cleverly defy legitimate government authority, have a globally transformative worldview- and have been relentless in their implementation of such worldviews.⁽²⁾ This essay is meant to question the theological, economic, and political worldview that animated Blackwater via Erik Prince, and further the discourse about the nature of political religion accompanied by capitalist economics.

John Calvin is Dutch ... Didn't You Know?

In North America, few other places have had such an immense concentration of the Dutch as have Western Michigan. Located chiefly in Grand Rapids, Holland, and the surrounding areas, the influence and the Dutch and their Calvinism has transformed much of the Western Michigan into a little Genevian experiment. Based in the writing

of the 16th Century French Jurist and Protestant reformer John Calvin, the Dutch Reformed Church planted its roots in the fertile ‘muck’ soil of Western Michigan- thus escaping the oppression of the Dutch Monarchy that it opposed. One such refugee was Albertus Van Raalte, who in 1846, established a small Dutch Reformed community on the banks of lake Macatawa, an inlet to Lake Michigan. Van Raalte envisioned a utopian Geneva-like community, free from persecution and outside interferences and influences.⁽³⁾ Although authority over the developing city would eventually be wrestled away from Rev. Van Raalte, who remained the minister of the only church throughout his life, the Calvinist ethos remained dominate throughout the area, even through the continual secularization of America.

Central to the Calvinist theological position is the tenet of *predestination* - that some of the human family have been pre-selected for salvation, while others, because all are ‘enslaved’ to sin since the fall of Adam and Eve, are destined for eternal damnation. However, psychologically the ‘double decree’ of predestination produces a state of ‘salvation anxiety’ among the believers. Since Calvinism postulates God’s ‘fully transcendent’ nature and his ‘completely sovereignty,’ God’s ‘selection’ of the ‘elect’ seems quite arbitrary. The Question arises, ‘how one knows concretely if one is of the elect?’ Having rejected the Catholicism of the Middle Ages with it’s precursor to psychoanalysis, i.e. the sacrament of confession - which served as a tool to relieve such salvation anxiety, Calvinists where left in their psychological misery with the question ‘how do I know that I’m saved?’⁽⁴⁾ Again, unlike Catholicism, Protestant denominations, especially Calvinism, linked this eschatological question with economic activity. In order to transcend the omnipresent anxiety, fatalism, and sever existential loneliness brought about by the vengeful ‘predetermining’ God, Calvinism developed within itself the concept of ‘world mastery’ - the orientation towards the human potential of ‘work and tool,’ and therefore material success was understood as a sign of God’s favor.⁽⁵⁾ For the sociologist Max Weber, the confluence of the re-appropriation of the vengeful Old Testament God, and the insistence on his ultimate sovereignty - thus producing this double decree - was the birth of the ‘Protestant Ethic.’ This ethic resulted in two equal parts. 1. The community is organized within strict organizational confines, with the result that the individual lives a ‘tightly controlled, methodical-rational’ life; 2. that these systematically organized lives are directed toward the human potential of work and tool, vocational calling, wealth, and profit.⁽⁶⁾

This Protestant work-ethic milieu, as well as the Dutch Reformed Church and its variant sects, was still dominate when Edgar Prince, father of Erik Prince, founded ‘The Prince Corporation’ in Holland, Michigan. Edgar, a devout religious man, took seriously the Calvinist imperative of work and tool - in his case with the automotive

part-supply business which eventually made him a billionaire. Edgar's twin faiths, one in Christ and the other in capitalism, were the strongest 'gifts' he gave his son.

Unlike the Catholics and Lutherans found in Detroit and other parts of Michigan, who looked at obscene wealth with suspect and scorn, Edgar's Calvinism legitimated his belief that his success was a sign and gift from God - therefore it must be returned to its source through charitable and religiously-conscious political donations. In a rejection of the bourgeois notion of religion - that it should be kept a private affair, and thus made socially powerless - Edgar Prince actively used his business connections and profits to politically advance religious positions and individual politicians. Religious faith was political, politics was religion - and success in business brought the power to influence society. This was a lesson Erik did not forget.

This Calvinist, business dominated milieu was the fertile soil from which Erik moved into radical religious and neo-conservative politics.

The Other 'Father': Robert Sirico and Corporate Catholicism

The theo-economics of Calvinism greatly influenced Erik Prince's young life. As an adult, he would come into contact with another form of religion - that of Father Robert Sirico's 'Corporate Catholicism'.⁽⁷⁾ While Erik had left Holland to attend the Naval Academy, Hillsdale College, an internship with President George H. W. Bush, and eventually the Navy Seals, his father continued to run the family business, and generously contribute to the rising radical Christian right and neo-conservative alliance.⁽⁸⁾ Furthermore, Erik's older sister, Betsy Prince, had married into the powerful DeVos family - co-owners of the Amway Corporation, and a major conservative-Republican player in Michigan politics.⁽⁹⁾ However, on March 2, 1995, Edgar Prince suffered a massive heart attack and died. The future of the Prince Corporation was in question. It was eventually sold by the family to Johnson Controls, for the sum of \$1.35 billion in cash. Soon after the sale, the once popular company that was known for rewarding hard work by the employees slowly outsourced jobs to other countries. Although the Prince family business was gone, the honor of being 'Michigan's Kennedys' remained.⁽¹⁰⁾

While organizing the affairs of the business, Erik's first wife, Joan Nicole, was diagnosed with terminal cancer. For our study, what is important about his first marriage is that he converted to Catholicism in order to marry her. Erik Prince certainly maintained the beliefs and ethics of his Calvinist father, although, and contrary to popular myth, he is a confessing Roman Catholic. Yet, the pro-business stance of Calvinism is hard to reconcile with the historic antagonism between the

merchant and the Catholic Church. As stated before, Catholicism, and its younger and often unwanted step-child Lutheranism, both held a highly negative image of the wealth associated with the mercantile lifestyle and the ethic of greed that accompanied it. For them, the lust for earthly gain above the Kingdom of God endangered the soul.⁽¹¹⁾ Furthermore, the exploitation of labor for the appropriation of capital stood in direct contradiction to the universal call for brotherhood that remains a core tenant in the teachings of Christ and Christianity. How is this to be reconciled?

Fortunately for Erik Prince, Capitalism has its own Catholic Priest. Before being ordained as a Roman Catholic Priest in 1989, Robert Sirico (1951 -) was a child Pentecostal faith-healer, actively gay minister to various homosexual churches on the west coast and mid-west of the U.S.A., and to the horror of a culturally conservative population, performed many of the first gay marriages in America during the 1970's. Often at odds with the communities he was in, as well as the law-especially concerning a 'gay-slave auction' that his parishioners were involved in, Robert eventually had a crisis of faith that led him back to the Catholicism of his youth.⁽¹²⁾ However, before he returned to the Papal flock, Robert developed an extreme dislike for all government interference into the lives of private citizens. This antipathy toward government's 'moral' regulations may have been rooted in his psychological experience as being 'persecuted' by government agencies because of his homosexual churches. A certain form of animosity towards a government that attempts to legislate morality took hold of him-a total rejection of the position that government could and should be a secular Moses-establishing a moral code for the 'morally lost.' Sirico resented the notion that such a government would interject itself into the private lives of the citizens-and has actively agitated against such interference ever since. Sirico believed it was the role of institutions like the church to doctor the morality of the people, not the state.

One year after he was ordained, Father Sirico co-founded the 'Acton Institute for the Study of Religion and Liberty'.⁽¹³⁾ The Acton Institute is not officially connected to the Roman Catholic Church, but is a non-profit organization, dedicated to the promotion of a 'free and virtuous society characterized by individual liberty and sustained by religious principles'.⁽¹⁴⁾ Named after the English historian, Lord John Acton (1834 - 1902), who, as often repeated by the Acton Institute, is best known for his saying: 'power tends to corrupt, and absolute power corrupts absolutely'.⁽¹⁵⁾

Often associated with Islamophobes, such as the born-again Christian evangelical Charles Colson, The Institute puts forward 10 core principles, the last five of which express the *geist* of their mission - that is the compatibility and the preference for free markets as a means for religious virtuosity.⁽¹⁶⁾ Accordingly, free markets (Sirico

doesn't use the word capitalism) establish political and economic liberty and material prosperity, within which religion plays a dominant role in the morality of the populace. As stated on Acton Institute's website, economic liberty is:

achieved by fulfilling one's nature as a person by freely choosing to do what one ought. Economic liberty is a species of liberty so-stated. As such, the bearer of economic liberty not only has certain rights, but also duties. An economically free person, for example, those who have the power to interfere with the market are duty-bound to remove any artificial barrier to entry in the market, and also to protect private and shared property rights. But the economically free person will also bear the duty to others to participate in the market as a moral agent and in accordance with moral goods. Therefore, the law must guarantee private property rights and voluntary exchange.⁽¹⁷⁾

As you can see, Father Sirico's position is that free-markets produce liberty, and that the individual agent acting within that market bears the responsibility to act in a virtuous and ethical way. This faith in free-markets stems from his position that capitalism is *amoral*. It is only the individual that induces their morality, or lack thereof, into the system that makes it moral or immoral. Essentially, capitalism, as the 'private appropriation of collective surplus value' is morally neutral.

However, for Sirico and the Acton Institute, it is not the case that capitalism is rooted in the *aristocratic law of nature*, i.e. the right of the predator to devour the prey, or the right of the powerful to dominate the powerless, but predicated on a system of exchange that is inherently fair or benign at worst. In this case, it is not morally questionable for the powerful corporation to mercilessly crush its small competitors – that is morally neutral. Yet, how does the capitalist system reconcile two competing claims over markets, resources, and labor? Is it not through aggressive competition – too often driven to aggressive war? As postulated by the Frankfurt School of Social Research, how can we discuss *capitalism* without talking about war, destruction, impoverishment, and all the human suffering that it produces? If the government is to stay out of the economy – only stepping in to maintain the liberty of capitalists to engage in 'free-exchange' of good, commodities, and services, (the night watchmen theory) how then do we regulate those capitalists that do not share a common 'morality' with those who would believe that greed is not good? Furthermore, if the capitalist form is morally neutral, how then do we regulate corporations that are in the hands of sociopaths – literally those without a conscience—who care neither for religious morality or secular civility?⁽¹⁸⁾ The answer to these questions, for Father Sirico, lie in the revivification of *religious virtuosity* – A 'rebirth' of morality which a population willfully absorbs and is guided by. This revived faith will fill in the moral gaps that capitalism leaves behind. Therefore, even though the system will produce

poverty, disparity, political power imbalance, class antagonism, cultural degeneration, and economic exploitation, religion will somehow be the force of social stability that will heal those social ills, not the state. In the eyes of a social and economic critic, Father Sirico, if not sadly mistaken, or devilishly Machiavellian, seems to be a entirely naïve about the role and or power of religion to mediate, alleviate, and or eradicate the suffering and ills of a society engulfed in a perpetually antagonistic economic system such as capitalism. One would have to ask the question: 'could religion really have the power (in the Arendtian sense) to mobilize people to overcome the negative effects of capitalism? This question presupposes that capitalism itself isn't inherently the problem, but only an amoral framework of economic relations that sometimes falls beneath the minimum moral standards demanded by religious authorities.

Father Sirico's position against government interference into civil society is focused on two parts. First is the social. Being a firm proponent of welfare reform in the 1990's, Father Sirico often invoked the Catholic 'Principle of Subsidiarity,' which is the notion that issues and matters should be the domain of the smallest or lowest competent authority-that a centralized authority is mandated to direct downward all matters that can be adequately addressed at a lower institutional level. In terms of political discourse, an example can be found in the Tenth Amendment to the U.S. Constitution-whereas all matters not delegated to the Federal government, are reserved for the States and local government. In the Catholic tradition, it was developed under Pope Leo XIII (reign: 1878 - 1903), in an attempt to position the church between the social excesses of individualistic laissez-faire capitalism and state dominated communism.⁽¹⁹⁾ It was also expanded upon in 1931 by Pope Pius XI's encyclical letter *Quadregesimo Anno* and by the United States Conference of Catholic Bishops in 1985 in their *Economic Justice for All*.⁽²⁰⁾ Father Sirico, harkening back to his distrust of an intrusive state, takes the position that the government has no 'moral obligation' to help those whose suffer from economic deprivation.⁽²¹⁾ In direct contrast to 'religious' Democrats in the U.S. Congress, who understand Jesus' imperative to clothe the naked, and feed the hungry as being fulfilled by a responsible government with a responsible welfare system, Sirico puts forward the notion that government is not the lowest denominator in the chain of downward subsidiarity, and therefore oversteps its inherent bounds when it does so. For Sirico, the churches and private charities should perform that function. Furthermore, government should desist in the 'charity,' i.e. welfare business, because that is not the function of government, but on the contrary, its welfare policies breed dependency of the lower classes, and therefore keeps them out of the market system. From a Marxist prospective, this could look as if Sirico is doing the

business of big business- that is trying to subjugate more individuals into the 'iron cage of capitalism' and its appropriation of surplus value. Added to this, Sirico believes that the government needs not to attempt to legislate morality.

For Sirico, a moral libertarian position needs to be adopted by the government, as not to allow a secular state to interject itself into the lives of citizens. Unlike his religious and political friends in the Evangelical Right, Sirico does not believe in a government that legislates moral matters. Furthermore, he does not agree with those 'liberals' who would allow certain religious values, such as charity and brotherhood, to be secularized into concrete legislation. With this in mind, we must ask whether or not Sirico's true aim is to get government 'welfare game' as to allow the churches to have a monopoly on social charity? Sirico rationalizes his position with the argument that if people are truly going to be moral and ethical, they have to have the choice - and thus the state cannot be a coercive influence on the individual. He skillfully uses the fear of the 'specter of communism' - or what he identifies as the 'religious left' and 'liberals' - with all their 'moral' legislation, to legitimize his position that the state should be morally neutral.

The second half of his anti-government interference position is that of economic regulation by the state over private enterprise. As stated on the Acton website:

The Acton Institute believes that commerce is an essential component of the culture of any society, enabling individuals to freely serve the needs of one another through mutually beneficial exchange. We acknowledge the legitimate role of profit as an indicator that a business is functioning well, and affirm the importance of business as a calling. We advocate a strong civil society - the best antidote to unscrupulous business dealings - rather than burden some government regulation that inhibits human freedom and stifles innovation and creativity.⁽²²⁾

This position seems to be a secularized Calvinist claim. Calling commerce a 'mutually beneficial exchange' fails to comprehend the imbalance of power and benefit within that mutual exchange. Because of the imbalance of power between the predator and prey, owner and worker, the benefit goes primarily in one direction. 'Profit' as an indicator of success seems to echo the tones of Calvinism's 'wealth' as a sign of 'God's favor.' If we can assume that by 'civil society' they mean in part the family, as 'the best antidote to unscrupulous business dealings' then we must ask the questions as to how these families are to oppose the coercive power of the market, with its billions of dollars spent on advertising and marketing, all directed toward the manipulation of the individual and the undermining of the family?⁽²³⁾ Furthermore, Sirico's latest work has been to emphasize the 'call' of the entrepreneur, much as Calvin (and Luther) emphasize the 'calling' (*Beruf*) of the

divine to a given occupation - one of service to God and community. Its perverted form, this calling is to 'profit' over people.

Father Sirico and the Acton Institute is a favorite of many corporations and their 'charitable' giving. Not only are they recipients of major corporate donations, such as Exxon-Mobile and Phillip Morris, the Institute also receives money from the *Freiheit Foundation*-Erik Prince's charitable organization that funds right-wing religious groups, especially those whose politics are favorable to big business.⁽²⁴⁾ According to Jeremy Scahill, by 2007, Freiheit Foundation has contributed at least \$200,000 to Acton Institute, another \$50,000 to the St. Philip Neri House in Kalamazoo, Michigan: a house of Catholic Oratorian 'secular priests' attempting to live by the teachings of St. Philip, of which Sirico is a guiding member.⁽²⁵⁾ Furthermore, it has been reported that Erik Prince contributes generously to Father Sirico's parish of St. Mary's also in Kalamazoo, Michigan. It was indeed Father Sirico that presided over Erik Prince's first wife's funeral.

The question to be asked is threefold. 1. How does Sirico's position as a 'Catholic Priest' legitimate his pro-free market economic stance-especially in terms of the historic Catholic suspicion of commerce; and 2. Does Sirico's position represent a 'corporatized' Catholicism, or is it 'Catholicizing' corporate capitalism; and⁽²⁶⁾ 3. How does Sirico reconcile the fact that the money coming from multiple corporations, including Blackwater (Freiheit), are often tied to the worst human atrocities taking place at the present moment? How can this be reconciled with Jesus' prophetic stance against the 'empire of Rome' and all its horror?

Milton Friedman and the Free-Market Economy

As it was natural for his father to gravitate toward the radical religious right to legitimate his business, it was also natural for Edgar Prince's religious son to gravitate toward the radical economic right to further his business. Erik Prince is not an economist, nor a professional politician, but he was a devout student of the religious and economic systems that helped his father succeed, and that advocated by Father Sirico. If Sirico's position on the deregulation of the Free Markets is to be taken seriously, then it is to be understood by the school of thought that is the most responsible for the radical free market theory-that is the Chicago School of Economics and its central thinker Milton Friedman (1912-2006).

Milton Friedman, unlike Father Sirico, in no way legitimates his economic policies through religion. Born into a Jewish family, Friedman's biblical upbringing is not infused into his secular economic theory. You will not see in Friedman's work any

appeals to prophets, sages, mystics, encyclical letters, or anything of the sort. However, for Friedman and his school of economics, there is a primordial pure state, an economic ‘garden of Eden’-that of the unencumbered and unregulated free-market economy, before it was ‘polluted’ by the original sin of regulation and welfare. If the temptation of the serpent ultimately led to the fall of man and his blissful garden, then it was Roosevelt’s ‘New Deal’ that ruined capitalism’s primordial purity. Friedman’s mission was to re-virginize the capitalist economy, by exercising all regulations, trade barriers, and entrenched interests-to return capitalism back to an ‘uninterrupted system of free exchange.’⁽²⁷⁾

Friedman believed that when the market was left alone, free to self-regulate, self-monitor, and self-control, it would continually reproduce itself in an organic balance. It was only when governments stepped in to impose ‘artificial’ regulations that the economy lost its balance. In many ways, the market was seen as a ‘fetish’ - imbued with ‘magical’ qualities to solve all problems. If society had an ill, such as pollution, crime, or poverty, it should be ‘marketized,’ ‘commodified,’ ‘commercialized,’ and the ‘invisible hand of the market’ would work out a solution.⁽²⁸⁾ In his work, *Capitalism and Freedom*, Friedman explains how the liberal free market system works (in theory) and how social ills are the results of bad *political* policies as opposed to the negative consequences of capitalism - as the socialists and communists would have us believe.⁽²⁹⁾ However, Friedman and his school’s ideological enemy was not so much the International Communist Party, nor the U.S.S.R., but the theories of the British economist John Maynard Keynes (at least in America).⁽³⁰⁾ For the Chicago School of Economics, the Keynesians were eclectic fools: believers in a hodgepodge assortment of regulations, government mandates, state ownership of resources, and socialistic education.⁽³¹⁾ Such government interference into the ‘natural’ state of an economy is what the Austrian economist Friedrich Hayek, Friedman’s mentor, dubbed ‘the road to serfdom.’⁽³²⁾ He believed that government interjection into economy led to the ultimate government takeover of civil society, i.e. communism and or fascism. In order for nation-states to be inoculated against such a national enslavement, government - while understanding that its existence is a necessity - must however stay completely out of economy; a total laissez-faire state.

Friedman developed a three part economic plan. 1. de-regulation: governments must remove all restrictive regulations from the economy; 2. privatization: governments should liquidate any state owned assets to corporations so that they could be run for profit; and 3. cutbacks: capitalist economies have no moral imperative to fund social programs that benefit the poor or working classes. Social

programs are a drain on the free-market. Instead, government's role should be the protection of the economy from outside forces, and protect the individual's right to engage in economic activities.⁽³³⁾

The mid-nineteenth century was the time of the 'New Left' in Western Industrialized countries, and of 'national liberation' movements in the third world. Fueled by neo-Marxist thinkers such as Herbert Marcuse, Jean Paul Satre, Franz Fanon, 'Ali Shariati, and many others, the timing was not right for a conservative capitalist economic system to be outwardly advocated, and hence the Chicago School of Economics remained in the shadows of political economy. However, as a tool to undo many emerging nationalist economies in the third world, who were themselves closer in ideology to the Soviet Union than they were to American capitalism, the works of Friedman seemed to be a most effective way to break the economic and political backs of such emerging countries.

Friedman, although he was always a conservative, was now the patron saint of economic counter-revolution. Through the coercive use of the Central Intelligence Agency (CIA), as well as the economic power of the U.S., cloaked in the ideology of anti-communism, Friedman economics was exported to Chile, Indonesia, Iran, Guatemala, and various other 'third-world' countries.

However successful these counter-revolutions were in foreign countries, the economic powerhouse of the world (U.S.) remained a mixed Keynesian economy - and had even moved further into chaos with affirmative action, civil rights, President Lyndon Johnson's 'Great Society,' and other socially and economically 'corrective' policies. For the Friedmanians, this was too much. If their true target remained the U.S. economy, how then should they bring about this massive purging of the economy of its 'harmful' state interventions?⁽³⁴⁾

For the Marxist, the take over of political and economic power came through violent Revolution-as advocated by Marx, Lenin, Mao, and Che Guevara, et al. The Friedmanians, or *Friedmaniacs* as they were sometimes dubbed, believed that the American form of liberal democracy had to remain in place, while its half 'socialist' economy had to be removed. Violent revolution was not an option, nor was it seriously considered by this group of non-martyr-material academics. If the Friedman free-market fundamentalist position was to gain power and influence in the government, it had to come through a political method. It just so happen to be that at the same University of Chicago, there was a esoteric political philosopher that developed a philosophical school of thought that had the potential to pull the U.S. into that re-virginized pure capitalist economy.

The Unseen Holy Ghost and the Prince: Leo Strauss and the Neo-Conservatives

The growing ferocity of the counter-revolution against the global 3rd student movement - culminating in the Kent State massacre - the assassination of the global leftist leadership, and the abrupt turn inward of the youth (especially in America) and their eventual de-politicization, Friedman economics gained a foothold among government policy makers.⁽³⁵⁾ The 'leftist' countervailing force, neither Stalinistically communist, but certainly critical of the neo-liberal political and economic social order, ceased to be a viable political actor in U.S. politics. With the fall of President Richard Nixon, and timely import of the accidental President Gerald Ford, a new group of ideological pragmatists gained an important influence in Washington D.C., culminating first in the Presidency of Ronald Reagan, and again in the Administration of George W. Bush.⁽³⁶⁾ This group, known as the Neo-Conservatives, would have a lasting mark on the American political system until today.⁽³⁷⁾ 'Neo-Conservatism,' as defined by Gary Dorrien is 'an intellectual movement originated by former leftists that promotes militant anticommunism, capitalist economics, a minimal welfare state, the rule of traditional elites, and a return to traditional cultural values'.⁽³⁸⁾ It is led by the 'Project for the New American Century' (PNAC) of William Kristol, which advocated a grand vision of America's role in global affairs; an unapologetic belief that America should use its superior political, economic, and military force to reshape the world in its own image.⁽³⁹⁾ However, behind the familiar names of Paul Wolfowitz, Richard Perle, Dick Cheney, and Donald Rumsfeld, lies a mysterious philosophical figure, hardly known outside the wall of the 'ivory tower' of academia. He is Leo Strauss, and he would play a decisive role in bringing this new political, economic, religious, and philosophical order into being.

Leo Strauss, our third person in our 'unholy trinity' - who plays the role of the 'unseen holy ghost' - was a secular Jewish philosopher, dedicated to the revivification of the wisdom of classical antiquity and its application to modern politics. Like the Christian Holy Ghost, who is never seen but is the active component in history, Leo Strauss has remained hidden behind the scenes of the greatest 'quiet' counter-revolution ever performed in modern history, only to reveal himself to a select few students who have carried on his work into the realm of public policy.

Strauss was born in Germany in 1899. His philosophy was influenced by the failure of liberal democratic society (Weimar Republic) to adequately withstand the 'dual threat of Communism and Nazism'.⁽⁴⁰⁾ He fled Nazi Germany in 1938 and spent the majority of his years in the United States at the University of Chicago, where he

attracted a small but soon to be very influential group of students.⁽⁴¹⁾ Strauss was concerned primarily with the ‘crisis of modernity.’ As he understood it, Western civilization had been in an overall decline. Yet there was hope that it could be postponed, diminished, and or even arrested before it collapsed.⁽⁴²⁾ Unlike Horkheimer and Adorno of the Frankfurt School, who understood the *Dialectic of Enlightenment*, to be both beneficial as well as destructive to mankind, they nevertheless did not believe in a romantic return to any bygone ‘golden age’ of history or myth. Any intellectual retreat behind modernity was for them was rejected.⁽⁴³⁾ On the contrary, Leo Strauss believed that it was precisely that Western civilization lost the wisdom of the ancients (Greek Philosophy) that led it to such a crisis. This notion was also in contrast to those who saw the decline of Western civilization as primarily a loss of its *religious* identity. Strauss would argue that in order to rescue that which is still salvageable from the West, ancient philosophy (Athens) had to be resurrected, and religion (Jerusalem) had an important place in that rescue.

Unlike Sirico, Erik Prince, and the Religious Right, Leo Strauss did not agree believe that America could only be saved through any return to Christian values and ideals. In fact, he advocated quite the opposite. To some degree, it was Christianity’s fault that Western civilization was in decline. Was it not Christianity’s absorption of philosophy, and therefore its cooption that arrested philosophy’s development, its control over its progressive potential, which then led to European barbarity? In reality, Strauss believed that Western Civilization was faced with a choice between a ‘deadly truth’ or a ‘life-saving myth.’⁽⁴⁴⁾ Leo Strauss did not believe in religion-with confidence one could charge him with being a secular atheist. Yet Strauss did not want to absolutely negate all of religion - for religion played a vital function in a liberal democratic society - as a means of placating and therefore controlling the irrational masses (the vulgar herd). Strauss agreed with Nietzsche’s nihilistic pessimism, that philosophical inquiry has only brought grief, pain, and despair - an utter lack of meaning to the lives of those who understand the ‘deadly truth’ of meaningless existence - that no particular religious, political, or ethical position is any more valid than another - all are examples of the individual’s ‘will to power.’ Religion on the other hand provides the ‘necessary illusions’ for the masses, so that civilization does not turn against itself in nihilistic chaos. Like the bourgeois that came before him, he understood that religion *stabilized* the masses so that the smooth functioning of political-economy could continue. Philosophy, he believed, did just the opposite. It was a *destabilizing* factor in society. If ‘God is dead,’ as Dostoyevsky suggested, and Nietzsche exclaimed, then all things are permissible- and the civilization’s ‘super-ego’ -it’s guiding principles that made it function-would be evicted for an ethos of

narcissism, hedonism, and existential despair. In order to avert this civilizational suicide, the 'deadly truth' of philosophy must remain in the hands of the 'philosophers,' who are intellectually equipped to deal with it, while the masses are left to their 'life-saving myths' of religion.⁽⁴⁵⁾ Furthermore, the masses did not want to hear philosophical truths. Due to their deep alienation from society, themselves, their labor, etc., they were in psychological need of such 'necessary illusions,' and were not tolerant of those who disturbed them with all their doubtful questions. They, as it were, wanted to stay in Plato's cave, for the less they knew the better they slept. Therefore, the religious masses were *eternally* hostile to the philosophers. Rejecting Marx's position, that through revolutionary education the masses could lose their *false consciousness*, Strauss believed pessimistically that this could not be achieved.

This caused a tremendous problem for Strauss. If, in agreement with Plato's Republic, the philosopher should rule in order to establish a virtuous society, how could that be done in a civilization that has such a resentment for Athens (reason), and such an embrace for Jerusalem (revelation)? For Strauss, there was no reconciliation between these two seedbed societies - and the very notion that they can be harmonized epitomizes the folly of modernity.⁽⁴⁶⁾ Therefore, no armistice or reconciliation between the two could be considered. Instead of a philosophical retreat into a closed circle of the initiated, there had to be a way for the philosopher to politically de-ghettoize himself and take his rightful place in power - somehow without the knowledge of the masses.

This problem led Strauss to the study of Niccolò Machiavelli, especially his book 'The Prince.'⁽⁴⁷⁾ For Strauss, just as the clever political philosopher Machiavelli had the ear of the de Medici Prince, so should the modern philosopher have the ear of the sympathetic rulers (individuals in governments), as he calls them the 'gentlemen.' One is the public face of the regime, which always publicly appears to be sympathetic to religion, and the other is the secular philosophical ideologue, hidden behind the scenes.⁽⁴⁸⁾ Together they rule the nation-state. In such an arrangement, religion is functionalized, as a 'contingency management system' - deployed during times of 'crisis' to either legitimate policies, and or return stability to a destabilized political-economic system, but is never believed by those who rule-and nor does it rule them.⁽⁴⁹⁾ Under the Machiavellian system within Strauss's thought, those 'religious' leaders, such as Father Sirico, serve as 'useful idiots' - as a way of legitimating a social-political and economic power structure through their 'perceived' religious authority. They *appear* to be serving a 'higher purpose' based in religion, but in *essence* they are leading the masses into submission to the secular-philosopher's rule. Consequently, the *prophetic* nature of religion can never be allowed to ascend, but the aspect of religion

that emphasizes obedience to authority, what has been called the *priestly* (sado-masochistic) aspect of religion, is advanced, nurtured, and encouraged.⁽⁵⁰⁾

Through this Machiavellian system, the philosopher gains his place as the ruler of society, without having to expose himself to the danger of the ‘vulgar’ masses. He is advancing his secular ethos cloaked within a thin veneer of religion - and the masses are none the wiser.

Some of the names who would find themselves within the Straussian camp include; Paul Wolfowitz, Richard Perle, Allan Bloom, Richard Cheney, Donald Rumsfeld, Irving Kristol, William Kristol, Adam Shulsky, William F. Buckley, etc. Many in this group were either directly involved in the Reagan, Bush I, and Bush II administrations, or a part of ‘institutes’ and publications that were major ideological forces within these administrations. Are these not the ‘philosophers’ that Strauss dreamed of? Are these not the ‘illusion’ and ‘myth’ makers that Strauss advocates? Are these men not the ideological ‘free-marketeers,’ that Milton Friedman wished for? Who in this group is truly religious? Are they not almost entirely secular ideologues, but worked for or are still working for the ‘most religious president’ in modern America?⁽⁵¹⁾ Is not George W. Bush the quintessential ‘gentlemen’ president that fits into Strauss’s model of rule? Was he not elected on the backs of ‘evangelical’ voters while ushering in one of the most secular administrations to date? It seems all too suspect to not at least question the possibility that the Sirico-Friedman-Strauss trinity has prevailed - at least for the time being.

The ‘Prince’ of War ... not the Prince of ‘Peace’

With the confluence of these religious, economic, and political phenomenon, coupled with Usama bin Laden’s fateful 9/11 attack on secular capitalist modernity, Erik Prince and his Blackwater Corporation entered into the history of privatized warfare. Like a militarized messiah, Prince’s Blackwater was sent to Iraq to fix the problems that the all too earthly U.S. military was no longer equipped to do. Certainly Erik Prince was not at the secular University of Chicago studying under the atheist philosopher Leo Strauss. Nor was he at the University of Chicago’s economics department with Milton Friedman. He is, however, the beneficiary of the legacy of these men’s work. Blackwater as a Billion dollar, tax-payer funded corporation could not exist if it weren’t for the deregulation and privatization plans of Milton Friedman that were quietly implemented in the Pentagon by Rumsfeld et al. Those plans would have not been implemented if it weren’t for the neo-conservatives’ slow and quiet counter-revolutionary seizure of state power - always occupying non-elected ‘appointed’

positions (philosopher) behind the 'elected' politician (gentlemen) - the 'well-versed' puppeteer controls the 'loveable idiot.' This three-way marriage of Machiavellian politics, free-market economics, and fundamentalist-libertarian religious legitimation, has spawned what I believe to be one of the most dangerous anti-democratic movements to date. Has not this 'experimental' war on Iraq provided a testing ground for radical free-market privatization, deregulation, and exploitation that is feared by much of the political left? Has not this Iraqi experiment been the fertile training ground for the world largest private military? With a fully funded, fully armed, well thought-out economic policy, backed by a Machiavellian politic that has so cleverly beguiled so many in the past, isn't the thought of this 'unholy trinity' a threat to the very existence of social democracy? With this 'prince of war,' standing ready as the terrible hand of god (the unholy trinity), we must at least take notice.

The movement towards radical market economy coupled by state-sponsored and funded militarism as expressed by the mercenary Army of Blackwater, that continues to be deployed throughout the world as a private military for hire, represents a catastrophic move towards the militarization of society. Not only have nations begun to 'privatize' social services and other programs that are vital for the health of a society, they begun to hire part of civil society to do their violence – and thus remain within a legal gray area—a place of unaccountability. Religion also becomes the victim of this movement, as it is carefully used to legitimate such actions. Religion, already threatened by de-legitimation due to its criminal past, is one step closer to the grave unless it is able to divorce itself from its arranged marriage with capitalist economics. In the name of this unholy trinity, religion loses its prophetic and Socratic core and becomes, as what the bourgeois has treated it as for centuries, a tool of capitalism. I've attempted to show in this article on Blackwater Theology just one episode of the negative confluence of corporate power when it's wrapped in the cloak of religion. Erik Prince is by no means the only 'billionaire' capitalist to legitimate his economics through religion, but he does remain one of the most deadly of examples. However, his Calvinist background that promotes the idea of God's 'elect' via the accumulation of wealth, would inevitably lead to the idea that the divine has elected Erik Prince for ultimate salvation, despite the fact that his riches have been acquired through the war on terrorism; with the possible theological ramification that God has endorsed the war on terrorism in Iraq and Afghanistan. Erik Prince's proof that he's saved, and therefore free of his salvation anxiety, came from his exploitation of war—war has not only become a way of enriching oneself—as it is in Milton Friedman's free-marketization of violent conflict, but also a way of gaining salvation. War leads to God, and God endorses the mercenary. Erik Prince is now the 'Prince' of war, legitimated by the 'prince of peace'.

Note

1. In 2009 'Blackwater Worldwide' changed its name to Xe Services LLC. For the sake of continuity, I will continue to use the name 'Blackwater'.
2. I don't want to exaggerate the similarities between Usama bin Laden and Erik Prince. The congruency lies in their similar upbringings, i.e. in a religious household coupled with wealth and a loyalty to capitalism. This combination of economic interests and religious faith were both instrumental in molding each of the men's worldviews.
3. Jeremy Scahill, *Blackwater: The Rise of the World's Most Powerful Mercenary Army* (New York: Nation Books, 2007), 3. I am indebted to Jeremy Scahill's penetrating book for much of the historical background on Erik Prince and Blackwater.
4. Max Weber, *The Protestant Ethics & the Spirit of Capitalism* trans. Stephen Kalberg (Los Angeles: Roxbury Publishing Company, 2002), p. 60 - 61.
5. Ibid. pg. xxxi.
6. Ibid. pg. xxxi., For a discussion of the Five Human Potentials, see Rudolf Siebert, *The Critical Theory of Religion* Lanham, MD: The Scarecrow Press, Inc., 2001.
7. As it would be nearly impossible to linearly explain how different religious, economic, and political movements, thinkers, and philosophies influenced Erik Prince, I will not proceed from here as a mere biography, but dissect the influences under the separate headings of religion, economics, and politics.
8. See Jeremy Scahill: *Blackwater.*, for a discussion of the groups and individuals that Edgar Prince supported.
9. Dick DeVos Jr., Betsy's husband, was the Republican candidate for Michigan Governor in 2006. Although he was well funded, both personally and through contributions, He lost to Democrat Jennifer Granholm.
10. Scahill, *Blackwater* p. 14.
11. Weber, *Protestant Ethics*. pg. xxix
12. <http://www.riteofsodomy.com/vnbarr/Sirico.htm>
13. <http://www.acton.org/about/staff/people11.php>
14. <http://www.acton.org/about/>
15. This is a favorite topic for the Acton Institute. However, they never seem to address that which is equally true - that absolute *powerlessness* also corrupts absolutely.
16. See Scahill, *Blackwater* p. 17-20 for a discussion of Colson's views on Islam and connections with the Acton Institute.
17. <http://www.acton.org/about/principles.php>.
18. See Martha Stout. *Sociopaths Next Door* New York: Broadway Books, 2005.
19. See Richard P. McBrien. *Lives of the Popes: The Pontiffs from St. Peter to John Paul II* New York: HarperSanFrancisco, 1997.

58 Blackwater Theology, or on the Unholy Trinity: Sirico, ...

20. Ibid.

21. See Father Sirico's discussion with Representative Charles Rangel on Capital Hill on January 20, 1995.

22. http://www.acton.org/commentary/topic_4.php.

23. Father Sirico's views on Religion and Liberty are also shared by many in the 'Dominionist' school of thought in contemporary Christianity, including the thought of R. J. Rushdoony. See Chris Hedges, *American Fascist: The Christian Right and the War on America*. New York: Free Press, 2006.

24. For a discussion of the nature of 'state-corporate crime' as it pertains to the activities of Exxon-Mobile, see Tricia Crucioti and Rick A. Matthews, 'The Exxon Valdez Oil Spill' in *State-Corporate Crime: Wrongdoings at the Intersection of Business & Government*, ed. Raymond J. Michalowski and Ronald C. Kramer (New Brunswick, NJ: Rutgers University Press) 2006.

25. Scahill, *Blackwater*. p. 19, and <http://www.stphilipnerihouse.org/>

26. In the end I believe it is the Church that suffers a de-legitimation from this synthesis - not the other way around.

27. See Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism*. (New York: Metropolitan Books, 2007) p. 50.

28. See Cornel West, *Democracy Matters: Winning the Fight Against Imperialism*. (New York: Penguin Press, 2004), p. 3-4.

29. See Milton Friedman, *Capitalism and Freedom*. Chicago: University of Chicago Press, 2002.

30. The European ideological enemies where the Social Democrats, and the 'developmentalists' in the Third World. See Klein, *The Shock Doctrine*. p. 53.

31. Ibid. p. 53.

32. Friedrich Hayek, *The Road to Serfdom*. New York: Routledge, 2006.

33. Klein, *Shock Doctrine*. p. 57.

34. They were also against international institutions such as the United Nations, which also established barriers against the free market. See Philippe Sands, *Lawless World: America and the Making and Breaking of Global Rules from FDR's Atlantic Charter to George W. Bush's Illegal War*. New York: Viking, 2005.

35. See Jürgen Habermas, *Toward a Rational Society: Student Protest Science and Politics*. Boston: Beacon Press, 1971.

36. Neo-Conservatism and Friedman economics also had a profound effect on Britain's Prime Minister Margaret Thatcher.

37. I do not wish to review the entire historical development of neo-conservative thought. For this, see Gary Dorrien, *Imperial Designs: Neoconservatism and the New Pax Americana*. New York: Routledge, 2004.

38. Ibid. p. 14.
39. <http://www.newamericancentury.org/>
40. Peter Singer, *The President of Good and Evil: Questioning the Ethics of George W. Bush*. (New York: Plume, 2004), 220.
41. Ibid., p. 220.
42. S. B. Drury, 'The Esoteric Philosophy of Leo Strauss', *Political Theory*, vol. 13 (1985): p. 315 - 337.
43. Max Horkheimer, and Theodor W. Adorno. *Dialectic of Enlightenment*. New York: Continuum, 2000.
44. Drury, *Esoteric Philosophy*. p. 334.
45. Strauss's disdain for the 'moderns' concerned less with what they actually believed, and more about to whom they were teaching. Strauss believed that it was extremely dangerous and reckless to teach the masses philosophical truth, as it might lead to civilizational collapse. Furthermore, it was the philosophers, such as Socrates and Abu Nasr al-Farabi (Strauss's ancient Aristotelian Islamic mentor) who were attacked for their 'corruption of the youth' and their 'atheism'.
46. Ibid., p. 322.
47. For an excellent collection of Machiavelli's work, see Peter Constantine, ed. & trans., *The Essential Writings of Machiavelli*. New York: Modern Library, 2007.
48. This was essentially the same scheme that the Nazi philosopher Martin Heidegger attempted with Hitler. He wished himself to be the 'philosophical' genius behind the 'political' genius.
49. For a discussion of religion as a 'contingency-management-system', see Rudolf J. Siebert, *The Critical Theory of Religion*. Lanham MD, The Scarecrow Press Inc., 2001.
50. Erich Fromm, *On Disobedience and Other Essays*. New York: Seabury Press, 1981.
51. I put 'most religious president' in quotes to emphasize the position that George W. Bush is perceived to be religious, while in fact and in essence he is extremely secular.

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A Psychological Ontology of Consciousness and Expressiveness for Critical Pedagogy

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Abstract

This paper will discuss how the pervasive models of pedagogy are oblivious of an ontological oversight of consciousness and its underlying components. With a focus on the impact of meta-ethics on pedagogy, the paper argues how the ontological components of pedagogy are marginalized at the expense of a reductionist epistemological perspective. The presentation will illustrate examples and cases from real class rooms and curriculum studies to explicate the above mentioned points. The paper offers insights to cast light on the vital role of ontological consciousness and its role in constructing, changing and transforming the process of education.

Keywords: Consciousness, Expressiveness, Western Philosophy, Illuminative Philosophy, Irenic Mind.

Introduction

Consciousness unfolds itself in the heart of expressiveness and expressiveness, in its broadest manifestation including non-verbal behavior, proxemics and sundry epitome of beings, ontologically reflects a source or sources from which the modes of expressiveness are shaped and created. One may suggest that consciousness and expressiveness are ineluctably tied together and they both open up the possibility of exploring the realms through which both consciousness and expressiveness indicate the levels of being and belonging. Consciousness and expressiveness may demonstrate the etiological project in which the goals and potentials of awareness, language, being and becoming are presented in macro and micro cosmological layers.

Although Sir William Hamilton (1870) attributes the use of consciousness to Descartes and claims that before Descartes, consciousness has been used merely in an ethical sense, the word consciousness has been profusely used in its entirely philosophical senses by a large group of Islamic Philosophers such as Ibn Sina, Suhrawardi, Mulla Sadra, etc. (Ha 'iri 1992).

Ironically enough, the issue of consciousness has been presented in certain circumscribed ways and has not received enough attention in the Western way of thinking:

Modern Western philosophy has, since its inception, been compelled to exclude certain claims of awareness from the domain of human knowledge, and to brand them as mere expressions of fervor or as leaps of imagination (Ha 'iri, p. 5, 1992).

In defense of certain claims of awareness, Ha 'iri (1992) argues: 'Yet, the exclusion by philosophical thought of these matters does not, ipso facto, prove the falsehood of these types of knowledge.' Ha 'iri (1992) brings philosophical arguments to substantiate a wide array of awareness including mystical experiences and particularly knowledge by presence by making a rigorous distinction between a knowledge based on the concept in the mind of something that is itself absent from the mind and a knowledge based on something which is itself present in the mind and whose very existence is inseparable from the knowledge of it.

In discussing this consciousness, Ha'iri (1992)

In the language of illuminative philosophy, this consciousness is referred to as 'knowledge by presence'. The prime example of this knowledge is that which is apparent to the knower performatively and directly without the intercession of any mental representation or the linguistic symbolism. This knowledge manifests itself through all human expressions in general and self-judgments in particular. Hence such assertions as 'I think' or 'I speak', become in particular the vehicles for the manifestation of this knowledge. The active subject of these judgments is the performative 'I' as distinct from the metaphysical 'I' or the self which has been the fundamental issue in any philosophical inquiry.

In the realm of western psychology, consciousness has often been used to refer to one's knowledge about his/her experience, and the construction of reality. In line with this approach, John Locke defined consciousness as 'the perception of what passes in a man's own mind' or, according to Ornstein (1972) consciousness consists in 'subjective life.' In the meantime, Freudian psychoanalysis revealed specific domains where awareness is replaced by unawareness or unconsciousness or non-consciousness. Interestingly enough, one of the goals of psychoanalysis and Rogerian therapies is to 'expand consciousness of our inner life' (Feshbach, et al., 1996).

One needs to have an awareness of what he/she wants to say whether he/she is aware of this awareness or not. Even in stages of unconscious competence which may happen for a language user, he/she needs to have an awareness of one sort or the other

otherwise one cannot say or express what he/she wants to say. Arguably, he may be aware of one layer and not the other ones or some and not all or may be aware of some in the conscious level and unaware of some others in an unconscious level. In spite of a large bulk of unconsciousness that may protuberate, there remains a part, albeit miniscule, which inescapably stands out in the conscious level.

Some Aristotelian philosophers made a distinction between what they called *potentia pura* or the fundamental activity to acquire an aptitude, *actus primus* or the acquisition of this aptitude and *actus secundus* or the utilization of this aptitude.

This was promoted in linguistics by Chomsky with his introduction of competence and performance. Others such as Falvell and Wohlwill (1969) made an attempt to do the same in discussions of cognitive development. This distinction did generate various sorts of controversies both in theoretical and empirical spheres even by people who tried to use the distinction (see for instance Falvell & Wohlwill, 1969, Sternberg; 1985; Chomsky, 1965; Premack, 1979). According to Chomsky (1979), 'linguistic competence (the knowledge of the language) constitutes only one of the factors in performance (Chomsky, 1979, p. 84). He points out that 'there is, first of all, the question of how one is to obtain information about the speaker-hearer's competence, about his knowledge of language' (Chomsky, 1979 p. 18). In empirical aspects, the major question was: how do we know about competence if and only if the way to understand competence is nothing other than performance?

As long as someone has not talked or written anything, how can we ever have any access to the repertoire of his/her consciousness of language? In other words competence evaluation mainly relied on performance itself. As a reaction to these controversial discussions, some such as Goodnow (1985) viewed the distinction on the same continuum or put aside the distinction and spoke of moderators of competence.

Whether we agree or disagree with the distinction or other distinctions such as availability, i.e. what one can do and accessibility, i.e. what one does do, at least of some aspects of what the language user says is at the mercy of his/her consciousness. In other words, the language user may come to recognize his/her consciousness of the language h/she uses. At this stage, it may be worth recalling Vygotsky (1962) and his discussion on the direct relationship between consciousness of one's cognitive processes and one's ability to control them. In line with this postulation, he focused on the conditions under which children ultimately gain consciousness and mastery of their own thoughts. So this may suggest that attainment or increase of consciousness can make a contribution to the mastery of thoughts and thinking.

If one's consciousness is frequently and extensively exposed to mediated messages, how does the consciousness unfold itself in the process of expressiveness?

The denial of television as the constituent of the culture would be in the words of David Mark (1987) 'poor research' or its ignorance would be 'suicidal politics'. In line with this claim, Kubey & Csikszentmihalyi (1990) and Numbers (1997) report that every week, residents of the United States spend 15 out of their average 39 hours of free time watching television, making it by far the most popular leisure activity. Only work and sleeping take most of the time. In a worldwide level, people spend over 3.5 billion hours watching television (see Haris, 1999).

The relationship between consciousness and expressiveness can reveal a more ontological layer in that the manifestation of consciousness can be examined in respect to modes of expressiveness.

How does the level of consciousness may have an impact on the modes of expressiveness? This can be of significant implication especially if we discuss expressiveness not merely as the presentation of some appearance of diction but as the crystallization of one's being and one's mode of living. It was in line with this understanding of expressiveness that German Expressivism considered any act of realization or any mode of unfolding a form of expression (Markova, 1982).

Romanticism encouraged consciousness of one's expression, one's action, one's past, one's history and one's childhood as may see this in poetry such as *Piano* by D.H. Lawrence.

Kant emphasized the power of reason in the modes of expressiveness as the irrational motives and desires were introduced as the impediments of rational free action. Kant proposed that human rationality should determine the human freedom to act so consciousness of this rationality was prompted as the component of the mode of expressiveness: So act as to treat humanity, whether in thine, own person or in that of any other, in every case as an end withal, never as a means only (Kant, *Critique of Practical Reason*, p. 47).

For Heidegger, consciousness and expressiveness can be examined in two levels: the level of knowing and the level of understanding. Understanding occurs when the person finds himself/herself in a state of practical belonging or connectedness with the object of understanding so he/she goes beyond knowing about the object and understands it in the sense that understanding turns out to be a mode of being.

One may feel that he/she knows how to express and he/she rarely thinks about what he/she says as it often happens when people do shopping and ask for the price of what they intend to purchase. Nonetheless, they maybe entangled, entrapped or stuck in a situation, condition, mood, or circumstances where they consciously seek to use the words and mindfully strive to employ sentences to articulate what it is that they want to say.

According to Ussher (1955, p. 80) 'The world as world is only revealed to me when things go wrong'. It is exactly in such cases when the person becomes conscious of the language he/she uses or the significance of the type of expressiveness that he/she needs to hire to unearth his/her feelings, affects, ideas, opinions, beliefs, etc. . For example, if some one plans to write a letter on an important or crucial issue of his/her life, or if one faces up with a situation where he/she engages in a defense, support and championship of what he/she assumes is brutally ignored by others, he/she may find himself/herself in a very sharp state of consciousness in respect to the choice of the words, the arrangement of the phrases, etc. This consciousness does not necessarily warrant the production of a finely woven locution which is amazingly riveting in terms of style and opulently rich in view of content. The consciousness, however, becomes the main factor for the person in experience to experience and understand the signification, the impressiveness, and the implication of expressiveness. In other words, when caught in situations where acknowledgement of the significance of modes of expressiveness becomes one becomes more conscious of his/her relationship with the mode of expressiveness that he/she chooses to use or is subscribed to use.

Challenging the reductionism of the pervasive scientific discourse and its promotion of univoicity, Ricoeur (1991) discusses how a low level of expressiveness can induce low level of consciousness. Ricoeur (1991) maintains that 'in scientific language there is an attempt to reduce as much as possible this polysemy, this plurivocity to univocity: one word-one sense' (p. 449). Reductionism can then be discussed in terms of the low inducing modes of expressiveness which are embedded in low levels of consciousness (Fatemi, 2009). Opening up the implications of our modes of expressiveness and its discursive consciousness, Ricoeur (1991) indicates how discourse can bring meaning and consciousness as it opens up the possibility of establishing diverse forms of relationship between the experience of consciousness and the modes of expressiveness. He indicates 'discourse is this power of indefinitely extending the battlefield of the expressed at the expense of the unexpressed' (Ricoeur, 1991, p. 69).

Ricoeur (1982), Heidegger (1971), Gadamer (1988), Habermas (1979) and Wittgenstein (1974) consider the centrality of language and its relation with our consciousness and being as Heidegger describes language 'as the house of Being' from which he presents the mutual relationship between the individual and Being.

In another ontological level of understanding the significance of expressiveness and its implications for consciousness, Langer (1978, 1984 and 2009) through numerous empirical investigations demonstrates how entrapment within a mindlessly

accepted zeitgeist of language would initiate and engender levels of consciousness that impose recursive forms of expressiveness and foster 'premature cognitive commitment'.

Our understanding of consciousness can have a striking bearing on our modes of expressiveness. The pervasive western understanding of consciousness is embedded within a materialist mode of expressiveness; consciousness is formed and constituted in the world of matter and it is operated in the realm of the material and the perceptible. Nasr (2007) challenges the fundamental layers of consciousness in the western ontology and claims that consciousness is exposed to the sovereignty of the material and its forces and accordingly our modes of expressiveness fail to go beyond the subjugation of the discourse of the expressed within the material world. He argues that our utilitarian stricken consciousness may contribute to the production of merely material stricken modes of expressiveness. Elaborating the containment of consciousness within the Western material discourse of consciousness, Nasr (2007) indicates that:

Modern materialistic reductionism has not only resulted in chemically infested food and polluted air, but also the loss of meaning in its ultimate sense. There can in fact be no ultimate meaning without the acceptance of the Ultimate in the metaphysical sense. It is indeed a great paradox that human consciousness in modern times has produced a view of the cosmos which has no room for consciousness. And when human beings do seek to find consciousness in the objective world, or experience what they consider to be encounter with conscious beings outside of the human realm, they are marginalized and condemned to the category of the hallucinating men and women in need of psychiatric care. When our ancestors could encounter angels and even lesser beings in nature, and when such encounters were acceptable within the *Weltanschauung* in which they lived, they did not encounter 'aliens' in the modern sense, nor in the societies in which they lived. And the conscious beings they did encounter were not alien to them (p. 227).

Nasr (2007) examines the relationship between modes of expressiveness and consciousness and argues that a transformation in the level of consciousness and understanding the primacy of consciousness to the material world would transform modes of expressiveness and modes of being and becoming in the world. In understanding the impact, he propounds that:

If human beings were not to live below the human level, but realized the full possibility of being human, they would grasp intuitively the truth of the assertion of the primacy of consciousness. Their own consciousness would be raised to a level where they would know through direct intellection that the alpha and omega of cosmic reality cannot but be the Supreme Consciousness which is also Pure Being and that all beings in the universe possess a degree of consciousness in accord with their existential state (Nasr, p. 229).

A new understanding of consciousness beyond the utilitarian and material layers

may help us understand how consciousness and expressiveness can give rise to the implementation of a project on what Spariosu (2004) calls 'irenic mind'. The discourse of brutality, ferocity, violence and tension can be replaced with a new discourse where the signifiers of consciousness and expressiveness are not sought in the stabilizing discourse of power at the service of hegemony of materialism. The new discourse namely the discourse of an 'irenic mind' can facilitate the process of delving into a comprehensive sense of togetherness where the modes of expressiveness are not in pursuit of proving the self through denial of others. This may also foster an understanding of consciousness which is not confined to the centers of pre-determined reference points within the hegemony of the expressed and thus it may as well call for exploring the new reference points which have been concealed to oblivion through the domineering modes of expressiveness.

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Allama Jafari and Three Kinds of Relationships in Human Society

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Abstract

When one speaks of 'Alternative Social Theory' critics may wonder what the basic elements of such a discourse are. To speak of a discourse or an episteme is to refer implicitly to a tradition or traditions which may differ from what is termed as mainstream disciplinary social and human sciences discourses or paradigms. In other words, in this paper the author has brought up the ideas of a contemporary Iranian social thinker (Allama Jafari) who has approached sociological issues from a primordial point of departure. Allama Jafari speaks about three kinds of relationships in his sociological inquiry. The concept of 'relationship' occupies a very pivotal position within various schools of social theory and in this paper the approach by Allama Jafari is the focus of our analysis. In other words, it is argued that he conceptualizes three general kinds of relationships between individuals in any human society: 1. Natural, 2. Psychological, and 3. Contractual.

Keywords: Sociology, Natural Relationship, Psychological Relationship, Contractual Relationship, Allama Jafari.

Natural Relationship

The most common relation, in Allama Jafari's vista, is the natural relationship which is divided itself into two groups; 1. Deterministic-Intrinsic Type and 2. Deterministic-Extrinsic Type. For instance, the question of instinctual movement and its saturation are parts of the natural relationship and also of deterministic nature. Because the instinct exists as a need and a faculty within our body and due to the fact that its presence is of an inherent nature then its relational function is of deterministic character. In other words, the instinctual relationships are of fundamental importance to the integrity of human life. Any human individual is born with this innate ability

which makes the relationship between male and female a matter of impulse and not choice. In other words, when one speaks of free will in this level it should be noted that the very question of impulse is not the issue but how it is exemplified is the problem here. To put it differently; who to choose as a spouse is dependent on the will of the subject but the very question of compulsion to choose the opposite sex is not optional but instinctual. This is the simplest and also the most essential kind of relationship between human beings. Now we can turn to the question of extrinsic relationship among human beings which are not optional but compulsory within the natural realm of relationship in accordance to Allama Jafari's approach. For example, individuals in a society decide to cooperate with each other against external enemy forces or dangers such as flood which would assist them in defending themselves.

This is an example of a compulsory relationship but of an extrinsic nature as the external dangers either natural or human have forced humanity along its historical course to build coalitions with each other in various different forms of relationships. It seems both in the past and in the present time most of human relationships have had the same origins, namely building various kinds of relationships within societies against the stronger forces of nature or otherwise as without these alliances the life of the human society may have terminated *in toto*. Within sociological context one should be able to distinguish between different types of relationships as to treat these multifaceted relations all in the same fashion would be mistaken (Jafari, 1976. Ch. 1).

Psychological Relationship

The psychological relationship is composed of three different but interrelated types of relationships, namely a) Inherently deterministic association of psychological nature, b) Extrinsicly deterministic affiliation of psychological nature, and c) Psychological relationship based on freedom and will.

a) Inherently deterministic association of psychological nature;

These types of relationships are caused either by philanthropic emotions or passions which are associated to philanthropic inclination rooted in the soil of human self. For example, I, by nature, perceive that you are a human being (part of human species) and similar to me in humanity. In other words, this quality is not dependent upon any external factor. When you are a human being and my fellowman then this, by itself, is an indication that we have certain common characteristics such as 'thought', 'joys', 'pains' and so on and so forth. Thus these common qualities create a sense of fellowship which is called inherently deterministic association of psychological nature (Jafari, 1976. Ch. 1).

b) Extrinsically deterministic affiliation of psychological nature;

When the common denominator is 'belief', 'country', 'race', 'culture' or whatever else of this category then we are faced by extrinsic affiliations which are of both psychological and deterministic origin. Co-raciality, for instance, is not a matter of physical dimension but rooted in the soil of psychological relationship. Because when two people belong to the same race this sense of belongingness is not authentically of physical but psychological origin. On the other hand, all of us are born in the same land and belong to the same historical era and by tracing back our genealogical roots we may find the same forefathers or racial family tree. In other words, as these types of relationships are deterministic by definition and they are not either of inherent nature as well as dependent upon external relationships then we can categorize them as extrinsically deterministic affiliation of psychological nature (Jafari, 1976. Ch. 1).

c) Psychological relationship based on freedom and will;

We could talk about this kind of relationship when associations are based on shared belief or common ideology provided they are based on self-awareness and freedom-cum-will. These types of relationships do appear in people who have reached certain kinds of intellectual advancements, i.e. those personalities who have achieved the state of reflexivity. In other words, these types of personalities do not feel content by following the dominant social norms but are able to question the norms, look for truths, go beyond the clichés and seek the paths of self-actualization.¹ They, unlike the majority, do not settle for received wisdom but follow their own profound concerns which may result in novel kinds of associations. In other words, by following their own sublime concerns they create affiliations which are of mental character and also based on free-will. These affiliations are of great significance for the being of human self as an emancipative personality (Jafari, 1976. Ch. 1).

Contractual Relationship

This kind of relationship itself is consisted of two other types, i.e. the deterministic contract and the voluntarily contract.

a) Deterministic Contract;

When Allama Jafari talks about deterministic kind of contractual relationships he refers to dominant legal, economic, and political relationships in a certain society. Among individuals, groups and people in a certain society one can discern these kinds of relationships which are involuntarily in the strict sense of the term (Jafari, 1976. Ch. 1).

b) Voluntarily Contract;

This type of relationship is consisted of all commitments and voluntary contracts including international/national commitments as well as private and public agreements. To highlight these kinds of relationships Allama Jafari refers to following examples: one may, for instance, commit her/himself to study regularly from the coming week or sign a contract with a factory to produce specific goods on an exact date. The list could be longer but,

... we settle for the aforementioned examples which demonstrate clearly what it is meant by associations based on voluntarily contract (Jafari, 1976. Ch. 1).

The fundamental principles of human relationships belong to the field of psychology but it should be noted that the aforementioned threefold relationships are demonstrated with different quantities and qualities in a societal context. Although these principles constitute the crucial crux of primary relationships but one should not assume that the boundaries between each of these affiliations are fixed. On the contrary, the precincts are fluid and hard to territorialize in a solid fashion. In Allama Jafari's words, when analyzing a case in this context it is not easy to determine to what extent the relationship is of contractual or natural nature. Thus a sociologist should not treat her/his subject-matters as physical cases in isolated fashions but human relationships should be considered in a constant connection with one another within the webs of societal interactions. For instance, when the relationship between the opposite sexes is a matter of inquiry it should be remarked that this relationship is rooted in the natural proclivity of human being which means the sexual instinct falls under the category of natural relationship. But it should be carefully noted that the subject-matter of our inquiry is human being which by its very definition it gives birth to psychological problems. (Miri, 2010) In other words,

... although the instinctual inclinations are of natural origin but these natural proclivities when expressed at the human level could not be confined solely to the natural plane. It is not hard to conceive that when we choose a partner we may have different criteria for our choice such as beauty, personality, and education. This entails psychological issues apart from sexual considerations which may primarily come to fore. When the couple is considered in their societal dimension then legal issues may enter to the equation as one will be treated as a husband and the other as the wife as well as the offspring which together give rise to various possible contractual relationships. Therefore if the relationships are inquired on instinctual basis then the character of affiliations should be seen as purely natural. But due to the fact that individuals in their collective associations and societal life do not settle for this level of relationship and moreover there are issues of procreations in society and adoption of social roles which pave the way for establishment of contractual relationship and legal issues should be erected for the formation of social order and solidification of family institution ... (Jafari, 1976. Ch. 2).

To put it differently, the tripartite relationships are not three disparate issues without any fundamental connection to one another. On the contrary,

... these relationships should be considered in dynamic and interdependent fashions and moreover each of these tripartite associations, in despite of their systemic relationships, go through transformations due to various different kinds of situations. For instance, when the culture and civilization of any nation goes through vital changes then the forms of relationships do get transformed too; namely, some relationships increase and others decrease. In a nutshell, the characteristics and qualities as well as features of relationships follow the cycles of changes and transformations in a fundamental fashion (Jafari, 1976. Ch. 2).

By dividing the human relationships into three different but interrelated kinds of associations Allama Jafari argues that we should in the next step split up three tripartite forms of affiliations into three movements in reference to what he terms as *transformational trend*.

Primary Movement

By primary movement Allama Jafari refers to progressive and prosperous movements such as reproduction in sexual relationships; defensive movements for obtaining power; or progressive movements in domains of civilization and culture and so on and so forth.

The curve of movement in natural relationship could go upward or downward. For instance, in reference to sexual instinct as a form of relationship, the reproductive instinct is per se desirable. The wisdom of nature,

... has bestowed upon humanity such a wonderful design that a hefty desire to function as a drive which would assure the cycle of human reproduction ad infinitum. If there was no desire or passion between the sexes the human population could not grow to this extent on the planet. Needles to state that in regard to sexual relationships the main reason could be primarily referred to the importance of 'desire' in this context and secondarily one could think of reproduction and having offspring. A cursory look at the social life and its various forms and varieties demonstrate clearly that although not having children could cause some sort of inconvenience nevertheless the more important issue, i.e. 'desire' has been fulfilled. Thus the question of desire is an issue on its own right in human context, which should not be neglected as an epiphenomenon. In other words, beauty has its own locus within the parameters of human life as human being is essentially aesthete and delights over beauty. It should be vehemently emphasized that this aesthetical yearning is part of being human (Jafari, 1976. Ch. 2).

Psychological relationships in comparison to natural associations seem to be clearer in terms of transformations,

... as in the natural relationship the source of affiliation is principally constant (e.g. sexual pleasure and the invariable source of sexual instinct) which makes the possibility of transformation very meager. But as far as the psychological relationships are concerned the transformations and alterations are both prominent and significant (Jafari, 1976. Ch. 2).

Allama Jafari takes a very primitive society as an example. He argues that in such a society the 'relationship',

... is solely confined to the exercise of power where the powerful rules over the weak and powerless. But along the course of history and due to social growth the geometry of relationships get more complicated and multifaceted which make the very principle of dominance (in the form of dominance of powerful over the powerless), in despite of its presence, in its conventional sense meaningless. Because in more developed societies the very exterior as well as interior dimensions of relationship has evolved in a very unprecedented fashion which makes the antique forms of power relationship unfeasible. The relationship between master and disciple, colleague and coworker, teacher and student, faithful and unfaithful, us and them and all kinds of associations which touch the boundaries of dialogue or conflict and cooperation or enmity are forms of psychological relationships (Jafari, 1976. Ch. 2).

Allama Jafari goes even further by arguing that even the relationship between master and slave is not a natural relationship but a psychological association. In other words, the being of humanity is based on the pre-epistemological notion of soul which plays a very vital role in the constitution of metaphysical dimensions of *alethia* or truth (Jafari, 2012). To deny this spiritual dimension of human self is tantamount to reduction of psychological aspect into natural relationship (Jafari, 1976. Ch. 2). To speak about 'Human Being' is tantamount to hold a normative approach to the subject matter (Jafari, 2006). Thus we need to clarify what kinds of background assumptions we hold. Do we assume that human self has a human nature? Or do we refer to the socially constructed human person in our sociological analysis? If we reduce the human relationships solely into the contractual and natural affiliations then,

... rest assured that the vision of humanity would be a materialistic/unidimensional imago of human self which, in turn, would result finally in degrading relationship in human societies. Because if we assume that the establishment of spiritual relationship is a possibility of highest importance then we can reach to more sublime shores of realization and transcendence which are not feasible within the parameters of either natural or contractual relationships (Jafari, 1976. Ch. 2).

Another important issue is the problem of conceptual *unclarity* in sociological analyses. Allama Jafari raises a metasociological question in terms of whatness of sociology (Jafari, 1997). In other words, the unclarity of sociological concepts seems

to be a *disclarity* problem, i.e. *the quality of being inconsistent*. To put it otherwise, why is there so much confusion over the very state of social and human sciences? It seems Allama Jafari is trying to find out what are the problems in the contexts of naturalistic versus humanistic approaches to social and human sciences by arguing that our,

... conception of mental and substantive concepts is indeterminate and problematic. The concepts are sometimes so disorganized and muddled that a comprehensible debate over human science issues may seem often an unachievable task. If we approach the prime subject of human sciences, i.e. human being from the vantage point of evolutionism then reductionism is the only game in town as in this approach the being of human self is practically no different than those in the animal kingdom. In this context, the quality of 'relationship' is not substantially different in the natural context over against psychological dimension. In delineating the boundaries between various schools of sociology the pivotal role of values is undeniable and this is the dominant reason why sociologists are unable to agree upon fundamental questions of sociology (Jafari, 1976. Ch. 2).

Second Movement

While the primary movement is constructive the second movement is downward and destructive. The movement towards,

... destruction/demolition/devastation/desolation/despondency is called the second movement such as the fall of civilizations and collapse of societies' cultures. This kind of movement could occur within the context of natural relationships. For instance, when the water resources are dried out in a village and famine may break out then the village could get transformed but this change is not of the first order. On the contrary, the transformation in this case is of the second order, i.e. the downward movement which ultimately leads to desolation and destruction. Another example could be the fall of ancient nations and civilizations where the beneficial factors are considered as harmful and detrimental factors are viewed as favorable trends. By losing sight and embarking upon a mistaken path they may have created the necessary conditions for change in their respective societies but the curve of movement, unlike the primary move, is downward and destructive (Jafari, 1976. Ch. 2).

Third Movement

This kind of motion applies to movements in a constant path within society which,

... may lead neither to constructive nor destructive movement but to minor transformations. For instance, when in the mind of an artist or a scientist a new idea sparks this could lead towards some kind of changes within the larger society without being destructive or constructive in the aforementioned sense. However these changes are

essentially favorable in terms of transformation by generating a novel element in the fabric of society which, in turn, could be instrumental in the future transformations (Jafari, 1976. Ch. 2).

Conclusion

The arguments proposed by Allama Jafari could be reconceptualized within the larger context of non-Eurocentric discourses (Alatas, 2006) on social and human sciences as the normative concepts (such as human being, humanity, knowledge, modes of cognition, tradition, intellect, reason, modalities of intelligibilities and cordial perception) which make up the background assumptions of non-western sociological projects are founded upon other intellectual traditions and paradigms (Miri, 2012). If we could move away from the conformist policies within academia then inclusion of *alternative* discourses or *altermundist* visions of the world would enrich the intellectual arsenal of our sociological imagination in an unprecedented fashion.

Note

1. Self-actualization is a term that has been used in various psychology theories, often in slightly different ways. Although the term was used earlier by thinkers such as Kurt Goldstein but the concept was brought most fully to prominence in Abraham Maslow's hierarchy of needs theory as the final level of psychological development that can be achieved when all basic and mental needs are fulfilled and the 'actualization' of the full personal potential takes place. (Maslow, 1968. p. 204) In a work by Allama Jafari entitled *Epistemology of Human Being: The Ascendancy Path of Growth* (2006) one could discern profound similarities between Maslow's concept of self-actualization and Allama Jafari's notion of 'ascendancy' (Jafari, 2006. p. 171) which require us to carry out systematic cross-cultural comparisons between these two seemingly unrelated theoretical systems. Sayyid Mohsen Fatemi from Harvard University has carried out such a research on psychology and Allama Jafari which is due to be published by London Academy of Iranian Press in United Kingdom in June 2012.

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Emergent Issues in Heterodox Islam among the Yoruba of Nigeria

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Abstract

The field of Islamic Studies is currently witnessing the growth of a sophisticated body of scholarship on 'orthodoxy and heterodoxy' in Islamic religious practices. Such a growing scholarship has largely promoted the perception that heterodox Islam otherwise known as local Islam, popular Islam, people's Islam or cultural Islam, is not the same as orthodox Islam, which is assumed as real, pure, right, official or revealed Islam. Such a perception lends credence to the impression that the dimension of Islamic religious practices in any setting is supposed to be negotiated and determined by the adherents of Islam in such a setting and not by external factors or considerations. The purpose of this article is to examine the continued spread of heterodox Islam among the Yoruba people of Southwestern Nigeria. The article seeks to identify and analyze the factors instrumental to the growing influence of heterodoxy on orthodoxy, and offer practical recommendations for possible purification of Yoruba Islam from traditional, heretical, heterodox or non-Islamic practices.

Keywords: Heterodoxy, Orthodoxy, Popular Islam, Heresy, Southwestern Nigeria, Yoruba Muslims, Traditional Religious Practices.

Introduction

Contemporary scholars and researchers in the area of Islamic studies have contributed immensely to the growing scholarship revolving around the categorization of religious practices into orthodoxy and heterodoxy. According to Calder (2000: 60), the word 'orthodoxy' means 'right teaching' and in Islam, is used in reference to the Sunni tradition, although it is not impossible that a non-Sunnis, too, such as the Shiites can also define for themselves 'a set of right beliefs and do not go very far beyond them'. It should be pointed out straightaway that Calder's view in this regard does not suggest

correctly that the Shi'I tradition is accommodated alongside the Sunni tradition in what is traditionally known as Islam orthodoxy. However, Denny (1985) opines that orthodoxy is not the best term to use when characterizing Islam as it is better to use the term 'orthopraxy' meaning 'right practice'. Calder (2000) dismisses Denny's view in this connection as untrue and argues that although,

it may well be true from the point of view of a sociologist, that in a given Muslim society there are practices which are rejected by that society, it is untrue that the practices of any particular Muslim society will represent orthopraxy (p. 66).

Denny's argument however finds support in Langer and Simon (2008: 274) who posit that 'orthodoxy is usually juxtaposed in an implicit or explicit opposition to a number of disparate notions, such as orthopraxy, folk religion, minority view, heresy, or heterodoxy'. Langer and Simon add that 'anthropologists who focus on such concepts do not hesitate to use it in contrast to something like folk Islam' (p. 274). In the discipline of Islamic Studies, however, Islamic religious practices are described as orthodox when they are based on Qur'an and Sunna or are established within a certain authoritative mainstream. Such a perception is in keeping with 'the Islamic idea that Islam must be understood as determined by its 'sacred' tradition, fixed in the founding texts of the Qur'an and the Hadith collections (Shrode, 2008: 395). Yet it is noteworthy that as ubiquitous as the word orthodoxy is in contemporary Islamic scholarship, it is sometimes avoided but tacitly implied or expressed through the instrumentality of other related terms, whereas heterodoxy is normally openly addressed (Lowenstein, 1994).

The implication of the foregoing is that there is a variety of concepts through which the idea of orthodoxy is expressed. According to Gibb (1954), orthodoxy is at times described as Sunnism. This in the opinion of Langer and Simon (2008) confirms 'the Islamic topos that right belief and right behaviour would consist in following the Sunna of the Prophet and heresy in opposing him' (p. 275). Yet Langer and Simon maintain that although orthodoxy is not an uncommon translation of Sunna,

... to equate orthodoxy with Sunnism results in definition which is too narrow and too broad at the same time owing essentially to the fact that 'sunnism is not the only orthodoxy in Islam, as there is, at least, the Shiite variant (p. 275).

Schrode (2008: 395) seems to have drawn the blind and adjusted our view of the subject under discussion when he rationalizes that the popularity of the terms 'orthodoxy' and 'heterodoxy' in professional jargon is probably due to their superficial clarity owing to the fact that they do not need to be negotiated among scholars, but can be derived from inner-religious principles of 'right belief'. Schrode further argues that

definitions of heterodoxy are properly never self-designative although there are particular cases where groups do use 'heterodox' as a self-designating adjective - whereas orthodoxy is ultimately claimed by all. This confirms the Qur'anic stipulation that 'every party is pleased with its own style' (Q. 16: ...) and is particularly true of the religious practices of the Yoruba Muslims of Southwestern Nigeria where even the most heretical or heterodox Muslim sees him or herself as practicing the idea Islam. Before discussing the claims or polemics revolving around orthodoxy and heterodoxy among the Yoruba Muslims, it is pertinent to give a geographical description of the area and a historical account of the spread of Islam among its people.

Geographical Location of the Yoruba

The Yoruba people are geographically located in a country stretching on the west from around the area of Badagry to around Warri and inland until they almost reach the Niger around latitude 9⁰N. (Akinjogbin and Ayandele, (1980). There is a natural boundary between it and the Nupe, formed by some parts of the Nigeria, thereby causing the Yoruba to spread Westwards from around latitude 5⁰N and cut across the whole of Dahomey and reach into the East of Togo,

From the coast, the country rises gradually from low-lying swampy regions with thick undergrowth to forest belt and finally semi-or derived savannah, which in Porto Novo (Ajase), reaches almost to the coast (p. 122).

A country largely constituted by low flat plateau with only a range of hills, the Yoruba hills, running from east to west and almost cutting the country into two. Yorubaland enjoys a fairly stable weather, with two clearly defined seasons in the year, the rainy season lasting from about April until September, to April, whereas from November until February, the cold dry wind from the Sahara desert, called the harmattan, affects the country (Gbadamosi, 1978). Rainfalls never cease completely all the year round which is why there is a favourable climate which itself is favourable to agriculture thereby making it possible to have two harvests in one year (Akinjogin and Ayandele, 1980).

The Spread of Islam among the Yoruba

Islam spread to Yoruba land through the activities of itinerant preachers from Borno and Hausaland, in the seventeenth century (Balogun, 1980). Some of those mallams (i.e. Islamic scholars) and itinerant traders probably 'moved as far south as old Oyo and a few other urban centres of the old Oyo Empire' (p. 219). Consequently, a

Muslim community emerged in old Oyo by the middle of the seventeenth century. That community was so committed to the Islamic faith that right from its early days it 'sought guidance from Katsina on (how to determine the precise time of sunset, may be in connection with the Ramadan fast, which was why in response, Abu Abdullah B. Muhammad B. Masanih, (Dan Masani) wrote 'Shifa' al ruba fi tahrif fuqaha Yoruba' (Bivar and Kiskett, 1962). The implication of this historical event is that Islam was already well grounded and strongly established among such people at the time of their request for such Islamic guidance. According to Balogun (1980: 219),

... if, in fact, the document was written to guide the Muslim community in Yoruba land, it could attest not only to the age of Islam in Yorubaland but also to the amount of attention paid to the practice of the religion as early as the seventeenth century.

Relying on Richard and Hander (1938), Balogun opines that it is certain that by the eighteenth century, Islam had spread far beyond Oyo, along the trade routes, to as far afield as Igboho, Kisi, Saki, Iseyin, Ikoyi, Ogbomoso, Owo, Ijana, Ketu and Baagri, each of which was a major and notable settlement or township in Yoruba land. Such a rapid spread of Islam to various parts of Yoruba land, as noted by Balogun (1980) is a pointer to the fact that the Yoruba were, since the seventeenth century, not only practicing but also preaching and promoting the Islamic faith which they even propagated to as far afield as Dahomey, in what is now known as Republic of Benin.

Orthodox Islamic Religious Practices among the Yoruba

A meaningful discussion of orthodox Islamic practices in Yoruba land will expectedly begin with a historical flashback into the origins of the individuals who were instrumental to the spread of the religion in the territory. This is so because the nature of Islamic religious practices in Yoruba land is akin to the nature of Islam in Borno, especially during the early years of the religions. As noted earlier, the spread of Islam to Yoruba land was essentially an instrumentality of the effort of itinerant preachers from Borno and Hausa land. To Borno, Islam was introduced by Muhammad bn Wani, an Arab Muslim preacher from Fezzan who spent significant part of his life in the area having witnessed the five-year reign of King Bulum, the six-year reign of King Arki, the four-year reign of King Huwami and the fourteen-year reign of King Hummi who reigned from 1097 to 1085 C.E (Rufai, 1993). With the advent of Islam in Borno shifted the attention thereto of Muslims from Central Sudan and relations were also established between the Borno Muslims and the Arab world especially Maghrib and the Middle East. These relations advanced during the reign of Mai Dunama 1 (d1150) through that of Dunama 11 (1221-1259 C.E), Alli

Ghazi (1474-1503) as well as Idris Aloma (1570-1602 C.E) (Rufai, 1993: 159). It is noteworthy that the reign of Idris Aloma witnessed the golden age of Islam in Borno. Aloma had gone on pilgrimage to Makkah in 1579 C.E. where he built a gigantic structure for the accommodation of Borno pilgrims. The influence on him of his experience in the holy lands and the various Arab countries visited by him was so great that, on his return to Borno, he established Islamic courts and substituted the traditional or customary legal system with the Shari'ah. (Clark, 1982; Furtua, n.d.; and Rufai, 1993: 159).

It was during this golden age of Islam in Borno that Borno preachers introduced Islam to Yoruba land. That explains why the puritanical features that characterize Islam during its golden age in Borno, were noticeable among early Muslims in Yoruba land, who tried to practice Islam in its orthodox and undiluted form, at least to the best of their ability. Among the characteristics that were common to Yoruba Muslims of that age was that they had their separate quarters which was normally characterized by features of an Islamic community, 'as soon as their number could sustain a separate community' (Balogun, 1980: 220). In such quarters,

... they established mosques and soon acquired distinctive character through some of their habits and customs associated with the practice of Islam such as the five times daily congregational prayers, the mode of dressing and the total abstention from alcohol by some pious Muslims (p. 220).

This distinctive character of early Yoruba Muslims was actually imbibed from the Muslim preachers and itinerant traders from Borno who themselves had imbibed such features from the adherents of Islam from the holy lands and various Arab countries.

The alien Muslims from Borno and the Arab world were so much admired and appreciated by some members of the indigenous population, especially the traders who had close dealings with them. According to Balogun (1980), it was these alien Muslim traders, who first exposed the Yoruba Muslims to the outward manifestation of Islam' as 'their settlements along the trade routes and in the major trading centres constituted the nursery for the eventual propagation of Islam in Nigeria' (p. 220) of which the Yoruba land is a notable part. The 'right' and 'real' Islamic religious practices inherited by early Yoruba Muslims from the alien Muslim preachers account for the dominant nature of orthodoxy among them for a long time before the infiltration of local, traditional and cultural practices into their Islamic religious life whose pendulum later swung towards heterodoxy which is now fast gaining momentum among them.

It may not be out of place to discuss at this juncture the evolution of heterodoxy among them which is the subject of the following section.

The Evolution of Heterodox Islam among the Yoruba

The transition of Islamic religious practices in Yoruba land from orthodoxy to heterodoxy did not materialize just overnight; it was rather one of the three developmental stages experienced by the religion in Southwestern Nigeria. These three stages have been graphically captured by Balogun (1980: 220) where he writes, that,

... Islam began as a religion of aliens, then became the religion of an influential or ruling elites before it finally got accepted by masses and became popular and later a militant religion.

In the estimation of the present writer, the stage of being 'a religion of aliens' represents the stage of orthodox Islam while that of being 'the religion of an influential or ruling elite' and finally getting accepted by masses and becoming popular, marks the infiltration of heresies into the orthodox practices, whereas 'later becoming a militant religion' signifies the emergence of puritanical movement committed to the eradication of heterodox Islamic practices. It would be noted however that the second stage namely, that of popular Islam is the primary concern of the present article although the other two stages are addressed in passing.

It is not out of place to state at this juncture that the heterodox dimension of Islam is not peculiar to Yoruba land or Nigeria. This has rather been a feature of the religious practices of Muslims in various parts of Africa. This opinion finds support in the words of Peel and Steward (1985) who observe that Islam has been assimilated into African societies in different ways and that each community of African Muslims had developed its own patterns of relationship with Islam; and the historical circumstances and material conditions of each society determine the nature of things. This is particularly true of Nigeria where the dimension of Islamic religious practices is now being negotiated and determined by the local adherents of the religion and not by external factors or considerations. In fact, the contemporary history of Islam in Nigeria is replete with instances of a wide range of interaction with African traditional belief systems and practices. According to Clark and Linden (1984: 139), there have been times when, Muslims being a minority, a pluralist response to other cultures and religions occurred, and 'Muslims took the view that different forms of primal religion could exist side by side with them in the same society, which is why 'individual Muslims, and whole communities, throughout Nigeria have incorporated into Islam to varying degrees different aspects of traditional life ...'.

The accommodation or toleration of some indigenous religious systems in Yoruba land by Islam is traceable to a number of factors. Notable among such factors was that some of the 'solutions' offered by such traditional religious systems, 'to problems of

explanation, social structure, and fertility have often appeared more effective to the local community' (Clark and Linden, 1984: 142). The presumed efficacy of such solutions as offered by the traditional system confronted by Islam has remained an attraction that makes difficult their total elimination from the religious practices of Yoruba Muslims. The point being made in this connection has been graphically captured in the words of Clark and Linden (1984: 142), that,

The relevance and immediacy of masked cults and the figurative art of shrines, which at least in theory Islam rejects, have clearly not diminished under the impact of Muslim practice. Indigenous religious systems, embedded in particular social formations and economic activities, have therefore rarely been eliminated in contact with Islam. The process of Islamization has more often produced creative adaptations of traditional categories; the *bori* cult in northern Nigeria is an example; or wider socio-economic changes have more abruptly destroyed the cultural nexus in which forms of primal religion thrived. In the later case Islam is often the beneficiary but rarely the sole cause.

Clarke and Linden's argument that Islam is often the beneficiary of the destruction of the cultural nexus in the Nigerian religious setting may sound perturbing to an irrational mind. Yet such an argument has featured prominently in contemporary scholarship on African cultures and religions. For instance, Ade Ajayi, (2011) a foremost African historian maintains that it is the tolerance of Yoruba traditional religion that metamorphosed into religious cohabitation between Islam, Christianity and traditional religion. He adds that the practice of divination, as seen in *Ifa* which is closely akin to the system of divination through sand writing as practiced in medieval Islam, attests to early contacts between the Yoruba and Islam. He also adds that 'reference has been made to a history of the Yoruba written in Yoruba with Arabic lettering in the 17th century although no copy of the book has yet been found'. According to him, the implication of this is that traditional Yoruba religion developed on aptitude for toleration and adaptation to Islam even before the 19th century'.

However, it may not be true altogether to state that Islam is the beneficiary of its cohabitation with traditional religion in Yoruba land. Islam, it may be argued, did not take without giving. It is therefore of great value to point out that the leadership of traditional community as represented by the traditional ruler characteristically hunted for a Muslim scholar with charm, magical power, amulet or Qur'anic medicine, with a view to supporting himself with such protective and preventive powers from the Qur'an, the efficacy of which has been widely attested to. Balogun (1980: 221) presents a clear picture of the give-and-take relationship between Islam and Yoruba traditional setting when he writes,

The arrival of the Muslim scholar, especially one credited with mystic power, was usually significant. Because of his fame, the Muslim leader could not keep away from the local ruler indefinitely. In fact both the ruler and the Muslim scholar had good reasons to be friends. The ruler saw the Muslim scholar as a mystic who could use his mystic powers to solve some pressing problems, to cause rain to fall during a draught, to make him win his wars and thereby enhance his prestige, and to offer special prayers for protection against witchcraft or nullify the evil effect of witchcraft if its spell had already been cast. It is irrelevant whether or not the Muslim scholar actually possessed the mystic power attributed to him. What is important is the belief that he did possess the power.

In such a scenario as described above, it is not impossible that the ruler would not rely solely on the mallam as he would probably consult alongside him, diviners, herbalists, soothsayers and even fortune tellers of the traditional religious orientation. This is not without some implications for Islamic religious practices among the Yoruba who having seen their ruler shuttle between a Muslim scholar and a traditional diviner, no longer see anything bad in an admixture of Islamic and Yoruba traditional practices. Yet that may well be merely a remote factor in the growth of heterodoxy among Yoruba Muslims.

The point being made in the foregoing finds an articulate expression in the words of Doi (1984: 236) who observes that Islamic religious practices among the Yoruba are heavily diluted with some Yoruba traditional religious beliefs, customs, antiquated social organizations, cults and philosophy all of which are interwoven. He further observes that 'despite the acculturation through the Arabic language, culture and dress that accompanies Islam and the responsive adaptation by the Muslims, there are certain shreds of traditional belief in Yoruba gods, customs, superstitious, philosophy, arts and witchcrafts etc., which these Muslims have found difficult to shed'. According to Doi, the inter-practice of both Islam and traditional religions results in syncretism. However, the present writer does not see most Yoruba Muslims involved in traditional practices alongside their profession of Islam, as practicing traditional religions. Rather, he regards them as merely diluting their Islam with Yoruba traditional practices and therefore prefers to describe them as heterodox and not syncretic.

Nonetheless, this study is not oblivious of the note of warning sounded by some contemporary scholars of Religion, especially De Weese (2002: 309) over the unfashionableness or inappropriateness of the idea of restricting what is 'Islamic' to the Qur'an and a limited body of Hadith. Such a practice is associated with 'contemporary Muslim fundamentalists and the medieval jurists they cite' and totally dissociated from 'the majority of self-defined Muslims over centuries or even of most medieval jurists 'as well as' scholars who would analyze and interpret Muslim religious life historically or at present'. Criticizing De Weese's view in this regard,

Schrode (2003: 401) agrees with the last part of his argument concerning the role of scholarship and disagrees with the idea of absoluteness expressed in the first part of his statement. Schrode suspects the emergence from such an argument of ‘another dubious dichotomy’ between ‘a new and somewhat foreign fundamentalism’ on the one hand, and ‘a more authentic, lived local Islam, to which the former is suggested to be alien,’ on the other. Schrode opines that such an argument is capable of promoting the perception that the ‘majority of self-defined Muslims’ practice their religion isolated from global Islamic discourses as well as the historical processes and conflicts such discourses are subject to (p. 401).

Although Schrode acknowledges the fact ‘local religious discourses have been affected by ‘fundamentalist’ Islamic ideas and a critique of certain traditional religious practices for more than a century’ and that ‘discourses about ‘truly’ and ‘not truly’ Islamic practices are part of any local Islam within any social setting,’ he ventures to challenge the idea of distinguishing between what is ‘truly’ Islamic and what is ‘not truly’ Islamic among such practices. Unless there is a credible evidence to the effect that such Islamic religious practices are representative of their revealed or original form and totally devoid of any local influence especially in the context of the Yoruba setting such an attempt by Schrode at challenging the dominant scholarship on the subject may well be dismissed as unfounded. Specific details of such pattern of religious practices may be given in the following section.

Heterodox Islamic Religious Practices among the Yoruba

There are numerous traditional religious beliefs and practices among Yoruba Muslims. Most of such beliefs and practices are of polytheist orientation and grounded in belief in one supreme deity known as ‘Orisa’ or Olodumare to whom lesser gods are regarded as subordinates (Awe, 1967).

The Yoruba regard the Supreme Being as so great that he is believed to be so removed from human beings that ‘they need these subordinate deities as communicating intermediaries between them and the supreme deity’ (Doi, 1984: 236). Accordingly, they give within their imaginations, names or titles to these deities in accordance with their characters or effectiveness. In the opinion of Doi (1984: 237), the Yorubas ‘found or felt that these gods or goddesses gave course to their agricultural economic, social and political success’ and therefore held them in high esteem, although ‘the development of industries, machines and transports has made some of these gods, goddesses, customs and superstitious more prominent than ever before.

Giving specific instances of this, Doi adds that ‘Ogun,’ esteemed as god of war in

the age of internecine wars among tribes is now prominent as the god of iron in the age of industrialization'. It is pertinent to point out that experience has shown that there is no significant difference between the Yoruba adherents of traditional religions and their Muslim counterparts, with regards to their view of Ogun whom they all give its deserved regard as the god of iron. This confirms Doi's assertion that 'most of the Yoruba superstitions connected with the road, with ogun worship and the circumcision of children interact with Islam' (p. 237). According to Doi, the belief that 'ogun' would be annoyed if a driver killed a duck or a lamb on the road still remains unchanged and 'if this happens, and if sacrifice with dog-killing, roasted yam and palm wine etc is not made, nor a price paid on the victim on the spot the driver is likely to be involved in a ghastly motor accident'. This, as noted by Doi (1984) and as confirmed by the present study (2001), is still commonly believed by Muslims, Christians and the pagans alike.

Other deities concerning which some Yoruba Muslims hold similar beliefs are Sango (god of thunder), Osun (god of river) Esu (devil), and Ifa (the great oracle). A credible evidence of this practice is that most Yoruba Muslims still derive from these gods and goddesses names for their children or new born. Today (2011) as was the case during Doi's study in 1984, many Muslims bear names like Fasakin (Ifa is brave), Ogundipe (Ogun is grateful), Sangoleye (Sango is praiseworthy) and Esugbaya (Esu! Accept this). Yet such active or passive involvement in traditional religious practices may not necessarily deter such Muslims from being frontliners in da'wah or Islamic work nor from even becoming imams or notable Islamic scholars in Yoruba land.

Another aspect of the heterodox dimension of Islam among the Yoruba is their belief in various kinds of spiritual being who are present and believed to be capable of intervening in the lives of human beings. In this connection, many Yoruba Muslims believe in various categories of witchcraft, as well as in 'emere' and 'abiku', all of which belong to supernatural and mysterious societies. These beings are so dominant in the belief of many Yoruba Muslims that it is common to hear an imam leading a public Muslim supplication, say, 'Olorun maj'owo aye o'tewa,' meaning 'may we not be overpowered by the supernatural or mysterious world', or 'maj' aarabi ku' meaning 'may we not encounter an abiku' thereby exposing the centrality or prominence of such beings in their estimation. The nature of the interaction between Islam and traditional religious beliefs among the Yoruba is articulated by Doi (1984) when he writes of a man who turned into a deer to eat in an Okro farm in the early 1980's,

The deer was shot dead by a hunter, and when it fell, it fell with an unnatural voice belonging not to a deer. 'For this reason, the hunter quickly destroyed the heart of the killed deer, before this was requested for by other men. When the hunter confessed that

the heart had been destroyed, the deer-human affirmed that nothing again could be done to save him. Shortly after this, he died without previous sickness having vomited some quantity of blood. After all, he was named Yesufu (a Yoruba version of Yusuf). No doubt he was a Muslim, and besides being a Muslim, he was a wizard. What an interaction! (p. 240).

Again, there is hardly a significant difference between the Yoruba pagans and their Muslim counterparts with regards to belief in supernatural spirits. It is not uncommon to see Yoruba Muslims seeking refuge or offering preventive, protective or propitiative sacrifices to appease gods and seek their support against the evils of such spirits. Yet such practices do not deter them from reading the Qur'an or fulfilling various Islamic religious obligations such as Salat, Zakar and others.

It may be inferred from the foregoing that the need to seek refuge against the evil of such supernatural spirits and other factors of similar nature probably accounts for the association of many Yoruba Muslims with secret societies such as Ogboni Fraternity and others. The present writer confirms through rigorous investigation and painstaking and persistent inquiries that such secret societies attract members from Muslim and Christians, alongside pagans. The present study therefore confirms the view that:

Such secret societies ... draw their members from Muslim and Christian dignitaries, witches and wizards, judges and magistrates, police and military officials, government secretaries and executive officials, businessmen and women, *babalawos* and *oniseguns*, (i.e. diviners and herbalists), principals of schools and teachers, managers, proprietors and corporation officials etc. (Doi, 1984:241).

Doi rationalizes that it is not easy for a Muslim to preserve his faith in keeping with the Qur'an and Sunnah, in the face of the temptations posed by such influential secret societies. Consequently, he infers that even if he does not belong to any of such societies but only believes in their existence and the efficacy of their power or influences, his faith cannot be regarded as being in a state of purity or totally devoid of elements of syncretism. This writer aligns with Doi in this line of argument but insists that such an experience is better described as heterodox than syncretic.

The same factors that were responsible for some Yoruba Muslims' association with secret societies have been identified as instrumental to their scramble for other forms of magical and medicinal powers. Accordingly, many Yoruba Muslims consult alfas (Muslim diviners) and even Ifa priests to protect themselves against evils or any unpleasant experience, or to have amulets prepared for them or 'certain medicines injected into their blood to make it taste sour'. It is hardly ever possible for many Yoruba Muslims to do without consulting diviners or medicine men in this regard.

However, an entirely different argument has been advanced for the spread of magical and medicinal practices among Yoruba Muslims. Such argument which seems to be providing a rationale for such practices is that,

The new converts to Islam are especially afraid that after leaving their forefathers' animist beliefs and practices, they will be made victims of any of these evil powers. In this case, the Limamu (the Imam) a Mallam, an Alufa (a religious teacher) is asked to counteract through prayers, charms or native medicines. This is the reason why the African Muslim ulama (the learned men in religion) are usually engaged in praying for people, preparing amulets (Tira) with Qur'anic medicine over and above their responsibilities of leading prayers in the mosques and teaching in the Qur'anic schools. In small villages all these responsibilities combine in one man, but in large towns there are found Muslim 'medicine men' in the Muslim societies whose function is to smell out witches before something is done to cure the victim. The old traditional beliefs of their ancestors continue in spite of the fact that people have Islam and fulfill all the Islamic obligations (Doi, 1984: 247).

There is yet another dimension to popular Islam among the Yoruba. This concerns the various forms of heresies that are associated with sufi practices among the Yoruba Muslims some of whom attach more importance to *Salat-al-Fatih* than the Qur'an and even esteem their shaykh above the holy prophet of Islam. Such careless and reckless practices as arrogating divine powers to one's self and laying false claim to esoteric knowledge or hidden knowledge (*al-ilm al-batin*), total absorption in God (*fana'*) unity of being (*Wahdat-al-wujud*) as well as fanatical hanging of rosaries on one's neck as a symbol of piety, are not totally in consonance with orthodox Islamic teachings and practices. Closely related to these are healing rituals, divinations and other spiritual manipulations or medicinal practices that are associated with sufi shaykhs in Yoruba land. There also are specific sufi recitals that are normally recommended to be performed for special purposes at specific locations near the shrine of a particular saint where the spirit of the saint or *waliyy* is asked for favour or support, owing to the belief that he disposes of special power.

Several reasons have been adduced by sufis for visiting a saint's shrine. These include various personal concerns and spiritual purposes such as state of infirmity, financial handicap, unfulfilled desire, and general spiritual fulfillment. Notable among such sufi shrines as being visited in Yoruba land are those associated with Shaykh Muhammad Jamiu Bulala in Offa, Kwara State, Shaykh Namud-din Al-Kubra in Ibadan, Oyo state, and Shaykh Muhammad Awwal in Oshodi, Lagos State. It is noteworthy that notwithstanding the preponderance of heterodox practices among the Yoruba Muslim sufis, the relationship of the two leading sufi brotherhoods in the country namely, the Tijaniyya and the Qadiriyya has been one of hostility thereby

posing a challenge to various Islamic reformist or revivalist efforts targeted at the enthronement of orthodox Islam. Before making an analysis of such attempted reforms, it is pertinent to discuss the dominant nature of heterodox Islam among the Yoruba, which is what follows next.

The Dominance of Heterodox Islam among the Yoruba

The dominant nature of heterodox Islam among the Yoruba may be illustrated with the growing influence of the *Obas* in the religious. Obas are the traditional rulers of various Yoruba townships. They are the custodians of the Yoruba culture and tradition and, in fact, chief priests with regards to Yoruba religious practices. Accordingly, they are chief executives in all the activities going on in their domains which are pagan and animist in religious orientation. That explains why it is paradoxical that Obas whose roles and responsibilities include what has been described above now combine such roles with leadership positions in Muslim organizations, settings or communities.

A good example of this concerns the positions of the Obas in the Nigerian Supreme Council for Islamic Affairs (NSCIA) which is the umbrella body for Muslims in Nigeria. Many Yoruba Obas occupy the positions of Vice President-Generals in the apex Islamic body which appoints at least a Vice President-General from each state. Accordingly, the traditional ruler of Oyo generally known as the Alaafin, is the Vice President-General for Oyo State, that of Osogbo known as the Ataoja, is for Osun State, and that of Ondo known as the Osimowe, for Ondo State. It is only in a situation where there is no leading Muslim traditional ruler in a state that any leading, wealthy and influential Muslim personality in that state is appointed as Vice President-General. This is the case with Lagos and Ogun States where business moguls, Chief Abdul Wahab Iyanda Folawiyo and Chief Moshood Abiola were appointed Vice President-Generals, respectively.

It is interesting to note that there is a provision for the position of these Obas in the NSCIA, in the apex Islamic body's constitution/organizational structure. Their influence among Yoruba Muslims is so great that the NSCIA requires that cases of Ramadan Moonsighting be referred to them for confirmation and subsequent announcement to the people. This, in clear terms, shows how Yoruba Obas combine their traditional and cultural roles with Islamic leadership position. One of the major effects of this is the growing practice of some influential or wealthy Muslims who now pronounce on Islamic theological issues publicly without consulting the Imams.

It should be pointed out that the influence of Obas on Yoruba Muslims is not peculiar to the Muslims among them, as non-Muslim Obas, too, play Islamic

leadership roles in Yoruba land. For instance, it is the Obas who appoint and turban the Imams and it does not matter whether the Oba that is involved is a Muslim, at least, nominally or an unrepentant pagan. This practice has been institutionalized among the Yoruba without any regard for Islamic principles or regulations. There have been several instances of long delay in the turbanding of the Imam of a town owing simply to the fact a new Oba has not been crowned who is the appropriate traditional authority to turban the imam. The rampant nature of the practice was attested to by late founder and former Secretary- General of the League of Imams and Alfas (i.e. Islamic Scholars in Yoruba land, Shaykh Adam Abdullah Al-Ilori, who lamented in 1990 that 'it is now over a decade since the Oba of Iwo town in Oyo State died. But because no other Oba has been crowned, the Muslim community of that town whose imam also died for almost a decade now is yet to know when it will have another imam, not because there are no qualified people but because they are still waiting for an Oba to make the choice for them' (Al-Iloriyy, 1990: 24). Al-Iloriyy further captures the essence of the issue under discussion when he adds that:

The confusion being caused by the traditional rulers in the process of choosing imams for the Muslims is not dissimilar from that of rich men who buy Islamic titles in the mosque in order to have influence on the imams and even acquire the power of kingmakers in the mosque (p. 25).

Such societal influences on the imam and the mosque as described above explain a major dimension of the infiltration of alien practices into Islam in Yoruba land.

The interplay or interaction of Yoruba tradition and Islamic religious may also be explained through the involvement of some notable Muslim leaders in traditional practices. For instance, the current Secretary General of the apex Islamic body in Nigeria, NSCIA, Dr. Abdul-Lateef Adegbite a Yoruba man, was appointed in August, 1978, as Seriki of Egbaland, and was later installed in January, 1979. By this time, Adegbite had earned a reputation among Nigerian Muslims as a leading Islamic figure, having founded the Muslim Students' Society of Nigeria (MSSN) in April, 1954, the Western State Joint Muslim Organization (WESTJOMO) in August, 1972, and cofounded the Nigerian Supreme Council for Islamic Affairs in 1973, and being a serving National Legal Adviser of the NSCIA. The Seriki title that was conferred on him is a traditional one in Yoruba land. It was not known to the Egbas, who are currently the inhabitants of Abeokuta in Southwestern Nigeria, until 1829 when, dispersed and chastened, they resorted to Ibadan, which proved to be the rallying point of the Yoruba, by regrouping themselves and evolving the first truly Federal Organisation and an all-Egba Military Command' (Biobaku, 1951: 10).

Consequently, the Egba adopted ‘Oyo-Yoruba ideas and titles for their forces’ (p. 11). It should be noted that Seriki is a Hausa word signifying a King (Johnson, 1960). However, Biobaku (1957) refers to the Seriki as the general of the youths and the Balogun as the general of the veterans. The implication of this is that the Seriki is a leading War Chief and a remarkable force to reckon with in the Egba Community. The appointment of Adebite, a frontliner in the propagation of Islam, to such a traditional post attracted diverse comments and criticisms especially from Muslim youth organizations under the umbrella of the National Council of Muslim Youth Organisations (NACOMYO) whose leadership did not equivocate in declaring Adebite’s acceptance of such a title as being at variance with Islamic teachings.

He was presently with insignia of office before he took the oath of office which was followed by Royal Blessing by the paramount traditional ruler of Egbaland, His Royal Majesty Oba Oyebade Lipede, all on the day of the installation. Almost two decades after that event, the same traditional ruler told the present writer in an interview in his Ake Palace, Abeokuta, on March 11, 1997, that as Seriki of Egbaland, ‘Dr. Adebite has remained a devout Muslim, a loyalist, traditionalist and a man of pleasant manner’. It is interesting to note however, that being ‘a Muslim’ and at the same time ‘a traditionalist’ is the most articulate description of ‘heterodox Islam’ in Yoruba land.

It is not out of place to add that the same individual was appointed Secretary-General of NSCIA in 1989 and Baba Adinni (Father or Patron of Islam) of Egba land in November, 1997, thereby combining both traditional and Islamic leadership of his people. This again shows clearly the nature of the interaction between Islam and traditional practices in Yoruba land.

Closely related to that was the experience recorded in Nigeria in 1999 when the traditional ruler of Oyo empire in Yoruba land known as the Alaafin, granted an interview to the *Vanguard Newspaper* and declared that the Yoruba tradition stipulates that a deceased Oba be buried according to the traditional rites, regardless of whether he was a Muslim or a Christian. It is interesting to note that the Alaafin in question is himself a Muslim who had just led the Nigerian intending Muslim pilgrims to the holy lands, in his capacity as the National/Amir-ul-Hajj, and is even till date the Vice President-General of the NSCIA from Oyo State. The interview attracted comments from various quarters. Notable among those who reacted to that public declaration was another leading Yoruba, traditional ruler, the Awujale of Ijebuland who also is a leading Muslim personality. The Awajale’s comments were published by the same newspaper, the following Saturday. He posited that notwithstanding that an Oba is a traditional ruler, the burial of a Muslim Oba should be conducted according to Islamic rites while that of a Christian Oba should be done according to Christian rites. The

controversy generated by the publishing of these two opposing views of two leading Yoruba rulers who are both respected Muslims attracted the intervention of a distinguished and most respected contemporary Yoruba historian, Professor Saburi Biobaku who, also himself a Muslim, confirmed the validity of the Alaafin's view.

The present writer was able to confirm from within the fact that the Yoruba Obas can hardly dissociate themselves from the traditional institution they represent. This writer confirmed this during his research visit to the Palace of the Alaafin of Oyo on March 11, 1997, that of the Ataoja of Osogbo in Osun State on March 12, 1997, and that of the Awujale of Ijebuland on July 15, 1997. The implication of the writer's observation during such visits is that Islam has not really brought to an end the many traditional practices that are prevalent in the religious practices of Yoruba Muslims.

Other heterodox religious practices among Yoruba Muslims include the use of forbidden stuff such as alcohol for medication, the act of inheriting a deceased's wife alongside his properties, the use of left hands in eating, prostrating while greeting, elaboration of burial ceremonies, wearing black cloths during mourning, and others that have been well articulated by Al-Iluriyy (1979).

The Challenge of Islamic Reforms in Yorubaland

Despite the rapid growth and spread of Islam among the Yoruba, the Yoruba Muslims generally were not regarded by their Hausa/Fulani Muslim brothers as attaining the same level of perfection in the religion. This observation as made by Balogun (1989) is a product of 'certain cultural practices among the Yoruba, which were readily cited as evidence of religious imperfection, even though certain individuals could be recognized and respected as pious, learned and upright Yoruba Muslim scholars, teachers and leaders' (p. 61). Specific details of such 'cultural practices' and their interaction with Islamic religious practices in Yoruba land have been given in the previous section. Consequently, the interaction of the 'culture' and the 'Islam' practices has culminated in the dominance of heterodoxy or popular Islam among Yoruba Muslims and has 'certainly created gaps in communication and interaction between them and their colleagues in the North' thereby leading to a situation of 'crisis of confidence' (p. 62).

While it is understandable that cultural differences alongside the dichotomy between orthodoxy and heterodoxy in Islam are partly responsible for the North/ South dichotomy, it is both perturbing and inexplicable that 'the Muslim North is sometimes violently torn apart by the tariqas—the Qadiriyya and the Tijaniyya and their opponents, the Izalah', (p. 62) an Islamic puritanical movement committed to the

elimination of Islamic religious innovations or heterodox practices among Muslims. The relationship of hostility between the Qadiriyya and the Tijaniyya continued until the two found a common enemy in the Izalah movement which was founded by Malam Ismaila Idris in Jos in February, 1978 (Balogun, 1989: 62). The movement 'condemns belonging to any tariqah arguing that with Prophet Mohammed (P.B.Q.H) as the last Prophet of Allah, nobody could claim to have received any new message from Allah and that belonging to a tariqa is tantamount to saint worship' (f. 62).

Balogun (1989: 62) graphically captures the various encounters between the Izalah and the Tariga where he writes,

Several clashes have occurred between the Izalah and the adherents of the tariqas. For instance, on April 21, 1978, Izalah and Tijaniyya members clashed in Margu, Pankshin Local Government area of Plateau State when one person was seriously wounded. On 19th and 20th June, 1978, Izalah members and Tijaniyya adherents clashed in Gombe, Bauchi State. As a result, three vehicles of Ishaku Gwamma, a Tijaniyya member were damaged, and a number of people arrested. When on 22nd June, 1978, Izalah members, armed with bows and arrows attacked three police, the latter opened fire and killed one Ibrahim Magaji Sule. The clashes which involved physical attacks were not all. At the level of the leadership of the various groups the ideological and doctrinal differences were also expressed in intellectual disputations and controversies. Infact, the major sources of the physical clashes were the conflicting ideas disseminated by the leaders.

It should be pointed out that although the activities of the Izalah movement were recorded more in the North, the puritanical influence of the movement was felt in various part of the South especially Southwestern Nigeria or Yoruba land where youthful Islamic scholars and the enlightened elderly ones equipped themselves with religious information obtained from Izalah publications and public presentations, in refuting and deflating the various heterodox Islamic religious views and practices that were dominant among Yoruba Muslims.

It is noteworthy that long before the emergence of the Izalah group in the country and thereafter, a handful of Islamic organizations had emerged among Yoruba Muslims with the aim of propagating Islam and protecting the interest of the Muslims. However, none of them can lay claim to being a puritanical movement on a large scale, except Shams-al-Din al-Islamiyy Movement of Nigeria which was founded in the 1990s and may be regarded as fulfilling among Yoruba Muslims the same puritanical role being fulfilled by the Izalah in the North. However, the non-militant nature of Shams al-Din makes it significantly different from the Izalah. Another major difference between the two lies in the highly sophisticated Islamic scholarship that characterizes the leadership of the Izalah movement, which is not totally possessed by the leadership of Shams-al-Din. Yet, the latter is not less effective than the former in

its areas of coverage. If commitment, consistency and sincerity of purpose were variables whose degrees can be easily measured or determined by a researcher, the present writer will readily rate the Shams-al-Din higher than the Izalah.

The Shams movement preaches fearlessly against the various heterodox Islamic religious practices among Yoruba Muslims especially those concerning their belief in magical and medicinal powers, consultation of diviners and herbalists, Islamic scholars' use of amulets and various forms of medicinal concoctions, partial embrace of Islam, divided attention to Allah and various dimensions of associating partners with Allah. The movement normally organizes and holds open-air lectures at various locations and relies heavily on the Qur'an and Sunnah in its preaching. However, a major shortcoming of the movement is the failure of its leadership to benefit from the growing body of Islamic scholarship on the subject of their preaching and teaching in order to reflect such new dimension to the issue of orthodoxy and heterodoxy among Muslims. This may not be unconnected with the fact that most of the individual members of the leadership of the movement are not highly educated on Islam. Nonetheless, such efforts as being made by them have not really reduced heterodox Islamic religious practices among the Yoruba.

Conclusion

This article has examined the continued spread of heterodox Islam among Yoruba Muslims. It reviewed the existing body of scholarship on the subject of orthodoxy and heterodoxy in the Islamic tradition. The article situated Yoruba land whose Muslim inhabitants are the focus of study, in the gamut of the discourse and traced the spread of Islam into that geographical location, with special attention to the evolution of orthodox Islamic practices in Yoruba land, as well as that of heterodoxy among the Muslims in the area. The paper gave specific details of heterodox Islamic religious practices as well as of the efforts being made to arrest the situation through Islamic reforms. The paper concludes that although the Yoruba Muslims embraced Islam in its orthodox form, heterodox Islamic practices have been part of their religious life for long, and even currently dominates the religious scene among them. The paper recommends continued effort on the part of informed Muslims to enlighten their brethren who are heavily soaked in cultural practices, with a view to bailing them out.

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Book Review

Velvet Jihad-Muslim Women's Quiet Resistance to Islamic Fundamentalism
Faegheh Shirazi, Publisher: University of Florida Press, Gainesville, Year: 2009,
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Central to Islamic scripturalist assertion, or 'Islamic fundamentalism' as it is often referred to, is the notion of the ideal Muslim woman, whose status, roles and functions are defined by rules and norms deriving from a narrow, restrictive and patriarchal reading of the Islamic scripturalist tradition. The 'ideal' Muslim woman in Islamic 'fundamentalist' discourse is defined as being submissive to male authority, while being modest and virtuous in a patriarchally-defined sense. She is to be carefully controlled and monitored, at all times, by patriarchal authority. The spread of Islamic 'fundamentalism' throughout Muslim communities has had seriously negative consequences for Muslim women's rights and status. Not surprisingly, groups of Muslim women across the world have begun mobilizing against Islamic 'fundamentalism', some on a secular basis, using secular human rights arguments, others, working within a broadly-defined Islamic tradition, employing Islamic arguments for achieving gender equality and challenging patriarchy and misogyny in the name of Islam.

This fascinating book provides a general picture of the status and conditions of women in Muslim communities around the world faced with the challenge of Islamic scripturalist assertion. Shirazi admits that patriarchy is, of course, not a Muslim-specific phenomenon, but argues that the forms that it takes in Muslim communities and Muslim-majority countries makes it particularly problematic and difficult to oppose in that it is generally sought to be legitimised in the name of religion. Hence, challenging such patriarchy is a particularly arduous task as it is easily branded as a challenge to religion itself.

The book catalogues a long list of hurdles and restrictions that millions of Muslim women across the world are subjected to in the name of Islam. These includes stern

restrictions on their physical mobility, on their acquiring education, on taking up jobs of their choice, on selecting their spouses, on controlling their own bodies, on choosing their marriage partners, on deciding how to dress, and even on thinking for themselves. They are subjected to deeply patriarchal family laws in most Muslim countries, all legitimised in the name of Islam and enforced by the state, such as those that provide Muslim men the right to arbitrarily divorce their wives, to take additional wives at will without the permission of their existing spouses, to control almost completely the lives of their wives, and even, as in some countries, to take the law into their hands and beat their wives and even and kill them on grounds of infidelity. Shirazi shows how radical Islamists, mouthing slogans of religious and cultural 'authenticity' and calling for their brand of what they call 'shariah rule', have sought to deny Muslim women a whole range of rights that are afforded to them in some countries, and to scrap progressive laws and replace them with a medieval, patriarchal code which they define as being based on the shariah or divine law. In addition, numerous cultural practices that heavily impinge on Muslim women's lives that are widespread in certain Muslim communities and that sometimes derive from pre-Islamic practices—the most notorious of these being female genital mutilation and forced child marriages—are often sought to be projected as mandated by Islam. All in all, then, Shirazi very persuasively argues, Islamic 'fundamentalism', combined with local forms of patriarchal culture, pose a major threat and challenge to the quest for equality and justice for Muslim women across the world, particularly the poor.

With abysmal levels of education, and being economically heavily dependent on their men folk, it is not surprising that vast numbers Muslim women simply have no choice but to accept their lot. Many, as Shirazi tells us, even accept this as mandated by Islam itself. Yet, Shirazi tells us there is what she colourfully calls a 'velvet jihad' afoot in across numerous Muslim communities spearheaded by bold Muslim women who are now vocally and stridently challenging all forms of oppression in the name of Islam. She likens it to the 'velvet revolution', a peaceful movement of resistance that brought down 'communist' dictatorships in eastern Europe in the late 1980s.

What, then, are the means that assertive Muslim women (and there are many, as Shirazi documents) are today adopting to fight patriarchy and misogyny in the name of Islam? They fall into two broad categories. Some Muslim women, who may be defined as 'Muslim feminists', are seeking to oppose patriarchal laws, rules and practices using modern human rights arguments, such as secularism, freedom, justice and democracy, linking up with reformers, both men and women, both within their communities and countries and at the international level, to highlight the oppression of women in the name of Islam. Shirazi describes numerous such Muslim women's groups across the world

which are using this approach, with varying degrees of success. This strategy might not, however, have much resonance with religious-minded Muslims, who could easily be made to believe that such arguments for women's rights are not just 'un-Islamic', but, rather, represent, as it is often put, an 'anti-Islamic, Western conspiracy'. Indeed, that precisely is what Islamic conservatives and radicals never tire of arguing.

A more culturally-rooted, and, therefore, for many practising Muslims, perhaps a more acceptable way of shaping demands for gender equality and of critiquing misogyny and patriarchy in the name of Islam, Shirazi points out, is represented by the phenomenon often labeled as 'Islamic feminism'. Not all the women (and men) who are engaged in articulating an Islamic feminist discourse and politics might, however, identify with that label, given the political and ideological baggage associated with the term 'feminism'. Be that as it may, Islamic feminism, Shirazi shows by drawing on empirical evidence from extensive fieldwork in Africa, Asia, Europe and America as well as a massive corpus of literature available on the Internet, is today a growing challenge to the authoritarian, deeply-patriarchal versions of Islam zealously upheld both Islamic conservatives and 'fundamentalists', who, despite their differences, are almost unanimous on the 'women's question'.

Islamic feminism, as Shirazi describes it, seeks to recover what its proponents controversially argue is the 'true Islam', one which is based on compassion, equality and justice for all—including, most crucially, women and non-Muslims. In this it forcefully challenges conservative and 'fundamentalist' versions of Islam that are premised on the subjugation and repression of women and non-Muslims, not withstanding the pious proclamations of their proponents to the contrary. Shirazi describes the various strategies advocates of Islamic feminism employ as they go about their task of seeking to dismantle patriarchy in the name of Islam. A major focus of their efforts is critiquing certain fiqh or juridical rules that harshly impinge on women that were developed by medieval jurists. Islamic feminists insist, contrary to what the ulema or Islamic clerics, and hardliner Islamists, argue, that these are a later development, a human invention, and not part of the shariah or divine law. They point out that these fiqh prescriptions were developed by a class of male clerics who were heavily influenced in their understanding of Islam by the feudal, patriarchal context of their times, and so cannot be said to consist of divinely-revealed edicts. They argue that fiqh must remain dynamic if Islam is to retain its relevance, and that Muslims must come up with new, gender-just fiqh perspectives to conform to the demands and needs of Muslim women today. They see themselves as taking the lead in this task, recovering the lost agency and legacy of Muslim women scholars who, in early Muslim history, played a crucial role in the field of Islamic scholarship.

In dealing with the other principal sources of legislation and beliefs about women—the Quran and Hadith (statements about or attributed to the Prophet Muhammad)—Islamic feminists, as Shirazi shows through her analysis of a number of Islamic feminist texts—adopt a range of positions. In the face of certain Hadith reports that clearly militate against contemporary notions of gender equality and justice, some contend that the Quran is the only text that Muslims need to follow, and that, in any case, the corpus of Hadith is replete with fabricated traditions wrongly attributed to the Prophet by later Muslims simply in order to sanctify patriarchy and the subjugation of women. Hence, they argue, it is not reliable. Others argue that the seemingly patriarchal prescriptions contained in the Quran and the Hadith need to be viewed in the particular historical context of their revelation, in seventh century Arabia, and as relevant to that context but not as being binding and normative for all times. Yet others argue for distilling what they call the spirit of the Quran and focusing on core values that they discern in the text, such as compassion, justice and equality, rather than being bound by a strictly literalist understanding of the scripture.

Citing the works—both literary as well as practical—of a vast number of Muslim women scholars and activists as they seek to counter patriarchy in the name of Islam, Shirazi concludes that their valiant efforts, derided and fiercely opposed by powerful patriarchal forces, truly herald the arrival of a ‘velvet jihad’, one that can play a key role in not just championing Muslim women’s rights but also in fashioning more compassionate and just understandings of Islam while critiquing and standing up to violent, authoritarian, patriarchal mullahs and Islamists who claim to represent Islamic authenticity. That, in short, is what this inspiring book is all about.

***Islam in Post-Modern World-Prospects and Problems* Author: Asghar Ali Engineer, Publisher: Hope India, Gurgaon, Year: 2008, Pages: 159, Price: Rs. 350**

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The title of this book is, admittedly, somewhat misleading. What exactly is ‘post-modern’, a term that the book purports to address, but nowhere does it define what the author means by it? Can one talk of a ‘post-modern’ world when for vast numbers of people ‘modernity’ (whatever that may mean) itself seems far out of reach? That said, this immensely absorbing set of essays, the latest of Asghar Ali Engineer’s writings on

socially engaged understandings of Islam, is a must for scholars of Islam as well as for the general reader.

Engineer begins by lamenting the fact that hardly any ulema or Islamic scholars have been able to suitably respond to the myriad challenges that ‘modernity’, ‘post-modernity’ and ‘globalisation’ have generated. He bemoans the lack of ‘original’ and innovative Muslim thinkers, and claims that most Islamic intellectuals (including, but not only, the ulema) today simply repeat, debate and discuss medieval texts and their prescriptions. By these he means texts other than the Quran and the Traditions attributed to the Prophet, that were written by the medieval ulema, including works based on their own reflections of these two principal sources. While he admits that there are indeed things of value in these texts, he points out that their authors were products of their own times and of their particular historical, social, economic, cultural, ethnic and linguistic backgrounds. All these indelibly influenced their understandings of the Islamic scriptures. Hence, he argues the need for Muslim scholars today to reflect on the Islamic scriptural resources afresh in order to seek to relate them to contemporary realities. This, he says, is the urge that underlies the various essays, on a disparate range of themes, contained in this book.

The first essay in the collection, titled ‘Islam as Religion and Islam as History’, reflects on the obvious fact that the history of Islam, as indeed of all other religions, does not conform to its teachings. Engineer suggests that, like other religions, Islam should be understood not according to the actions of those who claim to follow it, but, rather, by what it preaches. However, he adds, Muslims seeking to counter widespread anti-Islamic prejudice cannot do so simply by quoting Quranic verses or glorifying Muslim history. Instead, he suggests the need to objectively and dispassionately examine the history of Islam as historically understood by Muslims over the centuries. Here he talks about Islam at the time of the Prophet, with its thrust on liberation of the oppressed and on social equality, and how, when Arab and other Muslim empires were later established, interpretations of Islam underwent a shift in order to justify feudal authoritarianism and monarchical rule, resulting in notions and laws that sought to justify the subordination of the poor, women and people of other faiths. Engineer sees this as, in a sense, a revival of the pre-Islamic Jahili traditions and as a betrayal of the actual spirit of Islam.

The second essay in this collection discusses the vexed issue of ‘tradition’ and ‘modernity’, and of how Muslim scholars have responded to the question. ‘Modernity’, writes Engineer (without, however, defining what he means by the term) is often resisted because of insecurities, fear of change, and because it might threaten to undermine the vested interests of leaders as well as their worldviews. Technological

changes are slowly accepted, but changes in traditional understandings of religion are often resisted strongly. This is the case not just with many Muslims alone, but with others, too. On the other hand, Engineer stresses that when it started out as a powerful religious and social movement, Islam, like other egalitarian religions such as Buddhism and Christianity, actually wrought considerable change, challenged old traditions and beliefs, and championed social equality and sensitivity to suffering. He appeals for a revival of this spirit to infuse contemporary understandings of Islam, as indeed other religions.

‘Modernity’, Engineer somewhat simplistically claims, is based on reason, and so is the Quran, arguing, therefore, that a Quranic or Islamic form of ‘modernity’ is indeed possible. The Quran, he notes, appeals to the intellect along with faith, and opposes blind faith. He contrasts this to what he sees as the blind conformity enjoined by many traditional ulema who, so he claims—and here he makes a very broad and perhaps untenable generalization—refuse to accept change even within an Islamic framework. He writes—and, again this can be debated—that they regard the solution of every problem as lying solely within received tradition, considering any departure as sin. This, he says, is because they look upon medieval understandings of Islam as formulated by the classical jurists and theologians as binding for all future generations as well, refusing to recognize the human element that went into informing their understandings. Another reason for this, he says, is the influence of what he regards as fabricated Hadith reports attributed to the Prophet Muhammad. In this regard, he earnestly pleads for a revival of the tradition of *ijtihad*, a practice that was stressed by the Prophet himself, to creatively respond to contemporary and changing developments and concerns. Change, he notes, is inevitable. God, he opines, creates ever-new situations that take the form of new challenges for people to creatively deal with, and not for them to escape from or to respond to simply by repeating answers supplied by medieval scholars. Hence, he argues, the need for a new, contextual *fiqh* or Islamic jurisprudence and new understandings of theology.

One of the major challenges at the global level today is that of inter-faith relations. In the third essay in the book Engineer critiques the notion, commonly held by many Muslims as well as people of other faiths, that Islam is viscerally hostile to other religions and their adherents. This understanding, he says, emerges from not examining certain Quranic verses as well as historical instances of intolerance in their particular historical contexts. Critiquing this understanding, he evokes the Quranic dictum that there is no compulsion in religion and that a true Muslim must believe in all the prophets of God, with each ‘nation’ having received at least one such prophet. To further stress his point, he refers to the Quran as laying down, ‘Everyone has a

direct to which he turns (himself), so vie with one another in good deeds' (2: 148). Likewise, the Quran adds, 'For every one of you We appointed a law and a way. And if Allah had pleased He would have made you a single people, but that He might try you in what He gave you. So vie with another in virtuous deeds' [5: 48]. Engineer writes that this means that the Quran accepts the plurality of religions, ways of life and laws, and treats this as a challenge to humanity to coexist with tolerance and strengthen peace and morality. This, he says, is an eminently practical approach to other faiths and inter-community co-existence.

At the same time, Engineer recognizes that medieval jurists or fuqaha often subverted this Quranic approach to people of other faiths in order to justify their subordination. Hence, he argues, '[The] whole corpus of fiqh in respect of Muslims and non-Muslim minorities must be reviewed and [a] new fiqh should be evolved which should fit into [the] new context. The concept of dar ul-harb [domain of war] and dar ul-islam [domain of Islam] are totally outdated today' (p. 42). This new fiqh that he calls for should, he says, champion human rights, respect for other faiths and their religions, and place the spirit of religion, including such cardinal values as love, compassion, peace, inter-community solidarity and social justice, over mere ritualism.

This new fiqh and new understandings of theology would have major implications for how the normative status of Muslim women is understood, as the next two essays in the book make clear. In the first of these essays, Engineer broadly surveys the history of what he calls patriarchal understandings of Islam on the part of male religious scholarly elites, a project in which women had little or no role after the first few decades of Islam. He seeks to retrieve the spirit of gender justice and equality that he sees the Quran and the Prophet's own life as having been informed by, and cites with approval the efforts of contemporary women Islamic scholars to develop gender-sensitive understandings of their faith. The second of these essays deals with the controversial issue of fabricated so-called Hadith reports attributed to the Prophet considerably after his death. Engineer writes that their purpose was to justify and strengthen male domination and to undermine the gender equality enjoined upon by the Quran. He calls for Muslim scholars to develop new understandings of women's status and roles and inter-gender relations based essentially on the Quran.

Half a dozen or so other articles also included in the volume reflect the same basic concern for developing a socially engaged understanding of Islam related to a host of other issues, such as Hindu-Muslim relations, AIDS, the environment and Islamophobia, as well as critiquing what Engineer regards as erroneous and un-Islamic interpretations by self-styled radical Islamists and diehard Islamophobes.

This book comes straight from the heart and speaks to the heart as well. The clumsy grammar that is evident right through the book (and this is a feature of many of Engineer's writings) may thus be excused. As a plea for rethinking traditional understandings of religion to address a wide range of contemporary challenges, this book excels.