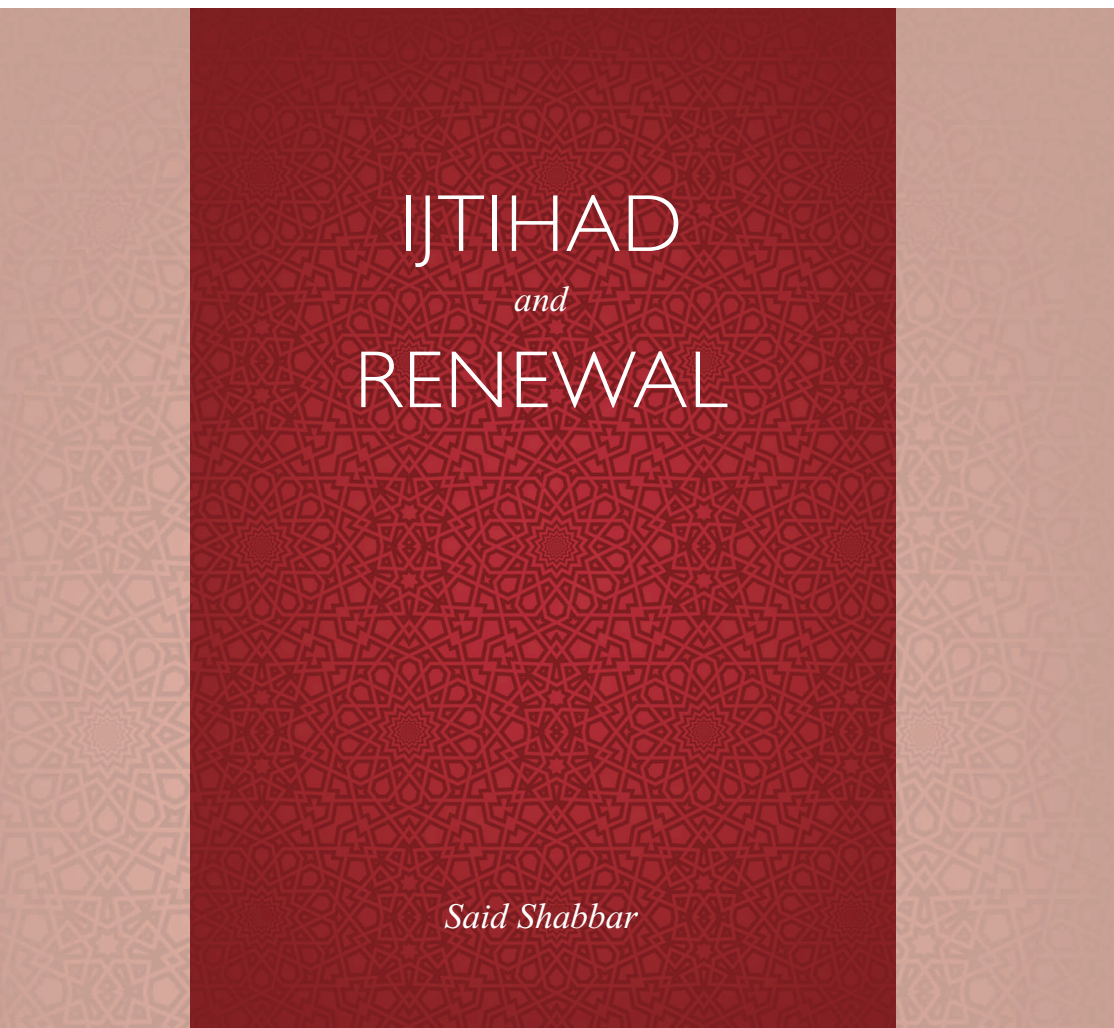


Ijtihad and Renewal



IJTIHAD
and
RENEWAL

Said Shabbar

IIIT Books-In-Brief Series

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Said Shabbar

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IIIT Books-in-Brief Series

The IIIT Books-in-Brief Series is a valuable collection of the Institute's key publications written in condensed form designed to give readers a core understanding of the main contents of the original. Produced in a short, easy to read, time-saving format, these companion synopses offer a close, carefully written overview of the larger publication and it is hoped will stimulate readers into further exploration of the original.

In **Ijtihad and Renewal** Said Shabbar endeavours to analyse the fundamental role ijthihad can play in generating a positive revival or reform of the modern Muslim world. In the early centuries of Islam, scholars used their intellect and independent reasoning, based on the Qur'an and Sunnah; however, throughout the centuries the gates of ijthihad came to be generally closed to then follow existing rulings developed by scholars. Intellectuals, reformers, religious scholars, liberalists, socialists, even secularists, amongst others, have attempted to reverse the decline through the prism of their own perspective, but have not succeeded. The circumstances in which the Muslim community now finds itself do not allow for the degree of variety, disagreement, and even contradiction that Muslim civilization and culture were able to accommodate when they were at their apex and, as a consequence, were strong, cohesive and autonomous. The situation that prevails at the present time calls for greater unification around critical issues, which need to be addressed through a series of clearly defined steps and in light of clearly defined aims.

Shabbar illustrates how ironically, the very individuals whose teachings were imitated the most – namely, the founders of the various schools of Islamic jurisprudence – were the most adamant in their condemnation and prohibition of *taqlid*, and their insistence on the importance of study, ijthihad, and the search for supporting evidence. Shabbar addresses the conditions that must be met by the *mujtahid*, that is, the individual deemed qualified to engage in ijthihad. He argues that intellectual

renewal in Islam does not abrogate existing notions or establish a new system of thought. Rather, it involves rediscovering and developing already existing ideas in keeping with the needs prevalent in our own times, and based on relevant rules, methodologies, and recognized constants. Thus, he makes the case that the proper approach to applying Islamic legal rulings to real-life situations calls for realism, moderation, and a sound creedal framework for thought and action. These elements are all vital, as not one of them alone can ensure proper application of the rulings of Islamic law. Once they are all present, however, and working in tandem, Shabbar affirms, we will have rejoined the links of the chain that makes up contemporary Islamic thought.

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IJTIHAD AND RENEWAL

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Chapter One

On the Meaning of Ijtihad and its Relationship to Opinion (*al-Ra'y*)

Ijtihad – Its Etymology, its Meaning in the Context of Islamic Law, and its Use as a Technical Term

The trilateral root *j-h-d*, vocalized either as *jahada* or *jahuda*, denotes the action of expending effort. Most lexicons, among them *Lisān al-‘Arab*, distinguish between *jahada* and *jahuda*, with *jahada* referring simply to the expenditure of effort, and *jahuda* denoting the same process, but with an added element of hardship and difficulty. Commonly used words derived from the *j-h-d* root include the verbal nouns *jihad* and *mujāhadah*, which denote the process of extreme exertion and effort on the level of speech or action; and the nouns *majhūd* and *tajāhud*, which convey the same sense as *ijtihād*, that is, the process of expending diligent effort, or the effort thus spent. The *j-h-d* root is found in numerous derivations in the Qur’an, including *jahada* (*jāhadāk*, *tujāhidūn*, *jāhidhum*) and *jihad*, whether the process referred to has to do with effort exerted in armed conflict, the expenditure of wealth, or the act of calling others to embrace the message of truth.

The term *ijtihād* itself occurs nowhere in the Qur’an. However, the sense conveyed by this word is found in numerous places throughout the Qur’an. As for the Hadith literature, it points to specific legal aspects of *ijtihād*. When speaking of the circumstances surrounding the beginning of the Prophet’s (ṢAAS)* reception of revelation, for example, ‘Ā’ishah is reported to have quoted him as saying, “So he [Gabriel] took me and pressed me until all my energy was spent.”

* (ṢAAS) – *Ṣallā Allāhu ‘alayhi wa sallam*: May the peace and blessings of God be upon him. Said whenever the name of the Prophet Muhammed is mentioned.

Once the leading schools of Islamic jurisprudence had been established and Islamic juristic principles (*uṣūl al-fiqh*) had been clearly defined, *ijtihād* came to be directed toward regulation and standardization. At this point, most of the differences among scholars' definitions of *uṣūl al-fiqh* were traceable to the conditions they insisted on with respect to the *mujtahid* (the person engaging in *ijtihād*), the questions being considered, and/or the types of rulings involved – legal, speculative, practical, rational, or otherwise. Ibn Ḥazm wrote in *Al-Aḥkām*, “In the context of Islamic law, the term *ijtihād* refers to the attempt to arrive at a ruling on a case based on all relevant evidence.” Imam al-Ghazālī (d. 505 AH/1111 CE) noted “scholars have come to use the term *ijtihād* to refer specifically to the endeavor to educate oneself on rulings based on Islamic law.” As a matter of fact, the precise stipulation that derivation of legal rulings be part of the *mujtahid*'s task was a critical aspect of the technical definition of *ijtihād* that evolved over the years, and that set *ijtihād* apart from other types of juristic endeavour.

As a result, *ijtihād* is evaluated in terms of two criteria: (1) whether it deals with speculative or definitive matters, and (2) whether it is correct or incorrect. The second criterion is related to the first in all questions of religious knowledge, and not only in relation to juristic matters. Moreover, each of the areas of theology, Islamic legal principles, and juristic issues is associated with a particular method of investigation, induction, and use of evidence.

A difficulty is the Muslim community's failure to keep pace with the intellectual and rational development witnessed by other civilizations. As such, when Islamic jurisprudence underwent a period of stagnation and retraction, the role of reason in Muslim society was dealt a severe blow, *ijtihād* was relegated to the past, and the Muslim community began to relinquish the position of leading world civilisation it had once enjoyed. In order to reclaim its former prominence and development, the Muslim community thus needs to revive the widespread practice of *ijtihād*, bearing in mind that each particular sphere of life, be it politics, economics, Islamic jurisprudence, the hadith sciences, linguistics and its subdisciplines, or some other, is associated with specific methods of reasoning.

Ijtihād and Opinion (*Al-Ra'y*)

In his book, *Jāmi' Bayān al-ʿIlm wa Faḍlihi*, Ibn ʿAbd al-Barr (d. 463 AH/1071 CE) cited numerous traditions and hadiths passed down from

the Companions of the Prophet on the topic of *ijtihād al-ra'y*. In his book, *I'lām al-Muwaqqi'im*, Ibn al-Qayyim (d. 751 AH/1350 CE) divided opinions into three categories: (1) blatantly invalid, (2) valid, and (3) doubtful. Muslim scholars' views on opinion may be distilled into the following two positions: (1) that opinion is praiseworthy, being based on the guidance found in the Qur'an, the Sunnah, and the consensus of the Muslim scholarly community, and (2) that opinion is blameworthy. Imam al-Shāfi'ī equated *qiyās* with *ijtihād*, and thus used the two terms interchangeably. In so doing, al-Shāfi'ī sought to avoid confusion between *ijtihād* and juristic preference (*istihsān*).

According to Mustafa Abd al-Razzaq, modern Islamic scholarship views the practice of *ijtihād al-ra'y* in the formulation of legal rulings as one of the earliest outcomes of the rational perspective that had begun to develop among Muslim thinkers. The rational perspective, which developed and matured with Qur'anic support, gave rise to the Islamic juristic schools, and to the discipline that came to be known as *uṣūl al-fiqh*, or the principles of jurisprudence. According to Fathi al-Durayni (1923-2013), *al-ra'y* or *ijtihād al-ra'y* is not a manifestation of purely abstract thought. After all, abstract thought is not a source of legislation in Islam. In fact, it is a usurpation of the divine right to legislate for human beings. When a scholar engages in *ijtihād al-ra'y*, the opinion he or she forms is not based solely on the logic of language or the apparent meanings conveyed by the words of a text. Rather, when engaged in *ijtihād al-ra'y*, the connection between the text and the scholar's intellectual acumen is governed by recognized rules and principles lest he or she fall into logical errors or be swayed by emotion, personal desires, or bias.

The term *ijtihād* has been employed in contrast to other terms, such as *tafsīr* (explanation or exegesis), *ta'wīl* (interpretation), and others. Adib al-Salih (born 1926) has defined *tafsīr* as, "clarification of the meanings of the words and the manner in which they point to [religious] precepts and rulings in order to apply the text based on a sound understanding thereof." Given this definition of *tafsīr*, the purpose of *ijtihād* in the *tafsīr* process is to clarify both the meaning of the text and its juristic implications and applications. As such, the *ijtihād* of which we speak belongs to the first category mentioned above, namely, a praiseworthy understanding that remains faithful to Islamic law as based upon the Qur'an and the Sunnah. As for the term *ra'y*, we are using it here interchangeably with *ijtihād*.

Chapter Two

On the Methodological Requirements of Ijtihad

The practice of ijtiḥād must be based on an authoritative source. When the source of one's ijtiḥād is a statement by the Messenger of God, this statement is authoritative in and of itself, supported by the Qur'ānic revelation he had received and the infallibility with which he delivered the message he had been given. According to al-Shawḳānī (d. 1250 AH/1834 CE), the opinions formed by the Prophet's Companions through ijtiḥād were only authoritative bases for legislation if they were affirmed and approved by the Prophet. Abū Ḥanīfah's (d. 150 AH/767 CE) approach was to first adopt whatever is stated in the Book of God. If the answer was not there, he would look to the Sunnah of the Messenger of God, then go to what was said by the Companions, drawing on the sayings of whichever of them he wished.

Imam al-Ḥaramayn al-Juwaynī (d. 478 AH/1085 CE), on the other hand, expressed the view that lay persons need not adhere to the views of the leading Companions and should follow the teachings of later scholars who delved deep into the matters of concern and detailed the circumstances surrounding relevant questions. Al-Jabiri holds that in order to apply Islamic law in the manner appropriate to this age, we need to establish a source of authority that will govern our application of Islamic legal rulings. Accordingly, only the example of the Companions could unite Muslims around a single point of view, since it preceded the emergence of the various juristic schools and the differences that arose over a wide range of issues and questions.

Ijtiḥād and Explicit Texts

The scope of ijtiḥād is that of the speculative, not that of the definitive; hence, the motto, "No ijtiḥād with explicit texts" (*lā ijtiḥād ma'ā al-naṣṣ*), that is, texts which are definitive in terms of both their reliability and their meaning. This maxim still retains its force; nevertheless, it has become the topic of discussion because it has been used to discourage innovative or creative interpretations of texts from the Qur'an and the Sunnah, particularly as they relate to the conditions for a text's application to concrete situations. The question is: If a text is viewed as definitive text, are we not allowed to engage in any form of ijtiḥād in relation to it?

When dealing with texts of definitive meaning and reliability that deal with subsidiary, mundane issues, *ijtihād* does not permanently abrogate a ruling that was derived from the text at an earlier time; however, it might go beyond the previous ruling. In modern times, as in earlier eras, the work of *ijtihād* tends to be restricted to two areas: (1) issues addressed by no explicit text in the Qur'an or the Sunnah, and (2) texts that are speculative in nature, whether with respect to their reliability, or with respect to their meaning. To these, we might also add a third area proper to *ijtihād* and to which Fathi al-Durayni, one of the most impassioned proponents of *ijtihād* in relation to questions of Islamic law, referred as textual application.

Regarding contemporary *ijtihād*, Abd al-Majid al-Najjar (born 1945) has suggested that the more definitive a text is, the less of a role is played by reasoning in the text's understanding, and vice versa. Further, Yusuf al-Qaradawi (born 1926) stipulates that: (1) *ijtihād* requires that one make every effort to arrive at complete clarity on the issue at hand; (2) no definitive issues are subject to *ijtihād*; (3) speculative texts and rulings must not be treated as though they were definitive; (4) work should be done to bridge the chasm that presently exists between the juristic and tradition-based schools of thought; (5) beneficial new insights should be welcomed; (6) there is a need for a shift to communal *ijtihād*, since the view of an entire group is more likely to be correct than that of a single individual.

Ijtihād and the Principles of Jurisprudence

Islamic Law is marked by a significant degree of both breadth and flexibility. Consequently, it leaves ample room for reasoning and interpretation in attempts to deduce rulings appropriate to a variety of situations. When faced with situations that are not addressed by any particular, explicit text, it is permissible to employ methods such as analogical reasoning (*qiyās*), judicial preference (*istiḥsān*), reasoning based on unrestricted interests (*istiṣlāḥ*), and others. The underlying aims and intents of Islamic Law are sufficiently comprehensive that they allow Muslim jurists to take both spiritual and material interests into account in their deliberations. They are also allowed to analyze and enumerate the concrete bases for specific legal rulings provided that such rulings are not classified as *ta'abbudiyyah* (commands or rulings for which one cannot arrive at an explanation through human reason, and for which there is no known basis or occasion).

In his work entitled *Irshād al-Fuḥūl*, al-Shawkānī defined the word

ijmāʿ, generally rendered ‘consensus’, as “an agreement among the *mujtahids* of the Muslim community following the Prophet’s death in this or that age on this or that matter.” This definition of *ijmāʿ*, which is accepted by *uṣūl* scholars generally, implies that if: (1) the agreement referred to is that of individuals not qualified to engage in *ijtihād*, (2) it applies to some community other than the Muslim community, and (3) it was an agreement that existed during the lifetime of the Prophet, it is not included within the definition of ‘consensus.’ Similarly, this definition implies that the term ‘consensus’ only applies to such an agreement if it is limited to a particular age, and if it concerns ‘this or that matter.’

Consensus has been conceptualized in numerous ways that yield neither knowledge nor fruitful action. Such conceptualizations were the subject of lengthy discussions by *uṣūl* scholars. Those who have forbidden the use of consensus have raised numerous arguments against it. However, many scholars have attempted to refute such objections and to establish the validity of the concept of consensus. The difficulty raised by those who object to reliance on consensus is attested to by Muslims’ historical experience. We find, for example, that with the exception of the era of the Prophet’s Companions, the Muslim community has never witnessed the type of consensus described by earlier scholars.

Thus, in his work, *Irshād al-Fuḥūl*, *uṣūl* scholar al-Shawkānī stated, “Even if we acknowledge the validity of all the arguments marshalled by those who advocate for reliance on consensus, the most we can conclude from such arguments is that what these people have reached a consensus on is valid. The mere fact that something is valid does not require us to adhere to it.” Ahmad Shakir (1892-1958) commented, “As for the type of consensus for which *uṣūl* scholars argue, it simply cannot be realized. Indeed, it is a mere illusion. There are many jurists who, when they are unsettled by an issue and lack convincing arguments in favor of their point of view, claim to have ‘consensus’ on their side, and brand their opponents as infidels.” In his book entitled, *Maqāṣid al-Sharīʿah al-Islāmiyyah wa Makārimuhā* (The Intents and Virtues of Islamic Law), Allal al-Fāsi (1910-1974) stated, “The only valid consensus possible is one that originates with *mujtahids*. There are at least two reasons for the failure of consensus to be realized: (1) insufficient motivation to achieve it, and (2) the decline of the Caliphate, which would unify Muslims worldwide.”

I see no virtue in appealing to what was done by the Companions, who

used to gather the believers for consultation and for ratification of their decisions. After all, the Muslim community at that time was in a situation that differed radically from the one that faces the present-day Muslim community, which is collapsing under the combined pressures of divisions from within and hostility from without. Moreover, it should be remembered that the early Caliphs, who were the leading *mujtahids* of their age gifted with profound insight into how to meld earthly authority and the teachings of the Qur'an, were leagues ahead of those who came after them.

Ijmā' consists, first, of the consensus of the members of the Muslim community who are qualified *mujtahids*. This consensus should then be circulated among all other members of the Muslim community in keeping with the command found in *Sūrah al-Tawbah*, 9:122, where we are told that Muslims in time of war are to study the faith while not on the front lines so that they can "...teach their homecoming brethren..." when the latter return from battle. In this way, the consensus of the scholarly community becomes, in effect, the 'consensus' of the Islamic community as a whole. There is no justification for replacing such a comprehensive accord with innumerable narrow consensuses, each of them proper to its own locale. Nor is there any justification for broadening the concept to the point where it is impossible for a consensus to be achieved.

Communal, or group, *ijtihād*, is a response to the command to adhere to the beliefs of the Muslim community; it is also an expression of the Muslim community's intellectual, cultural, political and social unity, strength and integrity. In principle, there is widespread agreement among Muslims on the need to organize and engage in group *ijtihād*, although differences have arisen over the form this work should take, the methods employed to achieve it, and the relationship between such communal *ijtihād* and executive centers of power such as governmental bodies.

Some thinkers have suggested the establishment of an academy to be attended by the foremost scholars of the Islamic sciences. Such scholars, who would come from all regions of the Islamic world and represent the entire spectrum of juristic schools, would discuss the needs of the Muslim community, agree among themselves on rulings concerning what would be required of Muslims everywhere, and publicize their decisions. Another suggestion is for Muslim states to mandate 'competent scholars' to form a legislative council representing the entire

Muslim world, and whose decisions would be ‘binding’ upon all mandating states.

According to al-Turabi, the notion of *ijmāʿ* might take the form of the modern practice of seeking out legal rulings from qualified scholars; an indirect consensus might also be obtained through a system of parliamentary representation. In other words, a parliamentary council elected freely by the Muslims of the world would be responsible for formulating the official consensus on matters of concern. If, in fact, *ijmāʿ* is viewed as a consensus of an entire world community of Muslims whose purpose is to ensure Muslims’ intellectual and political unity, and if this consensus is to be implemented on the ground, then the process of arriving at consensus will need to be broad enough to involve official decision-making bodies.

In the case of the term *ijmāʿ*, or consensus, we are using the term ‘ijtihād’ in a broader, more inclusive sense than that attached to it traditionally in the field of Islamic jurisprudence. What we are speaking of is a type of ijtihād that is marked by broad participation, and in the service of which all of the Muslim community’s resources and potentials are brought into play.

Chapter Three

On the Conditions of Ijtihād and the Agreement-Disagreement Dialectic

One of the most controversial ijtihād-related topics has been the conditions that must be met by the *mujtahid*, that is, the individual deemed qualified to engage in ijtihād. *Uṣūl* scholars have differed widely over the types of conditions that must be met, and their stringency or leniency. This controversy has continued into modern times, especially given the Muslim community’s failure to progress in numerous areas of its life.

Contemporary Thought and the Preservation-Revision Debate

The contemporary controversy over the conditions required of a qualified *mujtahid* has yielded two overall trends. The first trend is to revise and reduce these conditions given the difficulty of fulfilling them

in their traditional form, while the second is to preserve them unchanged especially in light of enhanced opportunities for academic achievement and learning in the present day. The first person to begin laying down explicit conditions such as those that developed in the field of jurisprudence may have been al-Shāfi‘ī. One argument cited in favor of revising the existing lists of conditions is that they were not based on explicit texts from the Qur’an or the Sunnah. Rather, they were based primarily on the conviction that such conditions helped to ensure that *ijtihād* fulfill its intended function of guaranteeing the sound understanding and application of the divine revelation. However, since none of these means had been spelled out in an explicit text, disagreement arose. It has been proposed that the imposition of overly stringent conditions on *mujtahids* has killed the spirit of *ijtihād* and perpetuated a tendency to imitate.

In al-Turabi’s view, the rules that govern *ijtihād* are not merely formal boundaries within which society remains divided between a lay populace who are exempted from the responsibility to reflect on their religion, and an intellectual elite who have a monopoly on the religion’s mysteries and inner truths. Certain formal criteria might be employed to determine whether someone is qualified for the job of *mujtahid* – for example, that he or she have a university degree in a particular field. However, whatever the formal qualifications happen to be, it is the general Muslim public to whom judgment should be deferred in the end.

Another distinctive condition added by Isma‘īl R. al-Faruqī is what we might term “Islamicness.” He justified this addition based on the fact that, firstly, “Islamicness” was a precondition for all of the aforementioned conditions stipulated by *uṣūl* scholars. Secondly, the legal rulings formulated by the *mujtahid* are governed by higher aims or intents, which are in turn shaped by Islamic doctrines and values.

Conditions for Engaging in *Ijtihād*: Historical and Contemporary Models

In his book, *Al-Burhān*, Al-Juwaynī summarized what a number of other *uṣūl* scholars had written about the characteristics required in a *mujtahid*. Al-Isfarāyīnī (317-418 AH/949-1027 CE) listed no fewer than forty such distinguishing traits. The *mujtahid* must, for example, (1) have reached adulthood; (2) know Arabic well; (3) be familiar with the Qur’an and the Qur’anic sciences, the principle sources of Islamic law,

history, the hadith sciences, and jurisprudence, and (4) have an innate understanding of human psychology. In *Al-Mustaşfā*, Imam al-Ghazālī stipulated that “first, he must have a thorough grasp of the higher aims of Islamic law, and be skilled at raising and reflecting on relevant questions and issues and ordering them in terms of their relative degrees of importance. Secondly, the *mujtahid* must be an individual of upright character who avoids sins that would compromise his ability to mete out justice to others.”

One of the conditions mentioned by al-Zarkashī was what he termed “way of seeing” (*kayfiyyat al-naẓar*), that is, an understanding of how to make use of proofs and definitions, and construct valid premises. In this connection al-Zarkashī wrote, “This is based on al-Ghazālī’s stipulation that [a *mujtahid*] understand the science of logic.” However, in *Majmū‘ al-Fatāwā*, Ibn Taymiyyah (d. 728 AH/1328 CE) stated that if anyone claimed that an understanding of logic was a condition for the ability to engage in *ijtihād*, this claim would simply expose the claimant’s “ignorance of both Islamic law and the true nature of [Greek] logic.” Regarding the qualifications of a *mujtahid*, in *Al-Baḥr al-Muḥīṭ*, al-Zarkashī listed “perspicacity and intelligence”, “a comprehensive knowledge of the basic sources of the religion”, and “knowledge of arithmetic”. Al-Shāṭibī summed up the qualifications of a *mujtahid* in two conditions that no one before him had stipulated explicitly or in detail, namely: (1) a complete understanding of the aims and intents of Islamic law, and (2) the ability to deduce rulings based on this understanding. According to Al-Rāzī, in *Al-Maḥṣūl fī ‘Ilm al-Uṣūl*, “The individuals whose views are taken into consideration when determining whether there is a scholarly consensus in a given area are those who are qualified *mujtahids* in that area, even if they are not thus qualified in other areas.”

Al-Qaradawī stipulates that a *mujtahid* must be knowledgeable on eight topics: the Qur’an, the Sunnah, the Arabic language, points of consensus, the principles of jurisprudence, the aims and intents of the Islamic Law, people, and life affairs. According to Allal al-Fāsi, the *mujtahid* draws on three fundamental sources: (1) knowledge based on divinely given evidence; (2) an investigation of the meanings of particular Arabic words; and (3) the process of weighing evidence and choosing that which has the most in its favor. In his book, *Al-Fikr al-Sāmī*, Al-Hajwī al-Thaalibī (d. 1956) defined the *mujtahid* as being an “intelligent adult” who possesses a knack for understanding various academic disciplines, who recognizes the value of rational evidence,

and who has a reasonable mastery of linguistics, Arabic, religious fundamentals, rhetoric, and the relevant evidence for legal rulings derived from the Qur'an and the Sunnah.

'Right' and 'Wrong' in Ijtihad-Related Thought

The question of 'right' and 'wrong' in ijtiḥad-related thought is closely related to the conditions a person has to meet in order to qualify as a *mujtabid*. The purpose for setting these conditions is to ensure that the seeker of knowledge is prepared to take on the role of *mujtabid*. Islamic law stipulates that a *mujtabid* earns two rewards if his ruling is correct, and one reward if it is mistaken. However, unqualified individuals are strictly forbidden to engage in ijtiḥad. Even if their rulings are correct, they are viewed as being both mistaken in their judgments and guilty of wrongdoing.

The fact that the Muslim community has been infiltrated by groundless innovations and misleading ideas and afflicted with lethargy, backwardness and stagnation is due to a failure to maintain the practice of ijtiḥad in so many areas of life. When by contrast, ijtiḥad is an ongoing practice, errors and unfounded opinions cannot survive since *mujtabids* will correct and root them out.

Uṣūl scholars, who start from the premise that there is a single, uniform 'truth', have concluded that all *mujtabids*, regardless of their disagreements, are basically correct on the surface so long as it is impossible to determine which of them has grasped this 'truth' most fully in his ruling. However, those who start from the premise that truth takes different forms in relation to different situations and cases likewise conclude that all *mujtabids* are right regardless of their disagreements.

In their discussions of 'right' and 'wrong', many scholars have drawn a distinction between the realm of 'rational statements' (*ʿaqliyyāt*) and that of 'legalities' (*sharʿiyyāt*). An error on the level of rational statements may prevent one from knowing God and His Messenger, since in this realm, there is one Truth and no other; those who affirm this Truth are on the path of faith, while those who fail to affirm it are deemed nonbelievers; as for people who fall somewhere in between, opinions concerning them differ.

Chapter Four

Points of Overlap and Complementarity Between *Tajdīd* and Ijtihād

The Term *Tajdīd* as Defined in Lexicons, Law, and Technical Usage

The trilateral root *j-d-d* has many denotations. The verb *jadda* (verbal noun, *jiddah*), for example, means to be or become new, and is thus related semantically to the verb *ijtahada*, which involves the expenditure of effort to emerge with new meanings. The original denotation of the verb *jadda* was to cut off (verbal noun, *jadd*). The adjective *jadūd*, when applied to a she-camel, means that her milk has stopped flowing, and a new robe (*thawb jadīd*) is one that was newly cut. Related verb forms are *tajaddada* (to be renewed), *jaddada* (to renew), and *istajadda* (to emerge newly). The verbal noun *jiddah* is the opposite of the noun *bilā*, meaning decline or deterioration. Hence, a term used for the sun and the moon is *al-jadīdān* ('the two new ones'), because they never deteriorate or wear out.

In the Qur'an, we find that the adjective *jadīd* occurs six times. In the Sunnah, by contrast, the concepts of *tajdīd* and *ijtihād* are used in relation to direction and guidance, though not in a regimented, exclusive sense that would cancel out all other meanings and significations. In the Sunnah, we find derivatives of the root *j-d-d* used in the sense of cutting or severing, self-sufficiency, greatness, sturdiness, clarity, and newness as opposed to deterioration. Some scholars view renewal as a movement initiated by one or more individuals, while others view it as a movement initiated by an entire community.

This individual or group need not have a specialization in Islamic jurisprudence. In al-Turabi's view, religious renewal should be undertaken by an entire group of people working together, since life in our day and age has become so complex that intellectual renewal is too great a task for a single individual, however prominent and influential, to take on singlehandedly. Al-Qaradawi has proposed broadening the definition of religious renewal in keeping with Prophetic hadiths which

indicate that the promotion of religious renewal is not the job of a single person, but of a group that works together in the interests of truth. When we renew something, our aim is not to change the essential nature of the entity to be renewed or to replace it with something else but, rather, to restore it to its original state. In the case of religious renewal, it involves building on the original foundation and returning to the religion's original message and aim.

Intellectual renewal in Islam does not abrogate existing notions or establish a new system of thought. Rather, it involves rediscovering and developing already existing ideas in keeping with the needs prevalent in our own times, and based on relevant rules, methodologies, and recognized constants. As for its authoritative points of reference, they are: the Qur'an, the Prophetic Sunnah, tools and mechanisms for understanding Islamic principles (reason, consensus, and the like), and the Islamic intellectual and juristic heritage.

Models of Modern Islamic Intellectual Renewal

The starting point for the renewal lies in the Qur'an and the Sunnah. Our understanding and applications of the Qur'an and the Sunnah are colored and guided by the experiences of the first generations of Muslims, particularly the Prophet's Companions, as well as the experiences of subsequent generations of Muslims. Scholars and thinkers may differ over how to understand and respond to specific issues, however, there is no harm in this so long as the basic premises and end goals are held in common.

It bears noting that virtually every one of the various contemporary models of religious and intellectual renewal can be broken down into three basic, overlapping conceptual areas, namely: religion, reason, and reality (i.e., concrete circumstances), or revelation, humanity, and the cosmos. No social structure can survive merely on the basis of art, science and the intellect, since it is the spiritual dimension that enables humanity to advance and progress. Wherever the spiritual dimension is absent, civilization declines, since whoever lacks the ability to move upward will, by virtue of the force of gravity, have nowhere to go but down.

The conditions for civilizational renewal and awakening, in Malek Bennabi's (1905-1973) terms, are: human beings, soil, and time. These three factors constitute the social capital that supplied the Muslim community with what it required in its early historical stages. As for

the priorities to which attention must be given at the present time, Munir Shafiq (born 1934) lists the following issues as being of particular urgency: enabling the Muslim community to regain its autonomy and dignity by freeing itself from foreign control; the divisions that rack the Muslim community worldwide and the consequent need to achieve unity; development related issues; questions of social justice, human dignity, the practice of consultation, and the relationship between rulers and their people; environmental pollution; the debt burdens under which poor nations labor; and the family unit's disintegration and collapse.

Renewal and Various Approaches to Understanding and Use

Scholars differ over the distinction between the term *tajdīd* (generally translated as 'renewal'), and other related terms. The reason for the difference of opinion is that some of these terms in contemporary usage bear senses or connotations that conflict with the Muslim community's historical beliefs and practices. Rather than eliminating their use entirely however, we need to dissociate these terms and their related concepts from undesirable nuances and connotations by highlighting their terminological, linguistic and legal origins. The most complete renewal is one that combines both revival and development.

I will present several different approaches to religious reform and renewal. The originator of the first approach, Hichem Djait (born 1935), holds that countries that are behind in the area of Islamic legislation should catch up with those that are more advanced in this area. For example, Djait maintains that we should put an end to the *ḥudūd* penalties that were abandoned by the Umayyads thirteen centuries ago, and place our emphasis instead on the vast field of personal status laws, whose formulations are outmoded and stand in need of modernization.

Terms Belonging to the Same Semantic Family

A set of terms contains meanings that overlap to one extent or another with that of *tajdīd*, or renewal. Such terms have a number of semantic elements in common. They are all related for example, to the individual and the group, self and other, things and ideas, this world and the world to come. In addition, they all concern themselves with movement and renewal, building up and contributing, and making transitions from one situation to another. Some can even be used interchangeably.

1. *Taghyīr*: Translated generally as ‘change’, the verb *ghayyara* (verbal noun, *taghyīr*; intransitive, *taghayyara*) refers to the process by which someone or something shifts from one condition or state to another. When we change something, we have caused it to be other than what it was before. The process referred to as *taghyīr*, or change, will take one of two forms. One either changes the outward appearance or form of something without changing its essence, or one changes its essence; in other words, one exchanges it for something else in a sense.

Abd al-Majid al-Najjar, for example, sees the process of change as being centered around two principle axes: one, rejection of reality as it is and; two, a commitment to replacing existent reality with an alternative reality based on a clear notion of what this alternative is to be and a presentation of the ways in which the alternative is to be brought into being.

2. *Iṣlāḥ*: The noun *ṣalāḥ*, meaning goodness, uprightness and soundness, is contrasted to *fasād*, meaning corruption, deterioration and harm. Hence, the derivative verbal form *aṣlahā* (verbal noun, *iṣlāḥ*), means to cause something to become good, sound or beneficial after its having been corrupt, unsound and harmful; in short, to reform or repair. Related pairs of opposites within this semantic field include that of *muṣliḥ* (reformer) vs. *muṣid* (corrupter, saboteur), which might refer to either an individual or a group.

3. *Iḥyā'*: The trilateral root *h-y-y* (verbal nouns, *ḥayāḥ* and *ḥayawān*) is opposed to that of *m-w-t* (verbal nouns, *mawt* and *mawtān*), meaning death. And just as life and death ultimately affect human beings and animals, vegetation and the entire planet, they also affect ideas, principles, doctrines and theories. The Qur'anic statement, “the blind and the seeing are not equal; nor are the depths of darkness and the light; nor the [cooling) shade and the scorching heat: and neither are equal the living and the dead” (*Sūrah Fāṭir*, 35:19-22) was explained by Thaʿlab with the words, “The term ‘living’ describes Muslims, while the term ‘dead’ describes those who deny the Islamic message.” Whether we call it renewal, change, reform, revival, or renaissance, it performs the same function and serves the same purpose.

4. *Baʿth*: The trilateral root *b-ʿ-th* bears the sense of evoking, stirring up, provoking, arousing, or awakening. In traditional usage, the verb *baʿatha* has been used to denote two principle meanings. One of these is to send, as in *Sūrah al-Aʿrāf*, 7:103, where God declares, “And after

those [early people] We sent (*ba'athnā*) Moses..." and *Sūrah al-Baqarah*, 2:213: "All mankind were once one single community; [then they began to differ –] whereupon God raised up (*ba'atha*) the prophets as heralds of glad tidings and as warners," The other meaning is to revive or resurrect, as in *Sūrah al-Baqarah*, 2:56: "But We raised you again (*ba'athnākum*) after you had been as dead..."

5. *Nahḍah*: The trilateral root *n-h-d* denotes upward movement. As such, the verb *nahaḍa* (verbal noun, *nahḍ* or *nuhūḍ*), like its derivative *intahḍa*, means to rise, while the nouns *nahḍah*, *nahḍ* and *nuhūḍ* denote movement, rising, and the act of gathering strength. Hence, the *n-h-d* root is fully consistent with those that preceded it (*taghyīr*, *iṣlāḥ*, *iḥyā'*, and *ba'th*), although it is used nowhere in the Qur'an. It is used rather in the Sunnah, most particularly in writings on the postures of ritual prayer (*salah*). However, given its frequent usage since the mid-twentieth century, the term *nahḍah*, rendered 'awakening' or 'renaissance', came to be associated with an intellectual movement led by a generation of thinkers referred to as 'pioneers of the awakening' (*ruwwād al-nahḍah*).

Chapter Five

***Taqīd*, *Ittibā'* and *Ijtihad*: Contrast and Complementarity**

The trilateral root *q-l-d*, according to Ibn Fāris (d. 395 AH/1004 CE), are "[t]he letters *qāf*, *lām* and *dāl* [that] make up two sound roots, one of which denotes the act of hanging or suspending something on something or someone, and the other of which denotes fortune or destiny." The plural of *qilādah* (*qalā'id*), which occurs once in the Qur'an, is consistent with the meaning set forth above. In *Sūrah al-Mā'idah*, 5:2, the term *qalā'id* refers to the garlands placed around the necks of animals to be slaughtered as sacrificial offerings, while in the Sunnah we have the saying of 'Ā'ishah, "I braided by hand the garlands for the Messenger of God's sacrificial animal (*qalā'id hadī rasūl Allāh*). Then he adorned it (*qalladahā*) with them." Like the Qur'an, the Sunnah does not explicitly define the verb *qallada* (verbal noun, *taqlīd*).

Al-Shāṭibī quoted Ibn Mas'ūd in *Al-I'tiṣām* as saying, "Beware lest any of you lets his religion be a mere imitation of someone else's such that if this other person believes, he believes, and if this other person disbelieves, he also disbelieves." Hence, a number of scholars have

described imitation as “a grievous innovation” (*bid‘ah ‘azīmah*) that had been unheard of in the early centuries of Islam. Al-Shawkānī has stated, “The individual engaged in *taqlīd* is someone who inquires about neither the teaching of the Qur’an nor about the example of God’s Messenger but, rather, thinks about nothing but the teaching of his imam. As for someone who goes beyond the teachings of his/her imam to ask about the Qur’an and the Sunnah, he or she is, by definition, not a *muqallid*,” and, as such, this is why *taqlīd* has been defined as “accepting what someone else says without requiring him to produce evidence for what he is saying.”

Ironically, one finds that the very individuals whose teachings were imitated the most – namely, the founders of the various schools of Islamic jurisprudence – were the most adamant in their condemnation and prohibition of *taqlīd*, and their insistence on the importance of study, *ijtihād*, and the search for supporting evidence. Aḥmad ibn Ḥanbal admonished, “It is a sign of ignorance and lack of understanding that one should allow one’s religion to be dictated by other human beings.” Among later scholars, the most prominent critics of *taqlīd* are followers of what has been termed “the reformist movement” (*al-ḥarakah al-iṣlāḥiyyah*) or “modern Salafism” (*al-salafiyyah al-ḥadīthah*) and the various movements and schools of thought that have branched off from them. Fathi al-Durayni has stated, “Given that *taqlīd* involves making statements for which one provides no support or evidence, without reference to the higher aims of Islamic law and, thus, without resorting to any sort of *ijtihād*, it involves a suspension of one’s reason. As such, *taqlīd* is an abdication of the God given responsibility to think, reflect, and educate oneself set forth in *Sūrah al-Isrā’*, 17:36: ‘And never concern thyself with anything of which thou hast no knowledge: verily, [thy] hearing and sight and heart – all of them – will be called to account for it [on Judgment Day]!’.”

Ijtihād and *Taqlīd*: Their Common and Contrasting Formative Roles in the Muslim Community

It should be noted that most of the scholars and imams who prohibit *taqlīd* in the most uncertain terms only issued this prohibition with regard to those who have the ability to engage in *ijtihād*. As for those who are capable of discerning the difference between different types of textual and rational evidence but do not qualify fully as *mujtahids*, opinions differed as to whether *taqlīd* was forbidden to them or not. However, there was unanimous agreement that the uneducated layperson who is either unable to make reasoned judgments about legal

matters or who is too preoccupied with making his living from day to day is permitted to engage in *taqlīd* as a matter of necessity.

A thorough examination of the evidence cited by advocates of *taqlīd* will lead to the very opposite of the conclusions they wish us to reach. In both the Qur'an and the Sunnah we encounter calls to learn, to ask questions, and to follow evidence and proofs wherever they lead. Ironically, the texts in which these calls are found are among the very texts that advocates of *taqlīd* view as their most convincing arguments. In *Sūrah al-Nahl*, 16:43, God says: "And before you also the apostles We sent were but men, to whom We granted inspiration: if you realize this not, ask of those who possess the Message."

Of relevance to this question are the hadiths that affirm the superiority of the Prophet's Companions and the virtuousness of emulating them. Emulating the Companions' actions is in keeping with the Prophet's command to follow the example of the rightly guided caliphs. By contrast, however, the Prophet did not command us to adhere to the practices established by this or that Muslim scholar, or to adopt the view of this or that *mujtahid*. Moreover, the differences of opinion that arose among the Companions are evidence of the dynamism of the process of *ijtihād* and the vitality of the Muslim mind. As such, these differences are a sign of God's mercy to the Muslim community and the latitude we have been given in our interpretations of God's commands.

A small number of Muslim jurists have expounded upon this, including Yusuf al-Qaradawi, who, for example, has established an approach to the issuance of legal rulings based on a number of important pedagogical foundations, one of which is the principle of "accompanying one's fatwa with sufficient explanation and clarification." The role and importance of *ijtihād* in the Muslim's life was summed up well by Ibn Ḥazm, who wrote, "Each of us has the obligation to engage in *ijtihād* to the extent that we are able to, so as to acquaint ourselves with what God requires of us."

Ittibāʿ and *Taqlīd* Compared and Contrasted

According to Ibn Fāris (d. 395 AH/1004 CE), the trilateral root *t-b-ʿ* consistently bears the meaning of 'follow' or 'walk behind'. This root is used repeatedly in the Qur'an in this sense and sometimes in the figurative sense, as in *Sūrah al-Baqarah*, 2:38. At other times it is used

in the literal sense, as in, for example, *Sūrah al-Shu‘arā’*, 26:60. The verb *ittaba‘a* can also convey the sense of submission to something by way of obligation, as in *Sūrah al-A‘rāf*, 7:203, where the Prophet is instructed to say “...‘I only follow (*innamā attabi‘u*) whatever is being revealed to me by my Sustainer...’.” Elsewhere, as in *Sūrah al-Nāzi‘āt*, 79:6-7, it conveys the sense of one thing following another in succession. *Sūrah al-Qaṣaṣ*, 28:42 employs the verb *atba‘a* in the sense of causing something to accompany or haunt someone overtime. Speaking of Pharaoh and his hosts, God declares, “We have caused a curse to follow them in this world (*atba‘nāhum fī hadhihi al-dunyā la‘natan*)”

The Prophet is reported to have criticized certain people for adhering slavishly to the ways established by their predecessors, saying, “Indeed, you follow (*la tattabi‘anna*) the practices of those who preceded you hand span by hand span, cubit by cubit.” However, there is a distinction to be made between *ittibā‘* and *taqlīd*. The word *ittibā‘* is used to describe adherence to the Qur’an; if no Qur’anic reference is available, it involves adherence to a text from the Sunnah; if no such text is available, it involves adherence to a position held by our scholarly predecessors, and which, to our knowledge, was accepted unanimously among them. If no text is available from any of these sources, then *ittibā‘* refers to adherence to the outcome of an analogy drawn between the situation at hand and a relevant text from the Qur’an; in the absence of such a text, an analogy will be drawn with a text from the Sunnah; if this is not possible, then it is drawn with a position held generally by our scholarly predecessors. However, such a position, in order to be valid, must itself be based on an analogy drawn from the Qur’an or the Sunnah.

Ibn Taymiyyah classified *taqlīd* as a kind of blameworthy, impermissible *ittibā‘*. According to contemporary thinker Taha Abd al-Rahman (born 1944), the only difference between *ittibā‘* and *taqlīd* is the presence or absence of evidence. Understood from this perspective, *ittibā‘* is adherence to a position that is supported by proof whereas *taqlīd* is adherence to a position that is not supported by proof. Historically, however, there has come to be a well-founded legal, terminological and practical distinction between *taqlīd* and *ittibā‘*, with the former being associated with unjustified and unfounded imitation, and the latter with thoughtful, well-founded emulation of another’s example, or adoption of his or her scholarly position.

SECTION THREE

THE MUSLIM COMMUNITY: THE FRAMEWORK OF AUTHORITY
AND UNIVERSALITY IN ARAB-ISLAMIC THOUGHT

Chapter Six

**The Muslim Community (al-Ummah) as
the Regulator of Renewal and Ijtihad****Varied Uses and Meanings of the Term Ummah**

The word *ummah* is used in the Qur'an in five primary senses: (1) community, as found in *Sūrah al-Baqarah*, 2:128; (2) an age or period of time, as in *Sūrah Yūsuf*, 12:45; (3) a religious leader, as in *Sūrah al-Nahl*, 16:120; (4) as relates to species or genus, as found in *Sūrah al-An'ām*, 6:38, and; (5) a set of beliefs and practices as found in *Sūrah al-Zukhruf*, 43:22. The word *ummah* as used in the first sense listed above – that of community – is an entity that consists of peoples, clans, tribes and so on in regions all over the globe who are united not by nationality but by shared doctrinal beliefs and a commitment to the Islamic law and Islamic practices, customs and values. This community is one that has a shared history, complete with victories and defeats, joys and sorrows, hopes and frustrations. Consequently, there is only one Muslim Ummah, or worldwide community, although there may be multiple Muslim peoples or local communities.

The Qur'an identifies a number of features that characterize the Muslim Ummah. Of these, the three principle ones have been identified by some as: moderation, chosen-ness, and affliction or testing. The European use of the term 'nation', which has generally been used to translate the Arabic word *ummah*, has been influenced by historical developments such as the formation of the political state (*dawlah*). As for the growing use of the term *ummah* in Western civilization, it came about during a period in which national identities were being built atop the ruins of the erstwhile all-encompassing ecclesiastical edifice. The term *ummah* was thus being employed in Western writings in a manner that reflected semantic overlap with the term *dawlah*, or political state.

The Arab-Muslim Ummah was formed through a historical process in

which language and the propagation of the Islamic message played the most prominent role, with geographical factors being secondary in importance. The Muslim Ummah has survived and thrived down the centuries despite the cultural variety and multiplicity of its members. This ‘objective dimension’ consists in the universality and finality of the Islamic message, which came to assimilate and integrate the heritage of the past through revival and renewal.

The Meaning and Importance of Consensus for the Muslim Community

Scholars divide knowledge with respect to its bearer and its recipients into two categories: ‘lay knowledge’ (*‘ilm ‘āmmah*) and ‘scholarly (or elite) knowledge’ (*‘ilm khāṣṣah*). If the knowledge in question is in the form of a consensus, they divide it into ‘a lay consensus’ (*ijmā‘ ‘āmmah*) and ‘a scholarly consensus’ (*ijmā‘ khāṣṣah*). The first category, according to al-Shāfi‘ī, is general knowledge in relation to which there are no erroneous reports or interpretations, nor is it subject to dispute. When a consensus is formed, scholars have an obligation to involve the entire Muslim community through explanation, instruction and concrete application, and by allowing each member of the community to take part in the process of discussing and implementing it, each according to his or her understanding and ability.

In our present day and age, plagued as it is by atomization, compartmentalization, partisanship, backwardness, weakness, and top down decision-making, there is a greater need than ever for the kind of broad-based consensus that reflects solidarity and affirmation of the divine unity in all areas. The principles of consensus (*ijmā‘*) and consultation (*shūrā*) have always been intended to apply to all Muslims everywhere, and the only justification for restricting either of them to the scholarly community alone has been the practical necessity resulting from the growing numbers of Muslims from varied backgrounds and nationalities, and the difficulty involved in communication and travel from place to place.

One of the most important means of guaranteeing a sound understanding of Islam is to adhere to the principles, beliefs and notions on which the Muslim community has agreed down the centuries, and which have served as the basis for its values, customs and traditions. Such realities go beyond a merely scholarly, and potentially controversial, consensus to the heart of people’s day-to-day lives and the things they instinctively hold most dear.

Chapter Seven

Authoritative Points of Reference as the Grounding for Innovation and Progress

The Concept of *Marja'iyah* and the Matter of Identity

The trilateral root *r-j-ʿ* conveys the sense of ‘returning’. A derivative of this root occurs in *Sūrah al-ʿAlaq*, 96:8, which reads, “For, behold, unto your Sustainer all must return (*inna ilā rabbika al-rujʿā*).” Hence, the term *marja'iyah* refers to something or someone to whom one ‘returns’, that is, to which people appeal, such as a universal, inclusive principle, in order to resolve a conflict or disagreement.

The circumstances in which the Muslim community now finds itself do not allow for the degree of variety, disagreement, and even contradiction that Muslim civilization and culture were able to accommodate when they were at their apex and, as a consequence, were strong, cohesive and autonomous. The situation that prevails at the present time calls for greater unification around critical issues, which need to be addressed through a series of clearly defined steps and in light of clearly defined aims. In the view of Burhan Ghalioun, the moral crisis through which Arab society is passing manifests itself in the inability of modernization to provide a reasoned foundation for morals while, at the same time, destroying the religious support for such morals.

AbdulHamid AbuSulayman suggests accommodating a balanced mix of societal and religious factors. The authoritative sources he envisions would be those which, if the Muslim community unites around them and uses them as guides to action, will help to ensure ongoing unity among the community’s various trends and schools of thought by resolving the various disputes that arise among the community’s members. For in addition to knowledge and technology, every community that hopes to survive and thrive also needs authoritative spiritual, symbolic, and moral frameworks to sustain and inspire it, to unify its experience, to modulate and guide its reactions, and to focus its overall vision.

A legitimate, self-authenticating source of authority will be based on three major foundations, namely: (1) revelation, (2) human reason, and (3) the cosmos. The issue of authority and the sources from which we derive it is frequently linked to questions of identity. Like that of other

communities, the identity of the Muslim community or ummah derives from two elements: (1) the pattern of relationships that bind its individual members, and (2) the ideological matrix that gave rise to this pattern.

Authority and ‘Euro-Americentrism’

Certain methodological foundations have to be laid from the outset in conceptualizing our own sources of authority in relation to the Other. If we exclude the opposite ends of the spectrum – that is, both total rejection and total acceptance of Western civilization – we find a number of other approaches that reflect inconsistent attitudes toward Self and the West. What we need, however, is an approach that establishes methodological foundations for dealing with information and authoritative frameworks within which to determine what to accept and what to reject.

Algerian scholar Mohammad Arkoun (1928-2010), who spent decades of his life in the West, dedicated himself to fulfilling the role of mediator between Islamic and European thought. However, Arkoun was unable in the end to produce any impact on what he termed the West’s ‘unchanging and contemptuous’ view of Islam. In fact, he failed even to change Westerners’ views of him as a Muslim intellectual. He concluded, “We have no choice but to conclude that this repeated failure may indicate, not the impossibility of changing this view but, rather, the incorrectness of the Arab or Islamic strategy that banks entirely on changing the West’s view of us [without our changing ourselves] ... The Other’s view of us will only change when we change ourselves.”

Chapter Eight

Universality: The Global Arena for Change-oriented Action and Outreach

The Concept of Universality

Orientalists and others have claimed, in both ancient times and modern, that Islam is not truly universal or capable of assimilating a variety of peoples and cultures. The principle arguments offered in favor of this view are that: (1) the Qur’an is in the Arabic language and can therefore be understood only by Arabs; (2) the Qur’an came as a

response to specific situations and circumstances that were relevant to the inhabitants of the Arabian peninsula in the seventh century CE; and (3) in his early days as a Prophet, the Messenger of God did not claim to be bringing a universal message.

Ibn Ashur explained that in the days of the prophets, the Arabs were set apart from other peoples by four key traits which had rarely, if ever, been combined in a single people: (1) good minds, (2) powerful memories, (3) a simple civilization and legislative code; and (4) relative isolation from other peoples of the world. These traits qualified the Arabs in particular to receive, understand, preserve and convey the message of Islam. It is thus apparent that in his call and his example, the Prophet of Islam constituted a continuation of the line of prophets from Noah, Abraham, Moses and Jesus.

The monotheistic dimension of universality, which is based on the principle of the oneness of the entity we worship, unifies the Muslim community's goal and direction with respect to the issues of stewardship, societal progress and development, legislation, and underlying philosophy. In Alalwani's view, in order to play the constructive role for which they were created, members of the Muslim community need only to rediscover and reactivate their commitment to change based on the divinely revealed message, and an awareness of themselves and their mission. The world stands in need of a Muslim community that is firmly established on a path of moderation and actively involved in others' lives, an all-inclusive mentality that welcomes all and has repudiated all forms of exclusive rhetoric, a government guided rightly by the Book of God; and laws that impose no undue hardship on anyone while at the same time prohibiting what is harmful.

Universality and Particularity in Contemporary Arab-Islamic Discourse

In addressing the problems that face the world, there are those who tend to stress universality at the expense of particularity, while others are prone to stress particularity even if it comes at the expense of universality. Both of these tendencies are based on the assumption that there is an inherent incompatibility between universality on one hand, and particularity on the other, so that we can only affirm one of the two atop the ruins of the other. However, this assumption is a mistaken one.

Indeed, Islamic universalism with its background of openness and invitation embodies an all-inclusive philosophy that has proved itself capable of protecting the national identities of communities within its domain historically when faced with confrontations. The quest to affirm identity, in Ghalioun's view, need not conflict with the formation of a global system. On the contrary, such a quest is one manifestation of such an order. For any legitimate global system that refuses to recognize particularity is one that rejects its responsibility toward others, and that insists rather on treating them as nothing but 'raw materials' for its own ends or, at best, as subordinates.

Malek Bennabi holds that the destiny of any human collectivity is determined in part by events and entities that lie beyond its geographical borders. Especially in the age we live in now, culture is determined and defined within a global context, since the sources from which a given culture derives its ideas and values, the issues it adopts, the provocations to which it responds, and the actions it takes, cannot possibly originate entirely on its own soil. Consequently, Muslim intellectuals have the obligation to look at things from the broadest possible human angle in order to understand their role and the role of their society and culture in the wider world. The role of Islam, in the view of al-Jabiri, is to provide an example of social harmony by drawing adherents from a variety of backgrounds and nationalities, and then transforming this human medley into a world community (Ummah) with a clear sense of identity. The resurrection of the fundamental concepts of ummah – world community – and universality in contemporary Arab and Islamic thought represents a qualitative shift in the methods of and perspectives on reform, renewal and change. We must either rise to the challenge of taking part in the decisions that affect our lives, or accept the decisions being made on our behalf by those who wield the power to do so.

SECTION FOUR
 THE FOUNDATIONS OF IJTIHAD-RELATED THOUGHT AS IT PERTAINS
 TO REFORM AND REVIVAL MOVEMENTS AND THE FACTORS
 UNDERLYING THEIR FAILURE

Chapter Nine
**The Arab Awakening, Nationalist and
 Secular Discourse, and the “Modernity”
 of Elitist Thought**

Culture and its Relationship to Change

Culture might be said to be the sum total of the moral traits and social values that impact the individual from birth. According to Burhan Ghalioun, a vital culture is one that will only add new elements to its existing store of knowledge or imagination if they are compatible with well-established previous experiences. These new elements are then adapted and assimilated into the culture’s existing moral, intellectual and religious nexus.

As for the process by which cultures are formed, Bennabi holds that the type of culture that comes into existence in a given time and place is determined by the way in which the people concerned view the world. Ghalioun notes that some peoples whose states have been destroyed and their economies shattered by colonialism, or whose economies have been replaced with capitalist systems that are completely incompatible with their situations and needs, have resorted to culture as a means of resistance, and that after decades of such non-violent opposition, have been able to re-establish themselves as new states. What this goes to show is that even radical changes in political and economic systems have been unable to defeat peoples who have managed to preserve their cultures, that is, their distinctive ideologies and values and their unique ways of symbolizing reality.

**Nationalist Thought – Way Stations Along the
 Path of Revision and Correction**

When seeking to evaluate and correct nationalist thought, we have to begin by going back to its very beginnings, at which time nationalist thought expressed itself in secular terms. During the latter part of the

Ottoman era (the late nineteenth and early twentieth centuries), Christian and Muslim minorities sought to protect themselves from Turkification, which was taking place not on a religious basis, but on a secular one. With the spread of globalist Socialist thought in Europe and elsewhere, Arab nationalist thought, which adopted Socialism for itself, was viewed as a solution to problems in the Arab world. However, the Arab nationalist movement failed to achieve its goal of uniting the Arab community, and developing the Arab-Muslim community's resources.

In cases in which nationalist currents have assumed political power, political power has tended to become their sole concern. As a consequence, such nationalist currents have stagnated at the level of local power, carried away by the temptation simply to adapt to the status quo. Nationalist currents have lost their creative, pioneering spirit and their zeal for true unity. Islam has given us a historical model for the assimilation and integration of minorities. When the Prophet heard that some of his followers had repudiated members of the Muslim community such as Bilāl ibn Rabāḥ, who was an Abyssinian, Ṣuhayb al-Rūmī, who was of Byzantine origin, and Salmān al-Fārisī (“Salman the Persian”) because they were not of Arab descent, he addressed the people, saying, “Arabness is not something you inherit from your father or your mother. Rather, it is derived from the language you speak. Whoever speaks Arabic is an Arab.” The circle of the Arab Ummah expanded thereafter to include all those who had been Arabized in terms of culture, way of thinking, belonging and loyalty.

An Ever-ambiguous Rhetoric

I am often reminded of a similarity between secularism as it relates to contemporary Arab thought, and the doctrine of the Trinity as it relates to Christian thought. In both cases, one encounters vagueness, confusion, and the inability to settle on a single, unequivocal position. The English word ‘secularism’, which has counterparts in various European languages, is derived from the Latin *seculum*, meaning ‘age’, ‘era’, ‘generation’ or ‘century.’ The French term *laïcisme* refers to a system or philosophy that lends no importance to religion or the afterlife in the realm of public affairs, nor even in the private sphere. As for the term ‘secular’, it was used for the first time in the Peace of Westphalia of 1648, which is recognized by many historians as the precursor of the secular phenomenon in the West.

Secularization in the Western world was a natural outcome of events there, and the extremity of the reaction against religion was commensurate with the extremity of the counter-reaction of the Church itself, which insisted on maintaining its monopoly on the way religion was interpreted. Arab-Islamic societies were affected significantly by such developments, which impacted them through three principle channels: colonialism; educational missions in which Arab Muslim students were sent to study in the West; and the establishment of Christian educational institutions in Arab-Islamic countries. There was also an overwhelming desire in the East to keep pace with Western progress.

In the Arab world, secularism manifested itself as a materialist, atheistic current with a marked antipathy to religion. Further, despite all the difficulties associated with the term ‘secularism’, we hear calls from politicians and intellectuals alike to re-duplicate others’ experiments with secularism in various parts of the Muslim world. Such reflects a disregard for the religious and historical reality of the Muslim community. Secularist thought suffers from a genuine, profound intellectual crisis that results from the wholesale, uncritical adoption of a concept that originated in an alien semantic environment without a clear understanding of how the concept functions either within its own milieu or within Eastern culture with its religious, historical, and social particularities. To take a religion which is based largely on legislation that provides a foundation for society, and divorce it from social and political life is essentially a repudiation of this religion, which cannot be divided or broken into parts in an attempt to evade its teachings in various areas of life.

Chapter Ten

Islamic Reform: Movement Models and Reform Programs

On the Historical Factors Underlying Social and Cultural Collapse

The writings that have dealt with the weaknesses in the Muslim world community and the causes underlying its decline are of great importance. However, they are inadequate in both quantity and quality. There are several key scholars who have assisted the task of Islamic reform. In his book *Iḥyā’ ‘Ulūm al-Dīn* (The Revival of the Religious Sciences), Imam al-Ghazālī of the fifth century AH/eleventh CE expounded at length on the developments that followed the end of

the rightly guided caliphate. Al-Ghazālī sought to reduce the crisis in Islam to the intellectual sphere, in which we can observe several levels of deviation from the approach that had been followed by the Companions and the Successors and their followers, which involved understanding religious texts and drawing valid conclusions from them, the open exchange of opinions and arguments, debating effectively with opponents, and the like.

Despite the suffocating ignorance, tyranny and bigotry that have plagued the Muslim community, the reformist spirit that inspired al-Ghazālī and his successors has been successively renewed throughout Islamic history. One prominent figure in whom this spirit manifested itself was Jamal al-Din al-Afghani. The elements that contributed to this deterioration might be summed up in the following points: (1) The root of the deviation was a process of distancing from the [Muslim] religion with its rulings, laws, principles, and moral values. (2) The loss of intellectual unity within the Muslim community came about as people divided themselves into various sects and schools of thought. (3) The system of the caliphate and political rule was corrupted by the separation that came about between the political and scholarly spheres, as well as by tyranny, injustice, preference for individual interests over communal interests, and foreign invasions with the destruction they wrought on the Muslim community's economy and infrastructure.

The reform movement was then led by Jamal al-Din al-Afghani, Muhammad Abduh, and subsequently the Muslim Brotherhood, which was founded by Hasan al-Banna (1906-1949). Egyptian scholar Muhammad al-Ghazali (1917-1996) viewed ignorance of others to be a critical factor underlying societal and cultural collapse in the Muslim community. In order for Muslims to perceive their environment more clearly and to meet the conditions for advancement as a society, he suggested both 'external' and 'internal' activity that would catalyze the advancement process. Taha Jabir Alalwani approached the task of Islamic reform by identifying areas of dysfunction and imbalance.

The International Institute of Islamic Thought is one of the few institutions that have striven to give voice to a variety of progress seeking Muslim thinkers whose aim in their writings is to identify the difficulties being faced by the Muslim community, to revive their Islamic heritage in creative ways, and to educate others and correct prevailing ways of thinking by explicating the methods by which they are working toward this goal.

Ijtihad and Renewal

Most studies that have dealt with reform movements have examined them from a purely historical perspective. Given their importance for ongoing reform efforts, we need far greater numbers of studies on reform. The modern Salafi reform movement spearheaded by Jamal al-Din al-Afghani, Muhammad Abduh and Rashid Rida drew upon the movements that had preceded it and left its mark on the movements that followed it.

Al-Afghani focused on mass action as a form of revolution, and called for participation in sound constitutional rule, reform of the parliamentary councils, and establishment of a system based on consultation and the electoral process. For Muhammad Abduh, by contrast, mass action held very little importance for the process of social and political change. Abduh placed little confidence in ‘the masses’ and ‘the general public’ whom he likened to ‘mindless machines.’ Consequently his effort was centered around the establishment of new educational institutions such as *Dār al-‘Ulūm* and the reform of existing institutions such as al-Azhar, the Ministry of Religious Endowments, and Islamic religious courts, among others.

Abduh’s reforms aimed to help people sense the importance of their country and to foster their sense of national pride and belonging; they also aimed to nurture a community spirit and improve the national economy. In the area of creed, Abduh sought to liberate people from the doctrine of predestination and alert them to the blessing of reason, which is intended to operate side by side with revelation. Abduh was committed to combating partisanship, sectarianism, and blind imitation, and called for the ‘door to ijtihad’ to be opened for the sake of societal development, institutional reform, and the revival of beneficial writings.

The Salafi reform movement initiated by al-Afghani and Abduh provided a powerful impetus for Muslim thinkers to address both the Muslim community’s internal problems and the challenges it faced in dealing with colonialism. What the Salafi school did, essentially, was to reexamine Islamic values and concepts in light of the needs of the modern age. By so doing, it lent these values and concepts a new relevance. However, it did nothing to reexamine Western or modern concepts, ultimately failing to bring about the changes that were needed.

Evaluating Failed Experiments

By studying these experiments, we can identify their strengths and seek to remedy their weaknesses, whether on the level of conceptualization, actions taken, or modes of application. Change, be it for better or for worse, will only take place if it is undertaken by “a people” – that is, as a community rather than only as individuals. Hence, if a community brings about positive change in ways of thinking via education, for example, this will be followed by fruitful change in other areas of life. In order to have a sound conceptual framework for reform action, we need a proper understanding of the issues relating to Islamic law and doctrine based on the Qur’an and the Sunnah. In order for modern interpretations to properly address the issues of our own day and age, they will need to be consistent with the latest findings in the areas of the physical and social sciences, and modern technological advances.

However, there are baneful effects of ‘atomism’ and ‘elitism’ on thought and action. By ‘atomism,’ I am referring to the tendency to view the application of Islamic teachings as a means of achieving the aims and interests of a particular group or class of society at the expense of others. As for what we are terming ‘elitism’, it should be borne in mind that an idea will only succeed if it inspires confidence and growing enthusiasm, and if there is a sincere desire and willingness to work and sacrifice on its behalf. No collectivity will support an intellectual or ideological current with genuine enthusiasm unless two conditions are met: (1) the public must understand the current’s goals and aims; and (2) they must feel that it offers solutions to the actual problems they face. The entire community needs to be involved in reform in one way or another, and most Islamic legislation does, in fact, take the communal into consideration.

Chapter Eleven

Contemporary Islamic Thought: Repairing Broken Links in the Chain

The failure of so many Islamic reform movements points to the existence of deep-seated defects that need to be identified and corrected on a broad scale. In addition to promoting innovative, reformist interpretations and correcting the concepts that underlie these defects, there is a need to examine three major links in the chain that makes up

contemporary Islamic thought. These three links are: a creedal framework for thought and action; moderation; and realistic applications.

Constructing a Creedal Framework for Thought and Action

The trilateral root *‘-q-d* from which we derive the Arabic word for creed (*‘aqīdah*) bears the sense of tying or knotting. When we ‘tie’ or ‘bind’ our hearts or intentions to a particular truth or ideal, this truth or ideal becomes the source of authority that guides us. In keeping with the images of binding and loosing, tying and untying, when faith in Islamic creeds weakened and became tinged with impurities, these creeds began to lose their ability to bind the Muslim community together just as a rope can no longer hold a sail in place if its knots unravel. If the Muslim community’s understanding of its doctrine is distorted, disjointed, or incomplete, this will be reflected in the state of their civilization.

People’s response to Islamic doctrine takes places at different levels. One of these is understanding; another is belief in its truth; still another is the decision to treat it as an authoritative source of guidance for thought and action, including one’s research and the conclusions to which it leads. When political thought was disconnected from an Islamic doctrinal framework with respect to the values of social justice and human rights, many Muslims began thinking in ways that legitimized tyranny. This was followed by the appearance of phrases such as, “the just tyrant,” and, “better a brute tyrant than endless chaos.”

Al-Najjar has suggested two interrelated steps that can be taken by modern Muslim thinkers toward strengthening the connection between Islamic doctrine and law. The first is to devote a doctrinal study to each central issue relating to Islamic law, and the second is to ensure that every legal ruling issued has a firm doctrinal basis, that is, that it is consistent with both the specific requirements of Islamic law, and the overall principles by which these requirements are shaped.

The Centrist Trend

The Arabic root *w-s-t* is associated with the center of something, that which comes in the middle, or between two extremes. As such, it is associated with fairness and justice. God has described the Muslim community as a “...community of the middle way...” (*Sūrah al-Baqarah*, 2:143). Centrism, or moderation, is a distinguishing feature

of comprehensive Islam, and a universal guiding principle that informs all Islamic legal rulings. The concept of centrism governs both thought and behavior, conceptualization and action. It is this feature of Islam that enabled it to serve as the foundation for such a great civilization before being undermined by distortions that, in essence, were due to a departure from the Qur'anic "middle way" in the direction of either excess or neglect. The principle of moderation means that Muslims are taught to live in such a way that spirit and body are in harmony, and there is no conflict or contradiction between religious values and the demands of social, economic and political life.

What would a return to the approach adhered to by the earliest Muslims look like? It would involve a re-embrace of their understanding of Islamic doctrine in its simplicity, clarity and purity; of worship as a spiritual, heartfelt practice; of ethics as a powerful, integrated network of values; of Islamic Law as a flexible entity with broad horizons; of life as governed by consistent, universal laws; and of human beings as noble, morally accountable stewards of God endowed with reason. In his discussion of tradition and modernity, al-Qaradawi cautions against both a mindless fixation on the past, and an excessive fascination with the future. He notes, Islam takes a midway position that falls prey to neither of these extremes.

Realism and the Jurisprudence of Sound Application

One must see how to apply the text properly to real-life situations in different times, places and circumstances. The need to interpret religious texts with a view to their real-life applications has led to the development of a variety of hermeneutical tools, including, for example, juristic preference (*istihsān*), which involves giving human interests (*maṣāliḥ mursalah*) and the overall aims of Islamic Law priority over the results of *qiyās*, or analogical reasoning, and reasoning based on unrestricted interests (*istiṣlāḥ*), which entails addressing particular human needs by issuing a legal ruling on a case which is not mentioned explicitly in any authoritative Islamic legal text and on which there is no consensus. Unfortunately, however, these very tools have been the subject of disputes among Muslim jurists, and those jurists who approve of them have not developed them into a systematic applied hermeneutic.

Al-Najjar's 'method of understanding' consists of three elements: (1) exploration, (2) abstraction, and (3) integration. The process of

understanding texts as envisioned by al-Najjar involves understanding Islamic legal rulings in an integrated manner, that is, in light of one another. Al-Najjar identifies the following foundations for understanding a text: (1) linguistic, (2) intentional (that is, relating to the aims the text is intended to fulfill), (3) complementary (having to do with how the text complements, or is complemented by, other texts), and (4) rational.

Al-Najjar notes that applying legal rulings in such a way that the aims for which they were intended are fulfilled requires adherence to an appropriate methodology. The most important principle underlying such a methodology, in his view, is what he terms specification or individualization. Reality is made up of myriad sets of circumstances, cases and events that affect both individuals and communities, and which arise in a variety of contexts both geographical and temporal. Consequently, the application of a given ruling in exactly the same way to every situation without taking such individual differences into account could lead to hardship and, rather than fulfilling the aim for which was intended, might actually do the opposite.

The proper approach to applying Islamic legal rulings to real-life situations calls for realism, moderation, and a sound creedal framework for thought and action. These elements are all vital, as no one of them alone can ensure proper application of the rulings of Islamic law. Once they are all present, however, and working in tandem, we will have rejoined the links of the chain that makes up contemporary Islamic thought.

The Author

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IIIT Books-In-Brief Series is a valuable collection of the Institute's key publications written in condensed form to give readers a core understanding of the main contents of the original.

Ijtihad and Renewal is an analysis of ijthihad and the role it can play for a positive Muslim revival in the modern world, a revival based on society-wide economic and educational reform and development. In the early centuries of Islam the response of Muslims to problem-solving the various issues and challenges that faced their rapidly expanding community was to use intelligence and independent reasoning based on the Qur'an and Sunnah to address them. This practice is known as ijthihad. As the centuries wore on however the gates of ijthihad were generally closed in favor of following existing rulings developed by scholars by way of analogy. And as reason and intellect, now held captive to schools of thought and earlier scholarly opinion stagnated, so did the Muslim world. It is argued that the grafting of solutions rooted in the past onto the complex and unique realities of our own age has paralysed the vitality of Muslim thought, and confused its sense of direction, and that to revive the Muslim world from its centuries of decline we need to revive the practice of ijthihad.

Intellectual renewal in Islam does not abrogate existing notions or establish a new system of thought. Rather, it involves rediscovering and developing already existing ideas in keeping with the needs prevalent in our own times, and based on relevant rules, methodologies, and recognized constants. As for its authoritative points of reference, they are: the Qur'an, the Prophetic Sunnah, tools and mechanisms for understanding Islamic principles (reason, consensus, and the like), and the Islamic intellectual and juristic heritage.

