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Islam and disability : perspectives in islamic theology and jurisprudence

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Conclusion

In the preceding chapters an attempt is made to explore the position of people with disabilities in Islam. The main focus was Islamic theology and Islamic jurisprudence. This attempt took the form of the following steps:

Chapter One gives overall introductory remarks about the relevance of this topic, interest within different religions especially Islam to study it, earlier studies conducted in this field, methodological approach adopted in this study and finally an outline of the English and Arabic terminology with relevance to this topic.

Chapters Two and Three are dedicated to perspectives on people with disabilities in Islamic theology. Within the broad framework of evil and pain in life, two focal points occupied the minds of Muslim theologians while discussing the existence of disabilities in this life, each of them is discussed in a separate chapter.

Chapter Two shows that theologians were interested in explaining the logic and rationale of having these disabilities, seen as a sort of pain and suffering, although the image of God in Islam speaks about an all-powerful, all-just and all-wise God. Interpretations and justifications provided to this seeming paradox by Muslim theologians shows that they varied extremely in this respect. On one side, some figures found it almost an unsolvable problem and gave statements which were seen by the majority of Muslim scholars as heretic proclamations because they detracted the spotless and perfect character of God. On the other side, a group of Sufis and philosophers did not see a *real* problem in this issue. The Sufis opined that one who knows God well and experiences loving Him will not feel any disturbance by being disabled. On the contrary, disability was seen sometimes as a sign of love from God. According to them, the *real* disability is not listening to the message of God and not following the Straight Path as shown by His messengers and prophets. Philosophers focused on the nature of life we live in and stated that this life is composed of the opposites such as richness and poverty, health and sickness, pain and pleasure, etc. Any attempt to move away one of these opposites, the other one will be meaningless. In short, this life cannot exist without evil, pain or disabilities.

Between these two sides, the majority of Muslim scholars conceded the existence of a theological problem and thus attempts should be done in order to explain and justify the existence of disabilities in life. However, the starting point of all these scholars was that God is perfect and the existence of disabilities or evil in life does not injure this divine perfection. Although they agreed on this general principle, they differed on further details into three main groups.

One group, mainly the Ash'arites, saw the perfection of God in His omnipotence. Within this framework, they opined that the only explanation for the existence of disabilities and all forms of pain and suffering in this life is God's omnipotence. They said that this universe is His own Kingship and He

runs it as He wills. Nothing and no one can stand against His will. To ask Him, why did You do so and why did not You do so is tantamount to breaching the omnipotence and the lordship of God. The human intellect, which is created by God, cannot question the Creator.

The second group, namely, the Mu‘tazilites, stated that the perfection of God is mainly represented in His unmatched justice and wisdom rather than His omnipotence. Because of His justice, He granted people freedom to act in life. As part of this freedom, people can do both good deeds and bad deeds. These bad deeds, whose responsibility lies completely on people rather than God, are the main sources of evil and pain in life. However, this group did not deny that disabilities can take place beyond the control of people such as being born with blindness. They said that God is responsible for such calamities but they are not “bad” acts because a just and wise God does not do “bad” acts. According to this group, all calamities in life, whether done by man or by God, have one or more wise purposes. Moreover, these purposes can be discerned by the human intellect. Within this framework, this group tried to fathom out a possible wise purpose for every form of pain or suffering. They eventually came up with very detailed and complicated theories about the benefits people can gain from pain and suffering.

The third group, represented by the majority of Muslim scholars, tried to find a middle ground between the first two groups. They opined that God’s omnipotence should not be stressed at the expense of His justice and wisdom or vice versa. They saw no harm in the rational attempts exerted to seek for possible wise purposes which can justify the existence of disabilities and other forms of suffering in life. However, they added, exerting such attempts does not necessarily mean that every incident of disability or every form of suffering can be rationally justified in a convincing way. People should always keep in mind that their capacities are limited while God’s wisdom is not. Within this framework, this group provided a number of wise purposes most of which were based on scriptural texts from the Qur’ān and Sunna.

Chapter Three shows that Muslim scholars did not restrict themselves to the theological attempts of answering the question, why do disabilities exist? There was also another practical and pragmatic dimension dealing with the question: how can we live with disabilities? Proposals provided by Muslim scholars in this respect were mainly psychological in nature. They tried to come up with a practical recipe that would wipe out or at least diminish the sorrow and anguish that one can suffer because of being disabled. The sporadic discussions were summed up in this chapter in three main ethical manners, namely, servitude (*‘ubūdiyya*), patience (*ṣabr*) and gratitude (*shukr*). Servitude was presented as the starting point by which the afflicted person recognizes that he/she is a servant (*‘abd*) created by a Creator who takes full care of His creatures. Practicing this type of servitude would make it easy for the afflicted person to move forward to patience and then finally to gratitude. Scholars were aware of the fact that practicing these moral attitudes at the times of afflictions is by no means easy. Hence, they evolved different instruments and came up with many

practical suggestions that would make practicing these moral attitudes within the reach of average people.

Chapters Four till Eight focus on perspectives in Islamic jurisprudence. The main target of these chapters is to get an idea about how Muslim jurists thought of people with disabilities. For instance, are they dignified people the same as other people who do not suffer disabilities? Do they have the same rights as the other people? How can these people live a dignified life, also in the financial sense, if they cannot earn their livelihood by themselves?

Chapter Four focus more on the social position of people with disabilities as epitomized in the overall principle of human dignity. One of the interesting findings of this chapter which, to my knowledge, escaped the attention of all modern researchers was the role of Greek physiognomy. The purport of this physiognomy was that a deformation in the physical appearance indicates a similar one in the spirit and character. By the third/ninth century, important Greek sources were translated into Arabic and by time became very popular and sometimes even authoritative in the Arabic and Islamic culture. The popularity of this science penetrated the juristic circles. The clearest form of this penetration was a number of statements, which are physiognomic in nature and thus very offending for people with disabilities, ascribed to the well-known jurist, Muḥammad b. Idrīs al-Shāfiʿī (d. 205/820). After a thorough study of these statements and their spread in the juristic circles, we concluded that these statements were falsely ascribed to al-Shāfiʿī. Although such statements found some support among a number of jurists, their purport was never a main line among jurists and it had almost no influence on the main body of Islamic jurisprudence. Thus, people with disabilities, theoretically speaking, remained to enjoy, within the juristic circles, the same degree of dignity guaranteed for human beings in general.

Besides these theoretical discussions, this chapter also provides an unprecedented study on the dignity of people with disabilities in practice. This is based on a previously unknown manuscript written in the 16th century on people with disabilities. The Meccan author, Ibn Fahd, mentioned the names of famed people, from the time of the Prophet Muḥammad till his own time, along with the disabilities they suffered. Some of the contemporaries of the author were offended because they were mentioned in the book. Consequently, a fatwa was issued that the book must be damaged because it had transgressed red lines and put the dignity of people with disabilities into discredit. The book was eventually damaged. The author did not surrender quickly and insisted that he did not have any bad intentions by writing on people with disabilities. To protect his reputation, the author contacted well-known five Muslim scholars in Egypt and Syria and pointed out the main target of his book. The scholars replied that there is no harm to write such a book. The author rewrote the book and enlarged its size and the copy written by the author himself remained intact up to this moment. The story of this book is highly informative about the social position of people with disabilities and also about the role of Muslim jurists in guarding this position. For instance, the book was damaged because of a fatwa

attacking the book and the author rewrote the same book after getting fatwas approving the book. In this sense, we can speak about a dynamic relationship between people with disabilities, their society and Muslim jurists as well.

Chapter Five fathoms out the juristic sources looking for an answer to one main question: how can this group of people earn their livelihood? This chapter elaborates first the possibility of employment, which is the first possible means of earning money. We found that juristic sources were full of detailed information about the rulings with pertinence to people with disabilities in this regard. We also checked the possibility of employing people with disabilities in the highly prestigious jobs in Islamic society. The general attitude was that this group of people can in principle be employed in every job as long their disabilities do not affect the quality of work they are required to do. Strikingly enough, disability was sometimes a privilege in the sense that people with disabilities were preferred for specific jobs to other people. The case of the blind people who were appointed as muezzins (performing call to prayer) is a clear example in this regard. Because *adhān* (call to prayer) was done from the top of a minaret and thus the muezzin could look at the neighboring houses, blind muezzins were always preferred. This holds true to the extent that some people pretended blindness so that they can get this job which was sometimes well-paid. However, this was not always the case. Disability could also be an important barrier to find a job. Thus searching for medical treatment to cure or at least to minimize the consequences of disabilities is always logical.

Chapter Six deals with treating disabilities. In this regard juristic discourses adopted a holistic rather than a one-sided approach. A disabled person can be treated by the regular medicine, in juristic literature named as “physical medicine” (*tibb jismānī*), or by religious formulae from the Holy Scripture, i.e., Qur’ān or other texts believed to comprise healing effects. This type of medicine was named “spiritual medicine” (*tibb ruḥānī*). Although early and modern Muslim jurists approved both types of medical treatment, a general preference was given to the “spiritual medicine” by early jurists and to “physical medicine” by modern jurists. The common point among all jurists was relieving or minimizing the pain and troubles accruing from disabilities. In this regard we have checked a number of issues which fall nowadays under the category of medical ethics such as abortion, vaccination, organ transplantation and cloning. Although modern jurists tried always to search for relevant discussions among early jurists on these issues, they had most of the time to develop their own independent investigation basing themselves directly on the general principles in the Qur’ān and Sunna. However, it was clear that their standpoint towards the medical researches was highly decisive in formulating their religious advices. For instance, those who do not trust what physicians say about the efficiency of vaccination would discourage people to use it, whereas the others who believe in the preciseness of medical researches criticized the anti-vaccination standpoint adopted by other scholars.

It remains, however, possible that people with disabilities might not be able to find work because of their disabilities and at the same time cannot, for one

reason or another, cure their disabilities. The question was: How can people with disabilities get money to afford their needs in this life? Reviewing the juristic source on such question, this study focused on the financial revenues available within family and society at large.

Within one's family, **Chapter Seven** shows that the system of maintenance (*nafaqa*) played a central role in this regard. Within this system, every individual who cannot work to earn his/her livelihood has the right to receive financial support from other well-to-do family members. In juristic sources, we found a highly complicated system elaborating in detail who is responsible for who and under which circumstances. Detailed information was given about people with disabilities as parents, children, wives or other relatives within this system. Another financial revenue within the family for people with disabilities was family endowment. Within this system, endowments can be dedicated to people with disabilities which can guarantee a financial support for them on a regular basis. If the family was unable to help its members living with disabilities, role of society and state should start. In this regard, two financial revenues were elaborated. In the first place, juristic discussions on welfare endowment (*waqf khayrī*) were presented.

Chapter Eight reviews juristic discussions on welfare endowment as two main financial revenues which can afford the needs of people with disabilities as members of society. Throughout Islamic history, people with disabilities were one of the main beneficiaries of welfare endowment in the form of hospitals and asylums. The second financial revenue elaborated in this chapter was *zakāh*. No early or modern jurist objected to paying money to people with disabilities as long as they were poor. Moreover, a number of the early and modern jurists opined that poor people with disabilities represent a specific category by their own who are more entitled to receive *zakāh* than other poor people who do not suffer disabilities. The purport of the modern viewpoint of using charities as a means of developing projects and programs to secure the needs of this category of people on a regular and constant basis was already expressed by early jurists such as al-Shāfi'ī (d. 205/820).

Now to put the whole dissertation in a nutshell, we emphasize a number of points which are on one hand representing the core of this study and opening up new scopes of research on the other hand.

In the first place, information checked throughout this study indicated that people with disabilities were almost never dealt with as a single group isolated from society. The general attitude to be traced in Islamic sources can be classified as "textual inclusion". In Islamic theology, people with disabilities fell within the broad category of "people with afflictions" (*ahl al-balā'*) whose common characteristic was suffering. The case of the person who lost his hand or leg was, within the theological perspective, the same as the case of that parent whose child died. In Islamic jurisprudence, people with disabilities also fell within the broad category of "people with legal excuses" (*aṣḥāb al-ʿadhār*) whose common characteristic was the inability to perform all religious duties. Even in *adab*-works, people with disabilities were presented as a part of a large

number of people mainly characterized by their “abnormality” and “strangeness”. As was the case with Ibn Fahd’s book, blind and lame people were written side by side to bald people for instance.

Based on this inclusive approach, we can easily speak about an overall positive attitude towards people with disabilities in Islamic literature. Sara Scalenghe said, “Preliminary evidence suggests that the physically and mentally disabled were not necessarily stigmatized or marginalized.”¹ Rispler-Chaim concluded her study by saying, “Against the abusive attitudes to the disabled in the Roman and Byzantine empires as well as in the dark Middle Ages in Europe, the attitudes in Islamic law were in every way enlightened and farseeing.”² However, this positive attitude as recorded in theological and juristic sources does not negate the social reality which was not always in line with what these sources plead for. This holds true of course for the current reality of people with disabilities in different parts of the Muslim world. I believe this is an interesting field of study which historians can investigate to see to what extent the text was guiding the society or vice versa. Available information now can help them measure this text-reality link. Besides the historians, I believe this study will also be of benefit for other specialists in the fields of sociology and anthropology for instance. Information given in this study will help them understand specific forms of behavior from people with disabilities or their families which would otherwise have remained unsolvable riddles.

Finally, I hope this study will also be stimulus for my colleagues, i.e., specialists in Islamic studies, to conduct more research on this category of people which continues up to this moment as an understudied, if not an unstudied, group. I believe that future research can be best directed to more specific topics such as people with disabilities during the lifetime of the Prophet and his Companions, women with disabilities, people with disabilities within a specific period of Islamic history such as the Umayyad or Abbasid dynasties, people with disabilities within a specific geographical location such as Egypt or Levant throughout the Islamic history and so forth.

¹ Scalenghe, Sara (2007), p. 209.

² Rispler-Chaim, Vardit (2007), p. 95.