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Islamic Worldview: Islamic Jurisprudence, An American Muslim Perspective, Vol. 1

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THE

ISLAMIC

WORLDVIEW

Islamic Jurisprudence:
An American Muslim Perspective
Volume One

AZIZAH AL-HIBRI, PH.D., J.D.
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 PREFACE

This book is part of a larger project about Islamic law that has been in the making for more than thirty years. It includes studies in family law, constitutional law, women's rights, law and ethics, as well as other areas relevant to our world today. During these years, I published some of my evolving views in legal and philosophy journals and edited collections. I lectured widely about them at universities, think tanks, cultural centers, and places of worship. I established KARAMAH, a non-profit organization that teaches many Muslim women in the United States and around the world our understanding of Islam. We have organized seminars for policy makers, judges, lawyers, and the community. But during all that time I did not venture to publish whole books on the subject until the Islamic worldview as a whole became clearer to my mind. In recent years, I was able to reach this point of clarity, and hence decided to share what I learned about Islam with the public. My decision was accelerated by the increased use of violence around the world by groups that act under the color of religion, the mainstreaming of intolerant interpretations of Islam internationally, the growth of a young generation of American Muslims that is not quite familiar with its faith, and the sporadic rise of anti-Muslim sentiment in this country as exemplified by the anti-shari'ah movement.

In this book, I do not assume any knowledge of Islam on the part of the reader. In my teaching I had realized that many students, including Muslim ones, who believed they were informed about the religion turned
out to be informed instead about cultural practices in certain Muslim countries. This is an unfortunate confusion, especially for Muslims who live and practice in the United States. Discovering and correcting this misinformation was time-consuming. For this reason, this book begins at the beginning, assuming no knowledge of Islam on the part of the reader. It begins by defining the sources of the revelation and explaining the fundamental concepts and foundational principles (i.e., the building blocks) of Islam. It then describes the Islamic worldview resulting from them. The importance of this approach is that it empowers the reader to extend her/his knowledge beyond known rulings to new situations that could arise at a later date.

Because this book is foundational, it constitutes a critical introduction to all my subsequent writings. It also provides the underpinnings for various topics and areas of law. In developing my analysis and arguments in it and elsewhere, I relied on my philosophical as well as my legal training in the United States, combined with the lessons I learned from the women's rights movement in the 1960s of which I was a part. I also relied on my excellent knowledge of Arabic, the language of the Qur'an.

Most importantly, I was guided in my understanding of Islam by the example and knowledge of my grandfather, Sheikh Muhammad Toufic El-Hibri al-Idrissi al-Hassani, who was a major scholar, businessman, and philanthropist at the turn of the last century. He was the founder of the Islamic scout movement around the world and paid special attention to two areas: education and orphans. His life was dedicated to service, and his faith was alive in the lives of others whom he helped. Attending his scholarly discussions helped me understand that Islam is a religion of reason and compassion. Despite the fact that he was raised and lived in a time quite different from ours, he had the insight to encourage me to think about religion and started me down that road. I know he did not do so the same with his male grandchildren.

My grandfather belonged to a line of scholars who hesitated to put their writing on paper lest they be wrong and mislead others. I belong to that same school of thought. However, today we live in a world where ridiculous fatwas and Facebook pronouncements filled
with anger and ignorance are creating a great deal of chaos and pain. These developments have changed my evaluation of the situation. Today, it is wrong not to write. It is wrong to remain silent when thousands of young Muslim men are being led to self-destruction in the name of Islam. Even if a view I hold is wrong, it cannot be as wrong as those views that fly directly in the face of everything Islam stands for and cost the lives of many innocent people. So, here is my best effort at explaining my faith. But knowing the human condition, which is far from perfect, I offer these views with the traditional scholarly proviso: wali'dhu a'lam (and God knows best).

Over the course of my life, I had great opportunities to develop my thinking and advance my research. For the academic opportunities, I must thank some distinguished American institutions. Parts of this project were supported by a Fulbright grant to Qatar in summer 2001 where I was able to meet some distinguished scholars at the shari'ah school there and discuss some of my views with them. Another part was supported by the National Humanities Center during that same year. Harvard Divinity School and the Legal Division of the Library of Congress were kind enough to have me as a visiting scholar for a semester in 1985 and 2000, respectively. The University of Richmond, where I taught for twenty years, supported me through summer research grants and research assistants whose help was invaluable. For help with editing references and transliteration in this book, I would like to thank my research assistant, Ms. Hind Essayegh, a member of the KARAMAH family, for her hard work. For help with copy editing of Arabic words, many thanks go to Jay Willoughby who volunteered valuable time to accelerate this process.

During the 1990s, I was working very hard on producing this book, but the ideas had not matured yet. In the process, I accepted various invitations from USIA (the United States Information Agency) to travel to Muslim countries and speak about my work. By then my writing on Islam and democracy had appeared and was very well received in the American Muslim community. It was perhaps one of the earliest contributions of its kind, if not the earliest one, by an American Muslim, and USIA wanted to show me off. I wanted to meet all these Muslims from far away countries and colorful cultures that I had only heard about as
a child from my family. As I discovered later, visiting these countries under USIA auspices initially raised for my audience a credibility gap. But it was soon bridged by my work, and I learned from these travels an immense amount about Muslims around the world, their concerns and aspirations, and their knowledge of Islam. After the events of September 11th, my world and that of many other American Muslims changed, and I reduced my travels drastically, focusing on Muslim women in Europe who sought KARAMAH’s guidance.

I cannot end this preface without recognizing two important men in my life. My brother, Ibrahim El-Hibri, my lifetime hero who fought the battles of having me go to college at the American University of Beirut, where I studied with Dr. Seyyed Hossein Nasr. My brother also fought to have me continue my education abroad at a time when Muslim women in my circle did not leave home except to get married. In addition to all this, he financed every bit of this education, not once but twice to help me get a Ph.D. in Philosophy and J.D. Even after his death, his philanthropy continues to support KARAMAH. I think of him every time I read about a brother committing the crime of “honor killing” against his sister. I have been quite blessed to have this exceptional human being as my brother and ally. Although we did not always see eye to eye on many matters, he always had my back and respected my views. The warmth of his love, his quiet wisdom, and his deep kindness remain with me years after his passing.

The second man in my life is a silent sufferer. He is my husband, who lived through all the ups and downs of my life with grace and affection. As a student of Professor Fazlur Rahman at the University of Chicago, he is quite knowledgeable in Islamic Studies. He has been a great sounding board for my ideas and sometime helper in researching my footnotes. We have sacrificed a large portion of our family time together for this project, but he is as excited about it as I am.

These are the people and forces in my life that got me to this point. So, I guess there is a lot of truth to the saying, “it takes a village…” I have led quite a privileged life, and it is time to give back. Here is the first installment. While I thank everyone for their support, I point out that I alone am responsible for the shortcomings. I only hope that the reader finds some value in this book.