## Book Reviews

Ahmad Kazemi Moussavi and Hamid Mavani. *Islamic Legal Methodology: A New Perspective on Uṣūl al-Fiqh.* International Institute of Islamic Thought (IIIT), 2023, Pp. 248. Paperback. ISBN: 978-1-64205-567-2. Price: $20.95.

As modern scholars advocate for the renewal of *uṣūl al-fiqh*, Islamic legal theory finds itself at a crossroads. While these reform efforts offer the promise of progress, many lack the clarity and direction necessary for meaningful change, alarming traditional scholars. Does this push researchers truly around revitalizing Islamic thought, or does it conceal a deeper intent to undermine the very foundations of the faith? To answer this question, we must understand the motivations behind these calls and the implications of replacing time-honoured legal principles with methods rooted in foreign contexts.
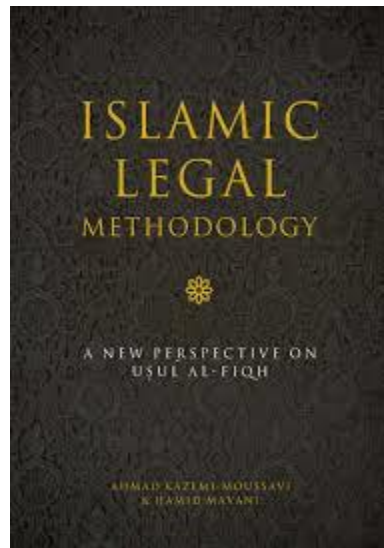
The civilizational crisis currently confronting Islamic societies necessitates a profound and renewed examination of its causes, alongside a search for solutions that can pave the way for resolution. This crisis resembles a complex puzzle, with scholars from various disciplines attempting to solve it. Historians investigate its underlying causes; sociologists analyse patterns of social division using both qualitative and quantitative methods; and religious scholars feel a profound responsibility to provide comprehensive answers to the myriad crises facing the *ummah*. For them, one of the most significant tools provided by Islam is *ijtihād*, framing Islamic law not as a static repository of *aḥkām* but as a dynamic, ongoing process.

The extensive body of Islamic legal thought demands continuous reassessment, analysis, and evaluation, necessitating both its activation and broader dissemination among scholars. In this context, the contributions of Ahmad Kazemi Moussavi and Hamid Mavani, examined

in this review, offer significant insights and raise practical questions that require thorough scholarly investigation and reflection.

Given these critiques, the work of Moussavi and Mavani, referenced here as a key source of practical insight, would benefit from a deeper examination of how these challenges should be addressed. Simply calling for scientific inquiry is insufficient; the focus must shift towards developing frameworks that ensure the effective implementation of *ijtihād* and scholarly knowledge to come up with meaningful societal reform.

In this volume, the authors provide an extensive examination of the foundational principles of Islamic jurisprudence. Their work traces the historical development of *uṣūl al-fiqh* and delves into its contemporary relevance. By offering deep insights into the interpretative frameworks shaping Islamic legal thought, the authors raise critical questions: What do they consider the core tenets of Islamic jurisprudence? How do their views on *uṣūl al-fiqh* contrast with traditional interpretations, and what are the broader implications of their perspective?

The topical significance of this book lies in its detailed examination of *uṣūl al-fiqh* through the lens of modern concerns. While Moussavi and Mavani engage with the historical dimensions of *uṣūl*, they also highlight its dynamic and innovative nature in addressing contemporary issues. By bridging classical tradition with modern social realities, the authors demonstrate how timeless principles can be reinterpreted to meet today's legal challenges, making their work particularly valuable for those studying the current shifts in Islamic legal practice.

Structured into ten chapters, the book begins with an introductory survey of the rise of Islamic legal theory. The first five chapters survey historical approaches, from *Mu'tazilī* and *Ash'arī* to Ḥanafī and Shī'ī theologians. Chapters six and seven focus on the adaptation of legal methodology to new social realities, while the latter chapters discuss modern reorientations, including the revival of Shī'ī legal doctrine and alternative legal theories. The final chapter addresses modern hermeneutics and legal language, tying together the book's themes with thorough conclusions, extensive notes, and a rich bibliography.

Islamic Legal Methodology studies the intricate relationship between the divine principles of the *sharī'ah* and their interpretation through *fiqh*, demonstrating the historical evolution and enduring relevance of Islamic legal methodology. The book emphasizes the pivotal role of *ijtihād*—independent reasoning necessary to derive legal rulings—which ensures the dynamic and adaptive nature of *fiqh*. This evolving process demands continuous revision to remain applicable in diverse and changing circumstances.

Central to the discussion is the development of *uṣūl al-fiqh*, the framework that organizes the sources of Islamic law—namely the Qur'ān, *sunnah*, *ijmā'*, and *qiyās*. The authors trace the historical contributions of key jurists, like Abū Ḥāmid al-Ghazālī (d. 505/1111) and Ibrāhīm b. Mūsā al-Shāṭibī (d. 790 AH), illustrating how early Islamic legal thought prioritized scriptural sources and later incorporated disciplines such as logic and theology. This interdisciplinary integration marked a significant shift in legal thinking, broadening the scope of interpretation and application.

In the modern context, the book addresses how contemporary scholars aim to reform Islamic legal methodology, aligning it with present-day social realities while upholding public welfare and the higher objectives of Islamic law. By engaging with modern hermeneutics and epistemology, these scholars reinterpret traditional texts, ensuring that Islamic law remains relevant and responsive to contemporary challenges. The blend of historical analysis and modern proposals highlights the ongoing adaptability of Islamic legal thought across time and space.

The outlined issues in Islamic legal methodology provide a valuable framework for understanding the complex interplay between tradition and modernity. However, several aspects merit deeper critique. Firstly, while the distinction between the *sharī'ah* and *fiqh* is central to Islamic legal thought, the challenge of maintaining the *sharī'ah*'s divine sanctity while allowing for the flexibility of *fiqh* is often oversimplified. The tension is not merely about adapting *fiqh* to modern contexts but about navigating the deeper question of authority; who has the right to reinterpret or reform legal rulings and what constitutes the legitimate boundaries for such reform? A more rigorous critique should interrogate whether the structures of authority within Islamic jurisprudence can adapt sufficiently to meaningful reform without fracturing communal cohesion.

The role and limits of *ijtihād* are similarly framed in a somewhat idealistic manner. While *ijtihād* is critical for deriving new rulings, the challenge lies in determining the qualifications for engaging in this process, especially in an era marked by varying educational standards and ideological divisions within the Muslim world. The revival of *ijtihād* often risks being co-opted by unqualified voices, thereby undermining the very jurisprudential frameworks it seeks to reinvigorate. More critical engagement with the institutional and intellectual safeguards necessary for ensuring the quality and legitimacy of *ijtihād* is essential.

Regarding the adaptation of *fiqh* to modern issues, the analysis acknowledges the limitations of traditional *fiqh* in addressing contemporary challenges such as human rights, gender equality, and

bioethics. However, it underestimates the deep structural resistance within certain Islamic legal schools towards engaging with these issues in ways that challenge patriarchal or conservative norms. The challenge, therefore, is not simply one of updating legal structures but of confronting entrenched socio-political dynamics that hinder progressive reform within Islamic law.

The integration of reason and revelation is another critical point that, while long debated, deserves more nuanced critique. The tension between literalist and rationalist interpretations has far-reaching consequences for how Islamic law interacts with modern scientific advancements and philosophical thought. Yet, the discussion lacks focus on how to balance these perspectives without alienating large segments of the Muslim population, particularly those adhering to more traditional interpretations. A more thorough examination of how to foster intellectual pluralism within the Islamic tradition without fragmenting the legal system is needed.

Calls for reform in *uṣūl al-fiqh* are essential, but the challenges of reforming foundational principles are often downplayed. Historically, *uṣūl al-fiqh* has provided a rigid framework that resists change, and significant reform risks being perceived as undermining its authority. There should be a detailed discussion of specific necessary reforms and how they can be introduced in ways that respect traditional legitimacy and embrace modern ethical and legal standards.

Similarly, while the role of consensus (*ijmāʿ*) and analogical reasoning (*qiyās*) is acknowledged as foundational, the critique fails to address the increasingly fragmented nature of consensus in the contemporary Muslim world. With the rise of divergent schools of thought and the decentralization of religious authority, achieving consensus is becoming more difficult, and reliance on *qiyās* may not always provide adequate solutions to novel challenges. A more robust critique would consider whether other interpretative tools, such as *maqāṣid al-sharīʿah*, should be prioritized in the modern context.

The contextualization of Islamic law raises crucial questions about the adaptability of *fiqh* across different cultural and national contexts. However, the analysis does not sufficiently engage with the dangers of diluting *uṣūl al-fiqh* in the name of local adaptation, particularly in Muslim-minority countries where integration with secular legal systems presents unique challenges. The discussion should consider how to maintain the universality of the *sharīʿah* without sacrificing its core values or becoming overly compromised by external legal systems.

The focus on public welfare and the objectives of the *sharī'ah* is a promising direction, yet the critique does not fully address the risks associated with overly pragmatic interpretations. While *maqāṣid* offer a flexible framework for reform, there is a danger that it could be used to justify legal rulings that stray too far from traditional principles. A more thorough examination of the balance between public welfare and adherence to established legal norms is necessary to avoid arbitrary applications of *maqāṣid*.

Lastly, the issues of authority and legal pluralism as well as the Shī'ī versus Sunni approaches to legal methodology are essential for understanding the diversity within Islamic legal thought. However, the analysis does not critically engage with the potential for fragmentation in an increasingly globalized context. As legal pluralism expands, the risk of divergent interpretations leading to disunity grows, particularly when faced with international legal standards and ethical frameworks. A more critical examination of how Shī'ī and Sunni scholars can collaborate on legal reforms and address common challenges would enrich the discussion.

The book serves as an essential resource for scholars and students seeking a nuanced understanding of Islamic legal theory. However, while the authors provide a valuable starting point, a more critical and nuanced engagement with practical, institutional, and intellectual barriers to reforming Islamic legal methodology is needed. The complexities of modernity, combined with the rich tradition of Islamic jurisprudence, require a detailed critique.

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