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Khutbah

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Title: [Civil Society in Islam: The Revolution in Egypt](#)

Opening du'ās. Allah (swt) said in the Holy Qur'an:

**And a kind word of forgiveness is better than charity followed by injury.**

**Allah is self sufficient and clement.**

Also,

**And we can only say that one of your gods has possessed you with evil. I call Allah to witness, and you witness as well, that I am free from whatever partners you have set up to worship other than Him. So plot against me all of you, and give me no respite. Surely, I put my trust in Allah, my Lord and your Lord. There is no creature that He does not have by its forelock. Truly, my Lord is on the straight path.**

My dear brothers and sisters, today is a very eventful day in Egypt. I convey to you the first happy words I have heard from Khaled in many weeks, and his thanks for your *du'ā*. Today the people of Egypt at least for a few hours are free. They and we don't know what comes next, but at least now 30 years of oppression have been released from them; and now we pray the wave comes and flows over Iran. A poem by Daniel Highmore, posted two days ago. You know him; he was here and he is a friend of mine, and a Muslim poet.

*As Moses cast his staff down, so the masses are casting theirs.*

*Their transformed and transformative multi-million strong serpent*

*Is swallowing those vain wriggling of the pharaohs  
Police-state magicians now made useless by the  
Greater heartfelt uncoiling masses that God sent Moses.*

*All peace and success be upon them, and them, and each of its  
Prophetic lights now shining across every pharaonic tyrant's face.*

The emphasis of such freedom movements in Europe, historically, were a gradual growth of a sense of freedom in the European societies, usually from the control of the church and then from the absolutism of the state. In the case of Islam, there was really no church to control the freedom of the individual. In original Islam, you did have a quasi church among the Shi'a in Iran. The question of freedom was therefore raised with reference always to the state. Mohammed Iqbal, in discussing the abolition of the *khalifat* of Turkey in 1924 referred to the idea of civil society in Islam, and explained that Islam has been a civil society from the very beginning. He explained that primitive Christianity was founded not as a political or civil unit, but on a monastic basis in a profane world, having nothing to do with civil affairs and obeying Roman authority practically in all matters. The result of that was the state became Christian. The state and the church confronted each other with very distinctly different powers and interminable boundaries and disputes between them.

Islam on the other hand, was a civil society. Iqbal refers to Ibn Khaldoun when he speaks about this also. Ibn Khaldoun noted three trends in the early thought of political Islam. One was the *mu'tazila*, the rationalist school that regarded the state as merely a matter of expediency. The second were the *khawarij*, the fundamentalists who raised the slogan of the sovereignty of Allah, and they didn't believe at all in the necessity of a state. But the third, the majority, was the Sunni view that held the state was indispensable and necessary, and part of the whole framework or thread that held Islam and civil society

together. I'll take some time today because of these events to look a little at Islamic history.

We find that Islam began in Mecca as a civil society of protest as I spoke last night a little, a protest against the prevailing state of affairs. Earlier, the Prophet Muhammed (sal) joined an association known as the *hilm al-fadul*, which stood for the promotion of justice. The Prophet (sal) didn't regard the state as the ultimate goal, or he would have accepted the offer of the Qureysh to become the chief. Also, the Qur'an and the Prophet (sal) didn't provide any clear instructions about even the appointment of the successor of the Prophet (sal). We don't find any elaborate *surahs* in the Qur'an or chapters in the books of Hadith or *fiqh* on statecraft. There are, however, many simple and basic principles that can be interpreted. There are books and treatises that were written later on this subject, which were informed by precedents from Islamic history or derived from the Sasanian model. Furthermore, we find many pious people declining appointments in government.

In Islamic literature in various languages, one finds a great contempt for scholars and intellectuals who frequented the royal courts, accepting governmental positions. We find that in Sufism also. They often were nicknames as *ulema as-su'* or bad scholars. They had abandoned their scholarship for the temptations of government. Although Muslim societies accepted the state as a necessity for the realization of Islamic teachings, very early in Islamic history the *ulema* and the *bazaari* (merchants) and professionals found that their interests could be better protected if they formed their society independent of the state. Lawyers, law schools, and legal education developed in the 10<sup>th</sup> century as guilds. The concept of the guilds found their way into Europe, as you know.

The events that prompted their development were the rise of the Abbasid state to impose *mu'tazili* theology, and the attacks of the Hanbalis, the Shi'as and the Ash'aris against

each other. But the legal institution that made guilds possible was the *waqf*, trust property.

It is property that is put into trusts that are beyond the control of state laws. The institution of the *waqf* was also supporting the guilds of other trades and professions. You can still see it today: separate quarters for different trades, and residences for visiting traders, along with professional schools as part of religious *madradas*. I remember being in Turkey and taken to lunch at a guild, a club of architects. That's where they named my dish, "Ahmed's Delight." I told the chef what to make, and he made it and named it. It's on the menu.

Sufi orders were also organized like civil societies. They had their *waqf* institutions and chivalry. They were joined by soldiers who were professionals, but who were not on the payroll of the government. They practiced as *ghazis* on the frontiers of Islam. In the Sufi orders, the soldiers often combined themselves in the institution of *rabat*, military outposts that later became *khanaqahs*, *zāwiyas*, hospices for Sufis. I just posted on Twitter before I came down today not only my congratulations and brief thoughts (124 characters) but I also said, "Do not underestimate the role of the Sufis in this." It is significant to note that as most minorities in Muslim societies adopted trade as their profession, the guilds provided them with a strong civil society and protected their interests. Minorities were also acceptable to their counterparts in trade, because they could easily transact between Muslim and non-Muslim frontiers.

These guilds were open, civil societies for a development purpose. Islamic civil society was based on the principle of the rule of law. Shar'īah, which in the common understanding covered everything in social and economic life, had its origin in Divine Revelation and thus reassured that protection of interests by law was not by man but by Divine Will. The absence of a church or an organized body having exclusive rights to interpret Allah's will left the interpretation and development of laws to society at large.

Even the idea of legislation by the state wasn't acceptable. Islamic law conceives duty to be of two types: one is *fard al-ain*, individual duty; and the second is *fard al-kifayah*, social duty. The former is the duty the law demands of every individual to fulfill. It can't be delegated to others. *Fard kifayah* is the duty the law demands of the society to perform. So the society can appoint some person on its behalf, or some individuals can volunteer to perform it.

*Imama*/ leadership, *qada*/judging, *ifta*/interpretation of laws and other functions are usually considered *fard kifayah*, duties performed by individuals on behalf of society—like we see in the streets of Cairo today, in a strange way. At moments like this, you see two come together. There are a bunch of individuals performing their duty, but they become the society that is benefitting all individuals. Islamic law developed the idea of a social order that can function according to laws even where there was no Islamic state. To illustrate this, you can use the example of marriage. In certain cases, Islamic law allowed judicial separation on petition of either of the parties in a marriage contract, mostly the wife. If the judge found irreconcilable differences between them, he may allow judicial divorce, even if the husband disagrees. Jurists in British India allowed this authority to a Muslim judge. The objection that a Muslim judge functioned in a non-Muslim state was immaterial. The problem however was, if a Muslim judge was not available.

These are the kinds of things the crazies in our country are worried about, “Shar’iah law in the United States.” They don't realize that in Egypt, Christians can operate by Christian law in these social things. So maybe we should put together the idea of Christian law in the U.S. I don't think so. Mufti Kifayatullah suggested that the Muslim community should select from among themselves someone who could function as a *qadi* in their disputes, preferably a person of knowledge about Islamic law. The Mufti made it clear that any person, no matter how learned, cannot assume the position by himself. He has to be selected by the community for this function. The underlying idea of this *fatwa*

is that an Islamic society is possible without a state; and also that social duties are performed on behalf of society, and the legal framework for a civil society is provided by the notion of *fard kifayah*, even in a non-Islamic state. Another legal framework that regulates transactions between the state and the individual is the concept of a contract.

The contract of sale – what is it called? *Ba'iat*. Is a model for all other contracts in Islamic law. The notion of free consent of both parties to the contract, rights and duties as legal effects of the contract, legal guarantees against the inclusion of unfavorable terms against a weaker party are essential to the concept of contract in Islamic law. So we observe that in Islamic law, all social and economic and political relationships between individuals are regulated by agreements, contracts. The institution of family is based on the contract of marriage. It requires the consent of both parties. One party can go to the court in case the other part is not performing their duties. Similarly, trade law, labor law, agriculture, manufacturing, economic and labor systems are all transacted as contracts under Islamic law. The political relationship between the citizen and the state is also regulated as a legal contract. So if you were to help to develop a real civil society in Egypt today, this is the way you would do it.

In Islamic political theory, the body who selects a *khalif* is called *ahl al-hall wa'l aqd*/people of the contract. The formal contract between the *khalif* and the citizens is finalized by a *ba'iat*, an oath of allegiance. In Muslims society, the 'people of the contract' have the right to depose the *khalif* if he fails to perform the contract. Well, guess what just happened? Without all these names, without all these references, it happened. Why could it happen without the names and Islamic references? One, because they are Muslims; and two, because it is part of their society. It's like when the Muslims came from the Gulf to visit here, they didn't think about talking about Islam because they are Muslims. This is deeply inherent in Egyptian society; yet it never happened before in all these years. Any individual or group has the right to depose and rebel against the ruler provided he or she can justify their revolt rationally. Islamic law

considers freedom of opinion as a necessary process of *ijtihad* (legal interpretation); and the difference of opinion is described as a blessing.

Inherent in the consciousness of the people in the streets right now celebrating in Cairo are these principles. Why? Go back to what I was talking about last night: the difference between belief and conviction. It's not just something you believe; it's a conviction. I told you how you know the difference. The right to oppose, the right to criticize is institutionalized by the principle of '*amr bil marūf wa nahya 'anil munkir*, the characteristic role of the Muslim society that enjoins good and forbids evil. The Prophet (sal) said that the *amr al-marūf* is mentioned as a duty of every Muslim in the following order of preference: by hand (force, *jihad*, *qital*); by tongue (*dawa*, *tabligh*, preaching, persuading, protest; verbal or written articulation of a point of view), and lastly by heart (aversion to evil, *hijra*, withdrawal, contemplation, self-criticism).

Islamic law develops the principle, first clarifying that since *hadith* qualify the first three stages by condition of an individual's capability to perform duty, the duty of *jihad* is enforceable only by the sanction of the state. As far as the other two levels are concerned, individual capability to perform the duty must qualify with reference to the quality of the nature of the problem and the nature of the person. If you pause to think about this, inherent in Islam is the success of this type of peaceful revolution—guaranteed. If people become more and more secularized, more against religion, they lose the power that the *dīn* and faith and conviction give them to overturn despots. If they secede the religion to the despots, who misuse it politically like in Iran, then they have no power or very little power. So the Qur'an qualifies the good and evil to be widely recognized as good and evil, the common acceptance is therefore the criteria, and an individual concept of good and evil can now be the objective of *amr al-marūf*.

Thirdly, no special body or organization was constituted to perform this duty in the way the whole society was supposed to look after each other. That's exactly what you saw on

the streets of Cairo. It was not like it was planned out. Nobody gave a template. It happened. These young people are spiritual people. They are not just secularized young people. You saw in the streets from day one. They stopped and prayed, not dissimilar to other peace movements that took place around the world, not dissimilar to Martin Luther King and Gandhi. Every individual has and had a right to articulate against others, whether officials (like President Mubarak) or the state. And the appeal was to be in the public arena which would strengthen and build into a public protest. That is exactly what transpired. The principle of *amr al-marūf* is really at the core of the conception of society in Islamic thought. Modern Muslim thinkers refer to Mufti Mohammed Abdu, saying he along with others say that Muslim society is a system of rights and duties held together by moral solidarity, mutual recognition of rights, mutual exhortation and help in the performance of duties. An ideal Muslim society is not an ideal Muslim state however.

The ideal Muslim society is a group of people working together with the existing state to promote the society and values. It's based on laws that contain Divine Revelation and reason, and even Muslim jurists have divided the legal subject into *ibadat* and *mu'amalat*. So other areas of laws were entrusted to human beings and their reason. One great thinker and writer argued that religion wasn't necessary for the stability of a state. A state or society based on human law and reason could be stable. Muslims philosophers and jurists believe that, like Shar'ah, human reason has its source in Divine Will. Not only because reason was a Divine creation, but the social experience was that the source of human reasoning could be traced to some laws revealed by Allah.

There is no necessity of conflict between the state and human will, and yet we saw that again. Where it is going to go from here, we don't know. But the rule of law, the framework of legal contracts, the separation of *mu'amalat* from revelation, the role of human reason by the exercise of *ijtihad* to bring about social change, and organization of social duties like *fard kifayah*, and the principle of *amr al-marūf*, all contribute to the formulation of civil society that can save Muslim societies from disintegrating from

under the Muslim colonial mentality rules as it did in the past, and against the kind of extremism and radicalism that you find with these splinter killers, thugs and murderers like Al Qaida who dupe people as to religion, or the ayatollahs who misuse religion. It's important.

I stand here today walking across a bridge, also. It is not the bridge to Tahrir Square, but the bridge from our secular work to our spiritual work. It's no mistake or accident that we work in the area of civil society. So I ask you for your support of that work. This is a time when we maybe could make a contribution. I have already tried to start that ball rolling today. Narrow-minded people in our country think this is about capitalism and religion, or capitalism and socialism and all the stupidity you see on some of the news, but it's not. There are people out in that square from the wealthy section and the poor section, laborers and doctors from hospitals, young boys and girls, families and cab drivers and others. The only ones who were against it were the ones being paid as thugs for generations who established their relationships and their whole family code on being the arm of the government. You find them in every country. When the young man from Google today was asked, "The secret police are still there and the thugs." He said, "No, they are gone. We are more powerful than they are."

Sensing the needs of civil society in modern Muslim society and finding that not many people have, I looked it up today for this talk, and have been writing on it. People don't find the justification for this topic. They already have their opinion. Islam and civil society, Muslims and civil society don't go together. Well, wake up folks: it just happened before your eyes. Let's just end it by saying that the notion of civil society is not alien to Islam and Muslim societies. In fact, the strongest basis for civil society has existed in Islam. It's also not totally absent in modern Muslim societies, as we have seen. We have seen it not grow gradually, but as if it were planted with Dr. Hassouna's special plant adjutant. What's problematic is the idea that civil society in Islam focuses on the society, when in fact it focuses on the individual. Although there is indifference in many

of these states, we find that very quickly their indifference turns to attention when individuals protest and manifest these Islamic principles.

When Shar'īah, which has been used as a pejorative, just like these quasi-secular governments use Islam as a pejorative, they forget that Shar'īah means a broad boulevard and a well-trodden path that should stress equality, pluralism, mutual respect and rule of law. Whether or not this is going to evolve into what we would call a democratic society is questionable, but at least we have seen a spark. Now we want the fire to properly spread in a controlled burn to Iran and Pakistan, especially, too. These two countries are very important. Then you could have regional peace. *Bismillah. Du'ās.*

O Allah, we are very grateful that you responded so quickly to the good actions, the love, the trust, and the truth that was represented in the Egyptian uprising, and we ask You, Allah, to respond also as quickly to our prayers for the healing of people in our community, for the well-being of our community, and the ability of our community to serve You better, for our own personal health and healing. We ask You for success in our work, in our lives and balance in our homes and harmony in our lives. We ask You, Allah, to send Your Blessings on those who have passed this week, and especially those who are ill and fighting the tyrant of disease. *Amin.*

SECOND KHUTBAH: Let us pray for the healing.

Master of every nation, Light of all illumination, indeed You possess the highest station. Your beauty has no equation. Your blessed smile is beyond imagination. Your remembrance brings jubilation, Your birth the greatest celebration. Praising You has no limitation. Seeing You is elation. May Your Abode be my destination. O Mercy, to all creation! My only Cure, my greatest Medication, You are my Salvation. On the Day of Desperation, for which I have been heedless in preparation, take my hand to prevent me from deviation. Upon You day and night, may I send salutations. Du'as.