

Defining Islamic Legal Education: Rights and Modules in Global Era

1st Dr. Hafiz Muhammad Azhar Usama, 2nd Maryam Jamil 3rd Abdul Rahman
4th Talib Ali Awan 5th Muhammad Farooq Khokhar 6th Khubaib ur Rahman

1. *lecturer Islamic Studies Department, The University of Lahore Pakistan*
2. *Advocate High Court, Visiting Lecturer International Islamic University Islamabad Advocate High Court, Visiting Lecturer International Islamic University Islamabad*
3. *PhD Scholar, Assistant lecturer Department of Islamic Studies University of Gujrat Pakistan*
4. *PhD Scholar, University of Gujrat Pakistan*
5. *PhD Scholar, University of Gujrat Pakistan*
6. *PhD Scholar, University of Gujrat Pakistan*

* Corresponding author: Muhammad.azhar@ais.uol.edu.pk

Received: 07th march 2021

Revised: 30 April 2021

Accepted: 03rd June 2021

Abstract: This article explores use of several terms that signify Islam, and provides guidelines to clarify their use in internal and external discourses. Building on this foundation, the article delineates a typology of Islamic education and their associated institutions. This enhances understanding of important conceptual differences that hinge upon subtle variations of language as in the distinction between education of Muslims and for Muslims, and between teaching Islam and teaching about Islam. The article then seeks to elucidate a theoretical conception of "Islamic education," that takes into consideration Islamic scripture and Prophetic statements, along with commonly-held approaches to education in Muslim history. The article concludes that key motivations and characteristics of a holistic and purposeful education program are shared between Islamic and Western traditions, a phenomenon partially explained by the shared and cumulative transmission of educational values and methods from classical times until the present.

Keywords: Islam, Education, Prospect, Modules, Global

Introduction

The political, economic and social effects of globalization are varied, but they certainly are indicative of our attempt as human beings to define and understand our place in the world. As regions and cultures come into contact with one another, it is often difficult for people to recognize parallel ideas, values, and institutions in other societies. It is much easier to recognize differences and to imagine that they represent

an unbridgeable distance from what is familiar. Despite trends towards global interdependence, seemingly inexorable differences continue to be underlined among regions and groups through the use of signifiers that create distance. "Islamic" is a term that has been used as one such signifier. In particular, the word has often served as an adjective in everyday speech that neatly partitions off familiar terms from normalcy and transforms them into unreachable, alien concepts. Within discourse about Islam and Muslims in the United States and abroad, the term, Islamic, is attached to a wide range of phenomena. Muslims use the term to refer to what relates to Islamic teachings or institutions, but Muslims and non-Muslims alike frequently use the adjective, Islamic, to elevate cultural expressions to the position of normative or consummate institutions or practices. Poorly nuanced use of the term, Islamic, among public commentators often fails to make any distinction between that which pertains directly to Islam and its doctrines, and actions its adherents perform in the cultural or social realm. Thus terms used to signify Islam and Muslims lack precision when used by both Muslims and others in public discourse. Susan L. Douglass and Munir A. Shaikh 6 December 15, 2004 To prevent the utter misunderstandings that can lead to the mischaracterization and even demonization of Muslims, these terms need to be explored and clarified. In the wake of the attacks on September 11, 2001, public discourse in the United States about Islam has been especially prominent, aimed either at increasing understanding, or toward eliminating any positive associations with the world religion espoused by roughly one fifth of humanity, including at least five million Americans. Speculation and policy by pundits and politicians have targeted "Islamic education" as a possible "cause" of so-called "Islamic radicalism" or "Islamic terrorism." Accordingly, various recommendations and measures have been contemplated to reform Islamic education in the United States and overseas. At a minimum, public discussion should build on a foundation of accuracy and differentiated discourse, since attempts to reform what is poorly understood are bound to fail or backfire. Focusing on the American context, the purpose of this article is 1) to explore terminology related to Islam and provide guidelines to clarify its use in internal and external discourses; 2) to chart out a typology of expressions of Islamic education in various institutions; 3) to develop more accurate definitions that can help to bridge differences between public discourses about Islamic education among Americans and among Muslims; and 4) to illuminate concepts of education that are associated with Islam and Muslim educational traditions and to identify parallels with concepts that have also been associated with Western educational and cultural values.

Interaction between Islam and Muslims

A common problem with informative materials related to Islam is incorrect or inconsistent use of terminology, in particular use of Islam as the name of the religion, Islamic as an adjective, and Muslim as a noun or adjective. Islam is the name of the religion, whose first prophet was Adam, and whose final prophet was Muhammad; it means a state of peace achieved through surrender to God. Muslim is used for an adherent of the Islamic faith. Writers and commentators have created much misunderstanding by confusing adjectival expressions concerning Islam. The term Islamic is accurately applied only to that which pertains directly to the faith and its doctrines (such as Islamic values, principles and beliefs, Islamic worship, Islamic law). The term Islam connotes the faith as an ideal. The core Islamic sources of Qur'an and Sunnah (the words and deeds of Muhammad transmitted through the Hadith literature) provide knowledge of this realm. One may examine the faith's constructs, interpret its teachings and practices; however, one ought not to describe a person or any historical phenomenon as Islamic. To illustrate the problems in usage, consider

seemingly benign formulations like "Islamic women," "Islamic populations," or "Islamic countries," when Muslim women, populations or countries are indicated. When historical phenomenon and cultural practice diverge from the faith's teachings, designating something as Islamic becomes very problematic. Doing so propels the idea of Muslims as a monolithic and homogenous group acting purely in religious terms. It also masks cultural and social differences, and occludes secular and historical influences. At their worst, such incorrect adjectival constructions produce oxymoron such as "Islamic terrorists" and "Islamic extremists," in contrast to the basic definition of Islam, the stipulations of Islamic Law Defining Islamic Education: Differentiation and Applications Current Issues in Comparative Education, Vol. 7(1) 7 against wanton violence and extremism in religious interpretation, and the commonly held ideals of Muslims. [1] The simplest solution is to use Islam and Islamic solely for what pertains to the religion, and to use Muslim judiciously as an adjective to denote the works and acts of Muslims and their institutions (such as Muslim populations, Muslim governments, countries or civilization, Muslim art). Use of the term, Muslim, however, leaves out the important roles played by the many non-Muslims living in Muslim majority countries to the present day, and also discounts political and cultural movements that are avowedly secular in thrust, and designates them with the name of the majority religion. As for pejorative uses of the signifier, "Muslim extremist" is preferable to Islamic extremist, since it reflects at minimum self-identification by the person described, but does not malign the religion to the same degree. Extremism is not a truly Muslim attribute, since Islam prescribes moderation in all things. [2] Understanding the term, Muslim, as an aspiration to achieving peace through surrender to God means that by definition when one violates clear Islamic teachings and has departed from submission to God. Acts in this world, whether consciously undertaken in the belief that they are godly, may nonetheless be unacceptable in the eyes of God. When Muslims condemn terrorism based on clear Islamic teachings about the sanctity of human life and the immunity of unarmed civilians from combat, they are affirming the exclusion of such acts from the realm of sanctioned, or Islamic, behavior. Such acts are not Islamic; they violate the obligation to obey God's teachings—they are "un-Islamic." [3] According to Islamic teachings, the final arbiter of meaning is God, and any interpretation of Islam by human beings is necessarily imperfect. [4] Persons, cultural artifacts and institutions may be derived from and informed by Islamic precepts to one degree or other, but cultural and ideological influences may or may not align with Islamic principles, and may often contradict them. In short, human acts and constructs fall short of being purely Islamic, and therefore ought not to be denoted as such.

Islamic Education and Diversity

The generic term, Islamic education, can mean many things. Therefore, it is necessary to differentiate among the diverse institutions that engage in education related to Islam, particularly in the United States. In order to achieve some precision, a preposition should be employed to make a meaningful phrase describing a type of educational activity and its objective. Then, elements of a typology emerge, shedding light on the institutions that carry out forms of education and the goals of each effort. In brief, we can identify four types of educational activity: education of Muslims in their Islamic faith; education for Muslims which includes the religious and secular disciplines; education about Islam for those who are not Muslim; and education in an Islamic spirit and tradition. The following sections describe three types of ongoing educational activities and institutions present in the United States, while the fourth type

illuminates some traditional concepts of Islamic education. (Susan L. Douglass and Munir A. Shaikh 8 December 15, 2004)

Muslims and their Education in Global Perspective

In its most literal sense, Islamic education can refer to efforts by the Muslim community to educate its own, to pass along the heritage of Islamic knowledge, first and foremost through its primary sources, the Qur'an and the Sunnah. This education of Muslims might take place in mosques, schools or universities, and other organizations established by Muslims over the centuries. In the U.S., boys and girls and adult males and females are served by this type of Islamic education. [5] While such education takes as its subject Islam, it might not be fairly labeled "Islamic," since Muslims' efforts may likely fall short of the ideals and principles of Islam. For example, some institutions may teach constructive interaction of minority Muslim communities with other faith communities, while others practice a more isolationist position. Historically, one might explain positions along this spectrum by studying the degree of pressure from the surrounding society, such as suppression of religion under Soviet domination, the aftermath of the Reconquista on Morisco populations in Spain, or minority religious life under U.S. first amendment constitutional guarantees. In the American context, recent Muslim immigrants may differ from second- or third-generation American Muslims or "indigenous" American converts in their educational efforts. In general, these efforts can more accurately be categorized as "Muslim education." Recent studies by Georgetown University's Muslims in the American Public Square project, Hartford Theological Seminary's mosque survey, and the Council on American Islamic Relations indicate that there are at least 1209 mosques (Masjid, pl. Masajid) in the United States, virtually all of which provide a program of religious instruction for adults and/or children, and 20% of mosques are associated with or sponsor full-time schools (Bagby, Perl, and Froebel, 2001; Khalidi, 2000; Haddad, 1997). Many mosques conduct Saturday schools, weekend study circles, and after-school programs. Available instructional time confines these programs to the basic—some would say the minimum necessary to enable students to understand Islamic principles and be able to carry out the core practices of the Islamic faith—the Five Pillars. Such programs teach the Qur'an, its meaning and recitation, Islamic beliefs and practices, and at least a minimal level of Arabic language for worship. Some such programs are more successful at reinforcing the importance of family in cultural transmission and social support for members of the faith (Ismail, 2003). In their objectives and activities, mosque programs generally correspond to weekend religious instruction conducted in American churches, synagogues and temples.

Muslim Educational Framework

Full-time Muslim schools fill the category of education for Muslims, because they embrace a much broader enterprise than mosque lectures, after-school programs and weekend schools. These institutions are often described by Muslims as Islamic schools where educators deliver both "secular" and Islamic education. More accurately, these institutions may be considered Muslim schools, indicating the goal of living up to the standards of Islam, rather than implying its achievement. Many Muslim schools have names (often in Arabic) that evoke goals and aspirations, such as the common "Light" (al-Nur), "Faith" (al-Iman) and "Guidance" (al-Huda), or namesakes of well-known figures in Muslim history. There are currently at least 112 Muslim schools that provide primary, elementary, middle and/or high school for Muslim children in

the United States (Islamic Schools League, 2004). A few non-Muslim children also attend these Defining Islamic Education: Differentiation and Applications Current Issues in Comparative Education, Vol. 7(1) 9 institutions, and as some schools acquire reputations for educational excellence, their numbers will likely grow. The majority of Muslim schools serve primary grades K-6, but numerous K-8 schools and a handful of high schools exist. In addition to these institutions, a growing number of Muslim parents home-school their children, like their counterparts in other religious and even secular communities in the U.S. today (Muslim Home School Network and Resource, 2004). To evaluate what Islamic education for Muslims means, it is necessary to understand the curriculum in such schools. To meet the demands of parents who pay tuition, Muslim full-time schools generally adhere quite closely to local and state public school curricula. In the core academic subjects, the same commercially produced textbooks for public schools are used in Muslim school classrooms.

To these standard programs in core subjects, they add instruction in Qur'anic recitation and memorization, basic Islamic beliefs and practices, and usually Arabic language (but sometimes Urdu or Farsi). In these subjects, neither the curriculum nor the textbooks have been standardized. To the contrary, while formal studies have not yet been prepared, over twenty years of discussion among Muslim educators working in various types of schools indicates that achieving standardization is one of their greatest instructional challenges. This is compounded by the fact that curriculum materials related to teaching about Islam produced overseas—even for Arabic language studies—are viewed as irrelevant or unsuited to young students' lives and culture in the U.S. and Europe (Tauhidi, 2001; Safi, 1999). In teaching the Qur'an, for example, many U.S. Muslim schools increasingly emphasize that students learn the meaning of passages in translation and the reasons behind Islamic practices, rather than simply memorizing the words and practices in Arabic without regard for understanding. Students also tend to be exposed to a greater range of opinion on details of Islamic practice based on scholarship within several Muslim schools of law, unlike in most countries where one particular legal school predominates among Muslims. Muslim educators in the U.S. widely believe that, in order for the youth to live as Muslims in a free society that places few outward constraints on individual behavior, students must truly understand and internalize Islam's principles, beliefs and practices, and learn how to apply them in contemporary society. Like other parochial schools in the American tradition of private schools, Muslim schools carrying out education for Muslims strive to achieve educational excellence, but also to integrate religious values into instruction across the curriculum and through service-learning in the family, the school and the community.

Islamic Educational Institutions

Education about Islam in American school textbooks has evolved over the past two and a half decades. Western Civilization textbooks and curricula that used to teach early versions of "world history" in the schools often confined coverage of Islam to background information on events in European history, such as the Crusades, the fall of Constantinople, or the Reconquista. Accounts of modern Muslim societies invariably fell under the rubric of the Middle East, and almost exclusively figured in coverage of the Arab-Israeli issue. Beyond that, students received little more than cursory glances at the desert landscape and coverage of Muslim societies placing Islam at the center of a traditional/modern dichotomy (i.e. only societies that follow a Western developmental Susan L. Douglass and Munir A. Shaikh 10 December 15, 2004 course are "modern"). Early textbook chapters were fraught with inaccuracies and inconsistencies, and

Defining Islamic Legal Education: Rights and Modules in Global Era

demonstrated a tendency to take western orientalist explanations of Islam and the history and societies of Muslims at face value, long after academic scholarship of Islam had moved beyond these presumptions. The lag in applying contemporary scholarship to the writing of world history textbooks seriously hampered coverage of Islam and Muslims since such coverage began to be included in the late 1980s. However, efforts over the past decade have resulted in considerable improvement (Douglass and Dunn, 2001). For two decades, teaching about world religions has been part of the public school curriculum, most prominently in social studies. Curriculum reform in history helped restore the place of teaching about religion in U.S. studies, and expanded the coverage of major world religions, including Islam, in world geography and history classes. In 2000, the Council on Islamic Education co-published with the Freedom Forum First Amendment Center the study *Teaching about Religion in National and State Social Studies Standards* (Douglass, 2000). The result of nearly a decade of curriculum study, it traced the development of national and state standards across the U.S., demonstrating widespread inclusion of study about religion and awareness of the constitutional framework underpinning this inclusion. The study concluded that teaching about religions was required by the newly developed state standards documents, at a wide variety of grade levels. The most significant factor in promoting teaching about religions in the public schools has been dissemination of the First Amendment Center guidelines for teaching about religion in a constitutionally sound manner (Haynes and Thomas, 2002). These guidelines have increased teachers' comfort level, although teacher training has been inconsistent from system to system and state to state. Recent lawsuits concerning teaching about Islam illustrate that teachers are not necessarily universally familiar with the First Amendment Center guidelines. Though the guidelines have been disseminated to every school principal by the U.S. Department of Education under the Clinton administration, they may not have left their desks or otherwise reached the teachers who would implement them. General adherence to the guidelines and their implementation in textbook development has done more than anything else to improve the accuracy of textbook depictions of the basic beliefs and practices, origin stories and subsequent cultural and institutional history of various religions. Chief among these changes is the consistent use of attributive phrases, combined with greater factual accuracy. In the past, teachers uncomfortable with the topic of religion would simply omit the topic from their lesson plans. Along with the guidelines, the promulgation of state standards for history as a core subject have made such major topics as world religions mandatory in the schools, especially where accountability testing is practiced. Even where it is not, the curriculum has benefited from additional clarity in terms of what students are to learn (Douglass, 1998).

Following state curriculum mandates, now subject to testing in many states, major textbook publishers have included content on religion in the books they submit for adoption to the states' public school systems. In world history and geography textbooks, *Defining Islamic Education: Differentiation and Applications Current Issues in Comparative Education*, Vol. 7(1) 11 Islam takes its place among historical accounts of all major world religions, including Hinduism, Buddhism, Judaism, Christianity, Confucianism, Daoism and Shintoism and some indigenous traditions. Coverage of Islam includes the origins story, featuring the life of Muhammad and the growth of the early Muslim community, the political succession and rapid conquests after Muhammad's death, and the development of Muslim civilization to the Ottoman period. Accounts of twentieth century history include religious movements, including those in Muslim societies, and coverage of the Middle East includes discussions of the role of religion in family and social life (Douglass, 2000). Both elementary and secondary textbooks for U.S. history often mention the

diversity of the U.S. population, and might include mention of Muslims. Coverage of the Middle East, Asia and Africa in world geography textbooks often includes Islam and Muslim history. [6] Inauthentic or inaccurate teaching about Islam is not, in fact, education about Islam at all. It may be education about the western study of Islam, or education about a particular textbook writer's or publisher's view of Islam or of what the writer thinks students should be permitted to know. Some textbooks, in fact, have taken a secular stance about religions in general, portraying religions as purely sociological phenomena without addressing faith practitioners' views about revelation and prophethood. In other words, the veracity of faith in general can be placed in question by the textbook because it was portrayed as merely a human invention or construct (Douglass, 2000). According to the guidelines for teaching about religion, in contrast, such a position is not neutral at all, but represents a particular, secular philosophical position on religion. Teaching about religion—whether Christianity, Judaism, Islam, Buddhism, or Hinduism—should portray the basic tenets of the faith as their adherents understand them, using attributive language in every instance: Christians believe that...; Muslims believe that...etc. Furthermore, textbooks often use inaccurate information or omit information for the sake of simplicity. For example, belief in the Biblical prophets Adam, Noah, Abraham, Moses and Jesus is a fundamental tenet of Islam, but textbooks often omitted this information in favor of the "simplicity" of making Muhammad the sole prophet and founder of Islam. Reluctance to mention the central role of Abraham in Islamic beliefs is a violation of this principle of attributed accuracy, since without Abraham, Islamic beliefs and practice cannot be adequately understood. Overall, however, textbook editors' adherence to the principle of authenticity, fairness and balance has improved over the past decade or so, resulting in greater accuracy in textbook accounts of Islam as well as other faiths (Douglass, 1998).

Global Media, communication, and literature

A systematic analysis of corporate television, radio, print and electronic media coverage on Islam is beyond this article's scope, but it is necessary to mention the media in connection with education about Islam because it is so influential in forming public opinion in the U.S. and abroad. Since September 11, 2001, a paroxysm of media "versions" of Islam, interpretations of certain Qur'an verses, and attempts to define what Islam "is" or "should be" have appeared in various media. Coverage runs the gamut from extreme denigration of Islam and Muslims to balanced, fair and thorough coverage of Islam as a faith, and of Muslims in history and contemporary societies. Susan L. Douglass and Munir A. Shaikh 12 December 15, 2004 Among the new media are web sites developed by organizations, interest groups and private individuals. Unlike "ecumenical" sites such as Beliefnet.com, such efforts include web sites designed to discourage people from embracing Islam, or to encourage formation of negative attitudes about Islam and Muslims, sometimes to the point of hate-mongering. At the same time, Muslims have developed various web sites, some intended merely to inform, others to propagate Islam by inviting others to learn about it, and still others to refute polemics and accusations aimed at Islam and Muslims. Many of these web sites tailor their approach to Western audiences. Other sites maintained by Muslims lay bare various internal discourses among Muslims, representing a range from so-called "progressive" Muslim groups to traditionalists to extremist mouthpieces. For decades, and with increasing intensity since September 11, 2001, academic specialists, journalists and religious figures have produced hundreds of books purporting to educate the public about Islam. Their authors often appear in electronic media as experts as well. The importance of this discourse-Muslim and non-Muslim-is underlined by its volume and prominence, and by

the way in which its ideas circulate in print, over the airwaves, and on the Internet, flowing from one format into another. Such a discourse about a world religion and its scripture, beliefs, practices and the views and actions of its adherents and purported adherents, is surely unprecedented in scale.

Multisided View of Islamic Education

Education in the Islamic spirit is the last but most important category in this typology, because it is often the first meaning readers attribute to the phrase, Islamic education. Unfortunately, because of the swirl of media attention focused on education for and of Muslims, the term can connote for some people a concept of education so limited as to imply that Islamic education omits secular knowledge in favor of religious beliefs, and may be equated with the dissemination of ignorance. Some might assume that Islamic education might be shorthand for teaching hatred of "the West" or the United States. The concept of Islamic education cannot be reduced to such stereotypes, nor is it limited to rigid transmittal of 1400 year-old lifeways from ancient Arabia. Islamic education is certainly part of a historical tradition, but it is not the polar opposite of modernity, democracy or Western values. Stereotypes aside, such views of Islam and learning also result from over-identification of religious teachings per se with the historical/cultural context of Church/science conflicts known in the Western educational tradition, which are mistakenly assumed to be universal to human experience.

The following paragraphs discuss some key terms and concepts from Islamic and Arabic terminology that are historically and currently associated with education in the Muslim tradition. Education is the first duty of a Muslim, male or female. [7] Knowledge of God is equated with the process of learning and teaching. The well-documented process of preserving Islamic scripture demonstrates the early emergence of a literate tradition and its transmission among Muslims as a social priority. It was incumbent upon the Muslim community from the beginning to commit the words of God and the teachings of Muhammad to memory and to writing. Among the least examined statements in academic literature is the notion that the Qur'an was collected from fragments after Muhammad's death. From the earliest period, recitation of the revealed portions of the Qur'an was part of the community's life. Since the verses were not revealed in the order in which they appear in the completed Qur'an, the ongoing process of placing them in Defining Islamic Education: Differentiation and Applications Current Issues in Comparative Education, Vol. 7(1) 13 order was part of Muhammad's mission to transmit the revelation until completion over 23 years of his Prophet hood. Scribes undertook the work of setting down the Qur'an resident in the memory of numerous reciters and in writing. Muhammad's own words and his exemplary deeds were also recorded (in Hadith), and the sciences of Qur'anic exegesis and hadith authentication and evaluation became the foundation of the scholarly disciplines and Islamic law. By the early Abbasid period, the literate tradition was well established in many areas of study. History writing became prominent to record the momentous events in the rise of Islam. The histories of regions new to Islam were often committed to writing for the first time, and the emergence of "universal history" synthesized much of the received knowledge of the Biblical and classical pasts, and the civilizations of India and Persia (See, for example, Gibb, 1987; Duri, 1983). The humanities flowered with the development of Muslim civilization. Scientific knowledge was built upon the foundation of practical knowledge of the Arabs in seafaring, navigation and astronomy, trade, animal husbandry and agriculture. Caliph patronage supplied funding and the development of Islamic law provided motivation for scholars to set high standards for time-keeping and calendars, accurate orientation of the direction of

worship toward the Ka'bah, and calculation of inheritance, weights, and measures. Curiosity, geographic access, and ample means supplied the dynamic for the massive translation, absorption, development and dissemination of knowledge of all kinds (Hassan and Hill, 1986; Watson, 1983). The timely arrival of papermaking technology from China provided additional impetus to this dynamism (Bloom, 2001). The flourishing of this literate tradition resulted in the formation of educational institutions that advanced ideas about Islamic education far beyond its rudimentary beginnings, and that continue to shape such ideas today. The dynamics of knowledge acquisition in early Muslim civilization provided for a concept of Islamic education that placed no barrier between "religious" and "secular" learning. Islam in this context should be understood as it was in most civilized traditions in world history—as a universalizing ideal of human knowledge, not as a constraint. Scholars identified disciplines that were parts of a whole set of knowledge that a truly educated person must acquire before specializing in any specific discipline. The lack of clear delineation between worldly and spiritual knowledge does not imply that knowledge based on reason, observation and experiment was considered taboo, simply because revelation was assumed to be the paramount truth.

The Qur'an exhorts believers to use reason to verify both the information provided by the senses, and knowledge based on revelation. [8] Furthermore, the Qur'an and Islamic law recognizes various spheres of human action – aqida (articles of belief), ibadat (forms of worship) and 'ilm (embracing knowledge of the first two as well as worldly knowledge). A hadith expressly states that Muhammad advised his followers to think independently about matters of ordinary life and human skill, and not to do such things in unquestioned imitation of his example. He asked his followers' advice and relied on their experience and skill. Second, the Qur'an is a rich source of inspiration to many fields of knowledge, both for its exhortations to acquire and share knowledge, and for its remarkably intriguing descriptions of natural phenomena. Susan L. Douglass and Munir A. Shaikh 14 December 15, 2004. Believers are asked in the Qur'an to glorify the Creator by applying reason to the information absorbed by the senses, and making knowledge out of it. [9] The Arabic word for "religion" (deen) itself has a strong association with intellectual and civilized life, and can be compared to similar concepts in the Western intellectual heritage. Deen refers not to a human institution, but to a state of being (Islam is called "the deen."). Investigation of this concept leads to the Arabic root d-y-n, whose meanings underscore the relationship between spiritual, intellectual, and civilized life. The root's four primary meanings are: mutual obligation, submission or acknowledgment, judicial authority, and natural inclination.

Deen expresses the idea of obligation toward one God, based on natural inclination towards the Creator. The root d-y-n also connotes the idea of debt or indebtedness, transactions involving the exchange of trusts and obligations. The word for city— madinah —corresponding to the Greek civitas, comes from the same root. A city is a community of complex social relations and transactions based on responsible and reciprocal fulfillment of obligations, submission to civil judgment and authority. The idea of "civilization" (again paralleling civitas) is also associated with d-y-n ; the verb tamaddana means to found cities, or to humanize thought, and tamaddun means "civilization" or "refinement of society." Thus, religion and education are brought together in the human enterprise of knowing and glorifying the Creator, and seeking knowledge and putting it to beneficial use in society. This knowledge is developed and transmitted to ensure the continuation of civilized society (Cornell, 2002). The concept of knowledge in the Islamic tradition, and the term for those who develop and transmit it, are combined in the Arabic root ' a-l-m, which forms the word

Defining Islamic Legal Education: Rights and Modules in Global Era

for knowledge – 'ilm, and the participle designating a person of learning – 'alim (pl. ' ulama'). The Islamic tradition of scholarship does not include ordination, but confers the status of scholar upon those whose judgment or knowledge is considered worthy. The ' ulama' have formed a highly influential social group throughout the history of Muslim civilization, in their roles as educators, jurists and scholars. ' Ulama' were accorded respect and authority that often checked the overweening power of the State, and served as judges and trustees of charitable foundations. The spread of knowledge through this local and transregional class of people was an important factor in the unification of Islamic beliefs and practice and in sustaining a literate tradition within Muslim societies (Bulliet, 1994). Two additional concepts from Muslim culture and Arabic language illuminate social facets of Islamic education. One is adab, which means a custom or norm of conduct passed down through the generations. As Muslim civilization developed, the word took on the sense of " high quality of soul, good upbringing, urbanity and courtesy," the two last words referring to manners used in elite company, and behavior befitting a civilized person. By Abbasid times, adab was to be acquired as a valued educational outcome: "the word was the equivalent of the Latin urbanitas, the civility, courtesy, refinement of the cities" (Gabrieli, 1999). The concept merged into the education system, where adab acquired an intellectual meaning: the sum of knowledge that makes a person courteous and "urbane" in secular culture. To become mu'addab, one had to study the sciences of rhetoric, grammar, lexicography, metrics, and be well versed in poetry, literature, and Defining Islamic Education: Differentiation and Applications Current Issues in Comparative Education, Vol. 7(1) 15 the sciences. The concept of adab supported the aesthetic refinements of civilized life, and was integral to education in an Islamic spirit. The more overarching concept of tarbiyah refers to moral education, from a root word related to accumulation. Acquiring knowledge, ethics, and a moral worldview is a foundation for achieving what the Qur'an requires of every human being – to enjoin what is good, and prevent what is evil. According to a famous hadith in the collection of Nawawi (1976), this can be accomplished by the hand, the voice, or the heart. In other words, to work for social justice, a person must gain the tools for right action as well. The moral framework for a Muslim is good intention, and to ensure that the means for achieving good or avoiding evil are in themselves good and not evil means. Education gives a person the knowledge to recognize the task, the moral foundation to know what to do, and the personal resources to carry out the task. Islamically educated persons would combine the aspects of Islamic education described above. They would be well versed in the original sources of Qur'an and Sunnah, as well as the Islamic disciplines that provide the tools for study. In learning about the deen, they would learn to carry out the duties of the faith, and to act according to its principles. Through ethical and moral teaching, an educated person would act in a socially responsible manner, acquire the social graces of civilized life, and would partake of and contribute to the sum of skill and knowledge according to their time. The mission statement of one Muslim school in the United States expresses this goal of a harmonious education and perpetuation of the community's faith and values: We provide an education that builds a love of learning along with the academic skills to continue a child's education for life. We support the formation of Muslim character by helping students achieve spiritual goals through the pursuit of knowledge and service to the community and society. We strive to cultivate behavior that reflects Islamic morals and values as prescribed by the Qur'an and Sunnah. We foster an open spirit of inquiry in which faith and reason leads toward higher knowledge, sound individual life choices and responsible citizenship. (Education for Life, n.d.) The ability of an educated, civilized person to benefit humanity, as well as their capacity to communicate with others, is a goal of learning that creates

understanding and shares these values in a civic conversation. Its goal is to engage in collaborative efforts to solve common problems and to create a civilized society that shares knowledge for the benefit of all.

Conclusion

It becomes evident that both the obligation to be educated, and the moral, intellectual and cultural concepts of an education in the Muslim tradition are not far removed from similar goals and concepts associated with Western traditions and aspects of education. Several scholars have produced extended academic studies on the known historical connections between these traditions, and can trace clear lines of transmission of educational values and methods that flowed to Muslim civilization from the classical tradition, and from Muslim civilization to Western civilization from the 11 th century onward (LeGoff, 1993; Makdisi, 1981; Nakosteen, 1964). The two cultural understandings have drawn upon the same intellectual heritage - the monotheistic Susan L. Douglass and Munir A. Shaikh 16 December 15, 2004 tradition of moral and ethical standards, the rich and complex Greek heritage (as much "of" the East as "of" the West) and the Mediterranean melting pot of ideas and disciplines, which also bears influences from Asia and Africa. This essay began by cautioning that the term, Islamic, in public discourse often separates and alienates concepts such as education from any cultural associations that would be familiar to a western-educated, American reader or listener. It is hoped that a level of conceptual and institutional familiarity has been constructed that can bridge between educational ideas and institutions presently existing in the constitutionally protected area of the American public square, including those that are developing in the American Muslim community.

Notes

1 Sahih al-Bukhari, vol. 7, hadith 577, cited in *The Alim for Windows*, release 4.5, Silver Spring, MD : ISL Software. Among many other sources, extremism is condemned in this tradition of the Prophet Muhammad, "... be moderate in your religious deeds and do the deeds that are within your ability: and none of you should wish for death, for if he is a good doer, he may increase his good deeds, and if he is an evil doer, he may repent to God."

2 For example, the Qur'an characterizes the Muslim community as following a moderate path in 2:142-143: "... Say: Unto God belong the East and the West. He guides whom He will unto a straight path. Thus have We made of you a community of believers justly balanced that ye might be witnesses over the nations and the Prophet a witness over you ...".

3 Ezzedin Ibrahim and Denys Johnson-Davies, transl., *An-Nawawi's Forty Hadith* (Beirut: Dar al-Koran al-Kareem, 1976). For example, on p. 106-107, a hadith which expresses a judicial principle is " There should be no harming nor reciprocating harm." On p. 42-43: "... he who avoids doubtful matters clears himself in regard to his religion and his honor, but he who falls into doubtful matters falls into that which is unlawful ...". 4 " He it is Who has revealed unto thee the Scripture wherein are clear revelations...None knoweth its explanation save God ..."(Qur'an 3:7).

5 Gender distribution among participants in weekend school programs is generally wellbalanced, and ethnic distribution typically reflects the composition of the local community. These statements are based on widely observed experience. Boys and girls attend weekend schools in mosques because they otherwise

Defining Islamic Legal Education: Rights and Modules in Global Era

attend public school where there is no religious instruction. No Muslim group would claim that weekend school attendance is preponderantly male, as though a bias against female education prevents Muslims from sending their daughters to learn the Qur'an and prayer.

6 Overall trends toward improving the teaching of history are characterized by enhancing the role of primary sources, improving narrative quality, making geography connections more systematically, and bringing history classrooms gradually into the ongoing research of the past fifty years. Change has been gradual, however. The Council Defining Islamic Education: Differentiation and Applications Current Issues in Comparative Education, Vol. 7(1) 17 on Islamic Education is currently engaged in further standards research related to teaching about the world in history, geography and other social studies disciplines. The new study is expected to be published in 2005.

7 Indeed, the first verses of the Qur'an revealed in the encounter with the Angel Gabriel, as reported by Prophet Muhammad were: " Read! in the name of your Lord and Cherisher, Who created; Created man out of a clot of congealed blood: Read! And thy Lord is Most Bountiful ; He Who taught (the use of) the Pen; Taught man that which he knew not." (Qur'an 96:1-5)

8 As in Qur'an, 45:13, " And He has subjected to you as from Him all that is in the heavens and on earth: behold in that are Signs indeed for those who reflect. " or 14:25, " God coins similitudes [parables] for mankind in order that they may reflect. "

9 " God it is that cleaves the daybreak: He makes the night for rest and tranquility and the sun and moon for the reckoning of time: such is the judgment and ordering of the Exalted in Power the Omniscient. It is He Who makes the stars as beacons that you may guide yourselves with their help through the dark spaces of land and sea: We detail Our Signs for people who have knowledge." (Qur'an 6:96-97)

References

Ibrahim, E., & Johnson-Davies, D. (Trans.) (1976). An-Nawawi's forty hadith. (pp. 110- 111). Beirut : Dar al-Koran al-Kareem.

Bagby, I., Perl, P., & Froehle, B. (2001). The mosque in America : A national portrait. Washington, DC : Council on American-Islamic Relations.

Bloom, J. M. (2001). Paper before print: The history and impact of paper in the Islamic World. (pp. 91-123). New Haven and London : Yale University Press.

Bulliet R. W. (1994). Islam: The view from the edge. New York : Columbia University Press.

Cornell, V. J. (2002). Religion and philosophy. In S. L. Douglass (Ed.), World eras: Rise and spread of Islam, 622-1500 CE. (pp. 335-336). Farmington Hills, MI : Gale Group.

Douglass, S. L. (1998, Winter). God spoke: Guidelines and coverage of Abrahamic religions in world history textbooks. Religion and Education, 25 (1/2), 45-58.

Douglass, S. L. (2000). Teaching about religion in national and state social studies standards. Fountain Valley, CA : Council on Islamic Education.

Douglass, S. L. & Dunn, R. E. (2001). Interpreting Islam in American schools. In H. Donnan (Ed.), Interpreting Islam. (pp. 76-98). London : Sage Publications.

Duri, A. A. (1983). The rise of historical writing among the Arabs. L. I. Conrad (Trans.). Princeton: Princeton University Press. Susan L. Douglass and Munir A. Shaikh 18 December 15, 2004

Gibb, H. A. R. (1987). Tarikh. Encyclopedia of Islam. Leiden : E.J. Brill. Education for Life. Available at: <http://www.eliman.org>.

Gabrieli, F. (1999). Adab. The Encyclopaedia of Islam, volume 1. [CD-ROM] Leiden : Koninklijke Brill NV. Haddad, Y. (1997, March). Islam in the United States : A tentative ascent; A conversation. U.S. Society and Values: The religious landscape of the United States.

Hassan, A. Y. & Hill, D. (1986). Islamic technology. Cambridge : Cambridge University Press.

Haynes, C. C. & Thomas, O. (2002). Finding common ground: A guide to religious liberty in public Schools. Nashville, TN : First Amendment Center.

Ismail, M. (n.d.). Teaching tips and effective strategies for weekend Islamic schools. Indianapolis,IN: American Trust Publications. Islamic Schools League. Available at: <http://www.4islamicschools.org>.

Khalidi, O. (2000). Mosque. In W. C. Roof (Ed.), Contemporary American religion. New York : Macmillan. LeGoff, J. (1993). Intellectuals in the Middle Ages. Cambridge : Blackwell.

Makdisi, G. (1981). The rise of colleges: Institutions of higher learning in Islam and the West. Edinburgh : Edinburgh University Press.

Muslim Home School Network and Resource. Available at: <http://www.muslimhomeschool.com/index.html>.

Nakosteen, M. (1964). History of Islamic origins of Western education, A.D. 800-1350. Boulder, CO : University of Colorado Press.

Safi, L. (1999). The transforming experience of American Muslims: Islamic education and political maturation. Available at: <http://home.att.net/~louaysafi/articles/1999/am-muslims.html>. Tauhidi, Daud. The Tarbiyah Project: An Overview. Daud

Tauhidi, 2001. <http://www.4islamicschools.org/pdf/Tarbiyah%20Overview%20-%20Dawud%20Tauhidi.pdf>

Watson, A. (1983). A medium for diffusion. In Agricultural innovation in the early Islamic world. Cambridge : Cambridge University Press.