

Moderation and the Performing Arts in Contemporary Muslim Societies

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Wasaṭīyah relates to all aspects of life right across the entire spectrum of Islamic teachings, from dogma and belief to ritual worship, social relations... there is no easy refuge from the evil consequences of extremism except through embracing the Islamic teachings on moderation, truth and justice.¹

Abstract

Art plays an important role for politically engaged Muslims and promotes moderation (*wasaṭīyah*). Moderation has a civilizational mission: to buttress an open society that recognizes its inhabitants' diversity so that they can freely and skillfully express their own cultural identity and thus contribute to enhancing the overall Islamic cultural sphere by endorsing the performing arts. The *wasaṭīyah* authors discussed below reject the notion of "art for art's sake" and employ a specific genre of Islamic art commonly referred to as "purposeful art" or "art with a noble mission." Purposeful art is "clean art" that portrays good deeds, as distinguished from bad deeds that characterize indecent or "lowbrow art." It deals with socio-political issues as well as the themes of justice, jihad, sacrifice, and patriotism. Moderation is the norm, since "Islam is the religion of the golden mean" between excess and deficiency. From the stance of graduality, moderation affords a novel reading of the maxims of Islamic jurisprudence (*qawā'id al-fiqh*), whereby the performing arts promote benefits (*maṣāliḥ*) and avoids harm (*maḥāsib*).

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Introduction: *Wasaṭīyah* in Art

This article relies heavily on Mohammad Hashim Kamali's (b. 1944) insightful and enlightening contextual interpretation of *wasaṭīyah*. His innovative thinking as regards this term – as a requirement for Muslims to promote benefits (*maṣāliḥ*) and avoid harm (*maḥāsīd*) – forms the backbone, the fulcrum of this article.

Wasaṭīyah strikes a balance between perceived benefits and unavoidable harms. This is where the moderating pull of *wasaṭīyah* is also needed most in our own time. In the event of a conflict arising between benefits and harms (*maṣāliḥ wa maḥāsīd*) in respect of the one and same subject, a jurist or judge may be faced with balancing the odds in the light of *wasaṭīyah*. He would need to observe the relevant guidelines of Shari'ah but also to consider the greater benefit that may be involved, even if securing it means tolerating a certain amount of harm. This may place the jurist/judge in a situation where he has to abandon the side which is overwhelmingly harmful, even if it involves losing out on a possible benefit. Upholding the average mean in this case, as in most other cases of reconciling conflicting interests also necessitates a careful assessment of the status quo and the likely consequences of a decision, or a compromise solution, that secures greater benefit, repels the anticipated harm, yet it is not totally on the one side nor the other.²

My contribution lies in applying his reasoning to the performing arts in the Islamic cultural sphere. Amel Boubekeur has highlighted the important role art plays for politically engaged Muslims: "Today art is a profession possessed of a genuine force of mobilization; its politically engaged dimension has become an intrinsic part of the ethic of peace and justice in Islam..."³ since justice is intrinsically based on moderation, as Kamali argues.⁴

Moderation, or *wasaṭīyah* (Arabic synonyms: *tawassuṭ*, *i'tidāl*, *tawāzun*, *iqtisād*) is closely aligned with justice, and means opting for a middle position between two extremes, often used interchangeably with 'average', 'core', 'standard', 'heart' and 'non-aligned'. The opposite of *wasaṭīyah* is *taṭarruf*, which denotes 'inclination toward the peripheries', 'extremism', 'radicalism' and 'excess'. In its Arabic usage, *wasaṭīyah* also means the best choice – such as in the ḥadīth: "The Prophet [p.b.u.h.] was the best of the Qurayshite descent – *kāna rasūl Allāhi awṣaṭu quraysh nasaban*". It is defined as "a recommended posture that occurs to the people of sound nature and intellect, distinguished by its aversion to both extremism and manifest neglect."⁵

Wasaṭīyah is based on Qur'an 2:143: "Thus, have We made of you an *ummah* (community) justly balanced, that you might be witnesses over the nations, and the Messenger a witness over yourselves."

The term *wasatīyyah* is used in connection with the Qur’ānic phrase “*um-matan wasaṭan*”, which refers to the Universal Islamic Community [Global Muslim Community] having the attributes of Justice, Excellence and Balance in order to serve as Allah’s trustworthy “witnesses over mankind” in this world and in the Hereafter (Q. 2: 143). The term can also be translated as “Justly Balanced Quality” or “Justly Balanced Nature” of Islam and the Islamic community. The more popular translation of the term, however, is “Moderation”... The Prophet (S.A.W) used to urge his Companions to strike the proper balance between their religiosity and their worldly affairs, and between the legitimate Pleasure of the body and the felicity of the spirit. Whenever he came to know that some of them were showing an excessiveness in one direction, he would, with his wisdom put them back on the evenly balanced path.⁶

Kamal Hassan stresses that *wasatīyyah* has a cultural manifestation, a usage I dwell upon in this article:

It should be made clear, however, that religious or cultural “Moderation” is one important dimension of Qur’ānic *wasatīyyah*, but not the whole of it. Therefore we should be careful when we use the term *wasatīyyah*, not to confuse the part with the whole. Intellectual integrity and objective scholarship require that in the discourse on *wasatīyyah*, one should not forget to relate the qualities, attributes or values of “balance” or “moderation” to the basic qualities of Justice (*‘adālah*), Excellence/Best (*khairiyyah*) as explained by the well-established classical commentators of the Qur’ān such as al-Ṭabarī, al-Rāzī, al-Qurtubī or Ibn Kathīr.⁷

He cautions readers:

In explaining the important concept of *wasatīyyah*, we should be careful not to emphasise one quality at the expense of other qualities, because those three qualities of Justice, Excellence and Balance are in fact organically intertwined and integrated.⁸

Some Islamic movements and ideologues have acknowledged these three components of *wasatīyyah* and employed the “action of excellence under God’s guidance” (Q. 3:26) to promote and legitimize the performing arts and artistic expressions.⁹ The study of Islamic social sciences has enriched my understanding of the cultural politics and social practices of Islamic movements and their ideologues, as well as provided me with a novel perception and understanding of the importance of culture as “soft power” and the role it plays in many people’s lives. Furthermore, it has enabled me to appreciate why

great minds have always stressed the importance and saliency of cultural-artistic productions. It made me construe why Immanuel Kant (d. 1804) believed that “art is humanity”; why Friedrich Nietzsche (d. 1900) claimed that “life would be senseless without music; it would be a mistake, a grueling task, an exile”; and why Molière (d. 1673) asserted that without music no state could survive, and challenged me to apply these ideas to the study of the Islamic social sciences.

In order to promote purposeful performing arts in public, conservative, moderate, and liberal religious scholars (ulama) have used the jurisprudential concept of *maṣlaḥah* (public interest) as a tool and common ground for discerning the religious (*sharʿī*) objective of the jurisprudential maxims (*qawāʿid al-fiqh*). Therefore, an explanation of *maṣlaḥah* in jurisprudence in relation to *wasatīyah* is deemed necessary.

Wasatīyah vis-à-vis Maṣlaḥah and Ḥasanāt

Regarding the perception of *maṣlaḥah*, I would like to situate myself within the existing literature in order to show how the empirical Islamic studies’ approach, which I employ here, differs from existing scholarship. From a social science perspective, Craig Calhoun admonishes that interests should be studied from the perspective of the social actors’ identities or else they would amount to transient preferences: “For interests [*maṣāliḥ*, pl. of *maṣlaḥah*] to be anything other than completely ephemeral preferences, they must be analyzable in terms of the identities of social actors.”¹⁰ Mark LeVine and Armando Salvatore view *maṣlaḥah* as the “cause or source of something good or beneficial,” which portrays a spectrum of positive values that ranges from “un-corrupted,” “right,” and “honest” to “virtuous” and “just.” They add that in practice, socio-religious or Islamic movements and their ideologues resort to *maṣlaḥah* in order to acquire “political, social, and cultural justice.”¹¹ Seteney Shami paves the way for reconciling social science and Islamic studies by arguing that it is worthwhile to construe how socio-religious movements and their ideologues come to the fore, particularly how “they challenge and/or intersect with nation-state projects on identity, justice, welfare and secular modernist notions of body, self and gender.”¹²

Kamali provides the missing link: “[T]he objective merit of *wasatīyyah* also extends to good and righteous deeds and the sum-total of the conduct and character of a person is measured by its proximity to moderation.”¹³ In his seminal *The Middle Path of Moderation in Islam* (Oxford University Press: 2015), he

demonstrates the importance of moderation related to the notion of graduality (*tadarruj*) ... He concludes that not only is the message of Islam based on moderation, but so too is the methodology that we derive from our scriptural sources. Kamali proposes that this is evident in, for example, the requirement for Muslims to promote benefits (*maṣāliḥ*) and avoid harm (*maḥāsīd*) – in practical terms, we need to consider both the balance and the strategy in implementing (*taḥqīq al-manāṭ*).¹⁴

In this context, *taḥqīq al-manāṭ* refers to ascertaining the ‘illah, namely, the effective cause or the reasoning of the law (*ratio legis*).¹⁵ Kamali cautions readers that “*wasatīyyah* and the search for the moderate mean is of relevance more to sociopolitical, religious and cultural issues, and not so much to expert opinion and scientific knowledge... this golden mean of Islamic teachings can hardly be overestimated.”¹⁶

This article dwells upon this specific usage in order to analyze *maṣlaḥah* in terms of purposeful art. It also outlines *maṣlaḥah*’s role in jurisprudence: According to the Qur’an, the Hadith (prophetic traditions), and the jurisprudential literature, *maṣlaḥah* is a secondary source in Islamic law, one that is defined as public interest, benefit, advantage, good deed, and virtue. When this term is employed in jurisprudence, it refers to one of the legal maxims that states that avoiding vice is preferable to obtaining interests. In other words, if the negative effects and disadvantages of certain vices outweigh their advantages, then their interests are considered prohibited.¹⁷

By the mid-fourteenth century, unanimity had emerged among the religious scholars that Islamic jurisprudential theories had developed according to three main stages: from the principles of jurisprudence (*uṣūl al-fiqh*), to the maxims of jurisprudence (*qawā’id al-fiqh*), and eventually to the purposes of the Shari‘ah (*maqāṣid al-Sharī‘ah*).¹⁸

- (1) The principles of jurisprudence deal with the methodology used to extract the law from the authoritative sources. It has to do with the way a scholar tries to understand the text.¹⁹
- (2) The maxims of jurisprudence are pragmatic “principles” that scholars usually refer to from the stance of authority to justify a decision or to follow one course of action over another. They might be very pragmatic because they give a framework that could be used to confront different situations in a flexible matter. These maxims are principles in the sense of being employed authoritatively to justify certain actions. As such, they form a bridge between politics and religion. In the context of this article, the following maxims are commonly used maxims.

- (A) The most salient and widely used maxim states that the avoidance of vice is always preferable to any benefit that might accrue from the act, or “the warding off of vices is preferable to obtaining interests” (*dar’ al-mafāsīd muqaddam ‘alā jalb al-masāliḥ*). This is the frame of reference or the rule of thumb that religious scholars employ when they resort to individual choice.²⁰
- (B) The maxim of “mutual competition” (*tazāḥum*) states that “in case of conflict of duties, then give priority to the most pressing duty over the least pressing duty, or the one deemed more important than the other” (*idhā tazāhamanā amrān wājibān fa yajib taqdīm al-ahamm ‘alā al-muhimm, wa al-muliḥ ‘alā al-aqalu ilḥaḥān*).
- (C) Another maxim, based on Q. 2:173: “But he who is constrained, without intending to disobey or transgress, will commit no sin. Allah is Forgiving, Merciful,” is that necessities permit what is prohibited (*al-ḍarūrāt tubīḥ al-maḥdhurāt*). This implies that prohibited things or social practices could become sanctioned in specific contexts.
- (D) What cannot be accomplished in its whole cannot be left in its entirety if it is religiously permitted (*mā lā yudraku kulluhu, lā yutraku kulluhu*). This means that what you cannot salvage in its entirety, you can salvage in part. This implies that it is always better to finish as much as possible of a job or a duty, rather than to do nothing at all.
- (E) Another maxim is that difficulties will lead to ease (*al-mashaqqah tajlub al-taysīr*),²¹ as Q. 2:185 stipulates: “Allah desires ease for you, and He does not desire for you difficulty.” In popular culture, this is construed as there is always light at the end of the tunnel. In other words, if someone is passing through difficult times, eventually better times will follow.
- (F) Things are attributed to their final objectives (*li al-umūr maqāsiduhā*). In other words, everything has a purpose (*maṣlahah*) in life based on the intention (*nīyah*), which should be in line with a person’s actions.²²
- (3) The purposes of the Shari‘ah stipulate that Islamic law was revealed to human beings so that they could interpret it when necessary. According to al-Shatibi (d. 1388), these purposes are based on the natural and inalienable rights that people have by virtue of being human, rights that cannot be taken or given away, such as the protection of reason (*ḥifẓ al-‘aql*), self (*ḥifẓ al-nafs*), family and descent (*ḥifẓ al-nasl*), religion (*ḥifẓ al-dīn*), and property (*ḥifẓ al-māl*). These are rooted in a moral, humanistic interpretation of Islamic law since they deal with people’s *maṣlahah* from the stance of purposeful, noble activities.²³

One could conclude that this reading of jurisprudential principles provides guidelines for making decisions in daily situations when a person is not sure

how to apply the Islamic law. Although primacy is always given to the law's two main sources – the Qur'an and Hadith – in certain contexts using these and other jurisprudential theories, especially the jurisprudential maxims, is of vital importance. This is done by resorting to the *maṣlaḥah*, a secondary source of Islamic law, in order to derive a ruling that takes into consideration the complexity as well as the Shari'ah's flexibility and pragmatism.

***Maṣlaḥah* in Sunni and Shi'i Jurisprudence**

The Qur'an, the Traditions, and the books of jurisprudence refer to *maṣlaḥah* as interest, benefit, advantage, good deed, and virtue; as the result of an action in the domain of righteousness. In that sense, it is opposed to *mafsadah*. As we read in the Qur'an: "You bring forth the living out of the dead, and You bring forth the dead out of the living, and You give sustenance to whomsoever You like, without measure (Q. 3:26)."²⁴ Here, *maṣlaḥah* is presented as an action of excellence under God's guidance. "O believers! Devour not each other's property among yourselves unlawfully save that be trading by mutual consent; and kill not your (own) selves; Verily, God is Merciful unto you" (Q. 4:29).²⁵ This verse implies that all daily practices and injunctions were legislated in the people's interest and for their benefit in this world and the next. "[T]hen as for the scum [foam] it passes away as a worthless thing; and for that which profits the people, then it remains in the earth" (Q. 13:17), which implies that "whatever is divine and real remains, and that which is temporal and unreal disappears."²⁶ The last verse refers to Q. 59:9: "praises those who gave the need of their brethren the preference over their own needs."²⁷ These verses illustrate that although many verses refer to *maṣlaḥah* in relation to the individual and public good, there has always been a close proximity between the believers and those who perform good deeds. Religion was revealed for the people's benefit and interest in order to obtain felicity on Earth and in heaven.²⁸

Imam Khomeini (1902-89), the founder and main ideologue of the Islamic Republic of Iran, argued that *maṣlaḥah* is the result of an action in the domain of justice. In that sense, the jurisprudential concept of *maṣlaḥah* is opposed to *mafsadah*, for the former emanates from the spirit and essence of religion. Religion was revealed for the benefit and interest of the people so they could obtain happiness on Earth and in heaven. Based on this reading, *maṣlaḥah* is supposed to lead gradually to perfect harmony.²⁹

He stated that every ruling or injunction must take into consideration the jurisprudential concepts of *maṣlaḥah* and *mafsadah* in matters of legislation and social practices. According to him, *maṣlaḥah* is a deeply rooted element

of the law³⁰ and its negligence or non-execution in a righteous manner will lead to a serious disorder in administering the nation's affairs. In addition, such a reality will hinder the community's advancement, development, and prosperity. Khomeini stressed that Islam's effectiveness and civilizational role hinges upon implementing the *maṣlahah*.³¹ In line with his 1988 fatwa, he concluded that the *maṣlahah* of the Islamic order takes precedence over everything else and that everyone should therefore obey it and abide by it.³²

In addition, he held that decision making is based on the principle of *tazāhum*, namely, prioritizing the most pressing or important duty. When faced with a moral *maṣlahah* and a material *maṣlahah*, the former always takes precedence. For instance the governor or ruler has the authority, after an equitable price has been agreed upon, to demolish a house or even a mosque that is preventing the construction of a highway.³³ He added that when it is a matter of public good and private good, the former always takes priority because it conforms to religious stipulations. For example, the government can unilaterally annul any religious injunction agreed upon with the people if it deems this injunction to be opposed to the interests of the country or of Islam.³⁴

Murtada Mutahhari (1919-79), another ideologue of the Islamic Revolution, argued that if necessity or the general requirements of society commanded the amending of the revolution in the interest of the Islamic order, then the ruler can do whatever he deems necessary to uphold the greatest *maṣlahah*.³⁵ He added that society should abide by the ensuing decision(s), which should be in accordance with Islamic law. Further, the ruler is to uphold the Shari'ah's aims and teachings, employ the services of experienced and specialized professionals, and abide by the principle of *tazāhum*.³⁶

Sunni jurists categorize *maṣlahah* under "unrestrained interests" (*al-maṣāliḥ al-mursalah*), for it emanates from the spirit and essence of religion. Most Sunni ulama consider it a source for the unchangeable and changeable injunctions, which are not based upon religious (*shar'ī*) evidence.³⁷ They resort to *maṣlahah* when there seems to be no binding positive or negative religious evidence. In that case, they have the liberty to legislate as they deem fit while following the contours of the generally established framework. Whereas most Sunni ulama consider *maṣlahah* a principal source of legislation in the absence of a divine text, just like their Shi'i counterparts they abide by the religious injunctions *maṣāliḥ* and *maḥāsīd* or *ḥasanāt* (good deeds) and *sayyi'āt* (bad deeds). Both concur that whatever is in humanity's interest does not necessarily become the basis of divine governance, unless it is derived from the known sources of legislation: analogical reasoning (*qiyās*) for the Sunnis and independent reasoning (*ijtihād*) for the Shi'ahs.³⁸

In general, Shi‘i religious scholars do not resort to *maṣlaḥah* in the presence of a primary source of law (e.g., *ijtihād*).³⁹ But there are exceptions, such as Khomeini’s 1988 fatwa. Sunni ulama resort to unrestrained *maṣlaḥah* when the primary source of law of analogical reasoning (*qiyās*) is inapplicable or absent.⁴⁰

In interpreting the principles of jurisprudence, Shi‘i ulama stretch the mandate of *maṣlaḥah* on the grounds that since both immutable (unchangeable) and mutable (changeable) injunctions exist, there could very well be immutable and mutable *maṣāliḥ*. Immutable injunctions have a fixed *maṣlaḥah* that is not relegated to a specific time or place, whereas the *maṣlaḥah* of mutable injunctions change according to time and place. This reality might explain why these injunctions are referred to as “governance injunctions” (*al-ahkām al-wilā’iyah*). For example, the Prophetic injunctions that deal with revelation (*waḥī*) are immutable *maṣāliḥ*, unless there is a conflict of priorities (*tazāḥum*) with other important *prima facie* duties. Likewise, when interpreting jurisprudential principles in order to choose the actual injunction when confronted with choosing between a private good and a public good, the *‘ālim* prioritizes the public good and/or society’s interest, as he is obliged to choose the immutable *maṣlaḥah*.⁴¹

Wasaṭīyah and Maṣlaḥah

From a *wasaṭīyah* perspective, I contextualize the concept of *maṣlaḥah*, noting in particular that my interpretation draws on the broader teleologies of the specific actors or authorities. In evaluating how religious scholars employ this concept to legitimize artistic expressions, *maṣlaḥah* is conceptualized as a teleological representation in relation to purposeful art. This being the context, *maṣlaḥah* ought to be understood as referring to a prominent jurisprudential maxim, namely, the avoidance of vice is always preferable to any benefit that might accrue from that particular act. In other words, *maṣlaḥah* is a balancing act between advantages (good deeds) and disadvantages (bad deeds).

Even though in the popular culture of Middle Eastern societies *maṣlaḥah* has a negative connotation, it has acquired a positive reception in jurisprudence. While classical-era religious scholars abstained from applying this concept in the presence of a primary source of Islamic law, in contemporary Shi‘i jurisprudence it can take precedence over primary sources of law, even the five pillars, if the context and circumstance require recourse to such an action. For example, Khomeini’s 1988 fatwa stipulated that the *maṣlaḥah* of the Islamic order or its agencies must be prioritized over any other socio-political principle, including prayer, pilgrimage, and fasting.⁴² How do conservative,

moderate, and liberal religious scholars and intellectuals employ *maṣlaḡah* vis-à-vis purposeful art? How does theory comport with practice and modern relevance when it comes to *maṣlaḡah* and the performing arts?

Precursors to *Wasafīyah*: Conservative Salafi and Wahhabi (Saudi) Views

Salafi and Wahhabi views stipulate a partial prohibition: purposeful art (especially Islamic *anāshīd* [songs]) but with restrictions. The views of al-Albani (1914-99), al-‘Uthaymin (1925-2001), Ibn Baz (1909-99), and others are presented in this section.⁴³

Muhammad Nasir al-Din al-Albani argued if the *anāshīd* have Islamic connotations and are not accompanied by musical instruments, then they are sanctioned. However, two stipulations have to be met: These songs have to be free of any religious (*sharī‘*) violation such as foolish talk (*lahū*),⁴⁴ and must not become a habit or custom that distracts its listeners from reading the Qur’an (an injunction of the Sunnah), aspiring to acquire beneficial knowledge (i.e., *maṣlaḡah*), and supplicating God Almighty.⁴⁵

Muhammad Salih al-‘Uthaymin stressed the importance of purposeful art’s content and context (the contextual argument) so that it could not degenerate into lowbrow art. He added that one cannot give an absolute fatwa to either prohibit or sanction them. Listening to *anāshīd* is sanctioned as long as they do not deteriorate into prohibited or lowbrow songs, contain the tambourine, call for discord (*fitnah*), or employ infatuating voices and other debaucheries.⁴⁶

Abd al-Aziz ibn Baz, who upheld the contextual argument, sanctioned this activity if the songs were sound and enjoin the good, called for obedience to God and his Prophet, protected nations from aggression, kept the people vigilant and ready for any attack, and so on. Obviously, any of them that incite disobedience, gender mixing (*ikhtilāf*), or any other earthly corruption are prohibited.⁴⁷ Like al-‘Uthaymin, he was reluctant to issue an absolute fatwa on this issue on the grounds that one always has to look at the context and content. In other words, those *anāshīd* that contain vices should be banned, whereas those that contain no corruption and debauchery should be sanctioned.⁴⁸

Abdallah bin Abd al-Rahman al-Jabrin sanctioned those *anāshīd* that have a visible, tangible (public) interest (*maṣlaḡatuhā zāhirah*), namely, those that are free from prohibitions and disseminate noble, virtuous meanings (e.g., motivating Muslims to work, inspiring them to undertake jihad, and enjoining the good and forbidding the prohibited [e.g., disobedience to God, evil, vice, immorality, and corruption]).⁴⁹

In turn, the Perpetual Committee for Religious Edicts (al-Lajnah al-Dā'imah li al-Iftā') issued a fatwa stressing that *anāshīd* are a religious alternative to the prohibited lowbrow singing. Muslims can benefit from such songs provided that they call for practicing wisdom; preach goodness and good morals that draw one toward religion and enflame Islamic emotions; avoid evil and those who engage in it; and promote obedience to God, delineate the contours of jihad in the way of God, and uphold the religious law.

Excessive indulgence is dissuaded, meaning that one must practice moderation when engaged in this activity. For example, Muslims can listen to these songs from time to time, such as during weddings, travel, jihad, and the like; when their spirits are low in order to stimulate the self and enjoin people to do good; and when the self is inclining toward evil, in order to prevent it from indulging in vice.

However, reading and reciting the Qur'an and the Hadith are better activities because they earn one more rewards in the here and now as well as in the hereafter since they promote internal peace, chastity, and a pure soul and felicity. As the Qur'an proclaims: "Allah has revealed (from time to time) the most beautiful Message in the form of a Book, consistent with itself, (yet) repeating (its teaching in various aspects): the skins of those who fear their Lord tremble thereat; then their skins and their hearts do soften to the celebration of Allah's praises. Such is the guidance of Allah: He guides therewith whom He pleases, but such as Allah leaves to stray, can have none to guide" (Q. 39:23) and "Those who believe, and whose hearts find satisfaction in the remembrance of Allah: for without doubt in the remembrance of Allah do hearts find satisfaction. For those who believe and work righteousness, is (every) blessedness, and a beautiful place of (final) return" (Q. 13:28-29).

Although the Companions habitually studied and memorized the Qur'an and Hadith, as well as practiced and preached the word of God, they also sang their own purposeful *anāshīd* while performing their chores (e.g., digging trenches, building mosques, and marching toward jihad). But they did not make this activity an emblem and/or a main objective. Rather, they engaged in this customary activity to invigorate their feelings and relax the self by offering it purposeful diversions.⁵⁰

Moderate Egyptian authors: al-Qaradawi, 'Amarah, and al-Bannah

The canonical book *Al-Fiqh 'alā al-Madhāhib al-Arba'ah* (Jurisprudence Based on the Four Sunni Schools of Law) unequivocally demonstrates that

these four schools sanction music within certain contexts and that they have issued no absolute prohibition on listening to it and playing those musical instruments sanctioned by the Hadith.⁵¹ Within these parameters, the global mufti Yusuf al-Qaradawī (b. 1926), the intellectual Muhammad ‘Amarah (b. 1931), and the late Islamic thinker Gamal al-Bannah (1920-2013) legitimize their discourse on purposeful art by referring to *maṣlaḡah*, which, as Kamali argues, could be considered an offshoot of the Qur’anic concept of *wasafīyah*.⁵²

Al-Qaradawī

Al-Qaradawī rebuts the claim that he sanctioned singing and music in the absolute, arguing that it is utterly spurious because he always stresses the contextual argument in relation to the *maṣlaḡah*. He asserts that in his books⁵³ and fatwas he sanctions music within certain religious stipulations (*al-maḡādhīr al-shar‘īyah*) and religious safeguards (*al-ḡawābiḡ al-shar‘īyah*). For example, he has laid down the contours in which *ḡalāl* (religiously sanctioned) music could be listened to in order to set the safety valves and effective limitations in terms of quality, quantity, content, context, message, outreach, stature, and performance. He unequivocally argues that any music accompanied by debaucheries (e.g., drinking alcohol, indecent dancing, and bodily temptation) is *ḡarām* (religiously banned) not in itself, but rather for what accompanies it.⁵⁴ He notes that in most Arab and satellite television programs, today’s music has shifted from something to be listened to to something to be seen, for it portrays nudity, flirting, and indecency. Al-Qaradawī concludes that it is self-evident that such singing has become *ḡarām*, not intrinsically (in itself or for itself), but rather because such associated activities have transformed music into indecent, dirty dancing. He therefore sanctions only purposeful *anāshīd* that are in line with Muslim sensibilities.⁵⁵ Rajab Abu Malih reiterates the same argument.⁵⁶

‘Amarah

According to Muhammad ‘Amarah, the components of singing are words, melody, and performance.⁵⁷ He argues that the Muslim mind sanctions this activity because it considers it part of the “human instinct” that aspires to its maker. Therefore, it seems illogical to ban beautiful voices and melodies.⁵⁸ He mentions the traditions of Prophet Muhammad as regards singing, as well as the fact the social practices of the Prophet and Four Rightly Guided Caliphs encouraged purposeful singing and music for the sake of satisfying human emotions, reinvigorating one’s energy, and soothing the self. ‘Amarah stresses

that just as jihad is sanctioned only when it is undertaken in the way of God, singing and music are also permitted when they benefit one's *maṣlahah*, especially when its components aspire to beauty. He argues that Islam distinguishes between asking for beauty and enjoying it in a balanced way. The Prophet said "God is beautiful and He loves beauty,"⁵⁹ but warned Muslims about vanity, which prevents one from entering heaven. 'Amarah contends that the Prophet not only sanctioned singing, but that he also practiced it to invoke beauty and the good while building a mosque. Likewise, the Companions also sang melodiously by chanting work songs rooted in their own *maṣlahah* and purposeful art.⁶⁰

Al-Bannah

The thinker and intellectual Gamal al-Bannah, a self-taught⁶¹ Egyptian religious scholar and the youngest brother of the Muslim Brotherhood founder's Hasan al-Bannah, sanctioned purposeful art, including dancing. In his affirmative response to the question "Is dancing compatible with Islam?" he quoted many primary and secondary Islamic sources in a systematic, didactic manner.⁶² Stating that Islamic law is a socially constructed phenomenon, he issued an authoritative ruling that sanctions purposeful dancing.

A furious debate ensued when he argued that purposeful dancing is a "noble, decent profession" and that the late belly dancer Tahia Carioca (1919-99) was "a committed artist with a respectable history."⁶³ He clarified that the prohibitions against art were not directed against art per se, but rather against everything that is "beautiful," such as literature, poetry, music, singing, and women; that such rulings only reflect the individual whim of the prohibitors, who regard so many positive things in a negative light. The fundamentalists downgraded his "modernist" and "liberal" readings of Islam and went so far as to classify them as "infidel" and "heretical." Al-Bannah responded that their fundamentalist reading or interpretation renders Islamic doctrine "barren, dry, and uncreative," for the Qur'an sanctions freedom of thought and religion.⁶⁴ When one of his admirers told him to retract his statement about dancing, he replied: "Why should I? Dancing is the most eloquent, creative manifestation of bodily performance." His answer split the commentators into three groups: accusers, centralists, and defenders.⁶⁵

Members of the first group accused him of having an inferiority complex and going through an identity crisis, and therefore willing to do anything to acquire the same status as his late brother. Some critics targeted him on the personal level, wondering how he would feel if his daughter were a stripper in a

nightclub?⁶⁶ A minority labeled him as “an enemy of Islam whose mission was to rupture the moral fiber of Muslim society.” Others doubted his religious credentials and said he was not entitled to issue fatwas. The Egyptian reformist thinker Hamid Nasr Abu Zayd (1943-2010), who was banished in 1995 to the Netherlands for his unorthodox reading of the Qur’an, supported this view: “He is not a mufti; he is not a specialist, and does not have the required rigorous training in fatwa giving and in exercising independent reasoning (*ijtihād*).”⁶⁷

The moderates supported his argument, namely, that God would not necessarily inflict His rage on female dancers per se without due consideration of the context of their acts. On the contrary, if the dancer were engaged in virtuous, charitable acts that override and cancel out bad acts, God will grant her salvation and open heaven’s doors to her: “Do not condemn, or else you will be condemned; God knows best.”⁶⁸

Al-Bannah’s defenders argued that those who condemned him misunderstood his message. He did not sanction any dance in the absolute; rather, he severely blasted indecent dirty dancing that falls in the category of debauchery (*al-fawāḥish*) (Q. 7:33),⁶⁹ that lead to negative diversion (*lahū*) from purposeful activities, or that encourage the pursuit of leisure per se. In other words, he is suggesting that dancing could be a decent profession if practiced within the domain of purposeful art, which he defined as an ideologically motivated attempt to rectify individuals and reform society through pious-moral productions that conform to Islamic values, norms, and religious sensibilities. As such, purposeful art is considered “clean art.” From the viewpoint of *maṣlaḥah*, al-Bannah argued that purposeful dancing is classified as *ḥasanāt* (good deeds) and, rejecting the concept of “art for art’s sake,” advocated purposeful art, namely, art with a mission.⁷⁰ As this distinction between purposeful art and lowbrow art is also found in western literature, his usage of it is not alien to the academic community.⁷¹

Relying on the Sunni sources of law, such as *qiyās* and its offshoots *istiḥsān* (equity before the law; equitable preference) and *istiṣlāḥ* (consideration of public interest), al-Bannah employed a reading that looks very similar to Shi‘i interpretations of *maṣlaḥah*. By following a contextual use of reason (*‘aql*) to formulate an appropriate ruling for the case under consideration, he broadened *ijtihād*’s mandate in a new bold interpretation.⁷² Situating his discourse within the classical distinctions of *ḥalāl* or *ḥarām*,⁷³ al-Bannah devised an innovative interpretation that allowed him to issue an authoritative opinion that sanctions artistic expression, especially purposeful dancing. From the stance of jurisprudential maxims, he dwelled upon purposefulness in relation to the concept of *ḥasanāt* or *maṣlaḥah* vis-à-vis *sayyi’āt* or *maḥāsīd*.⁷⁴

According to his theory of human nature and values, God created humanity from clay and blew His spirit into each human being, giving all of them thereby a conscience and a will. At the same time, God implanted the sexual instinct, one of the strongest of all human instincts, thereby inserting into each person both piety and malice in order to distance humanity from the world of angels, who are impeccable and infallible. Al-Bannah adds that God left humanity an easy prey to the Devil, who seduces human beings with all sorts of temptations, the most prominent being (specifically in the case of men) power, women, and wealth. But despite this reasoning, he considers the human beauty personified in a woman as the most perfect beauty.⁷⁵ God sent His messengers and books to guide humanity to salvation, yet nevertheless gave all people the freedom to choose belief or unbelief, guidance or waywardness. God allowed all people to choose the path they desired to follow while simultaneously providing them with everything that they need (Q. 91:7-10; Q. 92:5).⁷⁶

Al-Bannah clarified that the guilt coming from human weakness differs from the guilt emanating from evil deeds (e.g., theft, rape, and murder) that are punishable and deterred by law. As human beings are bound to err due to their inherent frail nature, a fact is borne out by social practice, erring is part of reality, a manner of surrendering to one's human nature and subordinating oneself to social nature (action and reaction). Al-Bannah contends that this characteristic to sin is part of humanity's original nature, which explains why Islam opened the doors for repentance and forgiveness. However, it is better to do the good. Referring to Q. 11:114, "For those things that are good, remove those that are evil," he argued that good deeds would both outweigh and conquer bad or evil deeds.⁷⁷

This is the first cornerstone and the jurisprudential rule upon which al-Bannah based his sanctioning of purposeful dancing. He explained that if a woman were a full-time dancer who engaged in good works and deeds, caring for others, reforming the self, and so on, then her good deeds would both outweigh and conquer her bad deeds due to the merciful nature of divine providence, which stresses and judges according to the underlying intention and purpose.⁷⁸ A thorough reading might reveal that this conclusion does not logically follow from the above, and it does seem to be closer to the second theory. Possibly al-Bannah is suggesting an organic link between two Islamic theories: that of human nature and values and of the conception of justice.

The second theory is the Islamic conception of justice that, in his words, has to do with judging humanity. Justice on Earth, in the here and now, is based upon chastising the wrongdoers but not rewarding those who do good, mainly due to the scarcity of resources. However, God's resources in paradise

are always in abundance, which explains why the reward of those who do good are added to the wrongdoers' punishment.⁷⁹ Al-Bannah contended that divine justice is not distinguished by its condemnation of sinners to the Fire, since this could happen in the here and now when sinners are punished in courts of law. Rather, its distinguishing trait is that it rewards the righteous, the philanthropists. Therefore, countless people will enter heaven, among them those who have spent their life toiling without any enjoyment or leisure. As mentioned in Q. 47:15, they will abundantly enjoy the fruits of heaven, "rivers of wine, a joy to those who drink; and rivers of honey pure and clear."⁸⁰

He mentioned the common misconception that sinners will be punished severely and may end up in the Fire. If these same sinners neglected the obligatory five daily prayers, then nothing would help them because the Fire would have devoured them.⁸¹ Referring to Q. 11:114, "For those things, that are good remove those that are evil," al-Bannah argued that one's good deeds would both outweigh and conquer one's bad or evil deeds. Concerning the principle of *tazāḥum* mentioned above in the case of a conflict of duties, like Shi'i jurisprudence, al-Bannah employed the concept of *maṣlahah* to determine the actual duty. He affirmed that punishment is not inflicted if *maṣlahah* is upheld, for this involves carefully balancing good and bad deeds to see which one outweighs the other. To support this assertion, he quoted Q. 101:6-9: "Then one's whose balance (of good deeds) will be (found) heavy, he/she will be in a life of good pleasure and satisfaction. But one whose balance (of good deeds) will be (found) light, he/she will have his/her home in a (bottomless) Pit."

Al-Bannah added that the weight of the good deeds and bad deeds might be different from what we expect. For example, Q. 2:261 states: "The parable of those who spend their substance in the way of Allah is that of a grain of corn: it grows seven ears, and each ear has a hundred grains. Allah gives manifold increase to whom He pleases: and Allah cares for all and He knows all things." However, a bad deed is simply bad and cannot be doubled or have its weight made proportional to its bulk.⁸² In addition, he argued that God excuses and removes some bad deeds from the scale due to His mercy and kindness, as illustrated by Q. 46:16: "Such are they from whom We shall accept the best of their deeds and pass by their ill deeds: (They shall be) among the Companions of the Garden: a promise! of truth, which was made to them (in this life)." This is because human mercy amounts to only one percent of God's mercy, which might encompass anything. He concluded by repeating his main point: "Justice cannot be accomplished without rewarding the righteous."⁸³

The theory of justice is the second cornerstone and the most salient jurisprudential rule of his legitimization of purposeful dancing. For instance,

some despicable deeds are far worse than dancing, even if the dancer were naked. He posed the following rhetorical question: How does the dancing of a woman comport with unjust state laws, not to mention inhumane torture in prisons, defiling one's worth and dignity, and issuing unjustified one-sided fatwas that cause so much misery and hardship; fatwas issued by those who claim to "enjoin the good and prohibit the evil" (Q. 22:41)⁸⁴ but fall into vice and malevolence instead? He stressed that it is not farfetched for a dancer to be in the highest heaven, for God's mercy is infinitely higher than we can ever conceive. According to him, if most people think otherwise it is precisely because our earthly justice condemns the guilty for their bad deeds but does not reward them for their good deeds and philanthropy. This is "deficient justice by all means."⁸⁵ He therefore concluded that dancing can be in harmony with Islamic teachings if it is purposeful.

Resorting to the jurisprudential conception of advantages-disadvantages, al-Bannah asserted that the justice of Islam "balances" between good and bad deeds according to the measures of divine justice and mercy: "[T]his is the Islam that we preach and live by."⁸⁶ Such concepts of *maṣlaḥah* and *ḥasanāt* bestow Islamic credentials upon purposeful public performances, including dancing, if they conform to Islamic norms and Muslim sensibilities. In other words, like Kamali,⁸⁷ al-Banna considered justice as the dimension of striving to seek *wasāṭiyah* in everything, a reasoning that conforms with the Shari'ah and the Islamic cultural sphere. Based on this stance, the status of women in Muslim societies ought to be drastically revised and reformed. Thus, also like Kamali,⁸⁸ he stated that justice is intrinsically based upon moderation.⁸⁹

A Liberal Shi'i Scholar: Sayyid Fadlallah

The Lebanese Ayatollah Sayyid Muhammad Husayn Fadlallah (1935-2010), the highest-ranking Shi'i religious authority in Lebanon, had important views on women and art. In line with Kamali, he argued that moderation is the norm since "Islam is the religion of the golden mean" (*al-Islām dīn al-wasāṭ*) (Q. 2:143) between excess (*ifrāt*) and deficiency (*tafrīt*).⁹⁰ Relying on the jurisprudential maxim that "the warding off of vices is preferable to obtaining interests," he employed the *maṣlaḥah* to legitimize purposeful art.

Fadlallah clarified that when a person is confronted with two injunctions that require the exercise of reason, the mind stipulates that God has imposed injunctions for the sake of the *māsāliḥ* and *maḥāsīd*. In this case, what takes precedence is either warding off the grave disadvantage or following the most salient advantage. Thus, the injunction is carried out on the basis of prioritizing

the more salient injunction. He even goes to the extent of affirming that a religious injunction could be frozen under pressing social circumstances, thereby relegating it to a category of lower importance, so that it can be overridden by a higher-priority injunction. Thus the former injunction remains in effect and binding; however, it can be annulled under special circumstances if necessity deems this to be the best course of action.⁹¹

Fadlallah affirmed that he does not regard purposeful dancing, singing, and artistic expressions that preserve moral obligations to be prohibited, especially if they take societal restrictions into account.⁹² He allowed women to attend theaters and movies, dances and public performances (such as the Lebanese *dabkah*), on the grounds of interest, but only as long as these professions do not contradict Islamic values. In fact, he encouraged women to engage in public performances because such activities benefit the Islamic cultural sphere. He also argued that a woman can practice any profession and interact in the public space if she abides by the public good, namely, Islam's ethical values, norms, and religious sensibilities.⁹³

He asserted that the issue is not putting a veil on her head, even if it is a religious obligation; rather, the actress should place a veil on her heart, instincts, and temptations. He reiterated that the main concern is to be a human being first and foremost, irrespective of gender. When a woman engages with the public space, she goes out as a human being as opposed to a female body that demeans her status. She goes out in the guise of reason, will, movement, and a beautiful voice conducive to the promotion of purposeful art.⁹⁴ In line with his belief that Islam is a social practice and that Islamic law is a socially constructed phenomenon, he stated that a ruling can be revised and even overridden in light of changes in religious sensibilities and societal norms.⁹⁵ This modern thinking conforms to the nature of Muslim jurisprudence.

Conclusion

According to the aforementioned arguments, the concept of *maṣlaḥah* legitimizes purposeful performing art that, by definition, contains no debauchery. They concur that a purposeful artistic practice or expression is sanctioned when the *maṣlaḥah* outweighs the *mafsadah*. In other words, one ought to weigh the positive and negative consequences before making any decision or resorting to any course of action: simply stated, the good should outweigh the bad, or more accurately, the avoidance of vice is always preferable to any benefit that might accrue from the act. The jurists and scholars consider Islam the “religion of moderation” that promotes “justice as fairness” and upholds human worth,

value, and dignity. They argue that Islamic law is a socially constructed phenomenon that can account for the complexities in modern life and therefore resolve the apparent problematic of displaying the female body in the public space, while catering to Muslim norms and religious sensibilities. They relate *maṣlahah* to reform, resistance, mobilization, and political struggle.

Methodologically, these Sunni and Shi‘i authors employ the same jurisprudential tools, *maṣlahah* and *ḥasanāt*, to justify and legitimize purposeful performance in the public space for a mixed audience. Islamic jurisprudential concepts of purposefulness – *maṣlahah* and *mafsadah* in the Shi‘i tradition and *ḥasanāt* and *sayyi’āt* (bad deeds) in the Sunni tradition – legitimize such practices and grant them Islamic credentials. These prove to be analytical tools, a common ground among the aforementioned *wasatīyah* authors.

These *wasatīyah* scholars regard purposeful art as part of God’s creation of humanity, namely, as a social good that can be used to promote human dignity and religious values. Legally, they also believe that societies evolve and that jurisprudence should evolve with it in order to promote the values highlighted by their theological position on human dignity and its social implications. By employing this reasoning, it seems that they were trying to overcome the chronic classical problematics by producing a new reading of the sources, one that is in line with the dictates of *wasatīyah*, which keeps a close eye on the progressive shifts that modern society is undergoing.

From the standpoint of society’s perpetual identity construction, Hassan’s modesty led him to an inconclusive projection, pending further research.

As for Muslim political and non-political elites, their emphasis on moderation by Muslims should not lead to the dilution of the meaning and reduction of the scope of *wasatīyyah* for it stands for comprehensive and holistic excellence of the Muslim community, while Islamic moderation is a part of the holistic mission to actualize justice, excellence and balance. More study and research should be conducted by those elites towards closing the gap between words and deeds, rhetorics and substantive achievements, and ideals and realities. At any rate, the emergence of the discourse on *wasatīyyah* and moderation has made it more imperative for Muslims to review their covenant with Allah (S.W.T.) in light of the Divine commandment for Muslims to exemplify holistic and civilizational excellence.⁹⁶

Bearing in mind his precautionary note, these practices point to the complexity, flexibility, and pragmatism of Muslim jurisprudence that allows room for jurisprudential innovations that can legitimize formerly forbidden artistic practices. Thus Islamic law is a socially constructed phenomenon and Islam

is a social practice subject to constant reform. Although Islam, as it is lived out by its followers, finds a necessary expression in social practices as manifestations of cultural power, it is the art form that seems more problematic and controversial. Most likely, Kamali's aim is "to signify *wasatīyyah* as the longest engagement in perpetual refinement of the Islamic worldview and civilization."⁹⁷ It is indeed noteworthy that Hassan, Khomeini, and Kamali all concur that *wasatīyyah* is a civilizational mission.

Endnotes

1. Mohammad Hashim Kamali, "The Middle Grounds of Islamic Civilisation: The Qur'anic Principle of Al-Wasatīyyah," *IAIS Journal of Civilisation Studies* 1, no. 1 (October 2008): 23-24.
2. Mohammad Hashim Kamali, *The Middle Path of Moderation in Islam: The Qur'anic Principle of Al-Wasatīyyah* (Oxford: Oxford University Press, 2015), 52-53.
3. Amel Boubekur, "Post-Islamist Culture: A New Form of Mobilization?" *History of Religions* 47, no. 1 (2007): 90.
4. Kamali, *The Middle Path of Moderation in Islam*.
5. Kamali, "The Middle Grounds of Islamic Civilisation," 8-9.
6. M. Kamal Hassan, "The Concept of Al-Wasatīyyah and the Place of Islamic Moderation in it," *ISTAC*, IIUM, (7 October 2013): 30, http://irep.iium.edu.my/32653/1/NO_129_Wasatīyyah_and_Moderation.pdf (accessed 21 Nov. 2014).
7. *Ibid.*, 5.
8. *Ibid.*, 35.
9. Joseph Alagha, "Jihad through Music: Hizbullah and the Taliban," *Performing Islam* 1, no. 2 (2012): 263-89; "Pious Entertainment: Hizbullah's Islamic Cultural Sphere," in *Muslim Rap, Halal Soaps, and Revolutionary Theater: Artistic Developments in the Muslim World*, ed. Karin van Nieuwkerk (Austin: University of Texas Press, 2011), 149-75.
10. Craig Calhoun, "The Democratic Integration of Europe: Interests, Identity, and the Public Sphere," in *Europe without Borders: Re-Mapping Territory, Citizenship and Identity in a Transnational Age*, ed. Mabel Berezin and Martin Schain (Baltimore: The Johns Hopkins University Press, 2003), 255.
11. Mark LeVine and Armando Salvatore, "Religious Mobilization and the Public Sphere: Reflections on Alternative Genealogies," in *Publics, Politics, and Participation: Locating the Public Sphere in the Middle East and North Africa*, ed. Seteney Shami (New York: Social Science Research Council of America, 2009), 70, 81.
12. Seteney Shami, ed., *Publics, Politics, and Participation: Locating the Public Sphere in the Middle East and North Africa* (New York: Social Science Research Council of America, 2009), 37.

13. Kamali, "The Middle Grounds of Islamic Civilisation," 8.
14. Tariq Ramadan's "Foreword" to Kamali's *The Middle Path of Moderation in Islam*, 5.
15. Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 2003), 282-284.
16. Kamali, "The Middle Grounds of Islamic Civilisation," 31.
17. Kamali, *Principles of Islamic Jurisprudence*, 351-68.
18. Muhammad Khalid Masud, *Al-Shatibi's Philosophy of Islamic Law* (Islamabad: Islamic Research Institute, 1996); al-Shatibi, *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah* (Cairo: Al-Maktaba al-Tawfiqiyyah, 2003); Abd al-Rahman al-Jaziri, *Al-Fiqh 'alā al-Madhāhib al-Arba'ah* (*Jurisprudence Based on the Four Sunni Schools of Law*) (Cairo: Mu'assasat al-Mukhtar, 2001); al-Sarakhsi, *Uṣūl al-Sarakhsī* (Beirut: Dar al-Kutub al-Islamiyyah, 1993); Murtada Mutahhari, *Al-Islām wa Mutatalibāt al-'Aṣr* (*Islam and the Demands of the Age*) (Beirut: Dar al-Amir li al-Thaqafah wa al-'Ulum, 2010), Murtada Mutahhari, *Fiqh* (*Jurisprudence*) (Beirut: Dar al-Wala', 2011); Muhammad Jawad Maghniyyah, *'Ilm Uṣūl al-Fiqh fī Thawbihi al-Jadīd* (*The Science of the Principles of Jurisprudence in Its New Garment*) (Beirut: Dar al-Tayyar al-Jadid, 1988); Fu'ad Ibrahim, *Al-Faqīh wa al-Dawlah: Al-Fikr al-Siyasī al-Shi'ī* (*The Jurisprudent and the State: Shi'ite Political Thought*) (Beirut: Dar al-Kunuz al-Adabiyyah, 1998); Subhi Mahmasani, *Falsafat al-Tashrī' fī al-Islām* (*The Philosophy of Jurisprudence in Islam*), 3d ed. (Beirut: Dar al-'Ilm li al-Malayyin, 1961); Al-Sharif al-Murtada, *Al-Sharī'ah fī Uṣūl al-Shī'ah* (*Islamic Law in Shi'ite Islam*), vol. 1 (Tehran: Intisharat Danishkah Tehran, 1980); Muhammad Rishahri, *Al-'Aql wa al-Jahl fī al-Kitāb wa al-Sunnah* (*Reasoning and Ignorance in the Qur'an and the Traditions*) (Beirut: Dar al-Hadith, 2000); Kamali, *Principles of Islamic Jurisprudence* and Kamali, *The Middle Path of Moderation in Islam*; Jamal al-Bannah, *Qaḍīyat al-Fiqh al-Jadīd* (*Justification for the New Jurisprudence*) (Cairo: Dar al-Fikr al-Islam, 2001); Jamal al-Bannah, *Naḥwā Fiqh Jadīd* (*Toward a New Jurisprudence*), 3 vols. (Cairo: Dar al-Fikr al-Islami, 2011).
19. Maghniyyah, *'Ilm Uṣūl al-Fiqh*, 225-232; 363-365; Ibrahim, *Al-Faqīh wa al-Dawlah*, 26-32; Mahmasani, *Falsafat al-Tashrī'*; Kamali, *Principles of Islamic Jurisprudence*; Kamali, *The Middle Path of Moderation in Islam*; al-Bannah, *Qaḍīyat al-Fiqh al-Jadīd*; al-Bannah, *Naḥwā Fiqh Jadīd*.
20. Kamali, *The Middle Path of Moderation in Islam*, 52-53.
21. Ya'qub bin 'Abd al-Wāḥhab al-Bahsin, *Qā'idat al-Mashaqqah Tajlub al-Taysīr* (Riyadh: Maktabat al-Rushd, 2003).
22. Al-Shatibi, *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah*; al-Sarakhsi, *Uṣūl al-Sarakhsī*; Maghniyyah, *'Ilm Uṣūl al-Fiqh*; Mahmasani, *Falsafat al-Tashrī'*; Kamali, *Principles of Islamic Jurisprudence*; Kamali, *The Middle Path of Moderation in Islam*; al-Bannah, *Qaḍīyat al-Fiqh al-Jadīd*; al-Bannah, *Naḥwā Fiqh Jadīd*.
23. Masud, *Al-Shatibi's Philosophy*; al-Shatibi, *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah*; al-Jaziri, *Al-Fiqh 'alā al-Madhāhib al-Arba'ah*; Mahmasani, *Falsafat al-Tashrī'*;

- Rishahri, *Al- 'Aql wa al-Jahl*; Kamali, *Principles of Islamic Jurisprudence*; Kamali, *The Middle Path of Moderation in Islam*; al-Bannah, *Qaḍīyat al-Fiqh al-Jadīd*; al-Bannah, *Naḥwā Fiqh Jadīd*; Yusuf al-Qaradawi, *Dirāsah fī Fiqh Maqāṣid al-Sharī'ah (A Study in the Purposes of Islamic Jurisprudence)* (Beirut: Dar al-Shuruq, 2008).
24. The two renowned Iranian Qur'an commentators Yazdi and 'Ali explain that "There is to be a recognition of God's absolute sovereignty and His exclusive right to bestow on whoever He likes, irrespective of any claim or desert for the same on the part of one so favoured, so that there should be no murmur or grudge on that account. None has any right or any claim of any kind whatsoever upon God. All that one can do is to pray to God for the fulfillment of his desires with full conviction that He, and He alone, and none else can grant it." Yazdi and 'Ali, *Holy Qur'an*. The Awqaf and Charities Organization of the Islamic Republic of Iran (Tehran: Osweh Printing and Publishing, 1988), 257, 268.
 25. Yazdi and 'Ali explain: "This verse clearly indicates the significance or importance Islam attaches to fairplay and honesty in business. Dishonesty to any people is spoken here as killing them. The concluding words of the verse are an exhortation towards kindness to each other even in business and God's mercy is assured as the reward for honesty, fairplay and mutual kindness in business." *Holy Qur'an*, 373, 379.
 26. *Ibid.*, 802, 810.
 27. Yazdi and 'Ali explain that, "In their zeal to help their refugee brethren, groups of the Ansars [supporters of the Prophet] even vied with each other in their self-sacrifice and self-denial to help their emigrant brethren," *Ibid.*, 1654.
 28. *Dirāsāt fī al-Fikr al-Siyāsī 'ind al-Imām al-Khomeini (Studies in the Political Thought of Imam Khomeini)* (Beirut: Al-Ghadir, 2002), 175-85; Mahmasani, *Falsafat Al-Tashrī' fī al-Islām*, 137-245.
 29. Khomeini, *Dirāsāt fī al-Fikr al-Siyāsī*, 173-75.
 30. *Ibid.*, 175-76.
 31. *Ibid.*, 169.
 32. *Ibid.*, 169-70.
 33. *Ibid.*, 172-73.
 34. *Ibid.*, 175-85.
 35. Murtada Mutahhari, *Al-Islām wa Mutaṭalibāt al-'Aṣr (Islam and the Demands of the Age)* (Beirut: Dar al-Amir li al-Thaqafa wa al-'Ulum, 2010), 85-86.
 36. *Ibid.*, 189-210.
 37. *Ibid.*, 175-78.
 38. *Ibid.*, 163-78; Khomeini, *Dirāsāt fī al-Fikr al-Siyāsī*, 185-89.
 39. Mahmasani, *Falsafat al-Tashrī' fī al-Islām*, 70-79; Khomeini, *Dirāsāt fī al-Fikr al-Siyāsī*, 179-81.
 40. Mahmasani, *Falsafat al-Tashrī' fī al-Islām*, 159-81; Khomeini, *Dirāsāt fī al-Fikr al-Siyāsī*, 170-71, 181-85.

41. Mahmasani, *Falsafat al-Tashrī' fī al-Islām*, 21-26, 138-43, 269-78; Khomeini, *Dirāsāt fī al-Fikr al-Sīyāsī*, 170-75; 178-81.
42. *Kayhan* no. 13223 (16 Jamadi al-Awwal 1409/6 January 1989).
43. www.saaidd.net/fatwa/f46.htm (accessed 15 Aug. 2014).
44. See Q. 25:72. According to al-Tabari, *laghū* is “all speech and actions that are baseless or abhorrent... *laghū* is neither beneficial [*maṣlaḥah*] nor harmful and therefore it remains permissible.” Khalid Baig, *Slippery Stone: An Inquiry into Islam's Stance on Music* (Garden Grove, CA: Openmind Press, 2008), 116.
45. *Al-Sala Magazine* 2 (15 Jamada al-Aghira 1413/15 December 1992). It seems al-Albani was even more stringent than al-Tabari in his dealing with *laghū*.
46. *Al-Ṣaḥwah al-Islāmīyah (Islamic Renaissance)*, 185.
47. *Majmū' Fatāwā wa Maqālāt Mutanawī'ah (A Collection of Fatwas and Various Articles)* 3:437.
48. A tape of Questions and Answers, *Al-Jāmi' al-Kabīr*, 90/A.
49. www.al-eman.com (accessed 14 Aug. 2014).
50. *Fatāwā Islāmīyah li Aṣḥāb al-Faḍīlah al-'Ulamā' (Islamic Edits by the Muslim Religious Scholars)*, 4:533ff. Collected and arranged by Muhammad bin 'Abd Al-'Aziz.
51. Al-Jaziri, *Al-Fiqh*. See, for instance, volume II, *Ḥukum al-Ghinā' (The Ruling on Music)*, 36-39.
52. Kamali, *The Middle Path of Moderation in Islam*.
53. *Fiqh al-Ghinā' wa al-Mūsīqa fī Daw' al-Qur'an wa al-Sunnah (The Jurisprudence of Singing and Music in Light of the Qur'an and Traditions)* (Cairo: Maktabat Wahbah, 2004); *Fiqh al-Ghinā': Al-Ḥalāl wa al-Ḥarām fī al-Islām (The Sanctioned and Prohibited in Islam)* (Beirut: al-Maktab al-Islami, 2004). See also, *Kalimāt fī al-Wasaḥīyah al-Islāmīyah wa Ma'ālimuhā (A Few Words on the Features of Islamic Moderation)* (Beirut: Dar al-Shuruq, 2008); *Al-Islām wa al-Fann (Islam and Art)* (Cairo: Maktabat Wahbah, 1996); *Fatāwā Mu'āṣirah (Contemporary Fatwas)* (Cairo: al-Maktab al-Islami, 2000); *Fiqh al-Wasaḥīyah al-Islāmīyah wa al-Tajdīd (The Jurisprudence of Islamic Moderation and Renaissance)*; *Fiqh al-Lahū wa al-Tarwīḥ (The Jurisprudence of Pastime and Entertainment)* (Cairo: Maktabat Wahbah, 2004).
54. Al-Qaradawi, *Fiqh al-Ghinā' wa al-Mūsīqa*, 1-8.
55. Al-Qaradawi, *Fiqh al-Ghinā'*.
56. Rajab Abu Malih, *Bayna al-Fann wa al-Fiqh: Dalā'il al-Mani' wa al-Ijāzah wa al-Tarjīḥ baynahimā (Between Art and Jurisprudence: The Proofs of Prohibiting and Sanctioning and Weighing between Both)* (Beirut: Arab Scientific Publishers, Inc., 2008), esp. 50-51.
57. Muhammad 'Amarah, *Al-Islām wa al-Funūn al-Jamīlah (Islam and the Fine Arts)* (Cairo: Dar al-Shuruq, 2007); *Al-Ghinā' wa al-Mūsīqa: Ḥalāl am Ḥarām? (Singing and Music: Religiously Sanctioned or Prohibited?)* (Cairo: Dar Nahdat Misr Ltd., 1999).
58. 'Amarah, *Al-Ghinā' wa al-Mūsīqa*, 7-8.

59. ‘Amarah, *Al-Islām wa al-Funūn al-Jamīlah*, 5-23.
60. Ibid., 42-43.
61. Al-Bannah did not receive any formal religious education.
62. Gamal al-Bannah, “Dancing and Islam: Can They Be in Harmony?” *Al-Masry al-Youm* no. 1893 (2009) (19 August): 20 <http://today.almasryalyoum.com/article2.aspx?ArticleID=222982&IssueID=1502> (accessed 11 Mar. 2014).
63. Ibid., 20.
64. Jamal al-Bannah, *Al-Islām wa Ḥurriyat al-Fikr (Islam and the Freedom of Thought)* (Cairo: Dar al-Fikr al-Islami, 2008); *Tafnīd Da ‘wah al-Naskh fī al-Qur’ān al-Karīm wa Maqālāt Ukhrā (Interpretation, Hermeneutics, and Abrogation of Qura’nic Verses and Other Articles)* (Cairo: Dar al-Shuruq, 2011), 111-17.
65. Al-Bannah, “Dancing and Islam,” 20.
66. Ibid.
67. Ibid.
68. Ibid.
69. “The things that my Lord has indeed forbidden are: shameful deeds/debaucheries, whether open or secret.”
70. Al-Bannah, “Dancing and Islam; *Tafnīd Da ‘wah al-Naskh*, 157-60.
71. Just to mention a few authors: Jessica Winegar, “Purposeful Art between Television Preachers and the State,” *ISIM Review* 22 (2008): 28-29; Karin van Nieuwkerk, “Of Morals, Missions and the Market: New Religiosity and ‘Art with a Mission’ in Egypt,” in *Muslim Rap, Halal Soaps, and Revolutionary Theater: Artistic Developments in the Muslim World*, ed. Karin van Nieuwkerk (Austin: University of Texas Press, 2011), 177-204; Karim Tartoussieh, “Pious Stardom: Cinema and the Islamic Revival in Egypt,” *Arab Studies Journal* 15, no. 1 (2007): 30-43; Jonas Otterbeck and A. Ackfeldt, “Music and Islam,” *Contemporary Islam* 6, no. 3 (2012): 227-33.
72. Al-Bannah, *Tafnīd Da ‘wah al-Naskh*, 197-205; Cf. Mohammad Hashim Kamali, “Istihsan and the Renewal of Islamic Law,” *Islamic Studies* 43, no. 4 (2004): 561-582; Kamali, *Principles of Islamic Jurisprudence*, 323-68.
73. Al-Bannah, *Qaḏīyāt al-Fiqh al-Jadīd*, 18-22.
74. Al-Bannah, “Dancing and Islam, 20.
75. Ibid.; *Qaḏīyāt al-Qubūlāt wa Baqīyāt al-Ijtihādāt (The Issue of Kissing and Other Rulings)* (Beirut: Mu’assasat al-Intishar al-‘Arabi, 2001), 81-89.
76. Al-Bannah, “Dancing and Islam,” 20.
77. Ibid., 20.
78. Ibid.
79. Ibid.
80. Ibid.
81. Ibid.
82. Ibid.
83. Ibid.

84. Ibid.
85. Ibid.
86. Ibid.
87. Kamali, *The Middle Path of Moderation*.
88. Ibid.
89. Al-Bannah, "Dancing and Islam," 20.
90. Prohibited and sanctioned jobs: <http://arabic.bayynat.org.lb/mbayynat/books/fatawa/j2m1b3f1m1.htm> (accessed 10 July 2010).
91. Muhammad Husayn Fadlallah, *Al-Ijtihād bayna Aṣr al-Mādī wa Āfāq al-Mustaqbal (Jurisprudence between the Shackles of the Past and the Horizons of the Future)* (Beirut: Al-Markaz al-Thaqafi al-‘Arabi, 2009), 82-83. See the section entitled: "Imposing Injunctions between *Maṣālih* and *Maḥāsib*" (*Farḍ al-Aḥkām bayna al-Maṣālih wa al-Maḥāsib*).
92. "The Jurisprudence of Art," http://english.bayynat.org.lb/se_002/jurisprudence/art.htm (accessed 17 July 2009).
93. "Prohibited and Sanctioned Jobs," <http://arabic.bayynat.org.lb/mbayynat/books/fatawa/j2m1b3f1m1.htm> (accessed 10 July 2010).
94. Personal interview, 4 August 2009.
95. "The Jurisprudence of Art." Available online at http://english.bayynat.org.lb/se_002/jurisprudence/art.htm (accessed 17 July 2009).
96. M. Kamal Hassan, "The Concept of Al-Wasatiyyah," 65.
97. Kamali, "The Middle Grounds of Islamic Civilisation," 16.