

Islam and Disability: Perspectives in Theory and Jurisprudence

Mohammed Ghaly

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Dr. Ghaly's *Islam and Disability* is an important contribution to the study of disability in Islamic law and theology, especially since only in recent years (according to Ghaly, since 1997 [p. 3]) has this subject been treated as an independent field of research and not much has been published on it so far. This book, based on the author's Ph.D. dissertation, combines the results of thorough, intelligent, and meticulous research in Islamic theology, jurisprudence, ethics, and medicine – all in respect of people with disabilities. It is well written and almost flawless, its wealth of transliterations and endnotes notwithstanding. The author uses classical as well as contemporary sources in Arabic, whereby he surveys and compares a wide range of opinions on topics related to law, theology, history, Hadith, Qur'an commentaries, and more (pp. 219-34). A long list of references in other languages was also consulted (pp. 235-46), as well as a few unpublished manuscripts (pp. 234-35).

The book is divided into an introduction, two parts, and a conclusion. The "Introduction," which serves as chapter 1, explains the problems of terminology, the methodology guiding the author, and the various Islamic institutions that at present issue fatwas on this (and other) subjects, such as the Islamic Fiqh Academy (IFA), the International Islamic Fiqh Academy (IIFA), the Islamic Organization for Medical Sciences (IOMS), and the European Council for Fatwa and Research (ECFR) (p. 7).

Part 1, which consists of chapters 2 and 3, is entitled "Islamic Theology." Chapter 2, an analysis of the theological approaches to disability and the book's strongest part, discusses several disturbing theological issues, such as why some people are afflicted with disabilities and others are not, whether suffering is part of God's love, whether God's love erases pain, if there is a reward for suffering, why children are afflicted with disability, and if we can speak of physical handicap at all or only of the handicap of the heart. Attitudes to God's justice are explained according to Mu'tazili, Ash'ari, Maturidi, Sufi, and other sources and some "median" answers are also provided, culminating in those that stress that the human intellect cannot comprehend all of God's acts.

Chapter 3, "Practical Theology," asks how a disabled person can go on living with the existence of disability. In other words, what inner religious-psychological means can the believer employ to face the misfortune that has

befallen him or her? Perseverance, gratitude, and servanthood to God are among the discussed means of managing such calamities.

Part 2, "Islamic Jurisprudence," focuses on Islamic jurisprudence. Chapter 4 studies physiognomy, defined as discerning from one's appearance what one's positive and negative characteristics are, vis-à-vis people with disabilities, through the writings of al-Ash'ari, Ibn al-Jawzi, Ibn Qayyim, Ibn Taymiyyah, Ibn Rajab, and other scholars. The author concludes that since Islamic law treats healthy and disabled people equally, physiognomy, at least in theory, was apparently not influential.

Chapter 5 handles the subject of whether writing about people with disabilities and describing their handicaps involves humiliation or slander, and chapter 6 surveys the various legal debates on such persons' suitability for various positions (e.g., imam, judge, muezzin, and caliph). In chapter 7 Ghaly weighs the relationship between medicine and disability, that is, whether the disabled person should seek a medical cure or, alternatively, trust in God and wait for a miracle. Another issue is the degree of influence of consanguineous marriages on the birth of disabled children and whether such marriages should therefore be discouraged. The section on "therapeutic measures" (pp. 125-29) touches on the important subject of the power of scientific medicine to cure disability; however, it is too succinct and, in my opinion, deserves a wider discussion.

Chapter 8 focuses on the means provided by Islamic law to financially support people with disabilities, such as *nafaqah*, *waqf ahli* and *waqf khayri*, *mahr*, and zakat. Ghaly omits to mention that not all people with a disability need to be supported by their family or society, since many of them can earn a living. Furthermore, this was also the option recommended by Muslim jurists of all generations. In the domain of *nafaqah*, contemporary muftis debate whether a wealthy wife is obliged to, or should, cover her husband's medical bills; the answers fluctuate between the dictates of the law (that she is not obliged) and humane moral conduct.

To sum up, I have learned a great deal from this book and am confident that scholars interested in Islamic law, philosophy, medicine, and social studies, as well as social workers in Islamic and non-Islamic societies and policy-makers active in the fields of law and social welfare will find this book most helpful. I also agree with the author's conclusion that much room still remains for further research within the wide topic of "Islam and disability."

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