

COLLECTIVE IJTIHAD: REGULATING FATWA IN POSTNORMAL TIMES, by Hossam Sabry Othman. Herndon: IIIT, 2024, 272pp. ISBN: 978-1642058772.

This is a timely and pertinent book. The author asks a probing question: what shape should fatwas take in contemporary times? The author contests that passing religious edicts should no longer be the prerogative of individual scholars. Technological advancement, medical progress and today's complicated lifestyles make individual fatwas problematic. This is because, according to him, 'contemporary ijthah requires interdisciplinary and multidisciplinary knowledge', which he believes is beyond the capacity of any singular scholar. The author then proceeds to prove his point, that fatwas should be a collective effort by qualified scholars when the issues at hand have global ramifications.

The author sets out to prove his point over four main chapters, an introduction and a conclusion. In his introduction, the author discusses the theoretical aspect of collective ijthah and also provides a historical overview of the topic. This starts with the era of the Prophet Muḥammad (blessings and peace be upon him) through the formative period of Islamic law, with special reference to some efforts of this mode of intellectual reasoning at later stages of Islamic history. Here, the author singles out three early institutions of collective *ijtibād* and goes on to elaborate on their historical background, methods of work, roles and some instances of their *ijtibād*. Chapter two can be divided into three parts. The first part begins with a discussion on the legal authority of collective *ijtibād* based on the authoritativeness of the majority opinion. It also investigates the viability of this potential mechanism as an alternative to *ijmā'*, or scholarly consensus. This chapter also discusses the qualifications of scholars who may be involved in such an endeavour, with an emphasis on the critical need for complementarity between the jurists and the technical experts, in order to have a better grasp of the issue at hand. The author also highlights the benefits of collective *ijtibād*, its role in promoting unity, eliminating controversy, addressing radicalism and extremism, and employing the highly commendable principle of mutual consultation in deciding legal rulings.

The third chapter focuses on the role of collective *ijtibād* and begins with an analysis of the most prominent problematic issues relating to giving individual fatwa, the issuing of fatwas by unqualified individuals, as well as live fatwas and their advantages and disadvantages, the politicisation and manipulation of fatwa, and fatwas between extreme leniency and over strictness. The author then deals with the potential of collective *ijtibād* to address some problematic issues. In chapter four, the author looks into the challenges and obstacles facing collective *ijthah*, which

include affiliation and the lack of independence, as well as the controversial role of technical experts and its scope, the absence of female members, the politicisation of the membership to *fiqh* academies, and the lack of liaison and coordination between the different *fiqh* academies.

Although the book is a good addition to the subject, there are, however, some observations to be made. The term such as 'postnormal times', coined by Ziauddin Sardar, are better left out. One sees no purpose in the introduction of this term nor does it advance the discussion on collective *ijtihād* in any way whatsoever. Moreover, the author does not provide any explanation of what is meant by this term. Likewise, one is not clear about what the author means by 'trans-*madhhab*'. If what is meant is looking for appropriate legal opinions in the various schools of Islamic jurisprudence, rather than adhering to any one particular legal school, then that is a worthwhile and incumbent consideration. Indeed, adhering to one legal school, in modern times, to address contemporary problems is debilitating and impractical. But if what is intended by it is discarding or transcending the established Muslim schools of Islamic jurisprudence, then that is problematic. Attempts to issue legal opinions independently of these schools have resulted in obscure and weak fatwas fraught with inconsistencies. If it is true that contemporary scholarship is too weak to allow for individual fatwas, then being independent of the established legal schools seems to be a farfetched idea.

The author asserts that 'contemporary *ijtihād* should provide legal solutions that facilitate people's lives.' This is not a sound premise. In Islam, the purpose of religious edicts is to provide legal answers that accurately reflect the teachings of the Qur'ān and Sunnah. The petitioner must conform to the edict as a response to his or her legal question. Fatwas should not be misused or bent to sanction or affirm people's personal whims. True, a jurist may allow for legal dispensations when there is real hardship, but this does not mean that fatwas should be moulded to cater for the petitioner's personal needs.

One also takes issue with two claims made in this book. The first is that the majority opinion has a form of authority in Islamic law, and the second, which is closely related to the first, is that collective *ijtihād* is a viable alternative to *ijmā'*. The claim that 'majority opinion' is authoritative is unfounded. If one takes as an example the Ḥanafī opinion that a woman does not require a guardian's permission to marry versus the majority opinion which argues that she does, it would necessarily mean, according to the author, that the Ḥanafī opinion cannot be taken as an article of state law. But, in reality, this is not the case. Many countries, even those that do not include followers of the Ḥanafī school, or have a minority of Ḥanafīs, have adopted the position of the Ḥanafī School as a State law, such as Sudan, Jordan,

Syria, and Egypt. Perhaps the author conflates here minority opinion with fringe opinion. Acting on fringe opinions is blameworthy and must be avoided. 'Minority opinion', however, is something different because it has a community of followers, and also because it avoids the absurd.

No legal definition in Islamic law is universally agreed upon, and so to state that legal difference is reducible to a lack of agreement on the wordings is a mere distraction. The main point is that the notion of *ijmā'*, or scholarly consensus, is very much disputed. With so much difference of opinion about *ijmā'* in classical scholarship, the proposition of 'collective *ijtihad*' as a viable alternative to *ijmā'* is untenable. The idea of collective *ijtihad* deserves great consideration and the Muslim community needs to explore and fund such an endeavour, but this has to be a standalone project and cannot replace the prerequisites of *ijmā'* nor should it be made binding on the Muslim community. Only *ijmā'* can have that binding authority, and there are examples of *ijmā'* in modern times. The permissibility of taking photographs is disagreed upon by Muslims, but it is unanimously agreed that taking photographs for use in legal documents, such as passports, is lawful. Again, the ideal of collective *ijtihad* is laudable but it should never be elevated to an artificial lofty status, nor should one be too idealistic to the point of claiming that collective *ijtihad* should be used as a vehicle to bring about Muslim unity.

What is beyond doubt is that the author expends great efforts to make his case compelling, drawing as he does from some of the foremost respected references in Islamic jurisprudence. The book is well written and quite informative.

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THE GLOBAL HALAL INDUSTRY: A RESEARCH COMPANION, by Hussain Mohi-ud-Din Qadri. Abingdon: Routledge, 2024, xiv+196pp. ISBN: 978-1032579092.

This is a curious book. Excellent writing and social science research on the topic of Halal food and other closely related matters are rare. The obstacles to high-quality research in this field are notoriously legion. This book, with the exception of a few of the better chapters, confirm this harsh judgment. The presence of maximum feasible moral controversy, plus the contamination of unreliable sources (unofficial or official) dog every scholar and analyst. However, comparable barriers and obstacles have not precluded high-quality academic literature in cognate fields, such as the study of Islamic law or Muslim communal sociology. But here much