

## Islam on Disability and Its Cultural Conceptualization

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### Abstract

The objective of this paper is the provision of an analytical and logical view to understand Islamic philosophy on physical disability with reference to some texts from the Qur'an and Sunnah. Being one of the three main global religions, Islam is a source of both complete and partial legislation in Muslim countries. The view of disability, however, may vary from country to country that causes barriers within society and differentiate between cultural practices and real Islamic perspectives on disability. Study briefly covers the part played by culture in creating the societal image of disability. It also gives some snapshot of the presence of efforts for the betterment of the disadvantaged segment of the society since the beginning of Islam and highlights that how Quran presented the idea of collective responsibility towards each other which was later adopted and approached by social model of disability and UNCRPD.

**Keywords:** Disability, UNCRPD, Human Rights, Religion, Qura'n and Hadith

### Disability in Islam

The philosophy of Islam towards needy and disadvantaged individuals shows positive attitude where the Qur'an and hadith does not carry the conventional approach towards disability. Qur'an focusses on term "disadvantage" (Qur'anic term when referring to individuals with a disability).<sup>1</sup> The Arabic term used for weak is 'da'if' originated from the root word 'da-'a-fa'. In Lisan Ul-Arab, the word da'f means weakness (the opposite of strength) that covers moral, spiritual, physical, and mental attributes equally. The words such as da'f, da'if, du'afa' from the root word da-'a-fa have been mentioned 22 times in Qur'an.<sup>2</sup> Contemporary Arabic literature uses terms such as *ashab al-'ahat*, *dhawu al-'ahat* (bearer or possessor of defects) or 'ajaza' that is the plural of 'ajiz', (means weak person including the elderly) for disables. The term 'uyub' has also been used by jurists and scholars of medieval fiqh particularly in respect of marriages that means impairments, deformities and defects in generalized manner effecting marital life of such persons. As far as the social aspect of disability is concerned, Shari'a does not define disability and diseases in respect of affected body organ, but rather define it in terms of social interference it causes.<sup>3</sup> As far as physical disability is concerned, no direct reference is made in the Quran to physically disabled people but in terms of jihad only:

لَا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ غَيْرُ أُولِي الضَّرَرِ وَالْمُجَاهِدُونَ فِي سَبِيلِ اللَّهِ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ

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“Not equal are those of the believers who sit (at home), except those who are disabled, and those who strive hard and fight in the cause of Allah with their wealth and their lives.”

Another verse says;

لَيْسَ عَلَى الْأَعْمَى حَرْجٌ وَلَا عَلَى الْأَعْرَجِ حَرْجٌ وَلَا عَلَى الْمَرِيضِ حَرْجٌ وَمَنْ يُطِعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ وَمَنْ يَتَوَلَّ يُعَذِّبْهُ عَذَابًا أَلِيمًا

“No blame or sin is there upon the blind, nor is there sin upon the lame, nor is there sin upon the sick. And whosoever obeys Allah and His Messenger, He will admit him to Gardens beneath which rivers flow; and whosoever turns back, He will punish him with a painful torment.”

Persons with disability (PWDs) are exempted to fight, however, the verse tells in its second part that “whosoever obeys Allah and His Messenger (in deed or in heart), He will admit him to Gardens beneath which rivers flow,” stresses that though permission not to fight has been granted, it is recommended for those who are excused to fight to participate to the extent within their capacity (includes temporary excuses such as an illness stopping one from fighting in the path of Allah, or poverty that prevents preparing for Jihad), that is, “obeys Allah” and pay care to the call in all possible ways including help and consultation given in verse 9 of Sura At Toba saying that

لَيْسَ عَلَى الضُّعْفَاءِ وَلَا عَلَى الْمَرْضَى وَلَا عَلَى الَّذِينَ لَا يَجِدُونَ مَا يُنْفِقُونَ حَرْجٌ إِذَا نَصَحُوا لِلَّهِ وَرَسُولِهِ مَا عَلَى الْمُحْسِنِينَ مِنْ سَبِيلٍ وَاللَّهُ غَفُورٌ رَحِيمٌ

“There is no blame on those who are weak or ill or who find no resources to spend, if they are sincere and true (in duty) to Allah and His Messenger. No means (of complaint) can there be against the doers of good. And Allah is Oft-Forgiving, Most Merciful.”

The meaning of the phrase “to obey Allah” by participating ‘within their power’ has been elaborated by following tradition narrated by one of the companions;

“A blind man came to the Apostle of God and said: “Messenger of God, I have no one to guide me to the mosque” [Muslims are required to perform the five daily prayers in the mosque]. He, therefore, asked the Apostle of God permission to say prayer in his house. He [the Prophet] granted him permission. Then when the man turned away, he called him and said, “Do you hear the call to Prayer?” He said, “Yes.” He [the Prophet then] said, “Respond to it.” (Muslim, 310)

Showing the importance of offering prayers in mosque, it is inferred from the above tradition that if a man lives that near to the mosque that he could hear the call to prayer, the exemption to offer prayer at home due to disability does not apply to him and that Islam does not intend to isolate PWDs.<sup>4</sup> Such practice not only benefits PWD through inclusion in society but society itself by being accustomed to seeing PWD in daily life. Islam requires its followers to do the best they can within their powers. Abdullah ibn Umm Maktum who

was blind, was appointed as chief of Madinah many times in Prophet's own absence. Despite he was blind, he attended many battles and assumed his role on the battlefield saying:

“Place me between two rows and give me the standard. I will carry it for you and protect it, for I am blind and cannot run away”<sup>5</sup>

He participated in many battles before he took his last breath in a battlefield holding the flag of the Muslims. Abdullah ibn Umm Maktum never let his disability to prevent him carrying out his duties.<sup>6</sup> Similarly Ubayad ibn Jarrah, who accepted Islam a day after Abu Bakr, is among those ten who are promised heaven by Allah. Caliph Umar said about him that “if he were still alive today, I would appoint him to be Khalifa after me”<sup>7</sup> Among many interesting details about Ubayad, an interesting is acknowledged about him but then glossed over. He would have been thought disable by modern standards for walking with a limp yet today, he is not remembered as a ‘disabled man’. Instead, he is recalled as one of the most obedient servants of Allah showing. It shows that Islam recognizes persons with respect to their deeds not disabilities.

### **Cultural Perceptions on Disability**

Culture is defined as a “particular way of life which expressed certain meanings and values, not only in art and learning, but also in institutions and ordinary behavior”.<sup>8</sup> It is influenced by various issues such as politics, economics and religion<sup>9</sup>. Different attitudes to various anomalies are the outcome of cultural differences that needs social factors within society to be focussed on (Barton, 1981;). Cultural differences and their influence on disables do exist in a society, however, cultural rights are not broadly defined in UNCRPD.

Faith is the integral part of every religion of the world and has its roots deep in the psyche of the common man. Most Muslim States are developing, and most of their population is religious, there is a huge overlap between local cultural values and religious ones. Pakistan is not an exception where it is extremely difficult to distinguish between the cultural and religious practices of Muslim population. There is a feeling of embarrassment attached with disables and their families. Severe physical and mental disabilities are attributed to supernatural causes like a curse, a spell or a test from God leading to consult faith healers in believing that it is a kind of possession by evil spirit known as Jinn. Persons with disabilities are still at the mercy of Quacks and Shrines. The usual way of treatment is amulets, spiritually treated water, burning incense (dhooni), or reciting incantations.<sup>10</sup> Such healers may use harmful methods and purposely deceive patients and their relatives diverting patients from needed care and treatment. For instance, Daulah Shah is a saint who is highly respected in the Punjab province. Doulahl Shah shrine at Gujrat accepts ‘chuhās’ (rat-child) at shrine. The handicapped rat child (microcephalic) is commonly believed to be born to a barren couple who has

offered prayers at shrine and must be handed over to the shrine. If fails, either the first-born would somehow be transformed at birth into a ‘chua’ (rat) or later children would all be chuas. In the presence of this culture of belief, it is hardly believed that microcephaly is a feature in which “the circumference of the head is smaller than normal because the brain has not developed properly or stopped growing (often caused by genetic abnormalities).”<sup>11</sup> These physically and mentally handicapped macrocephalic spend miserable lives at shrine and people give money/charity to rat-children, as many believe it is bad luck not to.

The culture and wrong interpretations of religion, therefore, creates misconceptions and discrimination against PWDs. There exist variations in the application of Islamic beliefs in different cultures and traditions. For instance, there is a belief that disability is a punishment, curse from Allah. It may be a result of black magic.<sup>12</sup> However, just like in so many other cases, such behaviour does not have any link with the real teachings and values of Islam. Allah has given birth to them, as they are. It is said in the Qur’an:

لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ

“Verily, we created man in the best form.” (Al Quran At-Tin 95:4)

Allah created man in the best image and form because Islam takes disability as a natural part of being a human and does not consider it the result of divine anger.

There persists another view that Islamic law rather takes disability as a grand test that can be cured through traditional charms, amulets, and spiritual treatments. A Quranic verse says;

إِنَّا خَلَقْنَا الْإِنْسَانَ مِنْ نُطْفَةٍ أَمْشَاجٍ نَبْتَلِيهِ فَجَعَلْنَاهُ سَمِيعًا بَصِيرًا

"We created man from a drop of quickening fluid to test him and we made him hearing and seeing." (Qur'an al insan 76:2)

However, Islam needs its followers to submit to the will of Allah and the test in this context goes beyond the disabled person to the whole community.

أَحْسِبُ النَّاسَ أَنْ يُؤْتُوا أَمْرًا وَهُمْ لَا يُفْتَنُونَ وَلَقَدْ فَتَنَّا الَّذِينَ مِنْ قَبْلِهِمْ فَلَيَعْلَمَنَّ اللَّهُ الَّذِينَ صَدَقُوا وَلَيَعْلَمَنَّ الْكَاذِبِينَ

“Do people think that they will be left alone because they say: "We believe," and will not be tested. And We indeed tested those who were before them so that Allah will know those who are true and will know those who are liars.” (Al Qur’an Al-Ankabut 29:2-3)

The following authentic Hadith clearly says that Allah will test everyone according to their level of faith:

أَشَدُّ النَّاسِ بَلَاءَ الْأَنْبِيَاءِ، ثُمَّ الصَّالِحِينَ، ثُمَّ الْأَمْثَلُ فَأَلْأَمْثَلُ، يُبْتَلَى الرَّجُلُ عَلَى حَسَبِ دِينِهِ، فَإِنْ كَانَ فِي دِينِهِ صَلَابَةٌ زِيدَ لَهُ فِي الْبَلَاءِ

“The people most severely tested are the Prophets, then the righteous, then the next best and the next best. A man will be tested

in accordance with the degree of his religious commitment; the stronger his religious commitment, the stronger his test.”

Disability and disease are even considered as redemption of sins and that a person who dies of an illness is a martyr. Prophet Muhammad (bpoH) stated:

مَا يُصِيبُ الْمُسْلِمَ مِنْ نَصَبٍ وَلَا وَصَبٍ وَلَا هَمٍّ وَلَا حُزْنٍ وَلَا أَذًى وَلَا غَمٍّ حَتَّى الشُّكُوكَةِ يُشَاكُهَا، إِلَّا كَفَّرَ اللَّهُ بِهَا مِنْ حَطَايَاهُ

"No fatigue, no disease, nor sorrow, nor sadness, nor hurt, nor distress befalls a Muslim, even if it were a prick he receives from a thorn, but Allah expiates some of his sins for that." Hadith, Al-Bukhari, 7:70:545

Social stigma has been attached to these beliefs under various cultural interpretation. One of them is the obvious trend to lack and refuse treatment in an underdeveloped society. However, a prophetic hadith clearly denies this belief and clearly mentions that disability can be treated;

مَا أَنْزَلَ اللَّهُ دَاءً إِلَّا أَنْزَلَ لَهُ دَوَاءً

“Allah has not sent down any disease, but He has also sent down a cure for it” (Hadith, Sahih al-Bukhari Vol. 7:71:582)<sup>13</sup>

Similarly, disability affects not only the life of the disabled, but also the family of PWD for the ridicule attached to disability. As a result, PWDs spend their lives behind closed doors in majority of the societies leading to disease like depression, sadness, and hopelessness. Following verse of the Quran clearly says to overcome such stigmatized aspects of society.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرْ قَوْمٌ مِنْ قَوْمٍ عَسَىٰ أَنْ يَكُونُوا خَيْرًا مِنْهُمْ وَلَا نِسَاءٌ مِنْ نِسَاءٍ عَسَىٰ أَنْ يَكُنَّ خَيْرًا مِنْهُنَّ وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا تَنَابَزُوا بِالْأَلْقَابِ بِئْسَ الْأَسْمُ الْفُسُوقُ بَعْدَ الْإِيمَانِ وَمَنْ لَمْ يَتُبْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

“O believers! Do not let some ‘men’ ridicule others, they may be better than them, nor let ‘some’ women ridicule other women, they may be better than them. Do not defame one another, nor call each other by offensive nicknames. How evil it is to act rebelliously after having faith! And whoever does not repent, it is they who are the ‘true’ wrongdoers.” (Al Quran 49:11)

Islam therefore treats PWDs on similar footings to those who do not have a disability as humans are all equal in the eyes of Allah; the only thing that distinguishes and makes one better than the other is the individual’s consciousness of Allah (taqwa).

### **Social Model of Disability and Islam**

The social model of disability requires changes in society and does not need to change persons with disability to adjust the society. It favours the equal participation of PWDs in society without discrimination. Rosemary Calderbank calls the social discrimination of disables as one of civil rights. Her article titled “Abused and disabled people: vulnerability or social difference” that was published in the UK in 2000 aimed to study whether “the forms of abuse experienced by disabled people result from an individual vulnerability, or as a consequence of social attitudes toward disabled people”. She shows the

plight of PWDs against whom abuse, and discrimination is made in the modern Western world even. It is concluded by her that “many survivors of abuse have problems because they need justice not therapy” confirming that disability is not a health condition as considered by medical model but the result of the interaction between PWDs and an environment filled with physical, attitudinal, communication and social barriers.

As mentioned earlier that Qur’an and hadith does not talk of disability in conventional sense but rather provides principles and ethics for caring of disabled people. Qur’an focusses on the notion of “disadvantage” (Qur’anic term when referring to individuals with a disability)<sup>14</sup> that is because of societal approach towards those persons who might lack social, physical or economic, features.<sup>15</sup> Since this disadvantage is the outcome of attitude and approach of society towards disability, Qur’an assigns collective responsibility to the society to overcome any such discrimination and inequity to improve condition and status of PWDs. The Prophetic hadith below talks of the idea of social responsibility towards individuals.

مَثَلُ الْمُؤْمِنِينَ فِي تَوَادُّهِمْ وَتَرَاحُمِهِمْ وَتَعَاطُفِهِمْ مَثَلُ الْجَسَدِ إِذَا اشْتَكَى مِنْهُ عُضْوٌ تَدَاعَى لَهُ سَائِرُ الْجَسَدِ بِالسَّهَرِ وَالْحُمَّى

“The similitude of believers regarding mutual love, affection, feeling, is that of one body; when any limb aches, the whole-body aches, because of sleeplessness and fever” (Al-Muslim 32,6258)

Another hadith of the Prophet mentions that;

“If someone leaves some property, it will be for the inheritors, and if he leaves some weak offspring, it will be for us to support them” (Al-Bukhari, 3.583)

Practical assistance provided to disables can be witnessed in early days of Islam where Omar Ibn Al-Khattab, the third Muslim Caliph, provided a house near the mosque to a blind man for being able to reach the mosque on time to offer prayers. Same concept is taken by UNCRPD under article 9 on accessibility that requires to “enable persons with disabilities to live independently and participate fully in all aspects of life.” Disability in Islam does not mean that a person is disabled, rather it means that such a person is differently abled. Census of the Muslims with special needs was conducted in the time of Omar Ibn Al-Khattab who assigned people to look after them from Muslim treasury ensuring that disables are no more disabled but rather enabled in manner to reach their full potential. It is an obligation upon the greater community to benefit those that are in need. The prescribed social model of disability under UNCRPD also requires the same and tries to address the social issues covering attitudinal, environmental, and institutional behaviours than taking disability as an individual impairment only

### **Rights of Disables in Islam and UNCRPD**

Islam came with the intention of protecting all people weather rich or poor,

Weak or strong, and those who are unable to take care for themselves. The following verse reflects the Quranic approach towards all human beings:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ  
“O mankind! We have created you from a male and a female and made you into nations and tribes that you may know one another. Verily, the most honorable of you with Allah is that (believer) who has At-Taqwa. Verily, Allah is All-Knowing, All-Aware.” (49:13)

The basic element of the value system of Islam is equity and equality and that belong to one human family. Same is confirmed by Prophet (pbh) when saying:

إِنَّ اللَّهَ لَا يَنْظُرُ إِلَىٰ صُورِكُمْ وَأَمْوَالِكُمْ وَلَكِنْ يَنْظُرُ إِلَىٰ قُلُوبِكُمْ وَأَعْمَالِكُمْ  
“Verily, God does not look at your bodies or your appearances, but looks into your hearts” (Muslim, 2564)<sup>16</sup>

Islam demands PWDs to exercise their rights in the "civil, political, economic, social, cultural, or any other field" almost the way mentioned in UNCRPD reaffirming that disability is not a health issue but a complex phenomenon to be addressed from various angles.

### **Civil and Political Life**

In case of political and civil life, Islamic teachings takes PWDs as a part of the community with freedom of political participation in broader way as protected in Article 21 of the CRPD and do not separate out the disabled. Islam, for example, permits freedom of expression (Hurriyat al-ra'y), however, such expression comes after the needs of the broader community. Quran says;

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ كَذَلِكَ زَيْنًا لِكُلِّ أُمَّةٍ عَمَلُهُمْ ثُمَّ إِلَىٰ رَبِّهِمْ مَرْجِعُهُمْ فَيُنَبِّئُهُمْ بِمَا كَانُوا يَعْمَلُونَ

"And insult not those whom they worship besides Allah, lest they insult Allah wrongfully without knowledge. Thus We have made fair seeming to each people its own doings; then to their Lord is their return and He shall inform them of all that they used to do." (Quran Al An-am 6:108)

Qur'an in chapter 4:83 gives the same idea;

وَإِذَا حُيِّدُوا مِنْكُمْ أَمْرٌ مِنَ الْأَمْنِ أَوْ الْحُفُوفِ أُدْعُوا بِهٖ وَكَفُو رُدُّوهُ إِلَى الرَّسُولِ وَإِلَىٰ أُولِي الْأَمْرِ مِنْهُمْ لَعَلَّهُمْ يَلْعَنُونَ  
وَلَوْلَا فَضْلُ اللَّهِ عَلَيْكُمْ وَرَحْمَتُهُ لَاتَّبَعْتُمُ الشَّيْطَانَ إِلَّا قَلِيلًا

“When there comes to them some matter touching (public) safety or fear, they make it known (among the people); if only they had referred it to the Messenger or to those charged with authority among them, the proper investigators would have understood it from them (directly). Had it not been for the grace and mercy of Allah upon you, you would have followed Shaytan, except a few of you.” (Qur'an An Nisa 4:83)

In modern human rights scenario, this idea of Islamic law that societal order comes before any absolute freedom of expression may seem opposing and challenging to the UNCRPD, however, they do not exclusively burden the disabled who possess rights of expression equal with the rest of society<sup>17</sup>.

The civil rights, in terms of marriage and inheritance, of disables are also clarified by Quran;

وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَامًا وَارْزُقُوهُمْ فِيهَا وَاكْسُوهُمْ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا

“And give not unto the unwise your wealth which Allah has made a means of support for you, but feed and clothe them there with, and speak to them words of kindness and justice.” (Al-Nisa 4:5)

In first sense, it is deduced from the text that the term ‘unwise’ or ‘weak minded’ refers to the disadvantageous segment of society including disables (mentally retarded), children and orphans and lays down the idea of guardianship. Secondly, guardianship focusses on person manner of duty, kindness and fairness. And in third sense, guardianship ends once the individual can be held liable for his/her own decision-making capacity. The second deduction read together with third refers to the quite new idea of ‘supported decision making’ embodied in Art 12 of UNCRPD than conventional ‘substitute decision making’. Under this article, full guardianship may or may not protect the PWD and is believed that when some form of guardianship is appropriate, partial or limited guardianship is preferable to full or plenary guardianship. In guardianship cases, courts might identify and determine those specific areas in which the guardian is needed while in all other areas of life, one may retain full decision-making capacity.

Qur’an have helped Muslim jurists to generate legislation regarding such disadvantaged individuals’ rights and society’s duties towards them confirming the legal framework of autonomy, equality and non-discrimination.

### **Economic and Social Rights**

Islam protects the economic and social rights of disables equally like rest of the society and respects hard work to earn a livelihood.<sup>18</sup> There are many fatwas (religious rulings) about the value of the right of the disabled to work and employment. The following important verse of the Qur’an says;

لَا تُكَلِّفُ نَفْسٌ إِلَّا وُسْعَهَا

“No person shall have a burden laid on him greater than he can bear.”

(Qur'an al- Baqarah 2:233)

Despite being blind, Abdallah Umm Maktoum retained the positions of last governor of Medina, led prayers, and remained the military commander at various expeditions.<sup>19</sup> Atta Ibn Abi Rabah, who was lame, was known as the greatest Mufti in Mecca.<sup>20</sup> However, Islamic law requires disabled persons to participate in mandatory obligations to the extent of their ability. Certain religious duties might be reduced or even ignored completely due to the condition of PWDs. Islamic law recognizes the health rights of disables and one is even forgiven to perform obligatory prayer movements if such performance risks or deteriorates one’s health. The question may be raised that whether Islamic law allows a disabled man to lead prayers? In the presence of splitting opinion on this issue, it is believed by the scholars that a disabled may



lead the prayer if he is able to perform the associated movements needed to lead the prayers. The view is supported by the following hadith of Muhammad (bpoH) where Apostle of Allah rode a horse, fell-down and got his right side injured. On that day, he (bpoH) offered one of the prayers sitting and all behind him offered it sitting. After finishing the prayer, prophet (bpoH) said;

إِنَّمَا جُعِلَ الْإِمَامُ لِيُؤْتَمَّ بِهِ، فَإِذَا صَلَّى قَائِمًا فَصَلُّوا قِيَامًا، وَإِذَا رَكَعَ فَارْكَعُوا، وَإِذَا رَفَعَ رَأْسَهُ فَارْفَعُوا، وَإِذَا سَجَدَ فَاسْجُدُوا وَإِذَا قَالَ سَمِعَ اللَّهُ لِمَنْ حَمِدَهُ. فَقُولُوا رَبَّنَا وَلَكَ الْحَمْدُ

“The Imam is to be followed and if he prays standing then pray standing, and bow when he bows, and raise your heads when he raises his head; and prostrate when he prostrates; and if he says “ Sami’a-l-lahu Liman hamida” you should say, “Rabbana wa-laka-l hamd.”<sup>21</sup> (Sahih-Bukhari, 1:12:699)

Objection was raised that altering sermons and practices could negatively affect and distract healthy believers but was rejected by the fatwa given by Sheikh al-Azhar Dr. Muhammad Sayyid Tantawi. It favored the use of sign language interpreters to enable a deaf person to understand the Friday sermon.<sup>22</sup> Indeed, such calls commemorate reasonable adjustment duty embodied in article 2 of the UNCRPD that requires "necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms"<sup>23</sup> which is arguably a requirement of Islam.

Islamic law has also established and protected the social security rights and provides social justice to the disadvantageous class including disables. Quran asks everyone to be provided with basic needs;

لَيْسَ عَلَى الْأَعْمَىٰ حَرْجٌ وَلَا عَلَى الْمَرِيضِ حَرْجٌ وَلَا عَلَى أَنْفُسِكُمْ أَنْ تَأْكُلُوا مِنْ بُيُوتِكُمْ أَوْ بُيُوتِ آبَائِكُمْ أَوْ بُيُوتِ أُمَّهَاتِكُمْ أَوْ بُيُوتِ إِخْوَانِكُمْ أَوْ بُيُوتِ أَخَوَاتِكُمْ أَوْ بُيُوتِ أَعْمَامِكُمْ أَوْ بُيُوتِ عَمَّاتِكُمْ أَوْ بُيُوتِ أَخْوَالَكُمْ أَوْ بُيُوتِ خَالَاتِكُمْ أَوْ مَا مَلَكَتْهُنَّ مَفَاتِحُهُ أَوْ صَدِيقِكُمْ لَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَأْكُلُوا جَمِيعًا أَوْ أَشْتَاتًا فَإِذَا دَخَلْتُمْ بُيُوتًا فَسَلِّمُوا عَلَى أَنْفُسِكُمْ تَحِيَّةٌ مِنْ عِنْدِ اللَّهِ مُبَارَكَةٌ طَيِّبَةٌ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ الْآيَاتِ لَعَلَّكُمْ تَعْقِلُونَ

“There is no restriction on the blind, nor any restriction on the lame, nor any restriction on the sick, nor on yourselves, if you eat from your houses, or the houses of your fathers, or the houses of your mothers, or the houses of your brothers, or the houses of your sisters, or the houses of your father's brothers, or the houses of your father's sisters, or the houses of your mother's brothers, or the houses of your mother's sisters, or (from that) whereof you hold keys, or (from the house) of a friend. No sin on you whether you eat together or apart. But when you enter the houses, greet one another with a greeting from Allah, blessed and good. Thus, Allah makes clear the Ayat to you that you may understand.” (Quran An Nur 24:61)

By mentioning clearly of the disabilities including lame, blind and sick, the above verse removes any superstitious notions leading to the segregation and exclusion of the PWDs. Qur’an reverses many of the prevailing customs till

day towards PWDs and needs their participation and inclusion in the society. The verse has been interpreted by scholars as positive duty that requires State interference to meet the needs of PWDs elaborated by the following prophetic hadith;

“The government is the guardian of anyone who has no other guardian.”

A hadith of the Prophet reads;

“The son of Adam has basic rights for three things: a house to live in, a piece of cloth to cover his body, a loaf of bread and water.”<sup>24</sup>

Another hadith says of the Allah’s atonement of not fulfilling the fundamental needs of a person in Muslim society.

"Allah will remove his protection from the people of an area who allow one hungry person to wander amongst them."

To meet these basic requirements of the disadvantaged of the society, Muslims owe a fundamental duty of paying zakat,<sup>25</sup> an annual tax of 2.5% of one's savings that is one of the five pillars of Islam and is used to help the needy. It is State’s duty to collect zakat and decide for its distribution. PWDs are considered as having a rightful share, and giving charity is a constant reminder to Muslims of a form of social justice.<sup>26</sup> The needs of the disabled individuals are met in society not only out of pity but also as a sign of looking for kindness and mercy from God. Such payment, however, covers the charitable response to disability that seems controversial to the right-based approach of the UNCRPD. Hagrass, explaining the Islamic attitude towards disability, defends this response of Islamic law and society to disability. She mentions that in Islamic countries this view of disability is quite appropriate because it encourages and imparts a sense of social responsibility. The distribution and giving of alms like zakat on a regular basis takes care of the welfare of individuals with disabilities<sup>27</sup> as every Muslim is the executor of the will of Allah on earth. Al Waleed ibna Abdul Malik was Umayyad caliph who established a foundation for disables, granted a regular allowance to look after them and told them not to beg people. Adding to this, employees were appointed to serve all those who were disabled.<sup>28</sup> In ancient Arabia, Caliph Omar bin al-Khattab paid special heed to the needs and social security of the citizens and developed the first social security department.<sup>29</sup> A regular system of census and registration was introduced to provide necessities of the life to all such citizens (registration for providing social securities covered various categories including disables).<sup>30</sup>

## **Conclusion**

The philosophy and attitude of Islam towards needy and disadvantaged individuals is always positive. Being weaker people, disables have an extra position in the eyes of God. Islam takes disability as a natural part of being a human; it is neither a blessing nor a punishment. These aspirations together guide the social set up of the Muslim society. Islam

understands the notion of disability in respect of society and culture and the Qur'an and hadith both expressly mentions how the society is to improve the status and inclusion of PWDs. Although social revolution in Islam is founded on individual and collective morality and responsibility, some Muslim societies' cultural values, including those in Pakistan dominate the society's Islamic values. It is concluded that the social security system of Islam is divine in character, not the creation of human mind and is based entirely on the Qur'an and Sunnah, however, the organization of society has significant impact on its approach towards society which results in cross-culture diversity in respect of the perceptions and responses to disability. It is concluded that approach towards disability must be transferred from charity to right- based justice reiterated in UNCRPD and that the behavior of People in various Muslim societies do reflect their own perception and understanding of their religion, but not necessarily the exact meaning of its values as culture plays significant part in forming views of disability.

As a collective responsibility of the community, it is to be ensured that all are afforded equal opportunities innate abilities.

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