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CHAPTER 13

Disability in Islam: Insights into Theology, Law, History, and Practice

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Beliefs about disability and reactions toward people with disabilities have differed across regions, cultures, and eras. Religion has been one of the central factors that has shaped these differing perceptions and practices via the maxims outlined in religious texts, law, and tradition. Although attitudes toward people with disabilities have been documented for other faiths, little has been written about Islam. This chapter provides a general understanding of the Islamic view on disability by examining Islam's primary sources—the Qur'an and Sunnah (the record of the sayings and actions of the Prophet Muhammad)—as well as legal texts written by scholars of Islam. After a brief overview of the Islamic faith, the chapter proceeds with an explanation of related terminology and a brief discussion of various historical perceptions of disability. The main sections include an examination of the Islamic position on health, illness, and disability, and an explanation of how Islamic law and society treat individuals with mental, physical, and sensory disabilities. The chapter concludes with insights into the conditions of disabled populations in Muslim countries today.

Although this chapter is by no means an exhaustive review of the subject, we hope that it provides everyday readers with a grasp of the Islamic view of disability. The chapter has special relevance for those readers who regularly interact with Muslims on a professional or personal level worldwide, especially those who work with Muslims with disabilities and who would like a greater understanding of the faith.

OVERVIEW OF ISLAMIC FAITH

Islam is a monotheistic, Abrahamic faith and is the world's second largest religion after Christianity. The adherents of Islam are called Muslims, and there are an estimated 1.2 billion Muslims today, with some estimates even higher (Rauf, 2003). In Arabic, the word *Islam* means "submission to will of God" and has the same linguistic root as the Arabic word for peace. According to Muslims, Islam is not a new religion but rather a continuation of the truth that God (in Arabic, *Allah*) revealed to all of His prophets, beginning with Adam and including Abraham, Ishmael, Isaac, Moses, Jesus, and the last messenger, Muhammad, who reaffirmed and finalized the eternal message. As a sign of reverence to these prophets of God, Muslims follow any mention of their names with, "May peace be upon them."

Muslims follow the divine revelations that God sent down to Muhammad through the angel Gabriel between the years 610 to 632 CE in the cities of Mecca and Medina, found in present-day Saudi Arabia. Muhammad, an orphan, came from the prominent tribe of Quraysh, which had helped Mecca become a major commercial, cultural, and religious center in the Middle East. Arabia at the time of Muhammad was overwhelmingly tribal, and notions of honor, heritage, and revenge were dominant (Hallaq, 2005). In contrast to the tribal authority, several of the first revelations given to Muhammad advocated for an egalitarianism system in which all human beings are seen as created equal before one God. All people from all nations are bound together into one body—a worldwide community known as the *ummah*. The revelations also emphasized the importance of fulfilling the needs of the underprivileged segments of society, which included slaves, orphans, and the poor, and granted women unparalleled rights such as rights to own property, earn an income, participate in the political process, and marry according to one's choice. One of the central messages of Islam was that every human being would be held accountable for their beliefs and actions on the day of judgment, when their eternal fate—Heaven or Hell—would be determined by the Lord.

The divine revelations of Islam are recorded in the Muslim holy book, the Qur'an, which consists of 114 chapters. The Qur'an is recorded in classical Arabic, the language spoken by Muhammad and his companions. According to Muslims, the Qur'an presents a universal message that transcends both time and place, and its text has been preserved absolutely since revelation, transmitted both textually and orally via memorization (Al-Faruqi & Al-Faruqi, 1986). Muslims turn to the Qur'an as the primary source of information about religious duties as religious laws related to family life, business relationships, and crime.

As explicated in the Qur'an, the essence of Islam is the concept of *tawhīd*, the belief in the one and only God. Tawhīd ensures that Muslims believe that God is one, without partners; He is absolute, transcendent, lord of all the worlds, and the creator of all animate and inanimate matter ranging from the atomic to the macroscopic (Al-Faruqi & Al-Faruqi, 1986). A Muslim's confirmation of tawhīd and affirmation that Muhammad is the last prophet constitutes one of the five main pillars of Islam: the declaration of faith known

as *Shahādah*. The other pillars of Islam include *Zakāt*, the charitable giving of 2.5 percent of one's wealth annually; *Salāt*, the five daily ritual prayers; *Sawm*, the daily fasting from sunrise to sunset during the Islamic lunar month of Ramadan; and *Hajj*, the pilgrimage to Mecca once during a lifetime for those who are physically or financially able. All of these five pillars of Islam help Muslims purify their souls, remain obedient to God, and participate in communal life.

The five pillars of Islam are described in the Qur'an, with more detailed information about implementing these practices obtained from the Sunnah. The Sunnah, which refers to the practices and deeds of Muhammad, is thus the second source of Islamic law. Every unit or narrative of the Sunnah that conveys a recorded report about the prophet is called a *hadīth* (plural: *ahādīth*). The purpose of *ahādīth* is to clarify the Qur'an's pronouncements and exemplify and illustrate its purposes (Al-Faruqi & Al-Faruqi, 1986). *Ahādīth* were collected by Muhammad's companions and later verified by Islamic legal scholars subsequent to the death of Muhammad in 632.

To aid in interpreting the Qur'an and *ahādīth* on various topics, Muslim jurists also have used the tools of *qiyās* (analogy) and *ijmā'* (consensus). The resulting jurisprudence is called *fiqh* (Hallaq, 2005). Four major schools of jurisprudence (named after their respective founding jurists: Hanafi, Malaki, Shafi'i, Hanbali) emerged in the classical Islamic period and survive until today. Together, they feature pluralistic interpretations on some issues of religious and civil life. In this respect, Islamic law is different than the common law or civil law systems found in Europe and North America, as it is more of a "scholarly discourse" than a "uniform and unequivocal formulation of the law" (Peters, 2005, p. 1).

DISABILITY TERMINOLOGY

Defining disability, as the English-speaking world currently considers the term, has proven troublesome for those creating laws or policies throughout history. In the United States, the general definition of disability comes from the preeminent legislation on the subject, the Americans with Disabilities Act (ADA) of 1990, which defines a disability as:

1. a physical or mental impairment that substantially limits one or more of the major life activities [e.g., speaking, walking, hearing],
2. a record of such an impairment, or
3. being regarded as having such an impairment. (as cited in Rothstein & Rothstein, 2006, p. 38)

In contrast, the Arabic terminology governing Islamic law, both classical and contemporary, generally lacks such a broad and encompassing term for disability. Moreover, the classical sources of Islamic law, namely, the Qur'an¹ and *ahādīth*,² do not identify one particular term to encompass the impairments associated with the general notion of disability. Instead, these sources use specific terms for describing various individuals with disabilities, including the blind (*a'mā*), deaf (*asamm*), mute (*abkam* or *akbras*), lame (*a'raj*), or insane (*majnūn*) (Bazna & Hatab, 2005; Rispler-Chaim, 2007). Classical

sources, particularly the Qur'an and ahādīth, do contain several generalized adjectives to describe disadvantaged individuals, including orphan (*yateem*), weak (*da'if*), oppressed (*mustad'af*), traveling (*'ala safar* or *ibn us-sabil*), indigent (*miskin*), sick (*marīd*), and needy (*faqir*).

Both sets of terms—those that refer to specific individuals and those that refer to classes of individuals—emerged in the classical sources within several contexts including excusing certain individuals from religious duties (e.g., Qur'an 24:61), using a metaphorical likening of spiritual transgressions or deficiencies to physical deficiencies (e.g., Qur'an 2:17–18), encouraging people to serve the disadvantaged segments of society (e.g., Qur'an 4:75), or providing a statement of equality.

It is worth noting, however, that while classical sources—the Qur'an, ahādīth, as well as fiqh (jurisprudence)—may not have used an Arabic equivalent to the English *disability*, there is some indication that the broader group terms mentioned above overlapped to include various individuals with disabilities. Specifically, the Arabic term *marīd*, which would literally be translated as “ill” or “individual with an illness,” and its noun form *marad* (illness) are often used in the classical sources as broad class terms that include individuals and conditions that today would fall under the umbrella of disability, such as paralysis or amputation. An example of this categorization in the Qur'an can be found in 24:61: “There is no blame on the . . . sick” (Ali, 1992, p. 885). One hadīth example is: “If anyone of you leads people in prayer, he should shorten it for amongst them are the weak, the sick and the old” (Hadith al-Bukhari, 1:11:671). The words *marīd* and *marad* are frequently mentioned in books of fiqh in descriptions of the various religious duties, such as fasting, praying, and completing the Hajj pilgrimage.

Contemporary Arabic law and literature in the Muslim world, in contrast, utilizes broader terms, such as *as-hāb ul-'ahat*, *dhawul 'ahat*, *mu'awwaqūn*, or *'ajizūn*, to refer to individuals with disabilities in a manner similar to the English usage (Rispler-Chaim, 2007). These terms are derived from the Arabic roots for words such as defect, limitation, difficulty, inability, or weakness. The term *mu'awwaqūn*, for example, refers to individuals somehow limited in their physical or mental ability—very similar to the English phrase “mentally or physically challenged”—and is commonly used in legal treatises on the subject in the Muslim world (Rispler-Chaim, 2007).

Two conclusions about the Islamic perspective on disability emerge from this discussion of disability terminology in the legal sources of Islam. First, the lack of a term comparable with disability in the classical Islamic sources affirms the moral neutrality and normalcy of disability as a fact of life. There is no stigma or evil associated with any term to describe individuals with disabilities. Indeed, the words used are entirely descriptive. Moreover, whereas the English term *disability* contains an explicit denotation of “lacking ability” and is laced with a negative connotation, the classical Arabic words do not contain an indication of “absence,” thereby avoiding the creation of an implicit norm that excludes disability. Second, the classical sources recognize disability in the context of both individual condition and social disadvantage, using the relevant terms in discussion of individual rights as well as obligations of societal responsibility and service.

HISTORICAL PERCEPTIONS OF PEOPLE WITH DISABILITIES

To provide some context for our discussion of the Islamic view on disability, we present a brief review of the historical perceptions of individuals with disabilities across cultures and religions. Scholars who have researched this issue in depth have found that although the ways in which disability has been viewed have varied with time and place and have been deeply rooted in social, cultural, and economic context, common themes have persisted. The most common reaction, however, has been an unwavering perception of disability as difference, which has frequently led to negative feelings toward and discrimination against individuals with disabilities.

Covey (1998) found that societies have commonly looked at people with disabilities in the following ways: as subhuman or animal-like, supernatural or gifted, ugly, evil, meriting pity or charity, entertaining, indigent, depressed, child-like, dependent, sexually hyperactive, damaged, less socially acceptable, and socially deviant. They have also been perceived to be scapegoats, burdens, and liabilities to their societies. Covey also found several common explanations for disability throughout history, including disability as a punishment from God for sin, a result of witchcraft and magic, a result of violence and accidents, the consequence of negative maternal feelings or parental misconduct during pregnancy, a hybridization of humans and evil spirits or animals, a normal side effect of a process of aging or decay, and a product of astrological influences. Covey writes that the common theme that emerged from his analysis was one of misunderstanding and stereotypes of disability.

Scholars have also recognized certain common elements in perceptions of disability in Judeo-Christian and secular histories. In terms of religious history, individuals with disabilities were often restricted from participating in religious life due to several perceptions among the Judeo-Christian religious establishment. Rose (1997, p. 397) found four such perceptions, namely, “disability as sign of punishment or evil incarnation; disability as challenge to divine perfection; disability as object of pity and charity; and disability as incompetence and exemption from religious practice.” Particularly because of a belief in disability as a sort of impurity, an accompanying emphasis was on separating the “pure” (i.e., the spiritual and holy) from the “impure” and a view of disability as something to be cured rather than accepted. Therefore, those with disabilities were often excluded from religious participation and religious institutions, objectified as burdens on others, and restricted from partaking in everyday life activities (Covey, 1998; Rose, 1997; Selway & Ashman, 1998; Stiker, 1982/1999). A biblical passage, Leviticus 21:17–24, that was used in support of these propositions is the following:

And the Lord spoke unto Moses saying: Speak unto Aaron saying: Whosoever be of thy seed throughout their generations that hath a blemish, let him not approach to offer the bread of his God . . . A blind man, or a lame or he who hath anything maimed or anything too long . . . crookbacked or dwarf . . . he shall not go to the veil nor go nigh unto the altar because he hath a blemish; that he profane not My Holy places. (cited in Rose, 1997, p. 395)

The prejudices against disability that were grounded in the Judeo-Christian context served to inform another set of prejudices in the wider, secular society. Although the concepts of integration and compassion arose after the coming of the New Testament, an implicit assumption of marginality among individuals with disabilities continued to exist because the social norm of “able-bodied-ness” never faded (Stiker, 1982/1999). Barnes (1996, p. 57) argued that the “cultural oppression” of individuals with disabilities lies in the “myth of bodily and intellectual perfection of the ‘able-bodied’ ideal” that is rooted in Euro-American traditions. Similarly, the ethic of charity that gathered popularity in the 14th century objectified disabled individuals as the means to salvation for healthy, rich individuals, who again served as the norm (Stiker, 1982/1999). Even the 20th-century rhetoric of sameness and rehabilitation hampered thinking about differences when contemplating full integration because it, too, imposed a norm and treated disability as abnormal (Stiker, 1982/1999). Stiker asserted that no single Euro-American society has recognized disability as simply a natural difference in the human condition—a reality, not an abnormality.

ISLAMIC VIEWS ON HEALTH, ILLNESS, AND DISABILITY

As noted earlier, positions on disability are almost always informed by beliefs about the origins of health and disease. As such, a discussion of the Islamic legal position on disability should begin by examining the Islamic understanding of health and disease. In Islam, the source of health, disease, and recovery is God. Disease is not caused by evil spirits or astrological forces, as was commonly believed in pre-Islamic Arabia and in other cultures throughout history (Rispler-Chaim, 2007). Nor is disease seen as a type of punishment from God. As a result, those afflicted with disease are not to be stigmatized, rejected as impure, or deemed evil. Instead, disease in Islam is viewed as a natural part of the health continuum. It is always described in Islamic law as a “matter of fact” (Rispler-Chaim, 2007, p. 93).

Although health is definitely viewed in Islam as part of God’s benevolence, it is not guaranteed for any specific individual. Disease may befall an individual, and such an occurrence is viewed as a trial from God. Disease is also viewed as having a redeeming quality in that it may serve as a spiritual cleansing. As Rispler-Chaim (2007) noted, “Health and sickness become part of the continuum of being, and prayer remains the salvation in both health and sickness . . . [Yet] It is never proclaimed that the disease is predestined by [God] so that the ill Muslim has an opportunity to repent, or that the disease is a way of punishment for certain sins” (p. 7). Indeed, the Islamic tradition recognizes the power of spiritual cures (i.e., prayer, for physiological ailments as well as spiritual ones).

The Islamic notion that illness—whether temporary or permanent—is not only natural but also spiritually redeeming (not debasing) finds support in numerous classical sources. In one hadīth, for example, Muhammad stated, “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 that Allah expiates some of his sins for that” (Hadith Al-Bukhari, 7:75:5641). In another hadith, the prophet recounted that God said, “If I deprive my slave of his two beloved things (i.e., his eyes) and he remains patient, I will let him enter Paradise in compensation for them” (Hadith Al-Bukhari, 7:75:5653)

In the Qur’an, the sick person (*marīd*) is excused from certain religious duties that are required of a healthy Muslim, and these verses are joined with a discussion of the same duties for the healthy counterparts (e.g., Qur’an 48:16–17). Some verses in the Qur’an expressly dispel the notion that disabled people are “impure” or “evil” and thus must be segregated (Qur’an 24:61 and 80:1–9). Similarly, the portions of *fiqh* that describe the duties of Muslims and relevant legal precepts also inevitably address these areas for those who are sick. Such juxtapositions reveal that sickness is as natural and normal an occurrence as health. This perception is emphasized in the numerous *ahādīth* that show everyday interactions between Muhammad and individuals with illnesses and disabilities, including blindness, deafness, leprosy, epilepsy, lameness, and muteness (Miles, 2002). In examining the *ahādīth*, the redeeming qualities of illness, as well as of supporting and visiting the ill, become clear. In one hadith, the prophet says that those who die from illness are martyrs (Hadith al-Bukhari, 4:52:82). In another, the prophet relates the following:

Verily God will say on the Day of Judgment, “O children of Adam! I was sick and ye did not visit Me.” And the sons of Adam will say, “O our defender, how could we visit Thee? For Thou art the Lord of the Universe, and art free from sickness.” And God will say, “O men! such a one was sick and you did not visit him.” (as cited in Al-Mamun, 1999, p. 197)

From this discussion on the perceptions of health and illness in Islam, we can extrapolate one preliminary but powerful conclusion about Islam’s view of disability: it is a normal and morally neutral aspect of the human condition. This perception is quite unlike several of the common social and cultural perceptions of disability throughout history, as discussed earlier. Not only is disability not an abnormality among humans, it is also not a sign of evilness or impurity. Instead, like disease and health, disability is simply one element in a natural continuum of well-being for humans.

DISABILITY IN ISLAMIC LAW AND EARLY ISLAMIC SOCIETY

Themes in the Qur’an

We begin our examination of disability in Islamic law with a discussion of the general perspectives on disability that arise from themes within the Qur’an. We have identified five themes through an intimate examination of the text of the Qur’an and of its exegesis (*tafsīr*) by Islamic scholars. The first of these themes is the concept of the normalcy of ill health and disability described in the last section. The four other themes are the normalcy of

difference, accountability as contingent on ability, physical characteristics as morally irrelevant, and an emphasis on health promotion.

In Islam, the normalcy of difference (the second theme) is one of the most basic precepts of human existence. This idea is laid out plainly in the following verse of the Qur'an:

O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And [God] has full knowledge and is well-acquainted (with all things) (49:13). (Ali, 1992, pp. 1342–1343)

This verse outlines the common origin of all human beings, the central humanity that unites all individuals as a result of this commonality, the normalcy of difference as a fact of existence, the purpose of difference as uniting people in mutual understanding, and the proper standard of human evaluation as spiritual (not physical or mental) excellence. As Bazna and Hatab (2005) note, this verse comes after a set of verses that emphasize respecting the dignity of others, which suggests that the “equality of biological origin should be reflected in the equality of the human dignity common to all” (p. 12).

Another passage—one of several similar verses—that discusses the normalcy of difference is the following:

Seest thou not that [God] sends down rain from the sky? With it We then bring out produce of various colours. And in the mountains are tracts white and red, of various shades of colour, and black intense in hue. And so amongst men and crawling creatures and cattle, are they of various colours. Those who truly fear [God], among His Servants, who have knowledge; for [God] is Exalted in Might, Oft-Forgiving (Qur'an 35:27–28). (Ali, 1992, pp. 1109–1110)

Thus, not only is difference an essential quality of human existence, it is also similarly natural for the broader world of creation.

The idea that difference in human conditions is a normal fact of life is further emphasized by the third Qur'anic theme, that accountability and responsibility are contingent on ability. One of the most famous verses of the Qur'an states, “On no soul doth [God] place a burden greater than it can bear” (2:286) (Ali, 1992, p. 120). In Islam, the magnitude of and accountability for one's obligations and duties are measured by one's ability. This standard applies in religious, legal, and civic contexts. For example, the amount of money that one gives in zakāt is measured as a percentage of one's saved wealth, which acknowledges the varying degrees of wealth that people have. The following partial verse illustrates this example: “Let the man of means spend according to his means: and the man whose resources are restricted, let him spend according to what [God] has given him. [God] puts no burden on any person beyond what He has given him” (Qur'an 65:7) (Ali, 1992, p. 1486). Similarly, if someone is unable to complete a required fast during the month of Ramadan, he or she may make up this obligation in an alternative manner (Qur'an 2:184). The fact that standards differ with ability supports the earlier conclusion that difference is seen as natural in Islam.

The notion that variety and differences are a natural aspect of the human condition is consistent with the fourth Qur'anic theme that physical ability and characteristics are morally irrelevant. Put differently, there is a decisive emphasis on internal piety in Islam, especially in the context of human evaluation. Part of a Qur'anic verse previously quoted states, "Verily the most honoured of you in the sight of [God] is (he who is) the most righteous of you" (Qur'an 49:13) (Ali, 1992, p. 1343). A hadith of the prophet similarly relays, "God does not judge you according to your bodies and appearances, but He looks into your hearts and observes your deeds" (as cited in Bazna & Hatab, 2005, p. 12). Both of these citations illustrate that it is spiritual, not physical or mental, excellence that is the proper standard of judgment of human beings.

Although illness and variability in physical appearance may be viewed as natural in Islam, a fifth theme from the Qur'an emphasizes health promotion. Part of the reason that those who are sick or otherwise unable to perform certain duties are excused from doing so is because such performance may worsen their health. Islam emphasizes the protection and maintenance of health, which involves also the prevention of ill health. For example, the Qur'anic dietary commands require an individual to consume food that is beneficial, not harmful, to the body (2:168). One conclusion that can be drawn from this theme is that to the extent that disabilities can be prevented, society and individuals must take measures to do so. Another major conclusion is that people should not grow weaker or more ill from obeying God's commandments, since Islam is a religion of ease, not hardship, as the Qur'an states in 22:78.

Rights and Responsibilities of People with Disabilities

The five Qur'anic themes underlie Islamic law in terms of rights and responsibilities of people with disabilities. For example, Muslims with disabilities are not to be punished for their conditions, and religious duties are tailored to their abilities. These concepts are apparent when discussing ritual pillars of Islam (such as prayer, fasting, and Hajj), criminal law, and employment.

Ritual prayer (*salāt*) is one of the major daily duties of a Muslim. These five daily prayers involve a set of prerequisite conditions as well as certain physical and mental actions. Thus, for some with disabilities, prayer may prove difficult or impossible, and therefore religious accommodations or exemptions are provided. For example, one of the prerequisites of prayer is cleanliness, or *tahārah*. Before each prayer, Muslims must be in a state of purity, attained through *wudū'* (ablution). *Wudū'* involves a systematic cleaning with water of certain body parts, such as the hands, face, arms, and feet. Because sanity is a requirement for the completion of *wudū'* and other religious duties, those who are unconscious or with severe intellectual impairments (e.g., from mental retardation) are not responsible for these rituals. For those who may not be able to use water, using sand or dust in the symbolic manner known as *tayammum* is the recommended substitute. Islamic law also recognizes that *wudū'* may be modified for those individuals who have connected fingers, a superfluous hand or foot, or superfluous skin (Rispler-Chaim, 2007).

The various ways in which wudū' can be voided also have implications for Muslims with disabilities. These ways include passing gas, urinating or defecating, certain types of bleeding and vomiting, sleeping, and losing consciousness. For individuals who have health reasons that make it difficult to maintain purity (e.g., suffering from urinary incontinence, intestinal conditions, or lack of control over certain organs), the general procedure is to take precautions to treat or allay the condition, contain or stop the flow of discharge if applicable and possible, or, if none of these is feasible, to continue with the prayer and ignore the discharge (Rispler-Chaim, 2007). These exceptions revisit the theme of responsibility contingent on ability, which was discussed in the previous section.

The Muslim prayer itself involves a number of physical movements—including bowing, sitting, and prostrating—the requirement of which may be relaxed for people who cannot perform them. Prayer in the Qur'an is not equated with or confined to one physical position or the other. Rather, the Qur'an explicitly states that remembrance of God can occur while “standing, sitting, or while lying on [one’s] side” (3:191). Still, individuals who are able to stand while in prayer should, while those who are unable should do what they can, in the following hierarchy of preferences: leaning against a support, sitting, lying on one side, or using one’s head and eyes to mark the prayer—in all cases ensuring that the prostration is deeper than the bowing (Al-Marghinani, 2006; Rispler-Chaim, 2007).

Similar principles apply to the duty of fasting. Obligatory fasts are imposed during the month of Ramadan. The Qur'an explicitly prescribes fasting and exempts certain people from the obligation, including those who are ill or traveling. The exemption for the sick also applies to individuals with disabilities who are unable to fast. If the inability lasts only part of the month of Ramadan, the person should make up the fasts afterward. Those who are never able to fast or whose health condition may worsen by fasting should not fast, and should instead either feed the poor for each missed day or donate charity of the same value (Al-Marghinani, 2006; Rispler-Chaim, 2007).

Another pillar of Islam, the Hajj pilgrimage, offers exemptions for those individuals who are unable to meet the physical requirements of the journey. Hajj is required only for those who are able to undertake it, according to the Qur'an (3:96–97). Some individuals with disabilities may be able to complete the Hajj without much difficulty, such as those who are blind and have a guide. Others may not be able to and are thus exempt. Some schools of Islamic law claim a requirement on those with sufficient financial means to send someone to complete the Hajj in their stead. For those disabilities that arise during the course of Hajj, the affected person should excuse him- or herself from the Hajj and send an animal for sacrifice (Rispler-Chaim, 2007). The general idea that emerges from the Islamic legal perspective on Hajj, as Rispler-Chaim (2007) noted, is that disability per se or requiring assistance does not prevent one from executing the duty so long as the person is “conscious and aware of the import of the rituals and holiness of time and place” (p. 36).

In addition to the pillars of Islam, there are numerous other areas in Islamic law in which individuals with disabilities have affirmative rights. For example, these individuals have a recognized right to public service and public spaces.

Disability also does not bar anyone from the right to marriage, and only a select few disabilities that prevent major marital functions or are contagious or dangerous in some way may suffice as reasons to prevent or terminate a marriage (Rispler-Chaim, 2007).

In the area of Islamic criminal law, offenders with disabilities may have certain rights on account of their disability. There are three requirements for the application of punishment: will, knowledge, and intent. That is, to be punishable by law, “the offender must have had the power to commit or not to commit the act (*qudra*); he must have known (*‘ilm*) that the act was an offence; and he must have acted with intent (*qasd*)” (Peters, 2005). As a result of this theory of mens rea (guilty mind), individuals who are insane or whose disabilities render them unaware of their deeds are not held liable.

On the question of whether Islamic law affords individuals with disabilities legal protection against discrimination in the employment context—which is a predominant concern in European and North American disability law—we can look to the general Qur’anic themes of normalcy and equality, specific historical illustrations related to fairness in opportunity, and modern religious edicts on this issue. We have already seen that in terms of strictly religious opportunities, if an individual with a disability is able to perform a duty, he or she has the right and responsibility to do so regardless of the presence of disability. The same attitude of nondiscrimination in opportunity has a presence in nonreligious contexts as well throughout Islamic history. Numerous contemporaries and companions at the time of the prophet who had disabilities were appointed to leadership positions and political offices, fought in battles, led political and military campaigns, and were religious scholars. These examples are cited in modern rulings and studies in the Muslim world that assert the irrelevance of disability in determining whether an otherwise capable candidate can be employed in a given position (Rispler-Chaim, 2007). Al-Jahiz (1990), a famous medieval Muslim scholar, wrote that disabilities do not prevent qualified individuals from participating in religious society, being employed, and holding important offices.

Obligations on the Community

Although Islam grants legal rights and opportunities to individuals with disabilities, it also imposes obligations on communities in relation to these individuals. Through an examination of Islamic law, we identified three themes that are implicated in this discussion: equity in treatment, social welfare, and disability as a human rights issue. The first theme, equity in treatment, deals with the subject of interpersonal ethics in Islam as they relate to individuals with disability. As described in the Qur’an and Sunnah, individuals with disabilities must not be dismissed or denigrated on account of their disabilities. A popular story in the Qur’an describes how the prophet himself was reproached for turning away from a blind man who had interrupted him during an important meeting with the chiefs of Mecca. The message of this story (which is contained in chapter 80) is one advocating the ethical treatment of all individuals, the judgment of individuals based on internal (i.e., nonphysical) characteristics, and nondiscrimination on the basis of ability or strength.

Indeed, the blind man in this story went on to be appointed as a governor and commander in various military expeditions, as noted by Al-Basit (as cited in Rispler-Chaim, 2007, p. 132).

In addition to maintaining ethical interpersonal relations, the community also has a duty to maintain social welfare. Islam's zakāt system is the foremost economic welfare system in Islamic law and represents a legal duty among Muslims to care for the economically disadvantaged. The purpose of zakāt is to ensure that the basic needs of every member of society are met in a sustainable fashion. Jurists agree that individuals with disabilities who are unable to earn a living are mandatory recipients of zakāt funds, and Al-Basit specifically mentions that zakāt funds should also be used to create professional training programs and employment opportunities for these persons (Al-Kawthari, 2005; Al-Basit as cited in Rispler-Chaim, 2007, p. 133). Throughout Islamic history, governments have borne the responsibility of dispersing these funds as well as provided public services, such as treatment and housing facilities for the disabled, through its charitable endowment (Al-Basit as cited in Rispler-Chaim, 2007, p. 133).

Islamic law also mandates material care for individuals with disabilities beyond any economic needs. Al-Basit noted the existence of a *fard kifāya*—communal obligation—to care for individuals with disabilities, which means that those who can and do perform such care can fulfill this duty on behalf of the entire community (as cited in Rispler-Chaim, 2007, p. 132). This duty has historically been fulfilled in Muslim societies through the presence of hospitals, homes, and social service centers for individuals with disabilities as well as through the provision of financial aid, aides, guides, and interpreters by the state or other relevant agency. For example, a recent *fatwa* (legal edict) by the grand imam of Al-Azhar University in Cairo, Muhammad Sayyid Tantawi, required that an interpreter be present at all Friday sermons to sign the sermon's content to the audience (as cited in Rispler-Chaim, 2007, p. 24). Thus, in both an economic and a material care sense, Islamic law holds the community as a whole responsible for ensuring the welfare of members with disabilities.

The final theme implicated in this discussion is that of disability as a human rights issue. Islam makes clear that all humans share a common element—humanity—which entitles them be treated with equality and dignity, whether at an individual, interpersonal level, or at a larger, social welfare level (Al-Basit, as cited in Rispler-Chaim, 2007, p. 125). This commitment provides the basis for the provisions already discussed.

Historical Applications of Islamic Law

Against a legal backdrop affording rights to individuals with disabilities while obliging communities to contribute to the physical and financial well-being of segments of society in need, it would seem only fitting that the historical treatment of people in Islamic society who have disabilities would be generally marked with tolerance and humanity. A full review of this treatment is beyond the scope of this chapter, but a few general historical trends deserve mention.

The first trend showcases the level of integration of disability into Muslim society. This trend reinforces the theme of normalcy that we already discussed extensively. Numerous authors and scholars, for example, have taken up the topic of disability in major legal and nonlegal works since the time of Muhammad. The first known writer on disability in medieval Islamic history was Al-Haytham bin Adiyy, who died in 821 (Ghaly, 2006). Other medieval writers on disability include Al-Jahiz (d. 868) who wrote explicitly on the normalcy and moral neutrality of disability, Khalil ibn Aybak al-Safadi (d. 1361) who wrote a biographical dictionary of blind luminaries, and Ali ibn Sultan Muhammad Qari al-Harawi (d. 1606) who wrote a short treatise on attitudes to blindness in the Qur'an and ahādīth (Scalenghe, 2005). Through these writings there emerges a distinct corroboration of the concept that disability is a normal facet of life; is in no way a mark of evil, disgrace, or inferiority; and should not impede anyone from everyday participation in society.

Scalenghe's (2005) case study of deaf individuals in the Ottoman Empire (16th–18th centuries) illustrates the integration trend as well. Several notable scholars and political figures were deaf, including Ibn al Farfūr (a jurist) and Riyādi al-Utrush al-Rūmi (a judge). There is also evidence of the use of sign language in Ottoman courts (Miles, 2002). Scalenghe (2005) also noted the existence of numerous juristic rulings in Ottoman Syria enumerating the religious obligations of deaf and mute individuals and explicitly affirming the use of signs in contractual matters such as marriage and the permissibility of those with speech defects to lead prayer.

Such legal rulings establishing the religious and civil rights of persons with disabilities reveal a second historical trend: a progressive outlook on the part of Muslim legal scholars and jurists. Building on the attitudes of the Qur'an and ahādīth that distinguished Islam from its neighboring civilizations, these legal rulings touched on topics such as marriage, contracts, and property rights, affording individuals with disabilities affirmative rights in each of these areas (Miles, 2002). They also pronounce a duty to care for in-need segments of society, which may include individuals with disabilities. This duty to care is a third historical trend in Islamic history, as was discussed in the previous subsection.

CONTEMPORARY OVERVIEW OF DISABILITY IN MUSLIM COUNTRIES

Our discussion of Islam's view of disability concludes with an overview of the contemporary conditions of individuals with disabilities living in Muslim countries. (We refer to countries with majority Muslim populations and Muslim leadership as Muslim countries; these countries are located primarily in Asia, the Middle East, and Africa.) Although we have seen a marked open-mindedness, progressiveness, and humanity characterizing the Islamic legal conception of disability throughout history, the circumstances in the Muslim countries unfortunately generally do not uphold this religious standard. Indeed, many Muslims worldwide possess negative views of disability as a reflection of punishment or sinfulness. Although these views have no basis in

Islam, as we have noted, they often guide the ill treatment of individuals with disabilities in certain societies. Still, as we will see, numerous steps on the part of religious and political leaders and well as civil organizations demonstrate a developing commitment to improving the conditions of individuals with disabilities in line with Islamic principles.

Today's Challenges

Most Muslim countries today would be considered by any economic analysis to be developing. Prevalent political turmoil and civil conflict coupled with an underdeveloped infrastructure means that in most contexts, the practical realities facing individuals with disabilities differs vastly from the traditional Islamic views. These traditional views dictate how Muslim communities must take responsibility for their disabled citizens and are reflected in many contemporary fatwas and laws, which hold Muslim countries accountable for ensuring that their citizens with disabilities have equal rights. Yet modern technology, disparities in wealth and knowledge, and complex sociopolitical systems have made it difficult to bridge the gap between what is understood as Islamically correct and what is realistically feasible for Muslim countries to implement.

The socioeconomic situations of Muslim countries have significant implications for those with disabilities. The proportion of disability in the developing and Muslim countries caused by communicable, maternal, and perinatal diseases, for example, is higher than in developed nations (Elwan, 1999). Compounding these causes of disability, many Islamic nations have been faced with some form of conflict over the past several decades and these conflicts have created a population of disabled veterans and civilians injured during wartime or through postwar accidents. In many instances, the high burden of war-based disability has forced governments to create services for the disabled (Turmusani, 2003). Poverty has left many families with disabilities, such as visual or hearing impairment from otherwise preventable causes (Williams, 2001). It is estimated that there are 25 million deaf and hard-of-hearing Muslims around the world, with as many as 2 million in Egypt alone (Rispler-Chaim, 2007). Such a high occurrence of disease and disability, much of it preventable, makes it difficult for Muslim societies with limited resources and infrastructure to address disability needs and awareness in a meaningful way.

Another roadblock to effective disability policy and practice in Muslim countries comes in the form of negative or apathetic social attitudes toward disability. Even in the face of contrary evidence in Islamic theology, some assumptions about disability in Muslim countries are that disability is "hereditary" or that "mothers are fundamentally culpable" (Crabtree, 2007, p. 53). This attitude toward disability is heavily steeped in culture but over time has mistakenly justified itself in religious terms, leading to a misinformed religious basis for the social stigma surrounding disability. It is possible that the lower levels of education and literacy in the Muslim world contribute to the lack of acceptance and understanding of disabilities and to a sense of hopelessness as to the unavailability of treatment and support systems for the

disabled. Hasnain, Shaikh, and Shanawani (2008) described the variety of beliefs, stigmas, and stereotypes surrounding disability in Muslim countries, including a belief that curses or evil spirits cause disability; pity, hostility, and fear toward individuals with disabilities; a commitment to keeping children with disabilities at home; less acceptance of cognitive or mental disorders than of physical impairments; and a view of disability as a cause for shame. However, Hasnain et al. also noted the variety in Muslim attitudes toward disability, with some Muslims espousing a view of disability as punishment and others firmly rejecting this view in favor of a more scientific, optimistic, or objective view.

In Pakistan's North West Frontier Province (NWFP), a study of public perceptions found that people tended to feel that their individual attitudes toward disability were more advanced and compassionate than the attitudes of the general public. However, individuals with disabilities in the same region described public attitudes as less accepting of disability (Miles, 1983). It is plausible that the general public in this region is less aware of the impact of their attitudes toward the disabled person than could reasonably be expected of them; if this perception were true, it would be ample evidence of the lack of education and understanding surrounding disability in that part of the world. For disabled people in the NWFP, and most likely in other areas of Pakistan, the public perception of disabilities is an important social barrier to gaining respect, and thus access to services, in the community.

In addition to challenges related to social perceptions, there are also substantial infrastructural challenges that hinder disability accommodation and outreach in Muslim countries. Much of the responsibility for care for the disabled in these countries rests on the shoulders of the family (Williams, 2001), which in the developing world is a financial burden that many families cannot accommodate. Beyond the care provided by the families, there is little government-instituted infrastructure to assist individuals and families in dealing with permanently disabled people, with the majority of services that do exist being offered to disabled military veterans only. Individuals with disabilities in these countries tend not to attend school or receive job training unless they are wealthy and can afford the expensive support systems available within their country or can import them from more developed countries. Wealthier families can afford to purchase Braille materials, wheelchairs, talking computers, personal support workers, and other special services (Williams, 2001).

If there is care available to the nonwealthy disabled people outside of the home, it often comes in the form of nongovernmental organizations funded by more developed countries. The importance of these organizations cannot be understated as they often provide the sole point of care for many who would otherwise receive none. However, they too bring some challenges; often these organizations are faith-based, and the care they provide is grounded in Euro-American medical models that fail to take into account the cultural context of disability in the region (Turmusani, 2003).

There is no doubt a need for stronger national responses and more support for local grassroots efforts to address the needs of disabled people in an internally driven, culturally and religiously competent, and government-sponsored fashion. Such efforts will help shift a prevalent, current belief that

people with disabilities need to be sheltered because they cannot have a productive future. One study in Saudi Arabia found that depression among visually impaired boys was almost twice that of boys who were hard of hearing (Abolfotouh & Telmesani, 1993). This finding suggests that the psychosocial impact of blindness in countries with lower levels of infrastructure may be related to the resultant dependency on others. Thus, a major focus of current efforts should be to support autonomy, allowing people with disabilities to function for themselves in the ways they desire.

Gender also plays a role in fostering disparate treatment among individuals with disabilities. A Palestinian study found that men who had been disabled via their involvement in the conflicts surrounding the events of the Intifada (uprising) were revered as heroes, and the public perception of their disabilities was improved. However, women with disabilities were seen as second-class citizens, leaving many women in the dark when pursuing social support for their conditions (Turmusani, 2001). The existence of such gender disparities signals that the disparate treatment of individuals with disabilities can be compounded further by one's social status.

Another infrastructure problem facing Muslim countries is the pressing need for better statistical data on disabilities in the Islamic world. Without more complete and accurate data, the true extent of disabilities affecting the population cannot be ascertained, and policy makers will have a difficult time designing effective programs and laws concerning disability needs. In addition, by improving the collection of statistics on disability, service providers can identify strengths and weaknesses of current services to better design and focus future efforts. In the developing world, the need for better data is magnified by the fact that the disabilities are often downplayed by families and societal institutions due to the cultural stigma that surrounds them (Turmusani, 2003). This, in turn, muddles the understanding of disability in the country as a whole. The data that do exist in Muslim countries is mostly of poor quality, poor comparability to other data sets, and limited applicability to the population (Eide & Loeb, 2005). Moreover, the majority of researchers collecting data are academics who have little connection to policy makers or government, and there is limited collaboration among them to standardize data collection across regions or conditions. Finally, few data collection instruments take into account the cultural context of disability in developing and Muslim countries, making it difficult to utilize existing instruments in any effective and meaningful way. One exception to this general trend is the growing use in several Muslim countries of the common Ten Questions screening instrument, which detects disability and has a high cross-cultural success rate (Eide & Loeb, 2005).

Moving Forward

Although many Muslim countries may be simply too poor, too apathetic, or too occupied with other problems to devote the necessary attention to policies regarding disability, some are showing definite signs of progress in developing services for people with disabilities. India, having experienced staggering economic growth and stability in the past two decades, has begun

to turn efforts toward social policies and has opened rehabilitation centers throughout the country for those with physical disabilities (Williams, 2001). Other more developed countries, such as Turkey, have also been augmenting the level of infrastructure available to people with disabilities. Though the opportunities are still fairly limited, the quantity and quality of schools, services, support, and parental education for families with children with disabilities has grown significantly (Akkök, 1994). Countries including Saudi Arabia, Qatar, and Egypt have been in the process of developing a systematic social institution to assist individuals with disabilities (Hasnain et al., 2008).

Some countries have also shown tremendous legal progressivism for several decades, with jurists, scholars, and policy makers writing fatwas, articles, and policies, respectively, related to social awareness and provisions for individuals with disabilities. In terms of fatwas, there have been numerous and specific declarations of the rights of individuals to various resources. For example, scholars have declared that mosques ought to be equipped with interpreters to assist hearing-impaired individuals in understanding the Friday sermon. In Egypt, after a disability advocacy group made the suggestion, a fatwa was issued allowing the use of sign language interpreters in mosques, under the reasoning that no Muslim who seeks knowledge should be left uninformed or uneducated. On June 30, 2000, the first sermon using a sign language interpreter was given, and those in attendance reported exuberant sensations at finally being able to understand what was being said (Rispler-Chaim, 2007). A similar fatwa was passed in Turkey in 2003, on which sign language interpreters were introduced into mosques there as well (Albayrak, 2003).

Another fatwa, this time issued by the Shariat Council of the United Kingdom, passed a ruling in 2002 allowing seeing-eye dogs in Muslim businesses and for use by visually impaired Muslims, reasoning that although dogs are not permitted in the home for cleanliness reasons, they are allowed if they contribute to a person's safety, as in the case of seeing-eye dogs (Disability Rights Commission, 2002). Although Muslims often prefer not to keep dogs in the house, either as pets or as work animals, the proliferation and increasing effectiveness of seeing-eye dogs during the latter part of the 20th century brought about this legal ruling.

Jurists have also commented on social attitudes in regard to disability. A 1997 fatwa by a Saudi Arabian jurist responded to a question pertaining to parents who tended to hide their disabled child from people and avoided taking the child to social gatherings. The jurist declared that such behavior was a mistake and that parents should bring their child out in public, unless this act imposed undue hardship (as cited in Rispler-Chaim, 2007, p. 98).

Contemporary scholarly works on the Islamic view of disability as well as on the obligations of Muslim societies toward their disabled citizens have also been on the rise in the past few decades. Al-Basit's study, discussed earlier, was published out of Israel in 2000 and discusses the rights of disabled individuals as well as the society's obligations to these individuals, touching on topics such as preventive medicine, social attitudes toward disability, physical accommodation, and economic assistance (as cited in Rispler-Chaim, 2007, pp. 123–134). Numerous other scholarly works are referenced in this chapter.

Policy makers in various Muslim countries have taken Islam's affirmative rights for individuals with disabilities and converted them into forms of accommodation. In the area of religious rights, modern accommodations for disabled people such as ramps, curb cuts, designated parking, and architectural considerations have been included in mosques in Mecca, important mosques around the world, and at newer mosques.

Modern medical advancements have changed the conditions of what a person with a disability is capable of achieving, and the advent of artificial limbs has added to Muslims' ability to complete Hajj. A fatwa was passed determining that Hajj with an artificial limb is indeed valid, and while previously an individual who lacked limbs would not have been required to complete Hajj, someone with an artificial limb is obligated to do so. Another fatwa passed regarding disabilities and Hajj pertains to the use of hernia belts. During Hajj, one is to wear only white sheets, and no seams are allowed on one's clothing. The issue of hernia belts arose because these belts fall outside the permissible garments. However, because a hernia belt assists someone striving to complete the Hajj and is worn strictly for medical purposes, it was deemed allowable to wear them, including ones with seams (Rispler-Chaim, 2007).

Another Muslim duty—zakāt—has also been used as a policy to assist those with disabilities. This annual financial contribution from each Muslim offers funds for social services. In Pakistan, the alms are distributed according to the needs of the receiving population, and some of the collected amount is put toward the development of education for those who would otherwise have little or no access. Zakāt collected for impoverished students was traditionally limited toward food, soap, clothing, and textbooks. However, in 1980, Zakāt funds were used to hire a special education teacher at a school for disabled children (Miles, 1995).

Finally, Muslim decision makers have also exerted effort to assist those with disabilities. In an effort to increase the widescale applicability of Islamic philosophies in a modern context, the Universal Islamic Declaration of Human Rights (UIDHR) was drafted in 1980, resembling in many ways the Universal Declaration of Human Rights created by the United Nations (Rispler-Chaim, 2007). The UIDHR includes provisions applicable to people with disabilities and was seen as a watershed moment for those advocating for human rights in the Islamic world. Like various domestic policies mentioned, the UIDHR is a facial and practical articulation of support for individuals with disabilities.

CONCLUSION

Through a review of Islam's primary and legal sources—the Qur'an, ahādīth, and fiqh—this chapter has provided insight on a fairly esoteric subject: the Islamic view of disability. Against a global historical backdrop that has often featured negative views of disability and alienation of individuals with disability, the Islamic philosophy of disability is humane, equitable, broad-minded, and progressive (Rispler-Chaim, 2007). Themes in Islam emphasize

the normalcy and moral irrelevance of difference and disability, as well as the affirmative rights given to those with disabilities. There are community obligations to assist persons with disabilities. However, in Muslim countries today there is much work to be done in the area of disability needs and awareness, despite significant progress that has been made in recent decades.

NOTES

1. References to the Qur'an are in the format of chapter:verse.
2. References to hadīth are in the format of volume:book:number.

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