A Missing Voice in Islamic Business Ethics? The *Ulema* (Religious Scholars) of Islam

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We have no known conflict of interest to disclose.

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Judged by what is published in its most prestigious journals, the management and organization studies (MOS) field has not paid sufficient attention to religion (King Jr, 2008; Tracey et al., 2014). Encouragingly, there are now signs that change is afoot (GÜmÜsay, 2019; Miller, 2019). In the discipline of business ethics, for example, religion, including Islam, is finally attracting scholarly attention. Indeed, in Western academic business ethics journals, we find a growing body of research exploring the relationship between Islam and business ethics (henceforth referred to as Islamic business ethics; IBE) (Greenwood & Freeman, 2018). However, there is an important voice that hitherto remains silent in IBE that warrants inclusion if the field is to more effectively reflect and map the full range of views in Islam in relation to the ethics of business. The overlooked voice is that of the *ulama*. The *ulama* are religiously trained scholars in the *Shari'a* (Islamic Law), analogous to Rabbis in Judaism. Today the *ulama* are mostly graduates of Islamic religious seminaries – or *madrasas* - where they spend almost a decade mastering the various Islamic sciences, including *fiqh*, the science of Islamic Jurisprudence (Zaman, 2002).

Among the *ulama* is an elite body of scholars known as *muftis*. *Muftis* are the select *ulama* who on account of their advanced training in *fiqh* have the right to issue a *fatwa*. A *fatwa* is a non-binding opinion of a *mufti* on matters of Islamic Law that determines whether or not a particular situation (a certain business transaction, for example) is considered Islamic. It provides for the individual seeking the *fatwa* Islam's position on that issue (Abdalla, 2011; Ali, 2005; Venardos, 2005; Masud et al., 1996; Weiss, 1998).

Although a *fatwa* is a non-binding opinion of a *mufti* and *fatwa*-seekers are free to contact other *muftis* in order to search for an interpretation of Islam that they find acceptable, anthropologists have found that *fatwa*-seekers adhere to the *fatawa* (plural of *fatwa*) even when

doing so results in economic loss, damage to close relationships, or other undesirable outcomes (Agrama, 2010; Messick, 1986). Indeed, the influence of these *fatawa* on practice is sometimes greater than the rulings from judges of courts of law (ibid). Other recent academic studies carried out in the fields of business, medicine, and religion further support the view that *fatawa* issued by *mufti*s have a substantial bearing on the behavior of Muslims (Al-Kandari & Dashti; 2014; Alkuraya & Kilani, 2001; Assyaukanie, 2009; DeLorenzo, 2000; Halim et al., 2014; Hanzaee & Ramezani, 2011; Nathan & Pierce, 2010; Nasution, 2009).

This is not to say that *muftis* and the wider *ulama* class to which they belong enjoy a monopoly on interpreting Islam. Their authority continues to be challenged from many quarters including from but not limited to a significant number of Western educated Muslim intellectuals who feel that the *ulama* present a backward and obscurantist interpretation of Islam (e.g., Abou Fadl, 2005). Nonetheless, the *ulama* continue to exert a significant influence in Muslim societies and are a dominant voice when it comes to determining whether or not a particular course of action is Islamic (Abdullah, 2015). As Brown (2015, p. 119) notes:

> Even the most cursory works on Islam… note the importance of the *ulama*. Although
> not ordained in any systematically official capacity, the *ulama* have served crucial
> roles as the guardians of the scriptural sources of the Qu'ran and ḥadīth [sayings and
> deeds of the Prophet-Ed.], the mandarins of their interpretation, and *the definers of*
> *Islamic law and dogma* [our emphasis].

Similarly, Zaman (2006, p. 129) writes:

> As scholars of Islamic law and the traditions of the Prophet Muhammad, as exegetes
> of the Qur'an and religious guides, the ulama have shaped or contributed to the
> dominant religious discourses in different Muslim societies, and their views have

scarcely ever remained uncontested by rivals within or outside their ranks. Yet they

have carried, and in many cases continue to enjoy, considerable influence in Muslim

societies.

Even Western policymakers in both public and private sectors tend to recognize the *ulama*

as one if not the most important voices when it comes to defining what is Islamic. Notably,

Barrack Obama did not cite accomplished Muslim academics or intellectuals in the West or in the

Muslim world as his source of Islam's definitive position on terrorism. Instead, when the President

gave his speech to the UN General Assembly on September 24, 2014, he cited the traditionally

trained *mufti* Shaykh Abdullah Bin Bayyahto illustrate Islam's rejection of terrorism (The White

House, 2014). Similarly, the global Islamic Finance and Banking industry including Western

multinational banks legitimize their products as Islamic by having them endorsed by *muftis* (Irfan,

2015).

The *ulama*, particularly the *muftis*, are thus among the most important spokespersons for

Islam. Significantly, they have been described as the custodians of the Islamic tradition (Zaman,

2000). Yet in our review of the IBE literature we find they are missed altogether or are mentioned

only in passing. There is only one study we are aware of (Ullah et al., 2018) that engages with

ulama working in Islamic Financial Institutions (IFIs) but even here the principal focus is not on

the *ulama* and their views but on the political struggles between them and conventional managers

working in those IFIs. It is thus perplexing that there has not been a single study in IBE research –

or, for that, matter in the wider MOS field - that explicitly explores the voices of *ulama*. This may

well be due to the fact that IBE scholars tend to rely on their own readings - both of Islam's sacred

texts and the secondary literature - when ascertaining Islam's position on a particular issue or

subject (Dreher, 2015). While this approach certainly has its place, there is room for another; one

that actively lends voice to these *ulama* in respect of the business ethics issues under discussion. This approach promises great yields in terms of enhancing our understanding of the relationship between Islam and business ethics.

Our paper is structured as follows. We begin by exploring a topic in IBE research which has attracted analysis in respect of its compatibility with Islam: The United Nations Global Compact. There appears to be a clear consensus in IBE research that the Global Compact is compatible with Islam. The work of Williams and Zinkin (2010) is most instructive in this respect, but finds support and confirmation elsewhere (e.g. Aribi & Arun, 2015; Belal et al., 2015; Murphy & Smolarski, 2020; Sidani & Ariss, 2015; 2010; Zafar & Sulaiman, 2018). We outline the UN Global Compact and its ten constituent principles, after which we delineate our method. We then present our findings, exploring the views of the *ulama* in respect of each of the ten principles. In the subsequent discussion, we identify and explore the implications of these findings for IBE research and the implications it has in respect of advancing critical scholarship more generally. Finally, we conclude the paper and delineate specific directions for future research.

The UN Global Compact

Launched on July 26, 2000, the main objective of the UN Global Compact is to promote voluntary policy guidelines for business organizations that ensure economic success in ways beneficial for both business and society. The Compact comprises ten principles across four areas: Human Rights, Labor, Environment, and Anti-Corruption (see Table – 1 below).

INSERT TABLE 1 HERE

The principles comprising the Human Rights section are based on - and defined by - The Universal Declaration of Human Rights. Principles found in each of the following three sections stem respectively from The International Labor Organization's Declaration on Fundamental Principles and Rights at Work; The Rio Declaration on Environment and Development; and The United Nations Convention against Corruption. The UN considers these principles as a minimum standard of corporate social responsibility (CSR).

In 2010, Williams and Zinkin examined the Compact's compatibility with Islam. They made use of a variety of sources ranging from the Qur'an itself to texts written by contemporary Muslim intellectuals, including Tariq Ramadan, none of which were specifically written about the Compact. Williams and Zinkin (2010, p. 519, emphasis added) concluded that "with the possible exception of Islam's focus on personal responsibility and the nonrecognition of the corporation as a legal person, which could undermine the concept of corporate responsibility, *there is no divergence between the tenets of the religion and the principles of the UN Global Compact*."

Not only do Williams and Zinkin conclude that Islam and the Compact are compatible but they argue that the former has superior standards with regards to CSR, in three chief ways. First, they suggest that the transparency and employee care standards set by Islam exceeds Western standards exemplified in the Compact. Second, they suggest that Islamic teachings provide stricter guidelines in respect of action. Finally, the authors contend that Islam is more effective than the Compact in terms of cultivating community relations and a sense of individual accountability.

Of course, Williams and Zinkin's paper represents just one view, and we see several limitations. First, that the authors refer several times in their paper (including in the title) to what they describe as 'the *tenets* of Islam' implies an objective reading of the faith rather than an interpretive one. In our view, the invocation of 'tenets' undermines the interrogatory duties of the

scholar, and violates the ontology on which interpretative methods rest. This is because the concept of tenets implies a naivety and sense of misplaced concreteness; it suggests that these tenets are universally agreed and hence beyond interpretation or contestation. Interestingly, towards the end of their paper, Williams and Zinkin do acknowledge that the *practice* of Islam often departs significantly from these supposed tenets. However, not only is the practice of Islam firmly regarded here as subordinate (in terms of its empirical currency) to these supposed tenets, but the authors appear not to consider that it is often in practice (and the pedagogy with associate with practice) that a faith is truly reified. A sense of nuance thus seems to be missing. The authors also concede the following: '…at the time when [the Qu'ran] was written, there was no Muslim society as such…' (ibid. 526). This is a pertinent point but the authors do not endeavor to think through the ramifications. For us, this suggests that irrespective of what these supposed tenets might imply, they are bound to remain abstract until the community (or society) to which they relate actually emerges, at which point they can then be mediated. And this, of course, invokes a familiar feeling: an unsettling gulf between theory and practice.

The shortcomings we have identified notwithstanding, subsequent scholarship in this field has, it seems, taken Williams and Zinkin's conclusions at face value. A notable example is a recent piece on Islam and political CSR by Murphy & Smolarki (2020). These authors state, as a matter of fact, that "Williams and Zinkin (2010) demonstrate that the principles of Islam are not simply equivalent to the UN Global Compact, but in actuality exceed this compact" (Murphy & Smolarski, 2020, p. 832). Other examples include Ali (2020), Basah & Yusuf (2013), Hunjra et al. (2021), and Sidani & Ariss (2015).

The argument advanced by Williams and Zinkin seems to have become orthodoxy, and hence was something we were keen to interrogate. Would the *ulama* of Islam agree with this

conventional understanding in IBE scholarship that the UN Global Compact is compatible with Islam? Could they offer an alternative perspective that challenges this understanding? These are the questions that animate this paper. The following section describes how we went about addressing them.

Methods

Interviews were conducted with *muftis* based in Pakistan. A focus on Pakistani *muftis* was warranted for a variety of reasons. First, as *muftis* they constitute the special class among *ulama* most qualified to determine whether or not something is Islamic. Second, *Pakistani muftis* are among the most important thought leaders of the *ulama* class worldwide when it comes to business and management issues. Their significant contributions in developing modern Islamic commercial law especially in relation to Islamic banking and finance (Ghias, 2013) is a case in point. Finally, Pakistani *muftis'* opinions carry significant weight and are often adopted by *ulama* in other parts of the world (ibid).

The participants were identified via a snowball sampling technique, whereupon initial interviewees are asked to recommend one or more additional candidates for interview (Frank & Snijders, 1994; Groenewald, 2004). Our interview schedule therefore began with *muftis* we knew personally. These *muftis* then helped us identify - and referred us to - additional respondents (i.e., similarly qualified Pakistani *muftis* with a prior interest in business and Islamic banking). Since it would have been extremely difficult to approach *muftis* that we did not know personally without a suitable in-person introduction, snowball sampling was deemed most appropriate.

The interview data were collected face-to face and followed a conventional semi-structured form. Interviews were conducted until data saturation was reached. Exactly 50 *muftis* were

interviewed for this research. The interview schedule began in November 2013 and concluded in June the following year. In three cases, follow-up interviews were conducted in the interests of clarifying certain points. The last of these took place in July 2020.

All *muftis* interviewed were male. This was unsurprising given that this is the representative gender of this practitioner; indeed, as Kramer and Schmidtke (2006, p. 6) state, "[i]n their vast majority, the *ulama* are men and always have been." Of the 50 *muftis*, 45 were Sunni Muslims while 5 were Shīʿī Muslims. This is representative of the general Muslim population distribution between Sunnis and Shīʿīs (see, for example, Pew Research Center, 2009: 1). Although the vast majority of our participants were therefore Sunni Muslims, in the interests of perspectival breadth we actively sought out and interviewed five Shīʿī *ulama*, each of whom held the rank of *Hujjatul Islam Wal Muslimeen.* This rank is just one below the highest Shīʿī clerical rank, that of *Ayatollah*. In the event, we found no significant difference in perspective between the Shīʿī *ulama* and their Sunni counterparts. There was, however, some divergence in terms of evidence used and sources cited (for example, Shīʿī and Sunni scholars cited different *hadith* [sayings and deeds of the Prophet] collections) but there was no divergence in terms of the broader perspective regarding the compatibility of the UN Global Compact's ten principles with Islam. Thus, we have confidence that the findings documented in this study reflect the views of *ulama* belonging to both major sects of Islam.

With permission from each participant, all interviews were recorded. The duration of interviews ranged from 30 minutes to 140 minutes, while the average was just under an hour. In order to minimize error in representing their responses, the transcribed interview data were shared with the participant in question so that any misunderstanding or misinterpretation could be remedied.

Interviews were conducted in Urdu and then transcribed. The key sections which would go on to underpin our written research were later translated into English. In line with the expectations of analysis associated with grounded theory (Strauss & Corbin, 2008), the data were manually coded so as to identify key themes. Inevitably, this was an iterative process; we pored over the transcribed interviews multiple times sensitive to the identification and emergence of subsequent themes. These resultant themes underpinned the reported findings of our study which we have presented as responses to the corresponding four sections of the Compact.

We ensured printed copies of the Compact and the Universal Declaration of Human Rights were present at each of the interviews. During the interviews, these documents were then referred to and discussed at the appropriate points. In respect of the Compact, we went through each of the ten principles, in turn, during each interview.

While there is of course diversity in the Islamic faith more generally (including the modernisers to which we have already referred, as well as those who take an anti-Islamic stance), among the *muftis* we interviewed there emerged a consensus in respect of their views on the Compact. We did not find *any* significant disagreement. In representing the *muftis* in our data we therefore do so primarily by recourse to a composite voice. We found broad agreement across the various subjects discussed in relation to the interpretation advanced about the compatibility between Islam and each of the principles that constitute the Compact. As noted earlier, of the variation we did document this was limited to the type of sources or evidence invoked; it elicited no significant variation in respect of our broader task of contrasting the views advanced by the *mufti* with those fired by Western sentiments. Finally – and in the interests of empirical color - we include direct quotations from our participants where relevant. However, conscious to uphold reassurances of anonymity, we use pseudonyms throughout.

Findings and analysis

We present our findings in respect of each of the principles that underpin the UN Global Compact, below. Our findings are grouped in accordance with the four areas of the concept: human rights (Principles 1 and 2); labor (Principles 3, 4, 5, and 6); the environment (Principles 7, 8, and 9); and anti-corruption (Principle 10).

Human Rights (Principles 1 and 2)

The first two principles of the Compact comprise its Human Rights section. Here the Compact directs businesses to support and respect globally accepted human rights (Principle 1) and ensure non-complicity in human rights abuses (Principle 2). Human rights are understood as those rights defined in the 30 articles comprising the UN Declaration of Human Rights (UDHR) (Williams & Zinkin, 2010). Of all sections of the Compact, the *ulama* expressed the strongest criticism for this one. For our participants, Islam is inherently incompatible with the Compact in this area because the former stipulates limits both to equality and personal freedoms.

Article 2 of UDHR calls for equal rights irrespective of color, race, gender, religion, language, social origin, birth, property or other status. The *ulama* pointed out that Islam is a religion of justice rather than equality. Indeed, in the Islamic faith, justice is understood as whatever are God's commands, even if these commands enshrine unequal rights in some instances (for coverage in respect of what is known as the Divine Command Theory of Justice, see Shihadeh, 2016; Weiss, 1998, Kamali, 2002). According to the *ulama* interviewed for this research, this is especially true for religion and gender, each of which is an area where Islam advances differential rights.

Regarding religion, our respondents referred to the *Shari'a* to demonstrate that religious freedom permitted to Muslims is greater than that permitted to non-Muslims in Muslim societies. One of our participants, Mufti Abdullah, provided further detail:

> In Muslim societies, non-Muslim employees are protected by facilitative laws to practice their religion. However, they are not allowed to promote or preach their religion. Maintaining this rule is the responsibility of both government and business organizations.

Similarly, the *ulama* argued that Islamic teachings advance distinct sets of instructions for men and women in respect of their roles in societies. For example, unlike men, women are permitted to be involved in business transactions only in certain prescribed and limited conditions. Arshad was another senior *mufti*. He worked at an Institute of Islamic Jurisprudence in Lahore and was keen to express his views on this issue:

> Islam does not prevent women from taking a particular job or from running a business. Sometimes, women are compelled to take on a job in order to feed their families. In such cases, they have every right to that job, provided the job requirements do not violate the *Shari'a*. On the other hand, if women are not financially compelled to take a job, then it is preferable to select a male candidate over the female candidate. This is because Islamic tradition dictates that it is the man's responsibility to provide financial support for his family.

Ultimately, our participants insisted that Islam stipulates different rights for men and women and for Muslims and non-Muslims.

More generally, the UDHR defends freedom of thought, freedom of expression (Article 19) and freedom to marry (Article 16). Our participants challenged these freedoms, too. As part of a discussion on marriage, another one of our respondents, Mufti Aslam, commented as follows:

> There are many aspects in the Declaration of Human Rights which are contrary to the teachings of the *Shari'a*. For instance, the Declaration says that men and women have the right to marry without restrictions imposed by religion, race, or nationality. This violates the teachings of Islam. A Muslim man can get married either to a Muslim woman or to a woman from the People of the Book [a term referring to followers of the other two Abrahamic faiths], but a Muslim woman is only permitted to marry a Muslim man. This is advocated in the Qur'an *Surah Al-Baqarah* 2:221."

Similarly, freedom of opinion and expression is supported but only on condition that it will not be used in any way to discredit Islam, its teachings, or its followers. Another of our participants, Mufti Qasum, reflected on these views:

> In order to protect an Islamic society, it is necessary to stop individuals from promoting anything contrary to the teachings of Islam. It is said in the Qur'an, that "Allah does not like evil words to be said openly except from anyone wronged. Allah is All-Hearing, All-Knowing" (Qur'an, *Surah An-Nisa* 4:148)"[i]. Freedom of expression should be geared towards the promotion of positive ends and to allow individuals to contribute constructively towards society rather enabling them to do otherwise.

In sum, the *ulama*'s interpretation of Islam regarding equality, freedom of expression, marriage, and choice of religion are distinct from - and at odds with – those delineated in the. Consequently, our participants were moved to reject the Compact in respect of Principles 1 and 2.

However, aside from the tendency for the *ulama* to take the Compact to task for what it states about human rights they also subject it to criticism for what it does *not* say. The *ulama* argue that there are human rights identified in Islamic teachings that are overlooked by the Compact. Mufti Aslam explained:

> *Shari'a* entails instructions regarding those human rights which are neglected by the West. For example, the right of inheritance is assured in the teachings of the *Shari'a* but typically neglected in the West. And there are numerous examples of obligatory rights towards other individuals in Islam which are missing in the Compact.

> Over the course of the research, our participants identified various rights protected by the *Shari'a,* but omitted by the Compact. These included specific protective rights for the poor, for children, for parents, for neighbors, for life partners, and for relatives. To this end, then, several of our participants explicitly argued that the *Shari'a* is broader in scope regarding human rights than the Compact. This apparent superiority of the *Shari'a* in respect of human rights led almost all our participants to conclude that the human rights provision in the Compact has little if anything to offer to Muslims. This was pithily illustrated by another of our participants, Tariq, an internationally renowned *mufti* currently working as head of a *Shari'a* Advisory Board in a major Islamic bank:

> "These human rights guaranteed in the Universal Declaration of Human Rights are useless for Muslims. For us, the guidance of *Shari'a* is the real thing and is sufficient".

Labor (Principles 3, 4, 5, and 6)

The second section of the Compact encompasses four fundamental labor rights recognized and promoted by the International Labor Organization in 1998 through its "Declaration on Fundamental Principles and Rights at Work" (International Labor Organization, 2010). These rights are conveyed via the following main principles: freedom of association and collective bargaining; elimination of all forms of forced labor; abolishment of child labor; and non-discrimination at workplace. We explore these principles, in turn.

Freedom of association and the right of collective bargaining (Principle 3)

The *ulama* tended to take a negative view of labor unions. This is evidenced in the following quote, courtesy of Mufti Tariq:

> Labor unions are worthless. The Prophet said that we must each must fulfill our responsibilities towards others and ask Allah to defend our rights. In consequence, if we implement *Shari'a* in our society, there is no need to form unions.

Technically, then, in a Muslim society, employers will fear God and hence fulfill their responsibilities towards their employees. However, if employers do exploit their labor the *ulama* insisted that an Islamic government should intervene to protect the rights of the oppressed labor class. If the government does not act on its own volition, the *ulama* endorse the right for workers to obtain justice via the courts. If all these measures fail it is at this point the *ulama* endorse union creation, only as a last resort. In practice, however, our respondents argued that a fear of Allah coupled with a vigilant Islamic government and effective judiciary renders labor unions unnecessary. Indeed, for our interviewees, it is the absence of these factors that has led to situations where it becomes inevitable for workers to defend their rights collectively. In such situations, our participants argue that the labor force is encouraged to step up for their justified

right(s), but they stipulate certain conditions that such labor advocacy must respect. According to the *ulama*, then, while it is perfectly legitimate for workers to unionize in order to defend those labor rights which are consistent with Islam, they cannot use the threat of collective action as a blackmailing tool to advance gains that fall outside labor contract, state laws, or the *Shari'a*. Imran, a highly experienced *mufti* at an Institute of Islamic Jurisprudence in Faisalabad*,* provided an interesting insight:

> According to *Shari'a*, an individual will be regarded as a martyr if he gets killed while struggling to obtain the rights to which he is entitled. Therefore, if the union is formed to obtain a contracted right which an employer is not prepared to fulfill then this is legitimate; it will not violate the *Shari'a*. However, where unions are used illegitimately as a means of power play, they cannot be endorsed. Therefore, we can say that forming unions in itself is not wrong. The legitimacy of unions can only be determined on the basis of their actions.

Our data suggest, then, that it is only under circumstances of duress and exploitation that collective action can be justified. Such a conception of freedom of association and right of collective bargaining is at odds with the Compact, since the latter sees a more definitive role for unions as an integral part of the employment relationship.

Forced and compulsory labor (Principle 4)

The fourth principle of the Compact calls for the elimination of forced labor practices. Over the course of our data collection, it became clear that the *ulama* view Islamic teachings regarding forced and compulsory labor as consistent with the standard set in this particular principle of the Compact. In their considered opinion, Islam does not endorse any form of forced or compulsory

labor. They cite the example of the Prophet Muhammad who set a precedent with regards to the

humane treatment of subordinates. The following *hadīth* was invoked by several of our

participants to illustrate these high standards of an employment relationship free of coercion and

compulsion:

> Hazrat Anas (one of the Prophet's companions) reports that "I served the Prophet for
>
> ten years and he never said to me, *'Uff'* (a minor harsh word denoting annoyance)
>
> and never blamed me by saying, 'Why did you do [this], or why didn't you do
>
> [that]?'" (*Ḥadīth* narrated in *Sahih Bukhari*)[ii]

Even when employees made mistakes, the *ulama* remind us that the Prophet Muhammad asked

Muslims to adopt a forgiving attitude. Several *ulama* referenced the following *hadīth* to illustrate

this principle:

> A man came to the Prophet, and said: "O Messenger of Allah, how often should I forgive a
>
> servant?" And he [the Prophet] remained silent, then he [the questioner] repeated the words,
>
> and he [the Prophet] remained silent. The third time, he [the Prophet] said: "Forgive him
>
> seventy times each day." (*Hadith*, narrated in *Sunan Abu Dawood*)[iii]

Abolition of child labor (Principle 5)

The fifth principle of the Compact calls for effective elimination of child labor. This

principle is derived from the "Minimum Age Convention" and the "Worst Forms of Child Labor

Convention" held in 1973 and 1999 respectively (International Labor Organization, 2010).

According to these conventions, the minimum age limit for physically demanding employment

should not be less than 18 years. However, for less physically demanding work, the minimum age

limit of employees should be not less than 15 years for developed countries and no less than 14

years for developing countries. It is left to the governments of respective countries to determine their own minimum age limits, provided they fall within the criteria advanced by the Compact (ibid, 2010).

According to every one of the *ulama* we interviewed*,* Islam conceptualizes child labor in a manner distinct from that prevalent in the West. The *ulama* state that in Islam every individual is free to willfully enter into an employment contract after reaching puberty, and – of course - the age of puberty varies. Furthermore, as Mufti Saleem, head of an internationally renowned madrassa in Karachi, commented:

> Preventing individuals from taking a job after they reach puberty [irrespective of age]
> is against the teachings of *Shari'a*. This is because, at this point, it is now no longer
> the duty of the parents to provide food and lodging. For an individual whose parents
> do not provide support after the age of puberty, he must take work in order to live.

As far as employment prior to puberty is concerned, most of our participants noted that the *Shari'a* does not pass comment. As such, the specific circumstances must determine the legitimacy of pre-puberty child labor. For example, the *ulama* contend that if a pre-pubescent child is forced to look for a job out of economic necessity, then the law against the employment of children below the age of 14 in the Global South, advocated by the Compact, cannot achieve its intended objective and will likely exacerbate the situation. Mufti Farooq is head of a *Shari'a* consultancy services organization. He regularly appears on television and has a strong following online. He commented in respect of child labor as follows:

> Child labor laws are not a solution. Obviously, we would rather see children get an
> education and enjoy their lives than go to work. However, this is only possible if their
> families are fortunate enough to have the economic resources to enable this. Without

these resources, child labor legislation will – in effect - deprive the family's right to survival. Therefore, and in lieu of a comprehensive welfare system, the imposition of such laws will only be counterproductive.

While the *ulama* endorse pre-pubescent child labor in circumstances of economic deprivation, at the same time they impose strict conditions on how such children are to be treated. For example, several of our participants noted that children must not be burdened beyond their physical strength and are not to be paid below the market wage rate.

In sum, Muslim religious scholars regard the child labor laws that form the basis of Principle 5 of the Compact as inconsistent with the teachings of *Shari'a*. The latter, they argue, takes a more qualified and nuanced view on this matter.

Elimination of discrimination in respect of employment and occupation (Principle 6)

The sixth principle of the Compact, is concerned with the elimination of discrimination within the workplace and the provision of equal opportunities to all irrespective of race, color, sex, religion, political opinion, national extraction or social origin. It deters both direct discrimination (reflected in laws/rules/policies) and indirect discrimination (reflected in practice). Indeed, preferences in selection criteria, working conditions, or dress code should only be accommodated if they are necessary for performing the job more effectively (International Labor Organization, 2010).

On the basis of our data, the *ulama* do not accept this principle. As stressed earlier (in the discussion on human rights), the *ulama* suggest that Islam is geared towards the cultivation of justice rather than ushering in an abstract sense of equality. Justice is understood as performing all activities in accordance with the commands of God as articulated in the *Shari'a*. For example, the

ulama remind us that it is God's will that men are encouraged to seek employment while women are encouraged to oversee the household. As previously noted, unlike men, women are permitted to involve themselves in economic activity only upon fulfillment of certain conditions. Similarly, employers are allowed to provide jobs to women only if they can provide necessary segregational facilities to female employees. Faisal is a *mufti* who also works as a *Shari'a* consultant for an influential Islamic bank. He also provides free consultancy for businesses seeking to become *Shari'a*-compliant. He expressed his views on female employment in the following way:

> Women should only take on jobs in circumstances where they do not have to break the *Shari'a*. If the job requires the woman to remain in isolation with a *na-mahram* (non-familial) male or demands compromise in respect of the religiously-sanctioned dress code then women should avoid such jobs. On the other hand, *Shari'a*-abiding organizations should only offer jobs to women if they can provide them an environment in do not have to break the *Shari'a*. In most cases, a male applicant for a job should be given preference because Islamic tradition dictates that the responsibility to feed the family lies with men, not women.

The sentiment in respect of the prioritizing men ahead of women was widely shared by the *ulama* we interviewed. From the perspective of the Compact, this practice will, invariably, be considered discriminatory. From the perspective of the *ulama*, however, it is sanctioned on religious grounds and thus while discriminatory is deemed to be just and ethical as it conforms to God's Will.

Environment (Principles 7, 8, and 9)

Derived from the "Rio Declaration on Environment and Development", the seventh, eighth and ninth principles of the Compact require businesses to adopt a precautionary approach to

environmental issues (Principle 7), take measures to promote environmental responsibility

(Principle 8), and give greater support to develop and disseminate environmentally friendly

technologies (Principle 9). The collective objective of these principles is to defend economic

growth without compromising environmental sustainability.

The *ulama* regard all three principles as consistent with Islam. In fact, several of our

participants pointed out that while concern for the environment is a relatively new phenomenon in

the West, in the case of Islam it emerged at the dawn of the religion. They offered numerous

examples from the Prophet Muhammad's life as evidence of his environmental sensitivity. As a

senior *mufti* explained:

> We can see from the *Sunnah* [sayings and deeds] of Prophet Muhammad (peace be
>
> upon him) that he was genuinely concerned about the environment. It is reported that
>
> "The Messenger of Allah passed by Sa'd when he was performing ablution with
>
> water, and he [the Prophet] said: 'What is this extravagance?' He [Sa'd] said: 'Can
>
> there be any extravagance in ablution?' He [the Prophet] said: 'Yes, even if you are
>
> on the bank of a flowing river' [the implication is that we must use water carefully
>
> even when it is plentiful] (*Hadith*, narrated in *Sunan Ibn Majah*)[iv]. Similarly, [the
>
> Prophet] promoted cultivation. Numerous *hadith* can be quoted in this regard. For
>
> example, the Prophet (peace be upon him) told Muslims that "Whoever plants a tree
>
> is rewarded by Allah as much as the produce grown in that tree" (*Hadith*, narrated in
>
> *Musnad Ahmad Bin Hanbal*)[v].

Reflecting on environmental issues related to industrialization, the *ulama* noted that it is the

government's responsibility to compel the business community not to engage in environmental

degradation. However, the absence of effective and vigilant governmental institutions and laws

does not give businesses permission to abuse the environment because *Shari'a* does not allow one party to reap economic gain while causing avoidable harm to another. Mufti Nadeem is associated with the Shia School of Jurisprudence located in Faisalabad. He illustrated this as follows:

> There is a basic principle of Islam that "there should be neither harming nor reciprocating harm" (*Hadith*, narrated in *Sunan Ibn Majah*). Islam does not allow an individual to destroy his own legal property let alone cause avoidable harm to others. If a Muslim learns that his business could reap harm on other people, he is bound by duty to take remedial steps. Islam is clear on this point: it does not allow a person to make material gain if it brings harm to others.

Anti-Corruption (Principle 10)

Derived from "The United Nations Convention against Corruption", the final principle of the Compact states that businesses should oppose corruption. Similarly, member states are urged to pass necessary legislation to ensure corruption is a criminal offence. It also seeks for member states to cooperate against offenders and to recover assets realized through corruption.

According to the *muftis*, this principle of the Compact is consistent with Islam. Islamic teachings regarding truthfulness in business dealings, fulfillment of business contracts, and rejection of bribery in business dealings demonstrate Islam's intolerance towards these issues. Many of the *ulama* interviewed presented the following *hadith* of Prophet Muhammad as evidence of Islam's categorical rejection of corruption: "The curse of Allah is upon the one who offers a bribe and the one who takes it." (*Hadith*, narrated in *Sunan Ibn Majah*).

Discussion

Some of the views conveyed in our findings may be unpalatable, particularly to readers in the West where sensibilities are typically shaped by secular liberal humanism. As researchers, we too found some of the views of the *ulama* interviewed in this study - especially on gender, personal freedoms, the status of non-Muslims, and labor unions - unsettling. However, the purpose of this paper was neither to condemn the *ulama*'s views regarding the UN Global Compact nor provide apologies for it. Rather, this study was intended to make IBE scholarship aware that it is missing an important voice and to incorporate that voice into academic discourse. When we do so, the reigning consensus in the conversation on Islam and the Compact appears quite problematized.

As noted in the literature review, the dominant consensus on the compatibility between Islam and the Compact is based on the most significant work on this question by Williams and Zinkin (2010). They found that, with the exception of non-recognition of the corporation as a valid legal entity and increased focus on individual responsibility, Islam *is* compatible with the Compact. In contradistinction, our study suggests that the *ulama* perceive fundamental inconsistencies between the Compact and Islamic teachings in respect of both principles in its section on Human Rights. It also reveals partial inconsistencies in respect of the three principles comprising the Compact's Labor section.

In this part of the paper, we explore three related points of empirical discussion elicited by this study: (1), the role of justice; (2), the relationship between religious conduct and the judicial system; and (3), the salience of perspectival diversity.

The role of justice

Perhaps the most interesting point of discussion elicited by this study - and one of the major

sources of incompatibility -, hinges on the concept of justice. On multiple occasions, our

participants reminded us that Islam is a religion of justice rather than of equality. In the eyes of the

ulama, Islam cannot support a discourse of equality in respect of, for example, gender and

religious affiliation. Interpreted this way, there remains a fundamental incompatibility between the

Compact and Islam. The *ulama* argued that in Islam men and women are treated differently with

respect to inheritance, testimony, dress code and – most notably - the role they are expected to play

in society. Similarly, Muslims and non-Muslims are not regarded as equal in terms of religious

freedom or marriage.

       This position vis-à-vis justice is compelling, and begged an interesting question. In the

review stages of this paper, we were tasked with the following provocation: 'is the Compact

incompatible with the principles of justice, sacrificing them at the altar of equality? In which case,

is the Compact the problem?' Our response: yes, quite possibly. This, of course, is why actively

reaching out beyond Western-liberal proclivities (something we explore further down) is so

illuminating. Alternate perspectives - in this case courtesy of the *ulama* - enable us to view with

fresh eyes something which has been obscured. This discussion also invites the potential for

reigniting Rawlsian, post-Rawlsian and postcolonial theories of justice. At the very least, our

conversations with the *ulama* remind us that a preoccupation with equality represents a rather one-

dimensional approach to ethics. So, for example, is the desire to achieve gender equality beyond

reproach? Attempts to challenge it are certainly contentious. But – we might ask – is the desire for

gender equality less about reasoned ethical deliberation and more symptomatic of a Western

tradition that prioritises individual achievement ahead of community advance? These are thorny issues, but ones we have a duty to explore. In his inimitable manner, Nietzsche (1968: 102) notes the following:

> 'The doctrine of equality!... But there exists no more poisonous poison: for it seems to be preached by justice itself, while it is the *end* of justice…. 'Equality for equals, inequality for unequals' – that would be the true voice of justice: and what follows from it, 'Never make equal what is unequal'.

> Although certainly controversial, Nietzsche drew attention to the inherent

incommensurability of many of those ostensibly subjected to discussions of equality. On a more prosaic level, *social contract theory* suggests not only that we surrender some of our natural rights in order to earn civil rights but that we do so in varying degrees (see, for example, Rawls' 1999 conflation of justice and fairness and his discussion of the division of social benefits vis-à-vis duties). In this vein the implication that say women's rights are distinct from men's in the *ulama's* interpretation of Islam is not as contentious as we first imagine given that, in Islamic tradition, men and women have distinct duties. And this begs another pertinent question: where is the dispensation of *duties* in the Compact?

The relationship between religious conduct and the judicial system

While the Compact may wish to send out a search party to retrieve an answer to the above question, we can make out faint outlines of one from the *ulama,* particularly from their commentary on the Compact's principles dealing with labor and the environment. In their discussion on those principles compared to other principles in the Compact they did broach in a more explicit fashion albeit in passing the terrain of business violating its duties prescribed by the

Shari'a. From such discussions along with our interactions with the *ulama* throughout this research, we can piece together at least one key feature of the societal structure required for the faithful dispensation of duties by business: the judicial system.

When pressed about violations of duties by business (e.g., regarding the environment and labor), the *ulama*, mentioned the important role of the judicial system to punish such abuses as well as serve as a deterrent for them in the future. In our conversations with the *ulama*, it was clear to us that with this system (as with almost anything else) they would like to reprise the role their predecessors had prior to colonization when the *Shari'a* as a system of law was supplanted by its Western secular legal counterparts (for details see Zaman, 2002). Their desired relationship to the judicial system, as was the case in pre-colonial times, is one of private jurisconsults, unconnected from state power, responsible for the articulation of the *Shari'a* including on those aspects dealing with business and its duties (Weiss, 1988). The role of the judicial system would be to make decisions based on this normative legal corpus supplied by the *ulama* that would stipulate which duties are the responsibility of business; which are to be enforced or compelled by state power (e.g., ensuring business does not cause avoidable harm to labor and the environment) rather than by moral exhortations outside the purview of the judicial system (e.g., *ulama* preaching business to give more in charity); and what punitive sanctions to impose when violations of duties so merit them. The judicial system through the use and enforcement of ulama derived law would undoubtedly influence and shape conduct regarding responsible business. It thus appears as an important mechanism through which the normative understandings of the religious authorities (i.e., the ulama) can become coupled with and translated into believers' actions. The role and significance of the state's judicial system is overlooked by the Compact and thus we see again the

divergence between it and the *ulama* in their respective imaginaries of responsible business and its key building blocks.

Perspectival diversity

The above alternative perspectives and insights, gained by incorporating the voices of the *ulama*, compels us to argue that IBE scholarship must address its current methodological practice of ignoring the voices of those responsible for interpreting and transmitting religious doctrine. This of course is true, not just in respect of IBE, but for the wider scholarship in business ethics in respect of other major world religions. It is, after all, these individuals that have a direct bearing on the way in which religion is mediated and consumed in their respective communities. Perhaps most important, however, is that formal recognition of these voices holds the promise of challenging existing understanding in respect of the relationship between business ethics and religion.

We see the realization of this promise in the case of our research which is trained on IBE scholarship. Ultimately, the continuation of such practice of inclusion we are confident will help advance the frontiers of the IBE field by allowing it to more comprehensively map the range of perspectives in Islam on multiple topics in business ethics. To this end, the field will become more representative and inclusive of the broad spectrum of conversations relating to the ethics of business that take place under the rubric of Islam.

Currently, the IBE field falls short of conveying this perspectival diversity (Greenwood & Freeman, 2018). One reason proffered for the homogenization of Islam in IBE scholarship that occludes the diverse, variegated, and contested views within Islam is that the scholars in the IBE field tend to rely on a narrow range of sources for constructing their understandings on Islamic business ethics. As Dreher (2015, p. 824) points out:

The essentialist approach to the study of Islam for business ethics purposes goes back to the texts and/or some arbitrarily selected sources and arrives at the conclusion that "Islam" is fully (in)compatible with whatever the researcher is interested in. Most papers published in business ethics journals follow this approach.

For Dreher (2015), the net result of the above dominant approach which relies chiefly on the academic research carried out in the field of IBE, most of which is conducted as part of Western academic traditions, is that the field has concluded, almost categorically, "that Islam is compatible with modernity, democracy, and modern business ethics" (ibid, p. 830). But Dreher argues that this understanding is problematic and suggests that it results from a narrow liberal reading of Islam (ibid, p. 825). This leads her and others (e.g., Khan & Naguib, 2019) to argue that IBE must incorporate alternative readings of Islam so as not to essentialize and homogenize this liberal reading as the only version of Islam.

But there is, we think, more to our argument than the *ulama* deserve a voice than simply enhancing polyvocality. As we noted in the first few pages, William and Zinkin's position has become orthodoxy. We feel this is symptomatic of a broader taming of critical discourse. As Vine (2020) has noted in respect of critical management studies more generally, where results flatter preconfigured ideological positions, we rarely delve deeper. The suggestion that Islam is consistent with the Compact is a 'desirable' outcome and so – if a cursory glance at the data supports this conclusion – many may feel less inclined to subject it to further scholarly critique.

Moreover, reflecting on our data, we feel compelled to admit the possibility that the Compact (and, perhaps the role, guise and purpose of the UN more broadly) is not beyond critique. Indeed, if we accept the broader implications of Boltanski and Chiapello's (2005) seminal thesis - that modernity has an uncanny ability to assimilate critique - then the Compact can be understood

as a modern artefact that encapsulates the evolving critique of outdated (or unfashionable) business and management practice. But this internalisation is itself problematic because invariably the critique which is eventually assimilated emerges in the West, just as the weight of scholarship (both in practice and empirical focus) is skewed towards the Occident. Equally, despite its postcolonial rhetoric, critical management studies remains doggedly loyal to liberal – and hence principally Western – proclivities (see Vine, 2020). With this in mind, perhaps the only way to challenge the UN is to dislodge the Compact from its ideological trench by actively seeking out – and taking seriously - perspectives exogenous to [Western] modernity; the views of the *ulama* are, of course, one such means of achieving this end.

Conclusion

This study makes several contributions at methodological, empirical, and theoretical levels. Methodologically, our contribution highlights the fact that the IBE field has hitherto overlooked a significant voice and source of understanding in respect of the relationship between Islam and business ethics. The voice is that of the *ulama*. To the best of our knowledge, our paper is the first to explicitly focus on the views of the *ulama* in respect of Islamic business ethics.

The methodological commitment to draw upon the *ulama* as our principal source of data lays the foundations for the empirical contributions of this paper, that is, the documentation of the *ulama's* perspectives on Islam with regards to the UN Global Compact and each of its ten component principles. These empirical contributions are also relevant to the wider business ethics field. To our knowledge, the rich corpus of scrutiny in respect of the Compact (for recent reviews see Orzes et al., 2018; Rasche, 2020) had not yet examined it from non-Western perspectives. Our paper thus fills this lacuna and contributes to the wider debate on the Compact in business ethics.

From these empirical contributions of documenting the voices of the *ulama* in respect of the Compact flow the main theoretical contributions of this paper. Our study challenges the current theoretical understanding in the IBE literature that the Compact and Islam are compatible. Not only do we present a different perspective on the Compact and Islam that challenges the reigning compatibility thesis in the IBE literature, but we also identify those aspects of the Compact considered incompatible with Islam according to the *ulama*. Our study highlights the principles relevant to the human rights and labor sections of the Compact as those, in particular, that move the *ulama* to the conclusion that it is not compatible with Islam. This conclusion also provides confirmation to the hunches of IBE scholars (e.g., Dreher, 2015; Syed & Metcalfe, 2015) that Muslim communities may experience difficulties adjusting to or accepting Western CSR standards relating to gender and labor rights.

These findings portend future research directions. We advanced the views of the *ulama* on the Compact based on a sample of Pakistani *muftis*. We urge future research to document the opinions of *ulama* in different parts of the world to refine and extend our representation of how the *ulama* of Islam perceive the Compact. Divergent findings, if any are found, should be welcomed for they may elicit other research directions. Indeed, this broader endeavor can help advance our understanding of the various factors (for example, national culture and history) that shape how this important set of actors in the Muslim world interpret the Compact and by extension other related CSR issues. We also make a call to inaugurate a research agenda in the IBE field where future research efforts bring the voices of *ulama* to bear on other topics in this field (for example, Islam and female entrepreneurship). Finally, building on our efforts here, further methodological innovation may well be prudent. So, while we have provided a mediated voice for the *ulama*, future research may well seek to provide the *ulama* with a direct voice, instead of or in addition to

a mediated one. As part of the recommendations for future research we therefore suggest that the

ulama (and perhaps comparable individuals in other faiths; Rabbis, for example) are invited to co-

write academic papers thus affording them a direct voice - and hence stake - in scholarly debate.

This sort of approach where the 'subject' and 'researcher' speak together has worked well elsewhere

(see, for example, Down & Hughes, 2009). These initiatives will help further raise and broaden the

level of debate in the IBE field as well as ensure the field avoids homogenizing Islam.

        If the UN – and specifically the Compact - is to be subject to critique this is unlikely to be

found within the Western canon. This is because, despite its international remit, the UN remains an

Occidentalist creation; that is, it was built in the West on Western philosophical premises (see, for

example, Ananthavinayagan, 2018 Saghaye-Biria, 2018; The Tehran Times, 2020). So how might

we go about advancing a refined role for the Compact? Future research could explore how the

Compact can address the critique levelled at it from more conservative quarters, such as – of

course – from the *ulama*. It may be, for example, that the Compact can be refined to permit a

greater degree of flexibility in terms of its practical application. By way of precedent, the Compact

already permits some flexibility in respect of minimum work age (the age for developed countries

differs from that for developing countries). Perhaps further refinement could permit flexibility on

the basis of – and out of respect for - indigenous custom and tradition. The difficulty of course will

be striking a balance between abstract guiding principles (the UN) and practical application (the

businesses in question), made all the more complex on an international stage. In the spirit of moral

relativity, the UN might eventually accept that while guiding principles may well be desirable,

they will inevitably be refracted through different interpretative prisms the world over.

        Finally – and to illustrate a sense of contemporary traction - during the review stages of this

paper, two reports in the media helped illuminate the broader challenge. First, Al Jazeera reported

on a controversial decision taken by the English and Welsh cricket board to cancel their tour of Pakistan over unspecified security concerns ('England showed 'Western arrogance' in cancelling Pakistan tour'; https://www.aljazeera.com/sports/2021/10/6/holding-cricket-england-pakistan-tour**).** The decision was regarded by some, including author of the article and former West Indies cricketer Michael Holding, as Western arrogance. Perhaps the broader point is that decisions made by Western agencies ostensibly in good faith are not seen that way elsewhere. It is not that Pakistan's position was correct and England's was incorrect (or indeed vice versa); the point is that moral perspective is precisely that. Second, in the British Newspaper, the *Weekend i* (9th October, 2021), Adam Sharwin reported that in a bid to address accusations of liberal bias, the BBC was actively seeking to provide a platform for more conservative comedians, in this case a comedian by the name of Geoff Norcott. In the article, Norcott describes how his working class background ought to have primed him for a leftist political outlook but that ultimately he found solace in a more conservative philosophy. He hits the nail squarely on the head when he accuses the politics we associate with liberals of 'grating moral certainty'. There is a salient parallel here. Much as there are signs that the BBC is beginning to address accusations of liberal bias so too, we suspect, must the United Nations. This liberal consensus is seen in macrocosm in the case of the UN, and studies such as ours bring this into relief for analytical dissection.

Notes

ⁱ Translation of all the verses of the Qur'an in the paper has been taken from "The Meanings of the Holy Qur'an with Explanatory Notes" by Mufti Taqi Usmani, 2006, Karachi: Quranic Studies Publishers.

ⁱⁱ Translation of all *hadith* of "*Sahih Bukhari*" has been taken from "The Translation of the Meanings of Sahih Al-Bukhari (Arabic-English)" by Dr. Muhammad Muhsin Khan, 1997, Riyadh: Dar-us-Salam Publishers.

ⁱⁱⁱ Translation of all *hadith* of "*Sunan Abu Dawood"* has been taken from the English translation of "Sunan Abu Dawood" by Yaser Qadhi, 2008, Riyadh: Dar-us-Salam Publishers.

^{iv} Translation of all *hadith* of "*Sunan Ibn Majah"* has been taken from the English translation of "Sunan Ibn Majah" by Nasiruddin Al-Khattab, 2008, Riyadh: Dar-us-Salam Publishers.

^v Translation of all *hadith* of "Musnad Ahmad Bin Hanbal" has been taken from the English translation of "Musnad Imam Ahmad Bin Hanbal" by Nasiruddin Al-Khattab, 2012, Riyadh: Dar-us-Salam Publishers.

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Table 1: The Ten Principles of the UN Global Compact

Human Rights

Principle 1:   Businesses should support and respect the protection of internationally

                proclaimed human rights; and

Principle 2:   Make sure that they are not complicit in human rights abuses.

Labor

Princicpl 3:   Businesses should uphold the freedom of association and the effective

                recognition of the right to collective bargaining;

Principle 4:   The elimination of all forms of forced and compulsory labor;

Principle 5:   The effective abolition of child labor; and

Principle 6:   The elimination of discrimination in respect of employment and occupation.

Environment

Principle 7:   Businesses should support a precautionary approach to environmental

                challenges;

Principle 8:   Undertake initiatives to promote greater environmental responsibility; and

Principle 9:   Encourage the development and diffusion of environmentally friendly

                technologies.

Anti-Corruption

Principle 10:   Businesses should work against corruption in all its forms, including extortion

and bribery.

Source: https://www.unglobalcompact.org/what-is-gc/mission/principles.