

# ESENSIA

Jurnal Ilmu-Ilmu Ushuluddin

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*Fatmawati, Kalsum Minangsih,  
Siti Mahmudah Noorhayati*

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# ESENSIA

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## Aids as God's Punishment: Examining Ibn Majah's Sexual Ethics and Implication of Transgression

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### Abstract

*There are still many religious communities who regard AIDS as a curse and punishment from God. Where do the assumptions and discourse come from? And what are the consequences of these assumptions. This paper then sees that one of these assumptions resulted from the Sunan Ibn Majah (number 4019) where there is the word Fahisha. But in the end of our article, we conclude that the Hadith in Ibn Majah is far from talking about divine punishment, rather about the Tawhid according to which Muslims should behave in this world. The Tawhid serves as Islamic morality that is extended from the individual to the social. The Hadith as a whole is basically dealing with social problems as a result of social ignorance to the principles of the Tawhid, which consist of liberation of human consciousness, human equality and social solidarity as the basis of Islamic morality.*

**Keywords:** AIDS, Hadith, Ibn Majah, Implication

### Abstrak

Masih banyak komunitas agama yang menganggap AIDS sebagai kutukan dan hukuman dari Tuhan. Dari mana datangnya asumsi dan wacana tersebut? dan apa konsekuensi dari asumsi-asumsi ini? Kajian artikel ini menemukan bahwa salah satu asumsi ini dihasilkan dari Sunan Ibnu Majah (nomor 4019) di mana ada kata *Fahisyah*. Tetapi di akhir artikel kami, kami menyimpulkan bahwa Hadis dalam Ibn Majah tersebut jauh dari pembicaraan tentang hukuman ilahi, melainkan lebih kepada tentang tauhid yang harus dimiliki umat Islam di dunia ini. Tauhid berfungsi sebagai moralitas Islam yang diperluas dari individu ke sosial. Hadis ini secara keseluruhan pada dasarnya berurusan dengan masalah sosial sebagai akibat dari ketidaktahuan sosial terhadap prinsip-prinsip Tauhid, yang terdiri dari pembebasan kesadaran manusia, kesetaraan manusia dan solidaritas sosial sebagai dasar moralitas Islam.

**Kata kunci:** AIDS, Hadis, Ibnu Majah, Implikasi

## Introduction

The AIDS pandemic in the world has attracted many responses from those who have interests in it, including religious leaders and scholars across countries and religions.<sup>1</sup> One of the most popular responses among religious leaders and scholars is that HIV/AIDS is a divine punishment for the sinners due to their fornications and all kinds of sinful sexual intercourses. For them, religious texts seem to be the most convincing proof from which their arguments are derived. In Islamic tradition, the Qur'an and the Hadith are two religious texts from which some of Muslim leaders and scholars understand HIV/AIDS as a punishment from God. It is reasonable since the two are believed to be the most authentic authorities according to which Muslims should behave. In the former, the notion that AIDS is a punishment from God stems from the famous story of the people of Lot (7: 80-81), while in the latter the most commonly accepted Hadith is that in the Ibn Majah as found in his collection of traditions (*Sunan*). Research shows that, the study of AIDS as a punishment from God for having forbidden sexual relations dominates the discourse and perception of Muslim societies.<sup>2</sup>

The goal of this paper is to trace back the Hadith and critically analyze it to figure

<sup>1</sup> See, Angela Kelly, "The Body of Christ Has AIDS: The Catholic Church Responding Faithfully to HIV and AIDS in Papua New Guinea," *Journal of Religion and Health* 48, no. 1 (2009): 16-28; Philippe Denis, "HIV/AIDS and Religion in Sub-Saharan Africa: An Emerging Field of Enquiry," *Archives de Sciences Sociales Des Religions* 58, no. 164 (2013): 43-58; Jen Sern Tham and Hasmah Zanuddin, "Religion and Media: A Case Study of Utusan Malaysia's Response to HIV/AIDS," *Continuum* 29, no. 1 (January 2, 2015): 121-33, <https://doi.org/10.1080/10304312.2014.964176>; Rachel Wallace, "After the Wrath of God: AIDS, Sexuality and American Religion," *Theology & Sexuality* 22, no. 3 (September 1, 2016): 202-4, <https://doi.org/10.1080/1358358.2017.1343578>; Marian Burchardt, *Faith in the Time of AIDS: Religion, Biopolitics and Modernity in South Africa* (Springer, 2016).

<sup>2</sup> Jonas Svensson, "God's Rage: Muslim Representations of HIV/AIDS as a Divine Punishment from the Perspective of the Cognitive Science of Religion," *Numen* 61, no. 5/6 (2014): 569-93.

out whether the assumption that HIV/AIDS is punishment from God is acceptable or not. However, before further entering the discussion on it, it is important here to give a brief explanation on Hadith since there are various interpretations-which are still debatable-on the extent to which it has authority in Islamic jurisprudence. Hadith which discusses AIDS as a punishment from Allah is a hadith narrated by Ibn Majah. Therefore this paper will depart from the following two questions: first, what is the view of the hadith regarding AIDS? What are the logical consequences of this hadith meaning?

This paper assumes that studies on AIDS in the Muslim worlds are more dominated by opinions about AIDS as a punishment from God that departs from the understanding of the hadith Ibn Majah. This then becomes a discourse that is always repeated by religious clerics, *kyais*, *ustadz/ah* and Muslim communities in general, so, when they see someone who got the disease, they assume that the sufferer gets it because of sexual acts which are prohibited by religion.

## Hadith: A Brief Explanation

Hadith means documentation of the Prophet's sayings, behaviors and judgments. Talking about the term Hadith is inseparable with the discussion on the term Sunnah that means, in the later theory, the model behavior of the Prophet. Historically speaking, the terms Hadith and Sunnah are not identical as shown by Schahct.<sup>3</sup> The former is documentation of the latter. It was Syafi'i who for the first time identified Hadith with Sunnah as the second source of Islamic jurisprudence. According to Rahman, Hadith is a creative and dynamic interpretation of Muslims from generation to generation based on the Prophet's behavior or model, thereby it is a-historical since it is not necessarily coming from the Prophet but

<sup>3</sup> Joseph Schaht, *Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1953) p. 3.

projected back to him.<sup>4</sup>

Hadith is usually in the form of single and short statements, which are preceded by a chain of transmitters (*isnad*) as a guarantee of its authenticity. In order for a Hadith to be called “authenticated”, it should be provided with an *isnad* that is uninterrupted, leading to an original eye or ear-witness, in which all the transmitters are absolutely reliable.<sup>5</sup> Thus, to figure out whether a Hadith is reliable or not means to find out whether the transmitters involved in the *isnad* are trustworthy or not. This is what among Muslim scholars is known as formal criticism of *isnad*. On this, Esack said:

“The preponderance of this science..... is seen in the following categories of demarcating the authenticity or otherwise of the Hadith: (1) *sahih* (sound): a faultless Hadith in whose chain of narration there is no weakness; (2) *hasan* (beautiful, good): a Hadith whose chain of narration is not entirely complete or whose reliability is in doubt; (3) *da'if* (weak): a Hadith against which there are serious doubts because either the narrator or its chain is known to be unreliable or of doubtful orthodoxy.”<sup>6</sup>

However, in the later development such a criticism of Hadith is not the only way to find out the authenticity of Hadith. Rather than assessing the reliability of the *isnad*, the criticism is focused on the content of the Hadith (*matn*). Rahman is among those who advocate such a criticism through which he suggested a situational re-interpretation of Hadith within the perspective of socio-moral conditions of the recent time, which opens room for more acceptable and appropriate interpretations.<sup>7</sup>

Unlike those who identified Hadith with Sunnah, Rahman differentiated between the

two terms. According to him, not all expressed in Hadith is Sunnah, and not all Sunnah are expressed in Hadith. Sunnah is not a mere behavioral law, but also a normatively moral law, while Hadith is a documentation of Sunnah itself. Thus, once it has been codified in the collections of Hadiths,<sup>8</sup> Sunnah became stagnant. Worse, some Muslims perceive the collections of Hadith, Rahman further said, as the most authenticated ways to implement Sunnah, regardless of the historical fact that there were many spurious Hadiths due to internal-political conflicts among Muslims.<sup>9</sup> That is why, from Rahman’s perspective, human interpretation in the Hadith affected a significant portion of Hadith, and therefore it is in need of re-evaluation and re-interpretation.

### The Hadith in Ibn Majah: AIDS as a Punishment from God

Probably, the most common Hadith quoted in favor of the notion that HIV/AIDS is a punishment from God is that in the collection of Hadiths worked out by the traditionist Ibn Majah. The Hadith reads:

‘Abd Allah bin ‘Umar said: The Messenger of Allah (*sallallahu ‘alayhi wa sallam*) came to us saying, “O Muhajirun! There are five things when you are tested by them, and I seek refuge by Allah that you should experience them: (1) *fahishah* have never appeared amongst any nation, which they commit openly, but an epidemic or diseases that they have never encountered before became widespread amongst them; (2) Cheating in weighing will result in any crisis of poverty and tyranny; (3) unwillingness to pay *zakat* will result in an extended dry season, without rain so much so that if it

<sup>4</sup> Fazlurrahman, *Islamic Methodology in History* (Islamabad: Islamic Research Institute, 1984) p. 76.

<sup>5</sup> Schacht, *The Origins.*, p. 3.

<sup>6</sup> Farid Esack, *The Qur’an: A User’s Guide* (Oxford: Oneworld, 2005) p. 114.

<sup>7</sup> Rahman, *Islamic Methodology*, p. 77.

<sup>8</sup> Historically speaking, this happened during the third century A.H. There are a number of works six of which became the classical corpus of orthodox Islamic traditions which are well known as “*Kutub-Sittah*”, i.e. the works of Bukhari, Muslim, Abu Dawud, Tirmidhi, Ibn Majah, and Nasai’i. See Schacht, *The Origins.*, pp. 3-4.

<sup>9</sup> Rahman, *Islamic Methodology*, pp. 1-18.

were not for cattle, it would not rain at all; (4) Damaging the bond between Allah and the Prophet Muhammad will result in the appearance of an enemy; and (5) leaders refusing to base laws on the revelations of Allah will cause enemies within your own ranks.<sup>10</sup>

On the perspective of the *isnad*, the Hadith is categorized as *hasan* 'good', meaning that not all the transmitters are reliable. The disagreement on its reliability lies on the names of Yazid and his son (Khalid bin Yazid) who are involved in the *isnad*. According to Abu Zar'ah ad-Damisyqi, Abu Zar'ah ar-Razi, Khalid bin Yazid is reliable, while according to Ahmad, Ibn Mu'ayyan and an-Nasa'i, his is not. In the case of his father, Yazid is considered reliable by Ibn Mu'ayyan, Abu Zar'ah ar-Razi, Ibn Habban, Daruqutni, and Barqani. On the contrary, Ya'qub bin Sufyan said that any Hadith, which is transmitted both by Yazid and Khalid is defective.<sup>11</sup>

However, in suggesting that HIV/AIDS is a punishment from God, it seems that, from the whole text, it is only the first part of it that is quoted, ignoring the rest. Based on the first part of the Hadith, Badri translated the Arabic word *fahishah* as 'fornication and all kinds of sinful sexual intercourse', and the Arabic word *ta'un* as plague or epidemic. He, then, said that the AIDS pandemic is a *ta'un* due to shameless promiscuity and homosexual anal sex. Quoting the Qur'anic story of the Prophet Lot, he further said that the AIDS pandemic is a punishment from God for the immoral homosexual revolution of the West.<sup>12</sup> This is why Badri

<sup>10</sup> al-Imam al-Muhaddis Abi 'Abdillah Muhammad bin Yazid al-Qazwini, *Sunan Ibn Majah* (Beirut-Lebanon: Dar al-Kotob al-Ilmiyah, n.d.). IV: 408 Hadith No. 4019. The sanad of it runs: 'Abdallah bin. 'Umar-'Ata'-Yazid-Khalid bin Yazid-Sulayman-Mahmud bin Khalid. There is similar Hadith with different reduction related by at-Tabarani under the authority of Ibn Abbas, see as-Sayed Ahmad al-Hashimi, *Selection of Prophetic Hadiths & Muhammadan Wisdoms*, translated by Salma al-Houry, (Beirut-Lebanon: Dar al-Kutub al-Ilmiyah), pp. 73-74.

<sup>11</sup> *Ibid.*, IV: 408-409.

<sup>12</sup> Malik Badri, "AIDS Prevention: An Islamic

translated the Hadith into: ".....Allah will punish them with new epidemics (*ta'un*) and new diseases which were not known to their forefathers and earlier generations."<sup>13</sup>

A belief that AIDS is a punishment from God assumes that morality is the main cause of the pandemic. The AIDS pandemic is understood as merely dealing with good and bad, or allowed (*halal*) and forbidden (*haram*). In this sense, morality is seen from the perspective of formalist and individual ethics, such as veil, rigorous sexual ethics, beards, and so on-to borrow Hanafi's term, morality as a mere epistemology-neglecting the socio-political structure.<sup>14</sup> Seen within this perspective, as Esack noted, HIV/AIDS is viewed purely in relation with personal morality in which it is assumed that it is caused by sinful or prohibited (*haram*) sexual activity with a complete ignorance of other underlying factors-human dignity and social structures such as powerless women and poverty.<sup>15</sup>

One of the consequences of such an understanding is social or individual stigmatization in which HIV/AIDS is deemed as the problem of "others" not "us". On the social level, the pandemic is associated with to communities or nations and those who immitate them. Probably, the clearest example of this idea is apparent from Badri's stance when he said that "the general belief about the AIDS pandemic is that of divine retribution for the immoral homosexual revolution of the West and its aping in other countries."<sup>16</sup> On the other hand, individual stigmatization takes in the form of judging the infected person as a sinner upon whom God's punishment is inflicted.

Approach," accessed July 22, 2006, [www. Islamset.com/bioethics/aids/index.html](http://www.Islamset.com/bioethics/aids/index.html). p. 30.

<sup>13</sup> *Ibid.*

<sup>14</sup> Hassan Hanafi, *Islam in the Modern World: Religion, Ideology and Development* (Heliopolis: Dar Kebaa Bookshop, 2000) p. 566.

<sup>15</sup> Farid Esack, *HIV, AIDS & Islam: Reflections Based on Compassion, Responsibility & Justice* (South Africa: Positive Muslims, 2004) p. 26.

<sup>16</sup> Badri, *AIDS prevention.*, p. 30.

The two stigmatizations imply that “We are-or I am-moral and they are-or he or she or you are-immoral, thereby punished by God!” Thus, it is reasonable that the only solution for them to cope with the pandemic is back to morality wrapped with the name of a particular, mostly religious, identity.

Such an understanding also leads us to a theological dilemma. If it is believed that God has intended to punish certain demographic groups through the disease, the fact that the AIDS pandemic is larger in number within the poor societies, give us an impression that He dislikes the poor. Also, ‘collateral damage’ of such punishment implies that God is Imperfect since He is acting upon an accurate knowledge. Moreover, the omniscience and the perfection of God seem to be nothing in the face of the fact that there are many innocent people, such as babies, who die of the pandemic. Therefore, the interpretation that the AIDS pandemic is God punishment has violated the Omniscience and the Perfection of God.

For theologians, the answer probably would be that in the case of the sinners, the disease means as a punishment by which God wants to cleanse their sins, and that in the case of the innocent victims it means a test or even a blessing. However, this line of an argument is still problematic to the question what makes the former deserve such a way of sin cleansing while at the same time God forgives a sinner just because of giving water for a thirsty dog? Related to the latter, what does the test or blessing mean for the killed babies?

I have so far explained how the interpretation of the Hadith has led us to severe consequences, which are in fact against divine or religious spirit itself. Of course, it is naïve to assume that it is exactly what the Prophet meant with the Hadith, given the fact that it is not in accordance with the Qur’anic teachings of justice, equality and divine characteristics.

Moreover, such interpretation is only based on a small part of the whole message of the Hadith, putting aside the rest that might-and I believe it must-provide the context wherein the Hadith could be understood properly.

### Redefining the Meaning of the Hadith

Taking a glance at the first part of the Hadith, as usually quoted to assume that HIV/AIDS is a punishment from God, attracts our mind to the assumption that the Hadith is merely dealing with the idea of sexuality, while in fact it is only a part of it. This is apparent from the Arabic word *fahishah*, which is interpreted by some as referring to fornication and sinful sexual intercourse, including male-to-male anal sex. However, it is important to note here that it is not the only meaning to which the word refers.

*Fahishah* is a very general concept. It refers to every kind of indecency, lewdness and and so on in speech or action.<sup>17</sup> In the Qur’an, the term is mentioned about 12 times in its single form, and 4 times in its plural form.<sup>18</sup> However, it should be noted that the term is mentioned in different contexts in the Qur’an. For an instance, an-Nisa’ (4): 15, 19, 25 mentions the word in the context of unlawful sexual intercourse; al-A’raf (7): 80, 81 in the context of the Qur’anic story of Lot; and an-Nur (24): 19 in the context of bad speech. There are various interpretations among classical commentators pertaining to the word, and it is even not so difficult to find the cases when they have different interpretations of the term. In interpreting the term expressed in an-Nisa’ (4): 19, some said that it refers to promiscuity (*zina*), some to disobedience of

<sup>17</sup> Rohi Baalbaki, *Al-Mawrid: A Modern Arabic-English Dictionary* (Beirut: Dar El-Ilm Lilmalayin, 2001) p. 816.

<sup>18</sup> In its single form: An-Nisa’ (4): 15, 19, 22, 25, 27; al-A’raf (7): 28: 80; al-Isra’ (17): 32; an-Nur (24): 19; an-Naml (27): 54; al-Anqabut (29): 28; al-Ahzab (33): 30; at-Thalaq (65): 1. In its plural form: al-An’am (6): 101; al-A’raf (7): 33; asy-Syura (42): 37; an-Najm (53): 32. On this see Muhammad Fu’ad Abd al-Baqi, *Al-Mu’jam al-Mufahras ‘ala Alfaadz al-Qur’an* (-: Dar al-Fiqr, 1014) p. 513.



wives, and others to bad speech.<sup>19</sup> Among later Muslim scholars, Badri for an example, the term *fahishah* refers to male-to-male sexual intercourse, leading him to the assumption that HIV/AIDS is caused by the immoral homosexual revolution of the West as mentioned before. This showed us that to interpret the meaning of the term means to interpret it in a certain context.

Now, the question is what the Hadith above is really talking about? To answer the question, we should go back to the context of the Hadith as a whole.

First of all, what is apparent from the Hadith is that it is addressed to the Muhajirun, those Muslims who are exiled from Mecca to Madinah. It showed us that the context of the Hadith is societal. The five bad things in the Hadith were described in terms of how they possibly lead to unwanted results for society, which is in this context is the Muhajirun. The rest of the Hadith supports this assumption because it deals with social destructive elements such as unfairness in economic transactions (*riba*), unwillingness to pay other rights (*zakat*), and despotic leaders. Based on this, it is safe to say here that any approach to the Hadith should also be social. Therefore, when we refer the word *fahishah* to fornication or other sinful sexual intercourse, we should link the word to social conditions. Promiscuity is not a mere matter of the individual, but also social in the sense that it happened not only because of the free choice of the individual.

Also, the word plague in the Hadith should also be understood in social context, meaning that what causes it is not a mere individual motive but also social one. The story of Moses gave an example of it when the plague came out of oppression and 'societal sins'. It is not only the individual who is responsible for the plague, but all people are also responsible for it. When a plague infects someone, it means that we are

indirectly also infected by it, just like when one part of our body is sick, the whole of our body would feel sick too. Such an interpretation of the Hadith seems to be contextual in the case of the AIDS pandemic. From a social approach, the pandemic is a social disease for which all people are responsible. Just because the rate of the pandemic is low among us it does not mean that we should deny the reality as 'out there'.

As far as the problem of God's punishment is concerned here, I also believe that there is punishment from God. However, I believe that it does not exist in this mundane world, but in the hereafter. Even, if it existed in this world, it is obviously a divine privilege on which human beings have no right to speak about it in the name of Him. It implies that our notion of God's punishment is certainly a mere assumption that we are not supposed to inflict upon an individual, a group or society, as the Qur'an said: "O you who believe, avoid suspicion."<sup>20</sup> Moreover, if we are faced with such a suspicion it is our duty to eliminate it rather than delving into it, as the Prophet said: "When suspicion is aroused, do not pursue it" (Tibrani). It is also in this context of fornication, the Qur'an requires us not to judge it based on our suspicion, but on four eye-witnesses. The Qur'an said: "If any of your women [or men] commits fornication, call in four witnesses from among your selves against them."<sup>21</sup> Therefore, it can be concluded here that interpreting the plague in the Hadith as a punishment from God for others, individual or a group, is in fact against the Qur'anic teachings.

It is true that there exist some Qur'anic stories in where it is clearly stated that God punished a certain community. However, the stories are clearly about the end result of a community living in opposition to eternal moral truths, such as justice and equality. According to Hassan Hanafi, the purpose of history is an

<sup>19</sup> IV: 372.

<sup>20</sup> Al-Hujarat (49): 12.

<sup>21</sup> An-Nisa' (4): 15.

evaluation of previous people's experience.<sup>22</sup> It also applies to the historical narratives of the Qur'an, meaning that what the Qur'anic stories want to tell us is those moral principles behind them, not mere facts and events, that human beings can take lessons and implement them in this life as God's *viceregents* (Khalifatullah). Besides, rather than describing God as The Punisher, the Qur'an gives more attentions to Him as the Merciful. In accordance with this, Fazlur Rahman said:

Indeed, the most intense impression that the Qur'an as a whole leaves upon a reader is not of a watchful, frowning and punishing God, as the Christians have generally made it out to be, nor of a chief judge as the Muslim legalists have tended to think, but of a unitary and purposive will creative of order in the universe.<sup>23</sup>

After all, the fact that there is evil and good in this world is a truism. As a Muslim, we should believe that all things, bad and good, come from God, as the Qur'an said, "All things come from God and all things return to Him."<sup>24</sup> From a perspective of Sufism, all creation, according to Rumi, is a locus of divine manifestation and that Divine Mercy annuls Divine Wrath.<sup>25</sup> It implies that the idea of God's punishment in this world is abolished by the idea of His Mercy, leading to a conclusion that there is in fact no punishment from God in this world. It also implies that it is the task of humans to manifest the Divine Mercy in this world, being united with Divinity. Since all creation is a locus of divine manifestation, being united with Him means also unity of mankind, without any discrimination in the terms of economic, race, societies, nations, and peoples. Thus, the idea that God punishes a certain individual, a society or even a culture is

<sup>22</sup> Hanafi, *Islam in The Modern World.*, p. 558.

<sup>23</sup> Fazlurrahman, *Islam* (Chicago and London: University of Chicago Press, 1979). p. 33.

<sup>24</sup> Al-Anbiya' (21): 93.

<sup>25</sup> Zailan Moris, Rumi's View of Evil, in [www.sufism.ru/eng/articles.htm](http://www.sufism.ru/eng/articles.htm).

against the nature of Devine Unity itself, against the Tawhid.

The Tawhid in fact means human implementation of Divine Names. According to Hanafi, Divine Names such as Justice, Mercy, and Forgiveness serve as ethical norms for human behavior.<sup>26</sup> In other words, the Tawhid gives humans beings a foundation of Islamic morality through which Muslims should behave in this life. It is upon such a Tawhid that the Prophet wants to base his community, a Tawhid, which consists of, according to Sayyid Qutb as quoted by Hanafi, three principles: liberation of human consciousness, human equality and social solidarity.<sup>27</sup>

Based on its context and its relation to the Qur'an, we can conclude that the Hadith in Ibn Majah above obviously is not about God's punishment, rather about the Tawhid upon which the Prophet is willing to build His community. Tawhid here means implementation of Divine Good Names in all aspect of human life, individual and social. However, Islam is a social religion in which social relations are much more stressed than individual cults. The idea of God's punishment taken from the Hadith is basically against the Tawhid itself, since it means discrimination which the Tawhid is against.

### Implications

When the Hadith in Ibn Majah above is understood in its social context, it is apparent that when we are dealing with the AIDS pandemic we are required to use a social approach in which the Tawhid serves as a basis. Since the Tawhid in Islam is not merely a personal matter, but extends to social one, it assumes that the approaches should include social factors. This approach is particularly urgent with consideration that, according to a particular research quoted by Esack, the top

<sup>26</sup> Hanafi, *Islam in The Modern World.*, p. 562.

<sup>27</sup> *Ibid.*, p. 569.

epidemiological predictor for HIV infection is not 'a risk behavior' but low income.<sup>28</sup> Thus, poverty makes people more vulnerable to be infected by AIDS. It proves that the pandemic includes the socio-economic structure. Of course, moral approach in is not so helpful if we mean by it as referring to Islamic morality, a personal obedience to the Will of God, without any implications to social life. Islamic morality as prescribed by the Tawhid goes further into the social facts of human life. It is at once social and individual. Social problems of life such inequality in economic and politics are the main concerns of the Tawhid within this perspective. Taking these problems into account in dealing with the AIDS pandemic is a manifestation of the Tawhid itself. Here, Tawhid serves as world-affirmation as well as socio-political structure, as Hanafi said.<sup>29</sup>

Pertaining to those who are already HIV-positive, the Tawhid also gives us an Islamic morality of mercy, compassion and sympathy, rather than judgment. This does not merely apply to those who are different in identities-ethnics, nation or even religion-with us but to all of mankind, since Islamic morality requires unity of mankind. That is why the Prophet ordered us to have compassion for our neighbors irrespective of their identities. Thus, putting a judgment on an individual or a group has no place in Islamic teachings. Madyan stated that one of the biggest mass Islamic organization, Nahdlatul Ulama (NU) quotes the hadith that says "Run away from a person who has leprosy as you run away from a lion". It then, according to him, NU considers a person living with HIV and AIDS may marry but their marriage status, according to the Islamic law, is Makruh (allowed, but not preferred). The reason beyond this *Hukm* is the view that AIDS bring shame and disgrace to family. The conclusion of Makruh is taken through *Qiyas* (analogical

reasoning) to the law of marriage for someone with leprosy.<sup>30</sup>

## Conclusion

From the explanation above, we can conclude that the Hadith in Ibn Majah is far from talking about divine punishment, rather about the Tawhid according to which Muslims should behave in this world. The Tawhid serves as Islamic morality that extended from the individual to social. The Hadith as a whole is basically dealing with social problems as a result of social ignorance to the principles of the Tawhid, which consist of liberation of human consciousness, human equality and social solidarities as the basis of Islamic morality.

Considering the social characteristics of the Hadith, the term *fahishah*-whatever it means-is also social in the sense that it inherently relates to social conditions. Since Islamic morality gives a priority to the social over the individual, the consequence of it should be understood in relation with socio-economic factors behind it. Any judgment, such as being sin and being punished by God, on those who are doing the *fahishah* is in fact against the moral principles of indiscriminate compassion, mercy, and non-prejudice promoted by the Hadith and the Qur'an. The problem of AIDS is not only the problem of 'others', but it is our problem as human beings.

AIDS is not a punishment from God rather a worldly disease, which has its root in socio-economic factors. Thus, it should be approached from a social rather than individual perspective. Poverty and inequality-which are against the Tawhid-make people more vulnerable to AIDS. Going back to the Tawhid in its social sense constitutes as a remedy in terms of closing

<sup>28</sup> Esack, *HIV, AIDS & Islam.*, p. 48.

<sup>29</sup> Hanafi, *Islam in The Modern World.*, p. 564-565.

<sup>30</sup> Ahmad Shams Madyan, "The Re-Production of Discourse, the Exercise of Power, and the Creation of Piety in the Issue of HIV/AIDS and Islam in Indonesia," *Religió: Jurnal Studi Agama-Agama* 3, no. 2 (September 2, 2013), <http://religio.uinsby.ac.id/index.php/religio/article/view/34>.

the doors through closing the gap between the poor and the rich, the mass and the elites, and enforcing justice among all the mankind irrespective of gender, ethnic, nation and religion. After all, Islam is a social religion in which helping and securing the life of others is the highest degree of faith.

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