IJTIHAD
and
RENEWAL

Said Shabbar

IJTIHAD AND RENEWAL

Ijtihad and Renewal

SAID SHABBAR

Translated from the Arabic by
Nancy Roberts

Contents

Foreword

SAID SHABBAR'S *Ijtihad and Renewal* is an analysis of ijtihad and the fundamental role it can play in generating a positive revival or reform of the modern Muslim world. 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 their intellect and independent reasoning, based on the Qur'an and Sunnah, to address them. This practice was known as ijtihad. As the centuries wore on however, the gates of ijtihad came to be generally closed (although the issue is a more complex one) in favor of following existing rulings developed by scholars, by way of analogy, even though these were time and context rooted. This development occurred, it is contended, to such a degree that as reason and use of intellect now held captive to schools of thought (*madhahbs*) and earlier scholarly opinion, stagnated, so did the Muslim world.

Ijtihad and Renewal thus makes the case that the grafting of solutions rooted in the past onto the complex and unique realities of our own age, in a one-size-fits-all perspective, has paralysed the vitality of Islamic 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 ijtihad. Focusing attention on thinking through solutions for ourselves based on our own time and space, using the wisdom and experience of the past rooted in the Qur'an and Sunnah as tools in this endeavor, whilst not the only solution is certainly a requisite and powerful one. It also pays respect to the concept of reason/intellect, that forms such a critical part of the Qur'anic message.

Intellectuals, reformers, religious scholars, liberalists, socialists, even secularists, amongst others, have all attempted to reverse the decline through the prism of their own perspective, and have not succeeded. The author also explores the similarities and differences of

their various overall understandings and attempts, how they sought to address the problem, and where they failed.

The IIIT has undertaken in recent years to produce abridged versions of its key publications, and this translation is taken from the abridged Arabic edition *Al-Ijtihād wa al-Tajdīd fī al-Fikr al-Islāmī al-Muʿāṣir.*

We live in an age in which time is at a premium in virtually all spheres of life, including those of writing and production. Copious intellectual, cultural and informational output continues unabated as part of efforts to keep pace with changes in the public and private spheres alike, while publishing houses and websites vie to provide people with the latest, and most up-to-date information in the easiest, most effective manner. The knowledge economy that now dominates the world requires a process of 'creative adaptation' of information as one of the building blocks of the world community at large, hence the IIIT's series of abridged works. The aim is to help readers benefit from available information as easily, effectively, and efficiently as possible and to further develop their critical faculties so they become better able to contribute to the development of humanity.

The abridged texts have been written in a clear, easy to read style, and while the essential contents of the original works have been preserved, readers will note that, in the interests of space, the abridged editions contain far fewer endnotes than do the original works. The only notes retained are those needed for clarification or the proper establishment of an idea, since the principle aim of this endeavor is to facilitate rapid absorption of the content being conveyed. Readers who wish to go more deeply into the topics of concern or to find full documentation of quotes may refer to the original works, which contain all necessary citations.

The subject is a complex and delicate one. Since it deals with some critical and difficult issues, doubtless readers may agree with some of the issues raised, and disagree with others, but it is hoped that for the most part both general and specialist readers will benefit from the perspective offered and the overall issues examined in the book.

Where dates are cited according to the Islamic calendar (hijrah) they are labelled AH. Otherwise they follow the Gregorian calendar

and labelled CE where necessary. Arabic words are italicized except for those which have entered common usage. Diacritical marks have been added only to those Arabic names not considered modern. English translations taken from Arabic references are those of the translator.

The IIIT, established in 1981, has served as a major center to facilitate serious scholarly efforts based on Islamic vision, values and principles. The Institute's programs of research, seminars and conferences during the last almost forty years have resulted in the publication of more than four hundred titles in English and Arabic, many of which have been translated into other major languages.

We would like to thank the translator, as well as the editorial and production team at the IIIT London Office, and all those who were directly or indirectly involved in the completion of this book. May God reward them for all their efforts.

January, 2017

[SECTION ONE]

THE RENEWAL AND IJTIHAD MOVEMENT
IN CONTEMPORARY ISLAMIC THOUGHT:
PIVOTAL TERMS AND CONCEPTS

I

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

[ONE]

*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-ᶜArab*, 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 ijtihad, that is, the process of expending diligent effort, or the effort thus spent. Al-Jurjānī defined ijtihad as "the expenditure of effort toward the achievement of a desired end via induction from facts and evidence."

The *j-h-d* root is found in numerous derivations in the Qur'an, including *jāhada* (*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. In *Sūrah al-Tawbah*, 9:79, the phrase *juhdahum* or *jahdahum* is understood by al-Zamakhsharī to mean "their energy, or strength," while Muhammad Asad translates it as "[the meager fruits of] their toil."

The term ijtihad itself occurs nowhere in the Qur'an. However, the sense conveyed by this word, that is, the effort made by a morally accountable individual to adhere to Islamic teachings and to build up and prosper the Earth, is found in numerous places throughout the Qur'an. As for the Hadith literature, it points to specific legal aspects of ijtihad. When speaking of the circumstances surrounding the beginning of the Prophet's (ṢAAS)* reception of revelation, for example, ᶜĀ'ishah is reported to have quoted him as saying, "So he [Gabriel] took me and pressed me until all my energy was spent." Another example is found in a statement attributed to ᶜAmrū ibn al-ᶜĀṣ, who said, "If a ruler issues a judgment based on an effort to arrive at the truth, and if his judgment is correct, he will receive two rewards. If, on the other hand, his judgment is incorrect, he will receive one reward." Commenting on this statement in *Maᶜālim al-Sunan*, al-Khaṭṭābī wrote, "The ruler whose judgment is mistaken is still rewarded, because his effort to arrive at truth is a form of worship. He is not rewarded for the mistake, but neither does he incur any guilt on account of it."

If someone pronounces a judgment concerning something about which he is not qualified to speak, he will receive no reward whether his judgment was mistaken or correct. In fact, he will incur guilt for so doing. If, by contrast, a learned individual who is qualified to speak on a given topic pronounces a judgment on said topic, he will receive a reward even if his judgment is mistaken, since the interpretative effort he expended – his ijtihad – in a search for truth is viewed as a kind of worship. Ignorance and a lack of competence are most likely to lead an individual into error, whereas knowledge and competence are most likely to lead to a correct judgment. Needless to say, scholars are in agreement that judgment should be entrusted to those most likely to rule correctly, not to those who would judge correctly only in rare or exceptional situations.

Al-Tirmidhī recorded an account in which, when the Prophet sent Muᶜādh ibn Jabal to Yemen to serve as a judge there, he asked Muᶜādh

---

* ṢAAS – *Ṣalla Allāhu ᶜAlayhi wa Sallam*: May the peace and blessings of Allah be upon him; said whenever the name of Prophet Muhammad is mentioned or whenever he is referred to as the Prophet of Allah.

how he would rule on situations brought before him. Muʿādh replied, "I will rule based on what is written in the Book of God." The Prophet then asked Muʿādh how he would rule if the situation in question was not dealt with in the Book of God. To this Muʿādh replied, "Then I will base it on the sunnah (example) of the Messenger of God." How, then, would he rule if the situation in question was not addressed by the example of the Prophet? Here Muʿadh responded, "I will endeavor to form my own opinion (*ajtahidu ra'yī*)." Upon hearing this, the Prophet exclaimed, "Praise be to God, who has granted success to the messenger of the Messenger of God!" In a discussion of this hadith, Ibn Ḥazm quoted Sufyān ibn ʿUyaynah in *Al-Aḥkām* as saying, "What Muʿādh meant by saying *ajtahidu ra'yī* was that he would consult those more knowledgeable than he was. He did not mean simply that he would voice his own opinion." Ibn Ḥazm's purpose in citing this statement by Sufyān ibn ʿUyaynah may have been to discredit the practice of ijtihad involving the expression of one's personal point of view. This would of course have been consistent with Ibn Ḥazm's commitment to the Zahirite school of thought, which rejects reliance on personal opinion and the principle of analogy, and which restricts admissible evidence in the formation of legal rulings to three sources: (1) the Qur'an, (2) the Sunnah, and (3) Consensus (*ijmāʿ*), authoritative consensus being that of the Prophet's Companions.

Once the leading schools of Islamic jurisprudence had been established and Islamic juristic principles (*uṣūl al-fiqh*) had been clearly defined, ijtihad 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 ijtihad), 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 ijtihad refers to the attempt to arrive at a ruling on a case based on all relevant evidence." Al-Ghazālī (d. 505 AH/1111 CE) noted that "scholars have come to use the term ijtihad 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 ijtihad that evolved over the years, and that set ijtihad apart from other types of juristic endeavor. Other actions undertaken by a jurist, although they may share some elements in common with ijtihad, nevertheless remain distinct from it, and the term ijtihad does not apply properly to them. Al-Shāfiʿī (d. 201 AH/820 CE) in his day had attempted to define the term *qiyās*, or analogical reasoning, in a similarly precise and stringent manner. However, al-Ghazālī objected to this attempt on al-Shāfiʿī's part. And in fact, the tasks involved in legal inference are broader than those involved in analogical reasoning.

Scholars also disagreed over whether or not to classify discussions of matters relating to reason and logic as a type of ijtihad. Some held that such discussions fell outside the realm of ijtihad, while others maintained that rational analyses of relevance to legal rulings and matters of faith and belief are themselves a kind of ijtihad.

According to Imam al-Ghazālī, a theory is either speculative (*ẓanniyyah*) or definitive (*qaṭʿiyyah*). When declaring a ruling on speculative matters, there is no 'right' or 'wrong'. In relation to definitive matters, however, a scholar will be deemed guilty of wrongdoing if he issues a mistaken ruling. Definitive matters are further divided into three categories: (1) *kalāmiyyah* (scholastic), (2) *uṣūliyyah*, that is, pertaining to Islamic legal principles (*uṣūl*), and (3) juristic (*fiqhiyyah*). By 'scholastic', al-Ghazālī meant matters belonging to the realm of pure reason and intellect. Truth in this realm is viewed as being singular. Hence, whoever issues a ruling that conflicts with this truth is guilty of wrongdoing. In relation to juristic principles, al-Ghazālī held that the consensus (*ijmāʿ*) of the Islamic scholarly community could be a valid basis for argumentation, as could analogical reasoning (*qiyās*) and single-narrator hadiths. As for juristic matters they include for example questions relating to the obligatory nature of the five daily prayers or other actions.

In the aforementioned areas, ijtihad 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 aforementioned areas (theology, Islamic legal principles, and juristic issues) is associated with a particular method of investigation, induction, and use of evidence. If, however, the question at hand is not religious in nature, such as the composition of material bodies, then the scholar who reaches a mistaken conclusion in relation to it is not guilty of any wrongdoing, nor does the scholar who reaches a correct conclusion merit any particular reward.

The difficulty that remains has to do with the Muslim community's failure to keep pace with the intellectual and rational development witnessed by other civilizations. One principle reason for this difficulty is that the concept of ijtihad, which at one time was applied in a variety of social spheres within the framework of clear religious principles, came to be restricted to the sphere of juristic deliberation. Jurisprudence had once been the prime motive force behind Muslim society's intellectual vigor. However, when Islamic jurisprudence underwent a period of stagnation and retraction, the role of reason in Muslim society was dealt a severe blow, ijtihad 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 ijtihad, 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.

In his book entitled, *Al-Ijtihād wa al-Ijmāᶜ* (Ijtihad and Consensus), the late Ismaᶜil R. al Faruqi expressed the view that early Muslim scholars' declining use of ijtihad when deriving rulings from Islamic legal texts or juristic sources was due to a decline in Islamic consciousness itself. Evidence of this decline can be clearly seen, he commented, in the fact that after a long hibernation, Muslim societies have wakened to find that everything from their furniture, to their clothes, to their means of entertainment, to their modern academic disciplines, to their architecture is European. In fact, even their languages are smattered with European terms.

[TWO]
Ijtihad and Opinion (Al-Ra'y)

Ibn ʿAbd al-Barr (d. 463 AH/1071 CE) was one of the first scholars to discuss this issue. He entitled one section of his book *Jāmiʿ Bayān al-ʿIlm wa Faḍlihi*, "Arriving at an Opinion (*Ijtihād al-Ra'y*) in Keeping with Sound Principles When There is No Explicit Text Addressing the Case in Question." In this chapter, Ibn ʿAbd al-Barr cited numerous traditions and hadiths passed down from the Companions of the Prophet on the topic of *ijtihād al-ra'y*. He followed this with another section entitled, "Scholarly Criticisms of Opinion (*al-ra'y*), Surmise (*al-ẓann*), Groundless Analogical Reasoning (*al-qiyās ʿalā ghayri aṣl*), and the Wrongness of Raising Too Many Questions," (*ʿayb al-ikthār min al-Masāʾil dūn iʿtibār*) in which he cited hadiths and traditions that take issue with reliance on opinion, or *ra'y*.

In his book *Iʿlām al-Muwaqqiʿīn*, Ibn al-Qayyim (d. 751 AH/1350 CE) divided opinions into three categories: (1) blatantly invalid, (2) valid, and (3) doubtful. He then provided a lengthy, detailed description of these categories and the differences among them.

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-Shāfiʿī equated *qiyās* with ijtihad, and thus used the two terms interchangeably. In so doing, al-Shāfiʿī sought to avoid confusion between ijtihad and juristic preference (*istiḥsān*) – which involves basing one's ruling on human interests rather than strictly on similarities between one case and other, as in *qiyās*. The reason for this is that, as Abū al-Walīd al-Bājī observes, predecessors of al-Shāfiʿī such as Abū Ḥanīfah (d. 150 AH/772 CE) and Mālik ibn Anas (d. 179 AH/795 CE), both of whom engaged in *istiḥsān*, viewed this practice as acceptable and even praiseworthy.

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 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. Hence, the approach associated with *ijtihād al-ra'y* differs from that associated with the Zahirite, or literalist school of thought; it likewise differs from the approach adhered to by the philosopher, who appeals to nothing but human logic and abstract reason. Neither the purely linguistic approach nor the purely rational approach is fully consistent with the nature of Islamic law-making, which is founded upon sacred texts (the Qur'an and the Sunnah), the meanings derived from them, the human will and spirit, and these texts' underlying aims and intents.

The term ijtihad 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 ijtihad in the *tafsīr* process is to clarify both the meaning of the text and its juristic implications and applications. As such, the ijtihad 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 ijtihad. In the words of Husayn al-Dhahabi (1915-1977), *tafsīr* based on *ra'y* (*al-tafsīr bi al-ra'y*) is a way of explaining the Qur'an via ijtihad given a thorough familiarity with the tools one needs in order to engage in this process.

As for *ta'wīl*, or interpretation, al-Durayni defined it as:

a vital outgrowth of *ijtihād al-ra'y* based on methods informed by Islamic juristic principles. *Ta'wīl* entails a shift away from the superficial, intuitive understanding of the words to some other meaning based on textual evidence, a general rule, or a wise purpose underlying Islamic law. Such an understanding is thus valid and well-founded.

2

On the Methodological Requirements of Ijtihad

THE PRACTICE of ijtihad must be based on an authoritative source. When the source of one's ijtihad is a statement by the Messenger of God, this statement is authoritative in and of itself, supported by the Qur'anic revelation he had received and the infallibility with which he delivered the message he had been given.

According to al-Shawkānī (d. 1250 AH/1834 CE), the opinions formed by the Prophet's Companions through ijtihad were only authoritative bases for legislation if they were affirmed and approved by the Prophet. Al-Shawkānī stated that the first step in the process of ijtihad is to look to what is written in the texts of the Qur'an and the Sunnah. If the *mujtahid* finds that the question concerning which he seeks to formulate a ruling is dealt with in the Qur'an and the Sunnah, then these two sources are to be given priority over all else. If no guidance is found in the Qur'an or the Sunnah, the *mujtahid* is to examine the Prophet's actions and the actions of others which he approved. He then looks to the consensus of the scholarly community (*ijmāʿ*) if he recognizes this as authoritative, and lastly he should employ analogical deduction (*qiyās*) based on an examination of the specifics of the case at hand and how they compare to previous cases concerning which legal rulings have been formed.

Abū Ḥanīfah (d. 150 AH/767 CE) described his approach to ijtihad as follows:

I first adopt whatever is stated in the Book of God. If I do not find the

answer I seek there, I look to the Sunnah of the Messenger of God. If I find no answer in either of these sources, I depend on what was said by the Companions. I draw on the sayings of whichever of them I wish, and disregard the sayings of whichever of them I wish. However, I do not rely on the words of anyone else.

Abū Ḥanīfah went on to explain that if he encountered views held by Successors such as Ibn al-Shaʿbī, Ibn Sīrīn, or al-Ḥasan, all of whom engaged in ijtihad, then he engaged in ijtihad as they had done.

Imam al-Ḥaramayn al-Juwaynī (d. 478 AH/1085 CE) expressed the view that lay persons need not adhere to the views of the leading Companions. Rather, he wrote, they should follow the teachings of later scholars who delved deep into the matters of concern and detailed the circumstances surrounding relevant questions, but who no longer relied on the teachings of the Companions. In so doing, al-Juwaynī adopted the view expressed by Ibn al-Ṣalāḥ (d. 643 AH/1245 CE) in *Kitāb al-Fatwā*, adding that he would only imitate those whose teachings had been set down in writing and had, accordingly, gained wide circulation, thereby making it possible for their unrestricted rulings to be restricted, and their general rulings to be specified. The author of *Fawātiḥ al-Raḥamūt bi Sharḥ Musallam al-Thubūt* wrote on the margins of *al-Mustaṣfā*:

> There is unanimous agreement that whoever professes the religion of Islam may imitate whichever scholars he so chooses without feeling himself constrained to do otherwise. Similarly, the Companions agreed unanimously that whoever sought a legal ruling from the Caliphs Abū Bakr and ʿUmar ibn al-Khaṭṭāb would also have been entitled to seek a ruling from Abū Hurayrah, Muʿādh ibn Jabal, or other Companions, and to apply this ruling without fear of condemnation. And anyone who claims that the consensus on these matters no longer applies must explain his or her position.

In the realm of contemporary Arab thought, 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. According to al-Jabiri, the authority that

surpasses all others on the levels of both content and method is the example set by the Companions of the Prophet. Only the example of the Companions can 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.

[ONE]
Ijtihad and Explicit Texts

As will be seen from the foregoing, the scope of ijtihad is that of the speculative, not that of the definitive; hence the motto, "No ijtihad with explicit texts" (*lā ijtihād maʿa 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 ijtihad in relation to it?

According to some contemporary Muslim thinkers, the re-interpretations proposed by ʿUmar ibn al-Khaṭṭāb in connection with both issues that are addressed definitively in the Qur'an and the Sunnah and those that are not so addressed constituted forms of ijtihad in which he took new circumstances and conditions into account. ʿUmar's re-interpretations touched, for example, on the policies to be implemented in relation to new converts to Islam whose loyalty needed to be cemented, how to divide up the lands of Iraq, the punishment for theft during a year of famine, and whether to allow Muslim men to marry Jewish or Christian women. Commenting on these examples, Fathi al-Durayni has stated, "All of these issues had been addressed by definitive texts. However, ʿUmar adapted these texts' applications in a way that was consistent with their underlying purposes and intents, thereby helping to protect and preserve the Muslim community's interests."

Al-Durayni was one of the most impassioned proponents of ijtihad in relation to questions of Islamic law, whether or not the issue at hand

was addressed in definitive texts. Moreover, al-Durayni drew a distinction between definitive texts that have been explained and commented on, and those that have not. Muhammad Imarah (born 1931), by contrast, holds that there is an inseparable bond between 'text' and 'ijtihad'. Consequently, Imarah saw no objection to engaging in ijtihad in relation to texts that are speculative with respect to their meaning, their reliability, or both. However, when dealing with texts of definitive meaning and/or reliability, we need to determine the limits within which ijtihad is permissible depending on the nature of the text in question. According to Imarah the scope of ijtihad in relation to such texts is limited to that of understanding, derivation of branches, linking these branches to basic principles, comparison, and formulation of rulings.

In sum, ijtihad remains a valid practice even when dealing with texts of definitive meaning and reliability, including those of relevance to unchanging principles and beliefs. However, it should not go beyond the aforementioned limits. When dealing with texts of definitive meaning and reliability that deal with subsidiary, mundane issues, ijtihad 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 sum, Imarah views ijtihad as valid even in relation to texts of definitive meaning and reliability and those related to constants. In the first instance, however, ijtihad touches only upon understanding the text, deriving branches, and formulating rulings, while in the second, it involves going beyond the ruling but without abolishing it.

In modern times, as in earlier eras, the work of ijtihad 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 ijtihad and to which al-Durayni referred as textual application.

Abd al-Majid al-Najjar (born 1945) has suggested that the use of reason will differ from one text to another. The nature of the reasoning process is affected by the text's attestation and by its meaning, both of which may be either speculative or definitive. The more definitive a text is, the less of a role is played by reasoning in the text's understanding. Conversely, the less definitive a text is, the greater the role of

reasoning in its understanding, and the more difficult the process. Al-Najjar identifies two areas proper to the practice of ijtihad. The first of these is the use of reason to understand a text that is definitive with respect to both attestation and meaning; the second is the use of reason to understand a text of uncertain attestation, whose attribution to the Messenger of God should be verified using the critical methods employed in the hadith sciences.

In his book, *Al-Ijtihād fī al-Sharīʿah al-Islāmiyyah* (Ijtihad in Islamic Law), Shaykh Yusuf al-Qaradawi (born 1926) identifies a set of vital features and criteria of relevance to contemporary ijtihad. He stipulates, for example, that: (1) ijtihad requires that one make every effort to arrive at complete clarity on the issue at hand; (2) no definitive issues are subject to ijtihad; (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 ijtihad, since the view of an entire group is more likely to be correct than that of a single individual.

[TWO]
Ijtihad and the Principles of Jurisprudence

As Islam spread geographically and growing numbers of individuals from varied cultural/ethnic backgrounds embraced the new religion, additional problems and questions arose as to how to apply Islamic teachings to situations that had not been encountered previously. Accordingly, the need for ijtihad increased and its scope broadened. This type of development is reflected clearly in the instructions given by the Messenger of God to Muʿādh ibn Jabal when the latter was sent out to serve as a judge in Yemen. It is likewise observable in the methods of formulating legal rulings adhered to by the Companions, both those who went out to regions that had been conquered by Muslims and those who remained in Madinah, and in the emergence of the rival schools that came to be known as "The School of Opinion" (*madrasah*

al-ra'y), and "The School of Written Tradition" (*madrasah al-athar*).

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 *taʿabbudiyyah*, (see Glossary).

Hasan al-Turabi (1932-2016) observed that Islamic legal texts that deal with the public sphere are fewer in number and more flexible than those dealing with private affairs. Such texts might better be described as statements of overall intent and purpose than as detailed regulations. The juristic concepts proper to this realm have often been neglected. However, when Muslim society's economic and political practices were governed by religious teachings, the juristic rules of relevance to them were given the proper attention. Al-Turabi wrote:

> Consensus (*ijmāʿ*) began as a communal juristic phenomenon; as such, interpretations were deliberated over until a well-attested view was formulated and adopted. Over time, however, it evolved into an imitative recording of statements passed down from earlier Muslim scholars. Similarly, the practice of judicial preference, or *istiḥsān*, began as a broad juristic principle. Eventually, however, jurists narrowed and regulated it out of existence. We then come to the practice of analogical deduction, or *qiyās*, which emerged during the days of the Companions and the Successors in a more or less untrammeled form that was left to the discretion of the individual jurist. But, for fear that this unregulated practice might result in its practitioners being led astray by their whims and caprices, this type of intuitive analogical deduction was abolished and replaced with rigorous formal logic, which reduced the process of analogical deduction to sterile, nitpicking formulas that were hardly capable of generating any new jurisprudence.

Al-Turabi's insightful analysis finds support in a statement by the late Isma'il R. al Faruqi (1921-1986), who observed that the non-nuanced ijtihad being engaged in at the present time is governed by no systematic rules consistent with modern research methodologies. According to al Faruqi, Islamic values need to be organized into a hierarchy. In order to do this, we must identify the most fundamental principle in Islam, from which we can then derive subsidiary principles and their applications.

Al Faruqi asked rhetorically, "Isn't the practice of such thorough-going ijtihad dangerous for Islam and the Muslim community? By going back to the radical affirmation of the oneness of God, then introducing it into all areas of life and thought, are we not exposing ourselves to perils that might lead to our downfall?" He then proceeded to answer his own questions, saying, "On the contrary: ijtihad in the sense in which are referring to it lies at the heart of the Islamic movement. Those who allow *tawḥīd* – affirmation of God's unity – to be their guide in all things have nothing to fear. Their faith will be strong, their thinking will be enlightened, and their interpretations will be sound."

In al-Qaradawi's view, ijtihad should go beyond the perimeter of the juristic circle to its very center, where the principles of Islamic jurisprudence operate. A development such as this, offers al-Qaradawi, would complete the process begun centuries ago by Abū Isḥāq al-Shāṭibī (d. 790 AH/1388 CE) in his attempt to arrive at definitive juristic principles, and al-Shawkānī, who developed the concept of *tarjīḥ*, or juristic weighting.

In al-Shāṭibī's discussion of the principles of jurisprudence one discerns a distinction between two different levels. The first of these levels is that of universally agreed upon, definitive evidentiary rules; the second is that of juristic issues and questions whose resolution al-Shāṭibī sought to base on a definitive foundation. This distinction was a point of disagreement between al-Shāṭibī and his critics. One later thinker who took issue with al-Shāṭibī over this distinction was Tunisian scholar al-Tahir ibn Ashur (1879-1973). Explaining his opinion of al-Shāṭibī's work, Ibn Ashur wrote:

In the first introduction to his book *Al-Muwāfaqāt*, Abū Isḥāq al-Shāṭibī argued that the principles of jurisprudence are definitive in nature. However, his argument was not convincing... [U]ṣūl scholars have been unable to reconcile the evidence on which rulings were based with their aspiration to make the principles of jurisprudence as definitive as the revealed sources of the religion. Such scholars did, in fact, treat the principles of jurisprudence as definitive. When they recorded and compiled them, however, they discovered that almost none of them were as definitive as they had thought they were. And how could it have been otherwise, when most principles of jurisprudence are the subject of disagreements among qualified scholars?

As for Ahmad Raysuni (born 1953), he holds that *maqāṣid al-sharīʿah* (the higher aims and intents of Islamic Law) or *maqāṣid al-fiqh* (the aims of Islamic jurisprudence, which are derived from the aims of Islamic Law) are not only a means of correcting and improving the practice of ijtihad; they also provide a means of expanding the scope of ijtihad in such a way that it can encompass life in all of its vicissitudes and ramifications. If texts are understood in a superficial, literal manner, their scope will remain limited, and they will have little to offer us. If, on the other hand, they are understood in light of their underlying aims and applied in keeping with the causes and occasions that arise in concrete situations, they become an inexhaustible source of practical guidance and wisdom. When this occurs, the way opens to the proper use of analogical deduction (*qiyās*) and considerations of overall human welfare (*istiṣlāḥ*), and legal rulings will then fulfill their God-given purpose of achieving benefit and preventing harm.

Requirement 1: Evidence from Consensus

In his worked entitled *Irshād al-Fuḥūl*, al-Shawkānī defined the word *ijmāʿ*, generally rendered 'consensus', as "an agreement among the *mujtahid*s 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 ijtihad, (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.' Given the aforementioned drawbacks of this definition, we might be better advised to adopt the more detailed and inclusive definition offered by al-Khaṭīb al-Baghdādī (d. 463 AH/1071 CE), who wrote, "The term *ijmā*ᶜ may be defined as a statement and an action, as a statement and an approval, and as an action and an approval… Moreover, in order for *ijmā*ᶜ to be valid, it must be agreed upon by everyone qualified to engage in ijtihad, be they famed or obscure." The most important conditions *ijmā*ᶜ must meet in order to be authoritative were identified by al-Shāfiᶜī. Specifically, (1) it must be based on the Qur'an or the Sunnah; and (2) the point in question must be agreed upon by everyone without exception. Given the stringency of this second condition, al-Shāfiᶜī himself ruled out the possibility of achieving *ijmā*ᶜ in numerous situations, since by this time Muslims were living in many different countries, and jurists qualified to engage in ijtihad would have had little or no opportunity to meet and discuss the issues of concern. A similar position was taken by Aḥmad ibn Ḥanbal (d. 241 AH/855 CE), who stated frankly, "Anyone who claims the existence of a consensus is lying." After all, how can we be sure that no one disagrees with the so-called consensus? Instead, one should acknowledge that some people may, in fact, disagree with a position, and that the most the scholar can say is that if such disagreement exists, he has not been informed of it. As for Dāwūd al-Ẓāhirī (d. 270 AH/884 CE), he believed that it was reasonable to speak of consensus during the generation of the Prophet's Companions, but that after that time, consensus was rendered unachievable by the spread of Islam and the large numbers of Muslim scholars in scattered locations.

Ibn Ḥazm (d. 456 AH/1064 CE), himself a foremost Ẓāhirī scholar, took a position somewhere between that adopted by al-Shāfiᶜī and that espoused by Dāwūd al-Ẓāhirī. Specifically, Ibn Ḥazm held that the only *ijmā*ᶜ of any value is that which is entirely certain, and that given its certainty, there is no need to explain or justify it through claims and arguments. Ibn Ḥazm also divided *ijmā*ᶜ into two types. The first type

includes everything about which there is no doubt on the part of any-one in the Muslim community – in other words, affirmations that one must be able to make if one is truly a Muslim – such as, for example, that "there is no god but God and Muhammad is the Messenger of God," that the five ritual Islamic prayers are obligatory, and the like. As for the second type, it includes actions of the Prophet which were witnessed by all of his Companions, or which were known about by those who did not witness them. These, according to Ibn Ḥazm, are the only two types of consensus, and no other type of consensus has any claim to validity.

Imam al-Juwaynī stated:

> Some *uṣūl* scholars have made the claim that [only] the consensus of the Prophet's Companions serves as an authoritative basis for legal rulings. However, this claim is without foundation. The necessity of consensus is attested to for all eras and generations without distinction, and there is no basis either in revelation or reason for the conclusion that we are permitted to single out a particular era or generation as different from others…

In a similar vein, [his student al-Ghazālī] wrote:

> Dāwūd [al-Ẓāhirī] and other adherents of the Ẓāhirī schools have stated that no authoritative force attaches to any consensus other than that of the Companions. However, this claim is invalid. The reason for this is that the three sources of evidence for the belief that consensus can be used as evidence in legal argumentation – namely, the Qur'an, the Sunnah, and reason – make no distinction between one era and another. If the Successors reached a consensus about a given matter, then their consensus is validly considered to be the consensus of the Muslim com-munity as a whole, and whoever refuses to abide by this consensus has strayed from the path of the believers.

Similarly, al-Bājī (d. 474 AH/1081 CE) argued that "the position taken by both earlier and later Muslim scholars – with only rare excep-tions – is that the consensus of every generation of Muslims constitutes an authoritative argument that one is forbidden to oppose."

The authoritative nature of consensus is amply supported by evidence from the Qur'an and the Sunnah. The best compilation of such evidence in response to those who challenge the authority of consensus is found in al-Khaṭīb al-Baghdādī's *Al-Faqīh wa al-Mutafaqqih* (Jurists and Those Educated in Juristic Matters). In *Al-Risālah*, al-Shāfiʿī quoted ʿUmar ibn al-Khaṭṭāb as having stated on the authority of the Messenger of God, "…Truly I say to you, whoever desires the comforts of Paradise should remain close to the community. Satan stands with the solitary individual, but if two people band together, he distances himself." It should be noted that al-Shāfiʿī thought it unlikely that the word for 'community' used in this statement – namely, *al-jamāʿah* – referred simply to the physical gathering of believers. Rather, he insisted, the word *jamāʿah* as used in this statement of the Prophet's referred to decisions of the Muslim community as to what was permitted and what was forbidden. He wrote:

> Whoever adheres to the opinion expressed by the Muslim community as a whole is obeying the Prophet's command to remain close to the community. When believers are divided, they succumb to ignorance and disunity. When one remains in the community, however, it becomes impossible to misunderstand or disregard the meaning of anything in the Qur'an, the Sunnah, or a conclusion based on analogical deduction, God willing.

According to al-Juwaynī, consensus possesses definitive authority in two situations. In the first, we find a community that has adopted a ruling in such a definitive manner that we know it is based on a definitive revelation. And in the second, we have a community that has agreed unanimously on a ruling based on speculative evidence and which states this explicitly; this, according to al-Juwaynī, also serves as an authoritative argument. The evidence for its being authoritative in al-Juwaynī's view is that bygone eras and nations agreed to reproach anyone who violated the consensus of the scholars.

As for al-Ghazālī, he based the authoritative nature of consensus on three sources. The first of these sources consisted of the Qur'an, the Sunnah, and reason, the most powerful in al-Ghazālī's view being the

Sunnah. Al-Ghazālī viewed reasoning based on Qur'anic verses that direct us to adhere to and obey the Qur'an and the Sunnah as weak. An example of such a verse is *Surah al-Nisā'*, 4:115, which reads, "But as for him who, after guidance has been vouchsafed to him, cuts himself off from the Apostle and follows a path other than that of the believers – him shall We leave unto that which he himself has chosen...". According to al-Ghazālī, this verse has nothing to do with the issue of consensus per se. Rather, it simply means that if someone opposed and warred against the Messenger of God rather than supporting and defending him against his enemies, God would leave this person to his own devices.

The second source on which al-Ghazālī drew in contrast to al-Juwaynī was the saying of the Prophet, "My [the Muslim] community would never agree together on that which is false (*lā tajtamiʿu ummatī ʿalā al-khaṭa'*)." The manner in which we confirm a given source of evidence is to say that the narrative on which it is based was passed down on the authority of the Messenger of God, with various wordings but with a consistent meaning given the Muslim community's immunity to falling prey to error. And these narratives continue to be circulated and recognized as valid among the Companions and Successors. They were not rejected by any hadith or Qur'an scholar, whether early or late; on the contrary, they have been accepted by Muslims everywhere, and the Muslim community uses them as the basis for argumentation in relation to the religion's central and subsidiary principles alike.

As for the third source on which al-Ghazālī drew, it was the fact that the Companions would not reach a definitive conclusion based on anything less than a definitive foundation, and if their number was sufficient to reach the minimum required for *tawātur*, it is unthinkable that they would have intended to lie. Similarly, it would have been impossible for them to be in error, since one of them would have been certain to notice the error in question. Herein lies the authoritative nature of consensus, which at the same time allows for the possibility of criticism, re-examination, additions and amendments, all of which were lost when juristic thinking stagnated and came to rely on nothing but commentaries on existing works, abridgement of earlier works, and imitation.

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. In the beginning of Part II of his book *Al-Maḥṣūl*, for example, al-Rāzī refuted a number of mistaken notions and objections to reliance on consensus, and his treatment of the issues raised serves to illustrate the relevance of consensus to every age.

Of relevance here is the position set forth by al-Khaṭīb al-Baghdādī in his book *Al-Faqīh wa al-Mutafaqqih*, where he stated:

> If the Companions disagreed on an issue, with some of them taking one position and some of them taking another, and if they then died, their Successors were not permitted to agree on one of the two opposing positions while rejecting the other. The reason for this is that the Companions had agreed unanimously that it was permissible to adopt either of the two positions they had formulated, but that any other position would be invalid. Hence, if the Successors were to reject one of the two positions the Companions had pronounced acceptable, this would have been a violation of the Companions' consensus.

There are numerous other related issues, such as, for example, how many individuals must be in agreement on a given matter in order for their agreement to be deemed 'a consensus'; what conditions such individuals must fulfill in order for their agreement to qualify as a consensus; what to do if someone issues a ruling that conflicts with the one that enjoys wide agreement; how consensus is to be demonstrated (whether via words, actions, or silence); situations in which the residents of a particular region reach a consensus on an issue that differs from the consensus reached in another region; and whether to include laypersons among those whose agreement is required in order for there to be a recognized consensus. These and other questions have been the subject of debate; however, contemporary Muslim thinkers can benefit from the study of such issues by employing them as a basis for standardizing or identifying forms of consensus in the contemporary ijtihad movement.

Those who have forbidden the use of consensus have raised numerous arguments against it. Of these the most cogent may be the following

which al-Juwaynī quoted as follows:

> The geographical area encompassed by Islam has expanded. Conse-
> quently, Muslim legal scholars are separated by large distances. Add to
> this the fact that news does not circulate readily among most of the
> countries under Muslim rule. This being the case, how could any ques-
> tion of importance be brought before all the Muslim scholars in the
> world? And, assuming they did agree on this or that question, how
> could their agreed-upon opinion possibly be imposed on all Muslims,
> who differ on the levels of everything from intellectual ability and tem-
> perament to theological views and daily requirements?

Many scholars have attempted to refute such objections and to
establish the validity of the concept of consensus. They would argue,
for example, that non-believers, despite their vast numbers, agree in
their misguidedness! In *Al-Faqīh wa al-Mutafaqqih*, al-Khaṭīb al-
Baghdādī argued as follows:

> Some claim that there is no way to know whether there is a consensus
> among Muslims on a given issue due to the size and geographical
> spread of the Muslim community. The reply to their claim is that con-
> sensus is considered to exist among us based on the agreement of
> Muslim scholars. If the scholars agree on a point, the lay community is
> required to follow their lead. Moreover, it is possible to determine
> whether the Muslim scholarly community agrees on something, since if
> someone has engaged in scholarly efforts to the point where he is recog-
> nized by the community overall as a qualified *mujtahid*, this fact will be
> known among his family and neighbors ... Besides, a scholar of this
> caliber will be able to send out inquiries concerning what people are
> thinking and saying.

Nevertheless, 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 Com-
panions, the Muslim community has never witnessed the type of con-
sensus described above. Perhaps this is why, after citing the arguments
made by those who advocated for the legitimacy of consensus as a basis

for Islamic legal rulings, the *uṣūl* scholar al-Shawkānī stated in *Irshād al-Fuḥūl*:

> In sum, if you reflect on what we have stated in this regard and grasp it thoroughly, the indubitable truth will be made manifest to you. Even if we acknowledge the validity of all the arguments marshaled 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. Indeed, as those who support the use of consensus themselves acknowledge, a *mujtahid* may formulate a valid ruling without any other *mujtahid* being obliged to adopt his view on the matter in question.

Ibn Ḥazm defined consensus as "something that has been passed down by the entire Muslim community from one generation to another, such as [the necessity of] faith and the five daily prayers…," or, "something that has been passed down with uncontestable reliability by the entire Muslim community." After citing Ibn Ḥazm's proposed definitions, Shaykh Ahmad Shakir (1892-1958) commented approvingly:

> This author has spoken the truth with respect to consensus and argumentation in its favor. To wit, consensus consists in those truths which every Muslim believer must necessarily acknowledge. 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. For shame! The only consensus whose rejection necessitates that one be classified as an unbeliever is affirmation of the core foundations of the faith which, in order to be included within the Muslim community, one must acknowledge of necessity.

In his book entitled, *Maqāṣid al-Sharīʿah al-Islāmiyyah wa Makārimuhā* (The Intents and Virtues of Islamic Law), Moroccan scholar Allal al-Fasi (1910-1974) stated, "The only valid consensus possible is one that originates with *mujtahid*s. 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." Contemporary scholars differ over how to define the Arabic term *ijmāʿ*. Some continue to adhere to the traditional, *uṣūl*-based definition, while others have moved away from it. Al-Fasi went on to say, "*ijmāʿ* is the agreement reached by *mujtahid*s over a matter about which there is no explicit text in the Qur'an or Sunnah. This agreement must be based on the type of consultation spoken of in *Sūrah Āl ʿImrān*, 3:159, where God commands the Prophet to "...And take counsel with them" his followers "in all matters of public concern...". *Ijmāʿ* does not mean that every *mujtahid* or scholar on Earth has to have investigated the issue in question and given his opinion on it in agreement with all the rest. Nor does it mean that we must have determined each scholar's opinion and polled people on all their ideas relating to the question at hand. This, at any rate, is not the way the Companions understood the agreement required of them on a given question. After all, after consulting the scholarly companions present among them, the Caliphs Abū Bakr, ʿUmar, or ʿUthmān would carry out the decisions they had made without waiting until they had been able to consult the many other scholars scattered throughout the Muslim empire.

In his book entitled, *Tajdīd al-Fikr al-Islāmī* (The Renewal of Islamic Thought), Hasan al-Turabi argued for an understanding of consensus as an agreement reached by Islam's scholarly community. Based on *Sūrah al-Nisāʾ*, 4:115 quoted above which reads, "But as for him who, after guidance has been vouchsafed to him, cuts himself off from the Apostle and follows a path other than that of the believers – him shall We leave unto that which he himself has chosen...", *Sūrah Āl ʿImrān*, 3:159 which commands the Apostle to take counsel with his followers, the hadith according to which the Muslim community would never agree on error, and the hadith that affirms the necessity of adhering to the view of the community, Turabi wrote:

> People from many different backgrounds and nationalities entered Islam without knowing much, if anything, about the new religion. Additionally, it was no longer feasible for the Muslim community as a whole to

consult together, since there were now hundreds of thousands of them. In fact, they numbered in the tens of millions, and were scattered from East to West. For this reason, it became necessary for the consultation required of Muslims to be restricted to Muslim scholars, and for the consensus required to be the consensus of the Muslim scholarly community. In making this change, they were relying solely on the practical necessity with which they were faced.

Herein lies the importance of *ijmāᶜ* in relation to the issues and challenges that face the Muslim community as a whole, not as scattered, disjointed subgroups. Unlike, Allal al-Fasi, 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 *mujtahid*s 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. The situation was summed up by Muhammad Iqbal (1877-1938) in his book *Tajdīd al-Fikr al-Dīnī* (The Renewal of Religious Thought), where he wrote, "In response to the pressure generated by new global influences and European peoples' political experiments, modern Muslims have become newly aware of the value of the notion of consensus and the possibilities it holds."

This situation was also acknowledged by Turabi, who wrote in *Tajdīd al-Fikr al-Islāmī*:

> When we became aware of the need to unify our communal life under the banner of religion, we discovered that we lacked principles of public jurisprudence, such as, for example, consideration for human interests, and the systems of consensus and consultation. As such, we found ourselves unable to extend Islamic guidance to include the affairs of politics, economics, and international relations, and to provide foundations for the social and natural sciences.

Hence, what we are required to adhere to is not the particular applications adopted by the Companions but, rather, the principles of consultation (*shūrā*), re-interpretation (ijtihad), and consensus (*ijmāʿ*) upon which the Companions based their action. It was with this fact in mind that Ismaʿil al Faruqi distinguished between

> the consensus of principles, and the consensus of application, the latter of which is bound to the age in which the consensus is formed. Given this distinction, we may not limit the definition of consensus to a particular generation, including that of the Rightly Guided Caliphs. There are two reasons for this. The first is that since the time of the early caliphs, there have arisen new issues and questions which they never discussed, and concerning which they reached no consensus. The second is that our allegiance to them consists in our allegiance to the principles that guided them, not to the particular ways in which these principles were embodied in their lifetimes.

Ijmāʿ consists, first, of the consensus of the members of the Muslim community who are qualified *mujtahid*s. 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 at 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.

Requirement 2: Communal Ijtihad

Communal, or group, ijtihad, 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 ijtihad, although differences have arisen over the form this work should take, the methods employed to achieve it, and the relationship between such communal ijtihad and executive centers of power such as governmental bodies.

In al-Qaradawi's view, ijtihad in our day and age must be communal in nature. As such, it should take place within the context of an academy whose members are highly qualified, competent jurists, and which issues its rulings fearlessly and freely without being subjected to any sort of social and political pressures and influences. Muhammad Iqbal likewise maintained that the only valid way in which to form *ijmāᶜ* in modern times is to transfer the right to engage in ijtihad from individuals representing distinct schools of thought to an Islamic legislative body. The reason for this is that this transfer ensures that deliberations will be informed by the opinions of lay individuals with valuable insights into life's affairs. Only in this way, insisted Iqbal, can we inject new vitality into legislative systems that have grown sluggish and unresponsive to people's actual needs and circumstances.

As for al-Turabi, he was of the view that thanks to Muslims' shared faith in the oneness of the Divine (*al-tawḥīd*) and their communal methods of decision-making, no juristic disagreements would ever be so great as to prevent them from working toward a common goal. Parties to the disagreement come together based on the principle of consultation, which makes it possible for the conflict to be resolved. After consultation on the matter, the opinion favored by the majority of Muslims is adopted, and the ruling is thus issued on the basis of the will of the community. It then becomes binding on all Muslims, who submit to it on the level of implementation even if they disagree with its relative validity.

The Seventeenth Forum on Islamic Thought held in Algeria in 1403 AH/1983 CE on the subject of ijtihad yielded a number of important ideas, which were set forth in a statement issued by the Committee on Support for Communal and Institutional Ijtihad. Shaykh Muhammad al-Ghazali summed up the reasons for insisting on communal ijtihad as follows. First, he said, there are no longer many individuals of a sufficient academic and moral caliber for people to seek out their legal

opinions on an individual basis. Second, al-Ghazali noted, Muslims are scattered among no fewer than forty-seven different countries of the world, as a result of which reliance on re-interpretations arrived at by this or that individual will only lead to more division and confusion. Third, governmental intervention in all of society's affairs prevents people from engaging in individual ijtihad. By contrast, however, if scholars from various regions come together and agree on a set of ideas and opinions, this gives them a forum that no tyrannical ruler can take away from them. Communal ijtihad must, in fact, be undertaken freely and be autonomous of any and all governmental or other external authority.

It should also be remembered that there is no contradiction between a *mujtahid's* holding to his own opinion and his abiding in practice by the decisions of the wider community and the outcomes of contemporary communal ijtihad. Given the highly bifurcated, specialized nature of so many fields in this day and age, as well as these fields' interdependence and complementarity, it is no longer feasible to think of ijtihad-based interpretations that are absolute and unchanging. Indeed the fields of finance, economics, trade, sociology, medicine, development and the like, all present us with situations in which relevant rulings have to be formulated by highly experienced and skilled individuals with a thorough understanding of the field's procedures, methods and subject matter.

In the words of Syrian scholar Wahbah al-Zuhayli (1932-2015), "the view that the work of ijtihad should be divided up among a variety of scholars opened the way for them to soften the extreme position according to which 'the door to ijtihad' had closed. It was recognized that each succeeding generation stands in need of legal rulings on newly arising situations."

With respect to the organizational form within which the process of ijtihad might be framed and the parties who would participate in it, numerous proposals are currently in circulation. 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. In this connection, Ibn Ashur stated that he did not expect anyone to refuse to adhere to such rulings.

The aforementioned framework is consistent with the one commended by al-Qaradawi and described earlier in this discussion. 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 *ijmā*ᶜ 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, *ijmā*ᶜ 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.

It follows, then, that as in the case of the term *ijmā*ᶜ, or consensus, we are using the term 'ijtihad' 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 ijtihad 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.

Al-Turabi's proposed system of parliamentary representation complete with free elections is an ideal to strive for. However, I do not believe its time has come. Still others have proposed that Islamic legal rulings be decided upon by a majority vote. This is a highly relevant proposal because, although *ijmā*ᶜ in the sense of complete unanimity is the most perfect expression of agreement and unity, it should be remembered that, particularly in the early stages of such work, basing decisions on a majority vote is an important step toward the ideal of full consensus, and achieves most, if not all, of the purposes achieved by complete unanimity.

The concepts of ijtihad in the sense of creative re-interpretation, and *ijmāʿ*, or consensus, are closely related in that the consensus sought consists in the Muslim community's agreement on a given interpretation of Islam's authoritative texts. Moreover, the door of ijtihad was originally opened by the Prophet, and no one has the right to close it. There is no verse in the entire Qur'an, and no saying of the Prophet, that requires us to abide by any particular juristic school. In fact, the founders of these very schools repeatedly forbade their followers to imitate the interpretations they had offered or to adopt such interpretations as unchanging statutes of the religion. It should be remembered in this connection that when the Abbasid Caliph Abū Jaʿfar al-Manṣūr (d. 158 AH/775 CE) wanted to treat the teachings contained in Imam Mālik's *Al-Muwaṭṭa'* as binding upon the whole Muslim community, Imam Mālik rejected this proposal out of hand.

Expressing the same sentiment, Shaykh al-Ghazali stated:

> The time has come for us to free ourselves from the shackles of slavish adherence to particular juristic schools of thought and emerge into the vast expanse created by the magnanimous law of Islam. With the various schools of thought and scholars' learned opinions before us, we must choose that which is most valid and appropriate for our own circumstances and the age in which we live. We must opt for what is most consistent with the spirit of the Islamic Law, and that which best serves to achieve justice and equality among people.

With its emphasis on factors that promote unity, this broadened vision of ijtihad has the capacity to absorb a great deal of the conflict that arises among the various trends and schools of contemporary thought. In this way, it may help us to avoid falling anew into the patterns of discord that have repeated themselves throughout history among the followers of the various schools of juristic thought, patterns which fly in the face of the godliness and forbearance championed by the founders of these very schools.

There have been attempts to group the various contemporary trends and schools into broad categories. Al-Qaradawi, for example, divides them into three main trends. The first of these is marked by a

tendency to narrow and restrict, with a focus on divisions between one school of thought and another. The second, which Qaradawi views as overly broad, tends to place human interests above the written text, and to favor interpretations that justify reality as it is. As for the third, moderate, trend, it strikes a balance between adherence to written texts and consideration for the aims and intents of Islamic Law.

Another classification was offered by Taha Jabir Alalwani (1935-2016), who identified the following five trends: (1) the modernist trend, which is entirely biased toward the West, (2) the imitative trend, which rejects ijtihad of all types, (3) a third trend which allows ijtihad within narrow confines, that is, in areas having to do with specific recent events or newly arising issues, (4) a fourth trend which uses ijtihad to justify the current social situation, and (5) a trend that defends Islamic thought based on the way of life adhered to by the Prophet.

The fifth trend identified by Alalwani, which is founded on basic Islamic principles but which, at the same time, lends consideration to modern variables and affirms group ijtihad as a means of addressing the problems that face the Muslim community, provides sound, authoritative points of reference and is thus worthy of attention as a means of correcting and guiding action.

3

On the Conditions of Ijtihad, and the Agreement-Disagreement Dialectic

ONE OF THE most controversial ijtihad-related topics has been the conditions that must be met by the *mujtahid*, that is, the individual deemed qualified to engage in ijtihad. *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. Controversy has raged over how much expertise a *mujtahid* is expected to have in various fields, particularly that of Islamic law. Contemporary Islamic thought still exhibits the lingering effects of ages of decadence, stagnation and blind imitation. However, efforts are underway to liberate it from these hindrances and to prepare *mujtahid*s better to respond to current challenges.

[THEME I]
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.

In the early generations of Islam, such conditions were not in common circulation. The issue simply had not arisen for the Companions, the Successors, or even the founders of the schools of Islamic juristic thought. The first person to begin laying down explicit conditions such as those that developed in the field of jurisprudence may have been al-Shāfiʿī. There was no committee responsible for identifying the various stages or levels of ijtihad. Instead there was what might be termed "community oversight" (*raqābat al-ummah*) by both scholarly classes and laity.

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 ijtihad 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 as to which of them were necessary in order to regulate the ijtihad process by protecting its outcomes from human error and caprice, and which were not.

It has been proposed that the imposition of overly stringent conditions on *mujtahid*s has killed the spirit of ijtihad and perpetuated a tendency to imitate what others have done and thought in the past. Another undesirable effect of such strict conditions is that, given their stringency, there has often been no one who could meet them, resulting in an absence of *mujtahid*s from whom legal rulings could be sought.

In our present day in particular, it should be borne in mind that the Muslim community has come to face many issues, problems and situations that had no parallel in earlier ages and generations. As al-Jabiri has noted, the tremendous changes that resulted from the emergence of industrial civilization, and which are taking place now with 'the information revolution', have made it all the more necessary that Muslim scholars open themselves to broader fields of knowledge and expertise if they are going to be able to engage in ijtihad in a competent manner.

Some of the boldest proposals for renewal and reinterpretation as they relate to the Islamic legal sciences in general, and to the principles of Islamic jurisprudence in particular, have been made by Hasan al-Turabi. In al-Turabi's view, the rules that govern ijtihad 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 as to what is truer and more fitting.

Al-Turabi's statements are consistent with what we know about how the conditions for a *mujtahid* were applied historically before they were standardized and set down in writing. He wrote:

> If we find ourselves in an age in which Islamic jurisprudence is stagnant and backward, with a plethora of issues to address and a dearth of *mujtahids*, we may need to relax the conditions that one must meet to qualify as a *mujtahid*, since in this way we will allow for a broad type of ijtihad that meets the needs of the faithful. If, however, the scope of ijtihad is broadened to the point where we fear that things will spin out of control, we will need to tighten the strictures on who is allowed to engage in ijtihad, lest the practice be undertaken by those who are not fit to do so.

Another distinctive condition added by al Faruqi 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.

[THEME 2]
Conditions for Engaging in Ijtihad:
Historical and Contemporary Models

After summarizing the sources of Islamic legislation – the Qur'an, the

Sunnah, consensus (*ijmāᶜ*), traditions passed down from the Companions, and conclusions drawn from analogical deduction (*qiyās*) based thereon – al-Shāfiᶜī stated the view that "the only person entitled to engage in analogical deduction is one who has the tool with which to engage in such reasoning." As for the conditions a *mujtahid* must meet, al-Shāfiᶜī identified them as

> ...knowledge of God's precepts, including what is obligatory and what is recommended, which texts abrogate others, which are general and which are specific, and which of them offer non-binding guidance. When dealing with texts that could be interpreted allegorically or symbolically, the *mujtahid* seeks understanding from the examples set by the Messenger of God. If no guidance is to be found in the examples of the Prophet, such an individual looks to the consensus of the Muslim community. And if there is no consensus, he seeks guidance through analogical deduction.... As for someone ... who is not knowledgeable of the matters we have just described, he is not permitted to engage in analogical deduction, since he does not know on what basis to draw an analogy.

One of the most important conditions stipulated by al-Shāfiᶜī was the ability to combine written traditions with a solid understanding thereof. However, advice of this nature appears only rarely in the writings of *uṣūl* scholars who succeeded him despite the fact that it is this type of advice that guides the steps of a *mujtahid* in such a way that he is more likely to be led to truth than to error. Al-Shāfiᶜī's principle concern thus appears to have been to ensure that once a scholar has obtained the necessary theoretical knowledge of Islamic law and its principles, he or she adhere to sound methods of investigation, analysis and practical applications.

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. As for al-Ghazālī, his
approach included that of al-Shāfiʿī with respect to the need to distin-
guish between principles and sources on one hand, and, on the other,
the tools employed in drawing conclusions from them. And, like al-
Juwaynī before him, al-Ghazālī also specified extenuating circum-
stances associated with each condition.

This does not mean that what al-Ghazālī stipulated in *Al-Mustaṣfā*
was the only possible list of conditions. Rather, he stated:

> There are two conditions which a *mujtahid* must meet. 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. A thor-
> ough grasp of the aims of Islamic law includes mastery of the Qur'an,
> the Sunnah, consensus, and reasoning skills.

Al-Ghazālī placed importance on the hadith sciences, linguistics,
and the principles of Islamic jurisprudence; as for the disciplines of
scholastic theology and the various sub-divisions of jurisprudence, al-
Ghazālī saw no need for them in the practice of ijtihad. Hence,
although both al-Juwaynī and al-Ghazālī reduced the list of conditions
to three, al-Ghazālī replaced al-Juwaynī's requirement of juristic
knowledge with a knowledge of the hadith sciences.

Al-Ghazālī's division followed that of Fakhr al-Dīn al-Rāzī (d. 606
AH/1209 CE); moreover, al-Ghazālī concluded that "the most impor-
tant discipline for a *mujtahid* is the principles of Islamic jurispru-
dence." In fact, al-Ghazālī attached little or no importance to other
related disciplines, including scholastic theology and the subdivisions
of Islamic jurisprudence. After all, he noted, since the various subdivi-
sions of jurisprudence had been identified and listed by *mujtahids*, how
could knowledge of these subdivisions be a precondition for engaging
in ijtihad?

Al-Ghazālī's analysis was adopted by Al-Āmidī (d. 631 AH/1233

CE), who summed up the various sciences, sources and tools required of a *mujtahid* into two conditions. The first of these was related to the premises of scholastic theology and the basic sources of religious instruction, while the second had to do with an in-depth understanding of Islamic legal rulings and of relevant extenuating circumstances. In his *Al-Baḥr al-Muḥīṭ*, al-Zarkashī (d. 794 AH/1392 CE) adhered to al-Ghazālī's list of conditions.

The aforementioned scholars were criticized, however, for their insistence that only five hundred verses of the Qur'an yield legal rulings. They were also criticized for limiting themselves to the use of sources that were simply compilations of hadiths relating to legal rulings, such as *Sunan Abū Dāwūd* and *Sunan al-Bayhaqī*. Al-Nawawī (d. 676 AH/1277 CE), for example, objected that "it is invalid to cite examples from Abū Dāwūd, since he failed to include all, or even most, of the authentic hadiths relevant to Islamic legal rulings." Aḥmad ibn Ḥanbal (d. 241 AH/855 CE) has been quoted as saying that in order to qualify as a *mujtahid*, a scholar must have memorized no fewer than 500,000 (or 300,000) hadiths. According to some scholars, Ibn Ḥanbal only required a *mujtahid* to have memorized such large numbers of hadiths as a kind of reserve, or as a means of adding emphasis to a given ruling, while according to others, the numbers '500,000' and '300,000' were meant to include traditions passed down by the Companions and Successors along with their various chains of authority (*asānīd*, plural of *isnād*).

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, Ibn Taymiyyah (d. 728 AH/1328 CE) assailed this approach in *Majmūʿ al-Fatāwā*, where he stated that if anyone claimed that an understanding of logic was a condition for the ability to engage in ijtihad, this claim would simply expose the claimant's "ignorance of both Islamic law and the true nature of [Greek] logic." According to Ibn Taymiyyah, such a claim is patently invalid, and should be recognized as such by all Muslims. This is clear, he stated, by virtue of the

fact that the best Muslims who ever lived, namely, the Companions of the Prophet, their Successors and the scholars who founded the principle schools of Islamic jurisprudence were all aware of what they needed to do, and their faith and knowledge were complete without knowing anything about Greek logic.

In a discussion in *Al-Baḥr al-Muḥīṭ* of the debate raging over the qualifications of a *mujtahid*, al-Zarkashī listed "perspicacity and intelligence", "a comprehensive knowledge of the basic sources of the religion", and "knowledge of arithmetic" as conditions stipulated by various Muslim thinkers. Expanding on the specifications a mufti should meet, Imam Aḥmad ibn Ḥanbal wrote:

> No one should set himself up as a deliverer of legal opinions unless he meets the following five conditions. First, he should intend to fulfill this role in the best possible manner. Second, he should be knowledgeable, serious, and calm. Third, he should be firmly grounded in character and knowledge. Fourth, he should possess adequate financial means, since otherwise, people will speak ill of him. And fifth, he should have a knowledge of people.

These five traits were discussed by Ibn al-Qayyim (d. 751 AH/1350 CE) in his *Iᶜlām*.

As for al-Shāṭibī, he 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. If the process of ijtihad is related to the ability to deduce rulings from texts, then knowledge of Arabic also becomes a qualifying condition. If, on the other hand, it is related to the ability to identify sources of benefit and harm – with or without regard for what particular texts say – then knowledge of Arabic is not required; rather, what is required is a knowledge of the higher aims and intents of Islamic law.

Al-Suyūṭī (d. 911 AH/1505 CE) devoted a chapter of his book, *Ḥusn al-Muḥāḍarah* to a discussion of "the *mujtahid* imams of Egypt." He included a detailed account of his own life, complete with details of his travels and the academic disciplines he had mastered. He related that

he had drunk zamzam water with a number of aims, including the hope that "in the field of jurisprudence, he would achieve the status of Shaykh Sirāj al-Dīn al-Balqānī (d. 805 AH/1403 CE), and in the hadith sciences, that of al-Ḥāfiẓ ibn Ḥajar (d. 852 AH/1449 CE)." Al-Suyūṭī claimed to be a fully qualified *mujtahid* in the three fields of legal rulings, Prophetic hadiths, and the Arabic language.

Al-Rāzī wrote in *Al-Maḥṣūl fī ʿIlm 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 *mujtahid*s in that area, even if they are not thus qualified in other areas." Hence, if one is researching whether a consensus exists on a juristic question, the only opinions that count are those of qualified jurists, not those of theologians, and if one is researching whether a consensus exists in the field of scholastic theology, the only persons whose opinions matter are those qualified in the area of scholastic theology, not that of jurisprudence. A theologian's opinion counts for nothing on juristic issues, nor does a jurist's opinion count on theological matters, and so on.

In the context of modern Islamic thought, there is little discussion of these conditions, and rarely do we encounter any serious rethinking of them based on present-day realities. One of the most comprehensive treatments of this subject is that offered by al-Qaradawi, who 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-Fasi, the *mujtahid* engaged in deducing legal rulings draws on three fundamental sources: (1) knowledge based on divinely given evidence derived from the Qur'an, the Sunnah, *ijmāʿ*, and other sources over which scholars have differed; (2) an investigation of the meanings of particular Arabic words based on their lexical definitions and the ways in which they have been used by Arab litterateurs; and (3) the process of weighing evidence and choosing that which has the most in its favor.

A contrasting approach has been offered which has classified conditions into 'non-acquired' and 'acquired.' Non-acquired conditions

include such things as being Muslim, being a legal adult, and being of sound mind, while acquired conditions belong to either of two types: basic, or complementary. Basic acquired conditions include, for example, knowledge of the Qur'an, the Sunnah, the Arabic language, and the scholarly consensus of the Muslim community, while complementary acquired conditions included knowledge of the aims and intents of the Islamic law and general rules pertaining thereto, points of disagreement, and [Greek] logic, as well as self-confidence. (However, one wonders on what basis this thinker classified what al-Shāṭibī viewed as the essence of the Qur'an and the Sunnah – namely, their aims and intents and the universal values they embody – as being complementary rather than basic to the process of ijtihad. Similarly, one wonders how some scholars could have classified these as disputed points or failed to mention them altogether!)

A figure who appreciated the formative and educational role played by these conditions was al-Hajwi al-Thaalibi (1291-1376 AH/1874-1956 CE) who, in his book, *Al-Fikr al-Sāmī*, 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. Al-Thaalibi wrote:

> It appears to me that the scarcity or absence of *mujtahid*s is a result of the inertia that has overcome the Muslim community in both the sciences and other areas. But if it wakens out of its long slumber and the mists of lethargy dissipate, it will move forward toward the achievement of its intended purpose. We look to the emergence of outstanding Muslim scholars, inventors and other creative minds in the fields of the natural sciences, mathematics and philosophy such as those arising in Europe and the Americas, and once this takes place, religious and secular scholars will interact and give birth to a new generation of *mujtahid*s ... Moreover, given that tyranny seeks to annihilate creative thinking and interpretation, freedom of thought is thus a precondition for proper ijtihad.

[THEME 3]
'Right' and 'Wrong' in Ijtihad-Related Thought

The question of 'right' and 'wrong' in ijtihad-related thought is closely related to the conditions a person has to meet in order to qualify as a *mujtahid*. The purpose for setting these conditions is to ensure that the seeker of knowledge is prepared to take on the role of *mujtahid*. Once he or she has mastered the process of ijtihad, the likelihood of his or her reaching correct conclusions increases accordingly, while the likelihood of errors diminishes. As we have seen, Islamic law stipulates that a *mujtahid* earns two rewards if his ruling is correct, and one reward if it is mistaken. From a strictly rational point of view, one would expect the *mujtahid* who has reached a mistaken conclusion to be pardoned for his error, but to receive neither reward nor punishment and the *mujtahid* who has reached a correct judgment to receive a single reward. Hence, the Islamic law's designation of two rewards for the *mujtahid* whose judgment was correct – one for his effort, and the other for the correctness of his judgment – and a single reward for the effort expended by a mistaken *mujtahid*, shows clearly that ijtihad is viewed as a significant religious duty.

However, unqualified individuals are strictly forbidden to engage in ijtihad, Even if their rulings are correct, they are viewed as being both mistaken in their judgments and guilty of wrongdoing, since the correctness of their rulings will be a result of mere chance rather than the outcome of an informed examination of the sources of Islamic law. Ijtihad, which is intended to be an ongoing process, is required for the correction of errors that creep into the Muslim community's thought or practice. 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 ijtihad in so many areas of life. When by contrast, ijtihad is an ongoing practice, errors and unfounded opinions cannot survive, since *mujtahid*s will move promptly to correct and root them out.

The issue of the 'rightness' and 'wrongness' of *mujtahid*s has been the topic of prolonged debate among *uṣūl* scholars, whose overall conclusion has been that as long as thinkers are qualified to engage in

ijtihad, their various interpretations can all be viewed as essentially correct. *Uṣūl* scholars who start from the premise that there is a single, uniform 'truth' have concluded that all *mujtahid*s, 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 *mujtahid*s are right regardless of their disagreements.

Ibn Taymiyyah pointed out that the Arabic word 'wrong' (*khaṭa'*) sometimes means 'morally wrong', 'sinful' or 'blameworthy', while at other times, it means simply 'mistaken,' or 'lacking in knowledge.' No *mujtahid* who undertakes his task with a sincere desire to obey God will ever be 'wrong' in the former sense of the word. Such a *mujtahid* might, however, be 'wrong' in the latter sense of the word due to some aspect of a situation that he has failed to see or understand, but for which he is not held responsible due to his inability to perceive it, and he receives a reward for his attempt to understand it fully. As for the *mujtahid* who understands a situation fully and thus formulates the correct ruling, he receives two rewards: one for his effort, and the other for actually arriving at the correct conclusion.

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. As for the realm of 'legalities', some of these are definitive and form essential aspects of the religion such that those who affirm them are in the right, while those who do not affirm them have no excuse for not doing so. As for those legalities for which there is definitive evidence but which are not classified as essential aspects of the religion, it is said that those who neglect them are mistaken and guilty of wrongdoing, whereas if they do not neglect them, they are mistaken, but not guilty of wrongdoing.

RENEWAL (*TAJDĪD*), IMITATION (*TAQLĪD*)
AND ADHERENCE (*ITTIBĀ*ᶜ) IN RELATION
TO IJTIHAD

4

Points of Overlap
and Complementarity
Between *Tajdīd* and Ijtihad

THE TRILITERAL 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.

Turning to the Qur'an, we find that the adjective *jadīd* occurs six times: "...After we have become dust, shall we indeed be [restored to life] in a new act of creation (*fī khalqin jadīd*)?..." (*Sūrah al-Raʿd*, 13:5); "...[God] can, if He so wills, do away with you and bring forth a new mankind (*khalq jadīd*) [in your stead]..." (*Sūrah Ibrāhīm*, 14:19); "...you shall – lo and behold! – be [restored to life] in a new act of creation (*khalq jadīd*)?" (*Sūrah Saba'*, 34:7); "...Nay – but some people are [still] lost in doubt about [the possibility of] a new creation" (*Sūrah*

Qāf, 50:15); and, "They say, 'After we will have become bones and dust, shall we, forsooth, be raised from the dead in a new act of creation (*khalq jadīd*)?'" (*Sūrah al-Isrā'*, 17:49, 98). The "new creation" referred to here is one that recently came into existence; as such, it is different from the one that deteriorated with the passage of time. Hence, the original sense of 'cut off' may be discerned in the fact that the new creation is 'cut off' (separate, distinct) from the old.

In the Sunnah, by contrast, the concepts of *tajdīd* and ijtihad 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. In a well-known hadith, the Prophet said, "Verily, at the beginning of each new generation, God will send the Muslim community someone who will renew their religion for them (*man yujaddidu lahā dīnahā*)." The phrase "renew their religion for them" means that this individual will clarify the difference between practices that entail emulation of the Prophet's example and those that are baseless innovations, help and support those who promote and disseminate knowledge while defeating those who promote baseless innovations, revive Qur'anic and Sunnah-based practices that have been neglected, and instruct people based on the Qur'an and the Sunnah.

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. In either case, the renewer, or *mujaddid*, is likewise a *mujtahid*, since Islamic renewal can only be properly undertaken by someone who is qualified to engage in ijtihad. Some scholars view renewal/ *tajdīd* as being broader and more inclusive than ijtihad, while others view ijtihad as being broader and more inclusive than renewal/*tajdīd*. It follows, then, that not every *mujaddid* is a *mujtahid*, and not every *mujtahid* is a *mujaddid*. According to al-Munāwī (d. 1031 AH/1621 CE), the relative pronoun *man* ("one who") in the phrase *man yujaddidu* ("one who will renew") refers to

either a single *mujtahid*, or a number of *mujtahid*s. This individual or

group, whose task is to establish proofs and uphold the Sunnah, will be endowed with the ability to clarify ambiguities in light of teachings that are definitive and clear. He/she/they will demonstrate the capacity to deduce facts and theories from both the explicit texts of the Qur'an and its symbols, connotations, and implications with attentive minds and hearts.

This individual or group need not have a specialization in Islamic jurisprudence. It has been noted, for example, that at the dawn of the third century AH there appeared Ibn Sarīḥ al-Shāfiʿī (d. 306 AH/918 CE), a jurist, al-Ashʿarī (d. 324 AH/936 CE), who specialized in the principles of jurisprudence, and al-Nasāʾī (d. 303 AH/915 CE), a hadith specialist. The beginning of the sixth century AH witnessed the contribution of Fakhr al-Dīn al-Rāzī (d. 606 AH/1209 CE), a scholastic theologian, and so on. As for why the hadith specifies that renewers and reformers will appear at the turn of a new century – or, one might say, the start of a new generation – al-Mannāwī explains this based on the fact that as one generation gives way to the next, this is the time when there is the greatest likelihood of confusion or disorientation among scholars and the appearance of harmful innovations and impostors.

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 single-handedly. Al-Mawdudi (1903-1979) wrote in a similar vein:

> In order to bring about religious renewal in a given age, it is not enough to revive the religious sciences and spark people's desire to adhere to Islamic law. Rather, what we need is a comprehensive movement whose influence extends to all scientific disciplines, arts, ideas and industries – indeed, to all aspects of human life.

After all, nothing can resist a current but a counter-current, and when corruption has infiltrated all aspects of life, the reform program will have to be so wide-ranging that it purges everything from root to branch.

Similarly, 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. According to an authentic hadith in this category, the Prophet declared, "A certain group of my nation will continue to spread God's rule undeterred by their opponents until, when God's judgment descends, they will still be steadfastly carrying out this task." This hadith echoes the words of *Sūrah Āl ʿImrān*, 3:103-104, which tells us that "...God makes clear His messages unto you [believers],..." "...that there might grow out of you a community [of people] who invite unto all that is good, and enjoin the doing of what is right and forbid the doing of what is wrong: and it is they, they who shall attain to a happy state!"

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. When we speak of religious renewal in Islam, we are referring to a revival of the Muslim community's experience and practice of Islam. With respect to rulings and forms of worship based on the teachings of the Qur'an, the Sunnah, or the consensus of the Muslim community, renewal consists in bringing people back to the sources on which these rulings and forms of worship are based. With regard to practices that have developed or issues that have arisen in response to changing circumstances and in relation to which there is no previous ruling or explicit text, jurists need to formulate rulings that address them by thinking about them in relation to existing rulings on comparable situations. And as for situations and issues in relation to which there is no explicit text or comparable situation from the past, these must be addressed through a process of ijtihad in which the jurist in question formulates a ruling based on recognized rules and criteria.

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

Al-Qaradawi has identified the key to religious renewal as "awareness and understanding." He writes:

> When I use the word fiqh, I am not using it in its technical sense of 'jurisprudence', which has to do with a knowledge of subsidiary legal rulings. Rather, I am using the word in the sense it is used in the Qur'an, and in which it was used by the Prophet. *Sūrah al-An͑ām*, 6:98 reads, "...clearly, indeed, have We spelled out these messages unto people who can grasp the truth (*li qawmin yafqahūn*)." The same sense of the word *fiqh* is found in the saying of the Prophet, "Whomever God wishes to bless, He gives him understanding of religion" (*yufaqqihu fī al-dīn*). As used in the Qur'an and the Sunnah, the word fiqh refers to understanding in two primary realms: the universe, that is, the created realm, including human beings, their environment, and the unchanging natural laws we observe in the cosmos; and in the realm of religion, that is, divinely given precepts that enable us to relate properly to reality.

As Abd al-Majid al-Najjar once put it, fiqh is

> a commitment to examining our heritage and absorbing the rich concepts it offers. However, it is a commitment to benefit from and be guided by this heritage, not to adhere slavishly to its every letter, or to adopt wholesale the understandings of those who went before us as though no other understanding were possible. Such blind imitation finds no justification in Islamic law, and would be of no help to us in reforming conditions around us.

According to al-Turabi, the desired religious renewal takes place in

three stages. In the first stage, we go back to the fundamental sources of religious instruction, namely, the Qur'an and the Sunnah, enlightened by our traditions, our heritage, and the experiences of our righteous forebears. In the second stage, we define the connection between our understanding of the aforementioned sources and the various sciences – from economics, to anthropology, to the natural sciences, so as to draw the proper connection between Islamic thought and the reality in which we live. And in the third stage, we apply Islamic teachings to concrete situations so that daily experience and religion can mingle in a vital way.

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.

In his book, *Manhaj Tajdīd al-Fikr*, Abd Allah ibn Abd al-Muhsin al-Turki (born 1940) has identified certain rules that govern our approach to religious renewal. These rules include: (1) understanding of the religion, (2) understanding of reality, (3) the recognition that most of the texts being dealt with are of speculative rather than definitive meaning; (4) an awareness of God's bounty and grace; (5) the understanding that in the renewal process, fiqh must encompass not only legal matters but, in addition, the role of theoretical knowledge in the derivation of legal rulings and the discovery of natural laws; (6) the importance of drawing on other disciplines as means of reaching full understanding; and (7) recognition of the role of practical knowledge in helping us to determine how to apply religious teachings to specific situations in believers' daily lives.

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.

Ijtihad and Renewal

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. In the words of Malek Bennabi (1905-1973):

> If the Qur'anic impetus wanes, the Islamic world will slow to a halt, just as an engine will die when it runs out of fuel. No temporal entity over the course of human history has ever been able to replace the one and only fount of human energy: that of faith.

The conditions for civilizational renewal and awakening, in Bennabi's 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. However, in order for these elements to properly advance and evolve, they need to be guided by religious concepts.

Ijtihad is by definition a process that interacts with concrete circumstances and with newly arising issues and situations. 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.

It will, admittedly, be a major challenge to agree collectively on the overall features of an approach to ijtihad and renewal. However, it is reasonable to believe that we can reduce differences of opinion and work effectively in this direction.

[THEME 3]

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. Revival achieves a historical gain by advancing the religion after a period of decline; while development achieves an even greater historical gain, since it adapts the religion to new historical conditions.

In what follows I will present several different approaches to religious reform and renewal. The originator of the first approach, Tunisian scholar 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. Specifically, Djait maintains that we should put an end to the cruel, inappropriate *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.

Djait divides the individuals who are concerning themselves with renewal into three groups. The first group consists of extremist proponents of renewal who advocate dispensing with virtually everything that smacks of the old order. The second group consists of extremist traditionalists, who want everything to stay exactly as it is. And the third group, moderate in tenor, rejects the rigidity of both of the aforementioned groups, and seeks wisdom wherever it happens to be found and in whatever form, be it new or old. Representatives of this last group support and advocate renewal that preserves Islamic authenticity. As such, they draw a distinction between customs, practices and ideas that can be legitimately borrowed and adapted from other

cultures and milieus, and those that cannot. In short, they seek to join old and new, provided that it is appropriate and beneficial.

Contemporary thinkers who have encountered opposition on account of their innovative writings include Shaykh Muhammad al-Ghazali (1917-1996), Hasan al-Turabi and others. The objections that have been raised against al-Ghazali's writings are generally of two types. The first type grows out of a skepticism based on a rationalist orientation which is itself doubtful in some respects, while the second type of objection follows a selective approach that focuses on particular words and expressions that occur in such people's writings while disregarding the major ideas and conclusions such works present. Adherents of this latter approach focus in on marginal issues and particulars that are secondary to the writer's revivalist aims. As a matter of fact, al-Ghazali's method was not a departure from that of his predecessors, whether ancient or modern. His principle foundations and sources were the Qur'an and the Sunnah, and his approach to both was clear: If the report before him met established criteria for authenticity and reliability, he saw no reason to reject it, and if a respectful disagreement arose over the matter of whether or not such criteria had been met, he was willing to consider the arguments pro and con, and he allowed for a variety of points of view.

[THEME 4]
Terms Belonging to the Same Semantic Family

Reference was made earlier to a set of terms whose meanings 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 both 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 of them 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. This term is used in more than one form in *Sūrah al-Anfāl*, 8:53, where we read that "God would never change (*lam yaku mughayyiran*) the blessings with which He has graced a people unless they change (*ḥattā yughayyirū*) their inner selves:..." The expression "unless they change (*ḥattā yughayyirū*) their inner selves" implies the possibility of both planting ideas in a person's mind and heart to begin with, and of removing ideas and replacing them with others.

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. In a hadith recorded by Muslim on the authority of Abū Saʿīd al-Khudrī, the Messenger of God is reported to have said, "If any of you observes something objectionable, let him change it with his hand (by his actions). If this is not possible, let him seek to change it with his tongue (by his words); and if this too is impossible, then let him seek to change it with his heart (by his thoughts). The latter is the least that faith will prompt one to do."

Taha Jabir Alalwani (1935-2016) identified four basic rules of self-purification. The first of these is affirmation of God's oneness (*tawḥīd*) and the desire to exalt God the Creator over all else. The second is faith in the fundamental unity of humankind, who share in a common origin, a common destiny, a common task (of developing and benefiting the Earth), and a common nature. The third is the unity and constancy of truth, and the acknowledgment that God alone comprehends all truth and reality, whereas human beings are assigned the task of seeking truth with all the means God has placed at their disposal. And the fourth is faith in human beings' having been placed on Earth, and within the wider cosmos, as God's stewards and vicegerents.

As for Abd al-Majid al-Najjar, he sees the process of change as

being centered around two principle axes. The first of these is a rejection of reality as it is, and the second is 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 *aṣlaḥa* (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. *mufsid* (corrupter, saboteur), which might refer to either an individual or a group. This duality is referred to in *Sūrah al-Baqarah*, 2:220, which tells us that "...God distinguishes between him who spoils things (*al-mufsid*) and him who improves (*al-muṣliḥ*)...." The process of reform (*iṣlāḥ*) is sometimes associated with God-consciousness (*taqwā*), righteousness (*birr*), pardon (*ᶜafw*) and faith (*īmān*), which constitute the psychological, spiritual and moral underpinnings of reformist action. As we read in *Sūrah al-Shūrā*, 42:40, "...whoever pardons [his foe] and makes peace (*wa aṣlaḥa*), his reward rests with God..." The Qur'an also makes clear the link between good works and faith. This may be seen in the oft-repeated mention of "...those who have attained to faith and do good works..." (*Sūrah al-Baqarah*, 2:25). After all, there can be no faith without righteous action, nor any righteous action without faith. This link is expressed in *Sūrah al-Ḥujurāt*, 49:10 in the command to "...make peace..." (*aṣliḥū*) between any two members of the faith community who are at odds with each other, and in *Sūrah Hūd*, 11:117 in the form of an incentive, to act righteously toward one another: "never would thy Sustainer destroy a community for wrong [beliefs alone] so long as its people behave righteously (*wa ahluhā muṣliḥūn*)."

3. *Iḥyā'*

The triliteral root *ḥ-y-y* (verbal nouns, *ḥayāh* 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." Lexicographer and grammarian al-Zajjāj (d. 311 AH/923 CE) likewise identified the living with believers, and the dead with non-believers. *Sūrah al-Anʿām*, 6:122 reads, "Is then, he who was dead [in spirit] and whom We thereupon gave life, and for whom We set up a light whereby he might see his way among men – [is then he] like one [who is lost] in darkness deep, out of which he cannot emerge?..." The person who is rightly guided is thus 'alive'. Similarly, ʿĀ'ishah narrated that "during the last ten days of the month of Ramadan, the Prophet would tighten his belt, spend his nights in prayer (*wa aḥyā laylahu*), and waken his family [to pray with him]." As al-Ḥāfiẓ ibn Ḥajar pointed out in his commentary on this hadith, the phrase *aḥyā laylahu* (literally, "he brought his night to life") is used to imply that by spending his nights in prayer and other acts of devotion, the Prophet was bringing his own soul to life. According to a hadith narrated by Abū Umāmah, the Prophet once said, "There will come times of tribulation and testing in which a man will waken in the morning as a believer (*yuṣbiḥu mu'minan*), and go to bed an infidel (*wa yumsī kāfiran*) unless God quickens his soul through knowledge (*illā man aḥyāhu Allāhu bi al-ʿilm*)."

The effort to revive practices people once engaged in emulation of the Prophet, Islamic laws once enforced, and useful knowledge that was once widespread among members of the Muslim community but which has now given way to stagnation and lifeless tradition might be referred to by any number of terms. But whether we call it renewal, change, reform, revival, or renaissance, it performs the same function

and serves the same purpose.

4. *Ba'th*

The triliteral root *b-'-th* bears the sense of evoking, stirring up, provoking, arousing, or awakening. In traditional usage, the verb *ba'atha* has been used to denote two principle meanings. One of these is to send, as in *Sūrah al-A'rāf*, 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 triliteral root *n-h-ḍ* denotes upward movement. As such, the verb *nahaḍa* (verbal noun, *nahḍ* or *nuhūḍ*), like its derivative *intahaḍa*, means to rise, while the nouns *nahḍah*, *nahḍ* and *nuhūḍ* denote movement, rising, and the act of gathering strength. Hence, the *n-h-ḍ* 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*).

The French term *renaissance*, meaning 'rebirth', did not make its appearance in the French language until the turn of the nineteenth century. It should be noted, however, that the 'new birth' to which this term points had witnessed its beginnings in Italy, after which it spread throughout Europe in the fifteenth and sixteenth centuries. The Renaissance manifested itself in the form of a broad renewal movement that encompassed the arts, the sciences, and literature. The European Renaissance, associated with the revival of the Greco-Roman heritage, thus became a renewal movement in the true sense of the word. As

philosopher Salah Qansawa has observed, the expression "the Age of the Renaissance" does not denote a sharply defined entity or set of practices on the part of people who consciously identified themselves as belonging to "the Age of the Renaissance," since this term itself did not come into being until nearly a century and a half later, at which time (1550 CE) it was coined by Italian historian Giorgio Vasari (d. 1574), who employed the term to describe the change that had been undergone by the art of visual representation. This period also came to be referred to as 'the Age of Enlightenment', a term coined by Immanuel Kant in a well-known essay he published in 1784 under the title, "What is Enlightenment?" Not long after this, the term "Enlightenment" became common parlance in the field of historical studies.

According to Egyptian philosopher Hasan Hanafi (born 1935), the Age of the Renaissance marked the end of what he terms 'the sources phase' and the beginning of the 'formation phase' of European consciousness. This latter phase reflected a break with the past as attempts were made to go beyond tradition as the sole source of knowledge and guide to action. In the Arab Muslim world we find a similar tension between reformist thought that is oriented toward the future, and religious reform with its orientation toward the past. Hence, we are experiencing some of the same problems that Europe faced during its Renaissance Age, yet without this implying any sort of parallel between the courses of these two civilizations.

In the words of al-Jabiri:

> Arabs' awareness of rebirth or renaissance is based essentially on the sense of contrast between the state of decadence and decline they are experiencing at present, and the awakening they see being offered to them by two alternative models ... [On one hand there is] the Arab-Islamic model which, over time, has continued to recede so deeply into the past that there are fewer and fewer objective reasons to think about it. [On the other hand we have] the European model, which continues to recede into the distant future as Western scientific and technological progress outstrips ours, with the result that the hope of catching up with it steadily diminishes...

Al-Jabiri draws a number of comparisons and analogies which suggest that he sees no essential difference between "Islamic civilization" and "Western civilization," as though those belonging to the former are so uprooted from their history and origins that they have gone in search of a "future" without foundation in either history or logic. However, there is no basis for assuming that the Western-style utopia to which a certain elite aspires would appeal to the wider population, who refuse to falsify their identities or divorce themselves from their historical roots. Al-Jabiri quotes the saying that, "Nothing will benefit the later generations of this [Muslim] community but what was beneficial for its earliest generation," along with the liberal Arab motto, "Nothing will help us to progress but what helped Europe to progress before us," where the word 'what' refers, among other things, to "the absence of any competition or opposition." On this point, sociologist and thinker Burhan Ghalioun (born 1945) asks:

> When we speak of the *nahḍah*, are we describing a reality? Or are we talking about a procedural concept? And if the latter, does this concept apply to something that has taken place, or to something that has not?

Questions such as these aim to identify the practical function of the concept of *nahḍah* in Arab-Islamic discourse. In Ghalioun's view, "there is no such thing as a 'renaissance age' (*ʿaṣr al-nahḍah*) in the Arab world, unless we want to apply this term to the break that has taken place with traditional Arab-Islamic thought, or to the new questions and issues some intellectuals have raised." Continuing in the same vein, Ghalioun writes:

> As I see it, the issue of *nahḍah* – renaissance, awakening – came to an end in the early twentieth century when the Arab states began coming under foreign occupation ... since the question went from being one of progress and of overcoming a cultural divide, to one of self-defense against the colonizer. When Arab countries began winning their independence we entered a new historical phase, and it was thought that the issue of *nahḍah* had regained its meaning as we began thinking and rethinking the development project.

Arab nationalist thinker Sati al-Husri (1882-1968) held that under the influence of what he termed "the inauthenticity of Westernized Arab intellectuals," the development process in the Arab world was weakened by "imitation and mimicry." Like Ghalioun, Munir Shafiq has raised vital questions having to do with the criteria on the basis of which we determine whether a *nahḍah* has taken place. If what we mean by 'the renaissance age' is an age in which the entire world experiences a renaissance, then the criterion by which it is measured has to be the entire world. If, on the other hand, what we are talking about is a renaissance in a particular country, then the criterion changes, and the claim that a renaissance has occurred can rightly be challenged if the 'renaissance' being spoken of has brought harm to other peoples.

5

Taqlīd, *Ittibāʿ* and Ijtihad: Contrast and Complementarity

[THEME 1]
The Term Taqlīd as Defined in
Lexicons, Law, and Technical Usage

IN A discussion of the triliteral root *q-l-d*, Ibn Fāris (d. 395 AH/1004 CE) wrote:

> The letters *qāf*, *lām* and *dāl* 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 original meaning of this root is that of twisting or plaiting. The derivative noun *qilādah* refers to a necklace, while the phrase *qalladahu al-amr* means that someone assigned or appointed someone to a task.

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 ʿĀ'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*). As for the action referred to as *taqlīd* with respect to religion, it is spoken of in well-known sayings of the Prophet

which, if not outright forgeries, are weakly attested, and have left an unwholesome impact on the Muslim community. According to one such saying, "If any of you imitates a scholar, he will be faultless before God on the Day of Judgment."

Al-Shāṭibī quoted Ibn Masʿūd in *Al-Iʿtiṣām* as saying, "Beware lest any you of 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" (*bidʿah ʿaẓīmah*) that had been unheard of in the early centuries of Islam.

Uṣūl scholars' definitions of *taqlīd* have tended to reflect this same attitude. As we have seen, the verbal noun *taqlīd* is related etymologically to the word *qilādah* (necklace, garland) that one places around the neck of a person or a sacrificial animal. Hence, it is as though the imitator were 'hanging' the ruling with respect to which he imitates a *mujtahid* around the latter's neck. In the technical sense the verb *qallada* is defined as the act of adopting the opinion or position of someone else without supporting evidence. As such, this definition excludes acting on the words of the Messenger of God or the consensus of the Muslim community, a layperson's appeal to a mufti, or a judge's reliance on the testimony of upright witnesses, since all of these actions are based on supporting evidence.

Commenting on the illegitimate reliance on imitation, al-Shawkānī wrote:

> 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*.

This is why *taqlīd* has been defined as "accepting what someone else says without requiring him to produce evidence for what he is saying." Before al-Shawkānī, Ibn Ḥazm had defined *taqlīd* as "following someone God Almighty has not commanded us to follow." Ibn Ḥazm

went on to state that "the practice of *taqlīd* is forbidden by all [divinely revealed] laws without exception…" Similarly, al-Suyūṭī defined *taqlīd* as "following someone without good reason. Indeed, it is a sign of unbelief, which is clear from *Sūrah al-Zukhruf*, 43:22, where the heathens of the Prophet's day excused their unbelief with the words, "…'Behold, We found our forefathers agreed on what to believe – and, verily, it is in their footsteps that we find our guidance!'"

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, ijtihad, and the search for supporting evidence. Their pronouncements on this matter are well known, in fact. Abū Ḥanīfah, for example, is reported to have said, "No one is permitted to quote a statement we have made without knowing where we got it." And Abū Ḥanīfah's student Abū Yūsuf (d. 182 AH/798 CE) took the same stance. Mālik ibn Anas (d. 179 AH/795 CE) wrote in the same spirit, "I am only human. Sometimes I am wrong, and sometimes I am right. So when I express an opinion, examine it. If it agrees with the Qur'an, accept it. But anything that does not agree with the Qur'an and the Sunnah, reject it." Expressing a similar attitude, al-Shāfiʿī stated, "If a statement is valid, I affirm it as part of my teaching," and, "If something I say conflicts with the Sunnah of the Prophet, then follow the Sunnah and disregard what I say." Lastly, we have the statement made by Aḥmad ibn Ḥanbal: "It is a sign of ignorance and lack of understanding that one should allow one's religion to be dictated by other human beings."

These, then, are examples of statements attributed to some of Islam's leading scholars in prohibition of imitation in general, and of imitating them in particular. As for someone who, having adopted the position of one of these imams, seeks to defend this position with evidence, he is deemed not a *muqallid*, or imitator but, rather, a highly regarded *mujtahid*: a scholar who exerts laudable effort in the pursuit of proper understanding and interpretation of authoritative religious texts.

In further clarification of this matter, Ibn al-Qayyim wrote:

The imams whose names you have mentioned did not engage in the type of *taqlīd* in which you yourselves engage, nor did they justify it in any way. Rather, the few instances in which they engaged in *taqlīd* had to do with minor matters in relation to which they found no text from either the Qur'an or the Sunnah; rather, all they had available to them were statements that had been made by individuals more knowledgeable than they were. As a result, they had no choice in these matters but to be imitators, and when one has no choice, one is excused. As for those who have access to the Qur'an, the Sunnah, and sayings of the Prophet's Companions and are capable of gathering evidence in support of the truth but choose instead simply to imitate something someone else has thought or said, they are like someone who, even though he has access to meat from an animal that has been slaughtered according to proper Islamic procedures, chooses instead to eat the meat of an animal that died in some other way.

In illustration of this point, al-Shāṭibī related what Bāqī ibn Mikhlid (d. 276 AH/889 CE) found when he returned to Andalusia after a visit to the East. While in the East, Bāqī ibn Mikhlid had met Aḥmad ibn Ḥanbal and other scholars, whose writings he studied carefully. When he arrived back in Andalusia, however, he encountered imitators who insisted on adhering to nothing but the school of Imam Mālik and denounced all others. As a consequence, they harassed and ostracized him, leaving him "abused and abandoned in an outer courtyard." Al-Shāṭibī commented on this incident with the words, "This is what happens when we set other human beings up as arbiters of truth, and when we succumb to excess in our attachment to this or that philosophy or school of thought when, in all fairness, we should perceive that everyone is a venerable scholar in his own right."

For this reason, as Ibn al-Qayyim notes in *Iʿlām al-Muwaqqiʿīn*:

they refer to the *muqallid* as an opportunist, as someone lacking in character who leaves his religion in the hands of others. Similarly, the *muqallid* is described as being a blind man lacking in insight and understanding. The *muqallid* is someone who follows any braying donkey, or turns aside for anyone who shouts in the street. Of such people, the Commander of the Faithful ʿAlī ibn Abī Ṭālib once said, "they have not

been enlightened with knowledge and have no firm foundation on which to lean." Al-Shāfiʿī described the *muqallid* as "someone who gathers wood in the dead of night," and forbade others to imitate him or anyone else.

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.

Reformist thinker Rashid Rida (1865-1935) wrote sardonically in this regard:

The argument proffered by *muqallid*s in favor of relying on the books of dead men rather than on the Book of God and the Sunnah of His Messenger is that those with the ability to be led aright by them [the Qur'an and the Sunnah] have all died out. Hence, [they say,] Muslims should stop trying to live by the Qur'an and the Sunnah and start depending instead on the writings of later scholars who derived rulings on all religious questions from the rules set forth by their imams. We should accept everything these scholars said, and only read the Qur'an and the Sunnah as a means of receiving a spiritual blessing. And if words of a jurist conflict with what was said by God and His Messenger, we should suspect our own reasoning abilities while holding this deceased jurist blameless. We should apply this dead scholar's teachings while belittling our own minds, which have been deprived of the chance to explore God's Manifest Revelation and the Pristine Sunnah about which the Prophet once said that 'its night is as bright as its day' – in other words, that no one can mistake its true meaning ... On the Day of Judgment, God will not ask us about what others said or how they understood things. Rather, He will ask us about the Book He revealed from on high to guide us and about the Sunnah of His Prophet, who made clear what had been revealed to us.

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 ijtihad, 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]!"

[THEME 2]
Ijtihad and Taqlīd: Their Common and Contrasting Formative Roles in the Muslim Community

It should be noted that most of the scholars and imams who were quoted above as prohibiting *taqlīd* in the most uncertain terms only issued this prohibition with regard to those who have the ability to engage in ijtihad. As for those who are capable of discerning the difference between different types of textual and rational evidence but do not qualify fully as *mujtahid*s, 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.

Hence, for example, al-Shāfiʿī's prohibition against imitating him or other scholars did not apply to everyone without exception. Rather, he held that it was not permissible for everyone in a given generation to engage in *taqlīd* because if this happened, this would involve the neglect of a communal obligation (*farḍ kifāyah*) to engage in ijtihad. Since ijtihad is a communal obligation, said al-Shāfiʿī, there should be some individuals in every generation or age who undertake this task. Similarly, al-Ghazālī held that ijtihad is obligatory for persons who are qualified to engage in it, and these are the people who are forbidden to engage in *taqlīd*. In this connection he wrote, "It is agreed that when a scholar has completed the process of ijtihad and has concluded on this basis that a given ruling is the correct one, he has no right to adopt a ruling supported by someone else; rather, he must act on what he him-

self views as being right." Abū al-Ḥusayn al-Baṣrī (d. 436 AH/1044 CE) wrote saying:

> The proper approach to this matter is to say that the qualified scholar has the unquestionable obligation to engage in ijtihad and to act on the conclusions he reaches via this process ... No qualified scholar is to be considered more entitled to engage in ijtihad than any other; nor may any alternative to this obligatory process be established in the absence of evidence based on reason or revelation. There is, in fact, no such evidence in support of an alternative; therefore, no alternative is permissible.

As for al-Zarkashī, he divided the scholar's obligation to engage in ijtihad into three categories. (1) Ijtihad as an individual obligation (*farḍ ʿayn*) for scholars who are faced with specific situations that require them to issue relevant rulings; (2) ijtihad as a communal obligation (*farḍ kifāyah*) that some scholars engage in while others do not; and (3) ijtihad as a commendable action in relation to situations that are merely theoretical in nature, but have not yet arisen in actuality.

Ibn al-Jawzī (510-597 AH/1116-1201 CE) held the view that when the situations requiring legal rulings grew in number and complexity to the point where ordinary lay people found them difficult to understand and the likelihood of their erring in relation to them increased, the soundest alternative for lay people was simply to adopt the views of those who had studied these matters in depth. However, a given lay-person could choose which scholar or scholars he or she would follow. al-Shāfiʿī illustrated this situation as follows:

> If someone is strictly a member of the laity for whom it is difficult to see the differences of opinion among transmitters of Islamic Law, he will have no choice but to follow one of these transmitters rather than another.

Many statements have been made to this effect. Al-Shāṭibī distinguished between "ijtihad peculiar to scholars", and "general ijtihad that pertains to all morally accountable individuals." Al-Shawkānī

complained that those wanting to opt for mere imitation

> excuse themselves by claiming that the 'door of ijtihad' has been closed, and that God has withdrawn this grace from His servants. They then proceed to spoonfeed the general populace, who are equally devoid of knowledge, telling them that since the founders of the various schools of jurisprudence have passed away, leaving their schools of thought behind, there is no more need to engage in ijtihad. In so doing, they add to their original innovation (that of *taqlīd*) another, no less pernicious, innovation, namely, 'closing the door of ijtihad,' thereby piling transgression upon transgression, and dooming themselves to perpetual ignorance.

Someone once said to Jamal al-Afghani (1838-1897), "In order to go against what the imams [the founders of the schools of Islamic jurisprudence] taught, one will have to engage in ijtihad. According to the Sunnis, however, the door of ijtihad has been closed due to the impossibility of fulfilling the conditions necessary to qualify for this task." In response, al-Afghani retorted:

> What do you mean, 'the door of ijtihad has been closed'? Based on what text from the Qur'an or the Sunnah has it been closed?! And which imam ever said that no one after him would be permitted to engage in ijtihad so as to educate himself in his religion and be guided by the Qur'an and the sound hadiths? ... The Qur'an was revealed in order to be understood, in order for people to use their reason to reflect on its meanings and to discern what rulings are to be derived from it ... I am certain that if Abū Ḥanīfah, Mālik, al-Shāfiʿī, and Aḥmad ibn Ḥanbal had remained alive to this day, they would still be busy deriving fresh rulings from the Qur'an and the Hadith. And the more deeply they delved into this task, the more precisely they would understand the teachings of Islam.

Al-Turabi wrote in a similar vein:

> No one has closed the door to ijtihad based on any valid argument from either reason or Islamic Law. Rather, this door has been closed by

virtue of developments that have taken place in Islamic thought and civilization. Even if Muslim jurists ruled that this door were to be opened, it would nevertheless remain closed, and no one would dare to walk through it. The reason for this is that religious impulses have diminished after their initial outpouring, a fact that has impacted both life and thought. If living conditions deteriorate, so does thought, but if thought stirs to life, people's conditions will likewise improve, since the two are inseparable.

The educational and formational role of the Muslim community and its requirements

Educational methods founded upon rote learning and tradition-bound thinking simply yield more *muqallid*s, or tradition-bound thinkers, and destroy the possibility of maintaining 'community surveillance' over Muslim scholars. According to Ibn Ḥazm, whose methodological perspective was based on a progressive educational perspective, one condition for cultural renewal and advancement is to ensure that all members of the Muslim community are given a part to play in their society's forward movement. Those who are capable of engaging in ijtihad will be guilty of wrongdoing should they fail to do so. However, we are only accountable for the degree of ijtihad of which we are capable, and no more. This is in keeping with the Qur'anic principle that "God does not burden any human being with more than he is well able to bear:..." (*Sūrah al-Baqarah*, 2:286), and "Remain, then, conscious of God as best you can,..." (*Sūrah al-Taghābun*, 64:16).

What we wish to emphasize here is the educational role that can be played by members of the Muslim community, so that all of them together can fulfill their responsibilities toward each other and the Earth. In the view of al-Hajwi al-Thaalibi al-Fasi, it is possible to renew Islamic jurisprudence and restore it to the days of its youth, as it were. The primary cause for the Muslim community's having grown 'old and decrepit' is the habitual practice of *taqlīd*, while the cure to this infirmity is the practice of ijtihad, the path to which lies in educational reform. The capacity for ijtihad is actually more accessible now than it was in the past, according to al-Fasi, but in order to restore it, two things are needed. The first is the student's determination to acquire this ability,

and the second is sound moral training so as to develop the kind of integrity that inspires people's confidence in the *mujtahid*. Al-Hajwi was highly critical of the plethora of commentaries and abridgments of earlier works that have been produced over the centuries, his view being that if even a small portion of the effort that went into these publications had been devoted to deeper understanding of the Qur'an, the Sunnah, and the principles of jurisprudence overall, this would have proved highly beneficial to everyone on both the material and spiritual planes.

Al-Hajwi's critical remarks were not reserved solely for the sphere of Islamic jurisprudence, but extended as well to a variety of interrelated academic disciplines. The intimate causal connection between these disciplines and the ijtihad movement is highlighted in his statement that

> the scarcity or even absence of qualified *mujtahid*s is due to the malaise that has afflicted the Muslim community in the sciences and elsewhere … Muslim societies will not occupy a respected place among the nations of the world as long as they are lacking in these spheres. Consequently, we need *mujtahid*s who are capable of functioning broadly, who are informed in social affairs, the social sciences, and human rights and are thereby equipped to formulate and pass legislation that is both consistent with Islamic law and with the spirit of the age.

Al-Hajwi did not support attempts to unify the various schools of jurisprudence. Rather, in his view, we should overcome the bigotry and narrow-mindedness that refuses to recognize that every school of thought is correct in some ways and flawed in others. Our aim is not to advocate for one school of thought over another but, rather, to advance Islamic law as a whole.

These, then, were the overall features of al-Hajwi's formational, educational vision of ijtihad. Given his forward-looking perspective on this issue, therefore, one is shocked to note the way in which he concluded the valuable discussions that fill the book in which he presented his analysis. In short, his final remarks are at complete odds

with the conclusions he has drawn from his thorough-going critique of the history of Islamic jurisprudence and thought, an analysis in which he makes careful note of every strength and weakness, every infirmity and its cure. For as he approaches the end of this work of fine scholarship, he falls back suddenly on a kind of "individual salvation", advocating that we "keep everything the way it has been," his justification being that current conditions are so corrupt, and those with tendentious motives and greedy aspirations so ubiquitous, that the situation is essentially beyond repair. This, al-Hajwi argued in the end, is sufficient reason to surrender to things the way they are rather than working in the direction of reform.

Evidence turned on its head

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-Naḥl*, 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" (Abdullah Yusuf Ali's translation). Most commentators have been of the view that this verse was revealed in response to the idolaters of the Prophet's day who denied that a true messenger of God would be a mere human being. In order to satisfy their doubts, they are urged to "ask of those who possess the Message" (*ahl al-dhikr*). The word *dhikr* here can only refer to the Qur'an and the Sunnah of the Prophet. And if those whom these people were being commanded to inquire of were those in possession of 'the Message', then the verse being quoted is an argument against the *muqallids*, not in their favor, as al-Shawkānī points out, because the intent is for them to ask these people so that they can inform them of what they know.

Al-Ghazālī interpreted this verse in two senses. The first sense in which he understood it was as a command to lay people to inquire of

scholars, with a clear distinction made between the party asking, and the party being asked, while according to the second interpretation, the verse is instructing us to inquire about evidence so that we can increase in knowledge. In this connection, Ibn al-Qayyim quoted the hadith that relates how a man who was on a journey with some companions was wounded in the head by a stone. When, some time later, he had a seminal emission, he asked his companions if he would be permitted to resort to *al-tayammum*, that is, to perform his ritual ablution by wiping himself with sand rather than using water. His companions replied that as long as he had access to water, he would not be permitted to resort to sand ablutions, and they commanded him to bathe himself from head to toe. The man did as they told him, and died. When the Prophet was told what had happened, he exclaimed, "They killed him!" stating, "had they only asked if they didn't know for certain, for healing may be found through asking." The Prophet then went on to say that they could have bandaged the man's head, then allowed him to perform sand ablutions. This hadith serves as evidence against the practice of *taqlīd*, the reason being that the Messenger of God strongly criticized those who had issued a fatwa without knowledge on which to base it.

Also 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*. How, then, can the advocates of *taqlīd* rely on such texts as support for something they do not approve?

Moreover, the differences of opinion that arose among the Companions are evidence of the dynamism of the process of ijtihad 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. One wonders, then, at those who turn disagreements based on ijtihad into an argument in favor of *taqlīd*! In his book *Jāmiᶜ Bayān al-ᶜIlm*, Ibn ᶜAbd al-Barr

(d. 463 ᴀʜ/1071 ᴄᴇ) quoted Umayyad Caliph ʿUmar ibn ʿAbd al-ʿAzīz (d. 101 ᴀʜ/720 ᴄᴇ) as saying, "I would not want the Companions of the Messenger of God to have been in complete agreement, for if they had all held the same opinion, this would create hardship for people. Every one of them is a spiritual leader to be emulated. Hence, we are free to adopt the view of any one of them." ʿUmar then added, "This applies to those engaged in ijtihad."

A small number of Muslim jurists have taken note of this fact and expounded on it. Yusuf al-Qaradawi, 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." Al-Qaradawi states in this connection, "I am not at all satisfied with the way in which some scholars, both ancient and modern, answer those who come to them for rulings. They might say simply, 'This is permissible and this is impermissible,' 'This is allowed and this is forbidden,' or 'This is true and this is false,' without adding anything further. As for me, when I give a fatwa I see myself as a mufti, a teacher, a reformer, a physician, and a guide."

Al-Qaradawi's approach is a noble one, based squarely on that of the Prophet himself. As such, it is reflected in the various situations in which he related to his Companions by teaching them, explaining things to them, forming and training them. Syrian scholar Shaykh Abu Ghuddah (1917-1997) identified nearly forty distinct teaching approaches that were employed by the Prophet in his lifetime. These included, among others, instruction through dialogue and questioning. He once asked his Companions, "Do you know what a Muslim is?" They replied, "God and His Apostle know best." The Prophet then went on to say, "The Muslim is someone from whose words and actions other Muslims have no reason to fear harm." Another of his approaches was to instruct via conversation and rational comparison, as when he responded to a young man who had come asking his permission to commit fornication by asking him questions such as, "Would you be willing to let someone do this with your sister? Your mother?" etc. Still another of the Prophet's approaches to instruction was to draw analogies, cite examples, and identify causes, as when he

asked a certain woman, "If your mother owed a debt, would you settle it for her?" "Yes, I would," she replied. "So, then," he told her, "settle the debts you owe to God, for God is worthier of your loyalty [than even your mother]." At other times he instructed by means of similes and examples; by sketching on the ground; by giving his questioner more information than he or she had requested; by drawing the questioner's attention to matters other than what he or she had asked about; by posing the same question he had been asked to the person who had asked it of him as a way of clarifying the ruling he was giving; by authorizing his Companions to answer a question on his behalf as a way of training them; by testing a scholar on his knowledge so that he could reward him with words of praise if he answered correctly; through humor and jest; and more.

The role and importance of ijtihad in the Muslim's life was summed up well by Ibn Ḥazm, who wrote, "Each of us has the obligation to engage in ijtihad to the extent that we are able to, so as to acquaint ourselves with what God requires of us."

[THEME 3]
Ittibāʿ and Taqlīd Compared and Contrasted

According to Ibn Fāris (d. 395 AH/1004 CE), the triliteral 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 as well. It is used sometimes in the figurative sense, as in *Sūrah al-Baqarah*, 2:38, which reads, "...those who follow My guidance (*man tabiʿa hudāya*) need have no fear, and neither shall they grieve," and *Sūrah al-Baqarah*, 2:208, which warns: "...follow not (*lā tattabiʿū*) Satan's footsteps,..." At other times it is used in the literal sense. *Sūrah al-Shuʿarāʾ*, 26:60, for example, reports that the Egyptians "...caught up with..." (*atbaʿūhum*) the Children of Israel as they fled the land of Egypt (cf. *Sūrah Yūnus*, 10:90). The verb *ittabaʿa* can also convey the sense of submission to something by way of obligation, as in *Sūrah al-Aʿrāf*, 7:203, where the Prophet is instructed to say "...'I only follow (*innamā attabiʿu*) what-ever is being revealed to me by my Sustainer...'"

Elsewhere, as in *Sūrah al-Nāziʿāt*, 79:6-7, it conveys the sense of one thing following another in succession. *Sūrah al-Qaṣaṣ*, 28:42 employs the verb *atbaʿa* in the sense of causing something to accompany or haunt someone over time. Speaking of Pharaoh and his hosts, God declares, "We have caused a curse to follow them (*atbaʿnāhum fī hadhihi al-dunyā laʿnatan*) in this world…"

The Prophet is reported to have criticized certain people for adhering slavishly to the ways established by their predecessors, saying, "Indeed, you follow (*la tattabiʿanna*) the practices of those who preceded you handspan by handspan, cubit by cubit." Many of those who reject the practice of *taqlīd* have found support for their position in this and other hadiths.

However, there is a distinction to be made between *ittibāʿ* and *taqlīd*. The word *ittibāʿ* 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 *ittibāʿ* 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. If two or more qualified individuals disagree over a given analogy, each of them is entitled to adhere to the position of which he is convinced based on his own ijtihad; conversely, he is not entitled to adhere to the position of some other *mujtahid* who disagrees with him. Ibn ʿAbd al-Barr stated in his *Jāmiʿ Bayān al-ʿIlm*:

> If you adhere to someone else's stated position without having evidence that requires you to do so, then you are engaged in *taqlīd*, which is illegitimate in Islam. If, however, you adhere to someone else's stated position based on evidence that persuades you to adopt the same position, then you are engaged in *ittibāʿ*. *Ittibāʿ* is permitted in Islam, while *taqlīd* is forbidden.

Ibn Taymiyyah classified *taqlīd* as a kind of blameworthy, impermissible *ittibāʿ*. On this point he stated:

> *Taqlīd*, which is condemned by God, involves following one's whims and selfish desires (*ittibāʿ al-hawā*). One succumbs to the temptation to submit blindly to custom, or to conform to a practice because of family ties and family tradition; in other cases, one craves authority over others and thus imitates those with power, prestige and influence. God has made clear that we are to avoid this type of *taqlīd*, and to adhere to (*nattabiʿ*) what God revealed from on high to His messengers, who are themselves the authoritative evidence with which God has provided human beings.

As we have seen, Islam's leading early scholars urged others to adhere to authoritative evidence, but not to imitate them as individuals. Those who go where the evidence leads them are following in these scholars' footsteps. Such people take no particular individual, other than the Prophet, as their guide. Hence, it is incorrect to classify *taqlīd* as a kind of *ittibāʿ*. For in fact, *taqlīd* is opposed to *ittibāʿ*.

We read in *Sūrah al-Tawbah*, 9:100: "And as for the first and foremost of those who have forsaken the domain of evil and of those who have sheltered and succored the Faith, as well as those who follow them in [the way of] righteousness (*alladhīna ittabaʿūhum bi iḥsān*) – God is well-pleased with them, and well-pleased are they with Him…" Some commentators have equated *taqlīd* with the action of "those who follow them in [the way of] righteousness" (*alladhīna ittabaʿūhum bi iḥsān*). Ibn al-Qayyim, however, who disagreed with this interpretation, responded by noting that *taqlīd* is actually the very opposite of following such righteous people in their ways. Those who truly follow them in the ways of righteousness are those with knowledge and insight who refuse to give priority to any opinion, analogy, rational premise, or scholarly position over the Qur'an and the Sunnah of the Prophet.

According to contemporary thinker Taha Abd al-Rahman (born 1944), the only difference between *ittibāʿ* and *taqlīd* is the presence or absence of evidence. Understood from this perspective, *ittibāʿ* is adherence to a position that is supported by proof whereas *taqlīd* is adherence

to a position that is not supported by proof. In other words, *ittibāʿ* is *taqlīd* based on evidence, while *taqlīd* is *ittibāʿ* unsupported by evidence.

Some scholars have gone so far as to say that terms such as *taqlīd*, *ittibāʿ*, *taʾassī*, *iqtidāʾ* and *istinān* all mean nearly the same thing. In *Sūrah al-Baqarah*, 2:170, for example, we read, "But when they are told, 'Follow (*ittabiʿū*) what God has bestowed from on high,' some answer, 'Nay, we shall follow (*nattabiʿu*) [only] that which we found our forefathers believing in and doing'…" One notes that the verb *ittabaʿa* is used in this verse in both a positive and a negative sense, the latter of which is the very sense in which the word *taqlīd* is used by those who argue against *taqlīd*, but in favor of *ittibāʿ*. In fact, God Himself has used the word *ittabaʿa* synonymously with the most heinous form of *taqlīd*, or blind imitation. We read in *Sūrah al-Baqarah*, 2:166-167, "[On the Day of Judgment] it will come to pass that those who had been [falsely] adored (*alladhīna uttibiʿū*) shall disown their followers (*alladhīna ittabaʿū*), and the latter shall see the suffering [that awaits them], with all their hopes cut to pieces! And then those followers (*alladhūna ittabaʿū*) shall say: 'Would that we had a second chance [in life], so that we could disown them as they have disowned us!'…"

Historically, however, there has come to be a well-founded legal, terminological and practical distinction between *taqlīd* and *ittibāʿ*, 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.

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

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 four primary senses: (1) Community, as in *Sūrah al-Baqarah*, 2:128, where Abraham and Ishmael pray saying, "O our Sustainer! Make us surrender ourselves unto Thee, and make out of our offspring a community that shall surrender itself unto You, (*ummatan muslimatan laka*)!..." This sense is also found in *Sūrah al-Baqarah*, 2:213, which reads, "All humankind were once one single community (*ummatan wāḥidah*); [then they began to differ –] whereupon God raised up the prophets as heralds of glad tidings and as warners, and through them bestowed revelation from on high, setting forth the truth, so that it might decide between people with regard to all on which they had come to hold divergent views..." (See also *Sūrah Āl ʿImrān*, 3:103; *Sūrah Hūd*, 11:118; and *Sūrah al-Shūrā*, 42:8.) (2) An age or period of time. This sense is found in *Sūrah Yūsuf*, 12:45, where we are told that a man who had been imprisoned with Joseph, then freed from prison, "...remembered Joseph after a time... (*baʿda ummatin*)." (3) A religious leader. This sense of the word *ummah* is found in *Sūrah al-Naḥl*, 16:120, which tells us that "Abraham was a man who combined within himself all virtues... (*ummatan qānitan*)." (4) Species or genus. This sense of the word is found in *Sūrah al-Anʿām*, 6:38, where we are told that "there is no beast that walks on earth and no bird that flies on its two wings

which is not [God's] creature (a member of a living species) like your-selves (*umamun amthālukum*):..." (5) A set of beliefs and practices. This sense is found in *Sūrah al-Zukhruf*, 43:22, which reports that those to whom the message of Islam came said, "Behold, We found our forefathers agreed on what to believe (*ʿalā ummatin*)..."

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 sor-rows, hopes and frustrations. Consequently, there is only one Muslim Um-mah, or worldwide community, although there may be multiple Mus- lim peoples or local communities. This use of the term *ummah* occurs clearly in *Sūrah al-Muʾminūn*, 23:52, where God declares, "Verily, this community of yours (*hādhihi ummatukum*) is one single community, since I am the Sustainer of you all: remain, then, conscious of Me!" It is a single community in terms of direction and purpose, ideas and concepts, feelings and perceptions. The Prophet likened the unity of the worldwide Muslim community to the physical body, which, when one part or organ suffers, causes the rest of the body to suffer as well. As Majid Ursan al-Kilani (1932-2015) noted, this unity is not diminished by the variety that marks the many peoples, tribes and local communities who make up the worldwide Muslim Ummah; nor is it diminished by the wide range of locations, races, professions and livelihoods of its members as long as their loyalties remain cen-tered around a single message, and not around particular individuals or personalities. As al- Kilani observed, "The principle element of the concept of ummah is that of its message, that is, what a group of people offers to other human collectivities."

Given that the Qur'an views the human situation in the seventh century CE as ripe for correction and evolution in the direction of an Ummah that encompasses the peoples and the tribes of the world, then the Prophet himself, the bearer of the Qur'anic message, could only have understood himself and his call in the same light. He saw himself as the standard bearer of a specifically Arab collectivity that aspired to

be joined to its surrounding context in the form of an all-inclusive Islamic Ummah. The unity of the Muslim Ummah has not been visible on the political level throughout history. It has, nevertheless, retained its consistency on the levels of culture, sentiment, point of view, and a sense of belonging to a civilization which, during an important phase of its history, was a leader among nations.

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, chosenness, and affliction or testing. Moderation is spoken of in *Sūrah al-Baqarah*, 2:143, where God declares, "And thus have We willed you to be a community of the middle way, so that [with your lives] you might bear witness to the truth before all mankind,..." Chosenness is referred to in *Sūrah al-Ḥajj*, 22:78, in which Muslims are told that God "...has elected you [to carry His message], and has laid no hardship on you in [anything that pertains to] religion, [and made you follow] the creed of your forefather Abraham. It is He who has named you – in bygone times as well as in this [divine writ] – 'those who have surrendered themselves to God,' so that the Apostle might bear witness to the truth before you, and that you might bear witness to it before all mankind..." The chosenness of the Muslim community is further affirmed in verses that speak of their role as God's representatives on Earth. Thus we read in *Sūrah al-Nūr*, 24:55: "Allah has promised, to those among you who believe and work righteous deeds, that He will, of a surety, grant them in the land, inheritance (of power), as He granted it to those before them..." As for the matter of affliction and testing, it is spoken of in *Sūrah Āl ʿImrān*, 3:140, where God addresses the Muslim community with the words: "If misfortune touches you, [know that] similar misfortune has touched [other] people as well; for it is by turns that We apportion unto men such days [of fortune and misfortune]: and [this] to the end that God might mark out those who have attained to faith, and choose from among you such as [with their lives] bear witness to the truth..."

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*). Historically speaking, it is difficult to determine which of the

two – nation (*ummah*), or state (*dawlah*) – preceded the other. This debate surfaced most notably at the turn of the eighteenth century CE in response to the French Revolution and its repercussions throughout Europe, as well as the increasing centralization of the state on that continent. However, the term 'nation' had not previously been associated with a state, that is, with an institutional entity whose relationship to its subjects was defined and regulated within an ideological, political and legal framework to which legists and constitutional theorists have referred as a 'nationality', that is, the state of belonging to a land, a state, and a nation considered as a single entity.

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. Hence, despite the various types of geographical, political and economic boundary lines and criteria which helped in the process of drawing internal distinctions and establishing differences and particularities, the term *ummah* was gradually taken up into the ideology of the expanding 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. This society, which was always prepared to expand beyond its geographical borders through the spread of the Islamic message rather than military conquest, accommodated non-Muslims by granting them the status of *dhimmīs*.

The Muslim Ummah has survived and thrived down the centuries despite the cultural variety and multiplicity of its members, as a result of which it is marked by a unique objective dimension that releases it from historical relativity. 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, and out of this to shape a uniquely Islamic civilization with a global stamp which, rather than spurning and combating the cultural and national distinctions among its component human collectivities, works

to alleviate the conflicts among them.

*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' (*ʿilm ʿāmmah*) and 'scholarly (or elite) knowledge' (*ʿilm khāṣṣah*). If the knowledge in question is in the form of a consensus, they divide it into 'a lay consensus' (*ijmāʿ ʿāmmah*) and 'a scholarly consensus' (*ijmāʿ khāṣṣah*). The first category according to al-Shāfiʿī, is general knowledge in relation to which there are no erroneous reports or interpretations, nor is it subject to dispute. The power of consensus lies in the fact that it is based on a definitive text, well-attested transmission, irrefutable reasoning, and careful attention to the meaning of the Qur'an, the Sunnah, and analogies based thereon.

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. According to al-Shāfiʿī, "lay believers would not agree to violate the precedents set by the Messenger of God, or to any other sort of error for that matter, God willing…" As for al-Khaṭīb al-Baghdādī, he divided consensus into two types: (1) a consensus of both the laity and the scholarly community, and (2) a consensus among scholars alone. Al-Juwaynī, by contrast, insisted that in order to be valid, a consensus has to be based on the views of all members of the Muslim community without exception, the laity and scholars alike.

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 current situation has prompted many to

call for renewed emphasis on the role of the Muslim community as a whole in the work of ijtihad, positive change, reform and modern reawakening. The principles of consensus (*ijmāᶜ*) 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.

Two of the most important means of regulating Muslim society and coping with these challenges are those of mutual consultation (*shūrā*) and state authority. Specifically, Muslims are called upon to consult together about matters of shared concern, and once their opinions and perspectives have been expressed, it is the state's responsibility to codify the outcomes of this consultation into specific rulings and laws within the context of its pre-existing structures.

Such practices, al-Turabi stresses, must be marked by a clear and passionate sense of Islamic identity, and by a commitment to preserve this identity by reviving its neglected aspects based on an informed realism and an awareness of what sound development requires.

As AbdulHamid AbuSulayman has observed, ijtihad thus understood is a systematic endeavor that requires ongoing effort and commitment. In a strong, mature Muslim community, ijtihad is the approach adopted by all sectors of scholars, researchers and thinkers. *Mujtahids* are part of the overall movement of the Muslim Ummah, in which role they embody the community's thought and agreed-upon methodology, while consensus is the outcome of a communal ijtihad involving numerous members of the Muslim community, each of them in keeping with his or her knowledge and understanding. Historical experience has shown that societal advancement requires, first and foremost, a willingness to gamble on people's spiritual strengths and to grant everyone a share of responsibility for shaping the future and defining the society's goals and aims. Such advancement also requires that political and social conduct be measured against clear shared moral values, including those of cooperation and solidarity. 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 contro-versial, consensus to the heart of people's day-to-day lives and the things they instinctively hold most dear.

Authoritative Points of Reference as the Grounding for Innovation and Progress

[THEME 1]
The Concept of Marjaʿiyyah and the Matter of Identity

THE TRILITERAL 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 (*innā ilā rabbika al-rujʿā*)." Hence, the term *marjaʿiyyah* 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 term *marjaʿiyyah* occurs frequently in contemporary writings. Of course, what one individual or group appeals to as a source of authority will differ from what some other individual or group appeals to, since the principles, premises and figures to which one appeals will differ depending on one's fundamental philosophy or approach to life. When we speak of an overall, standardized authority, our intent is not to force all intellectual trends into rigid molds. On the contrary, attempts to do just this are what we have been criticizing from the start, for such a constriction would cancel out the Muslim community's unique identity as a growing, evolving historical entity. However, we do advocate an inclusive framework that unites and lends direction to the Muslim community's interests, concerns and endeavors regardless of which thought trends they represent.

The circumstances in which the Muslim community now finds itself do not allow for the degree of variety, disagreement, and even
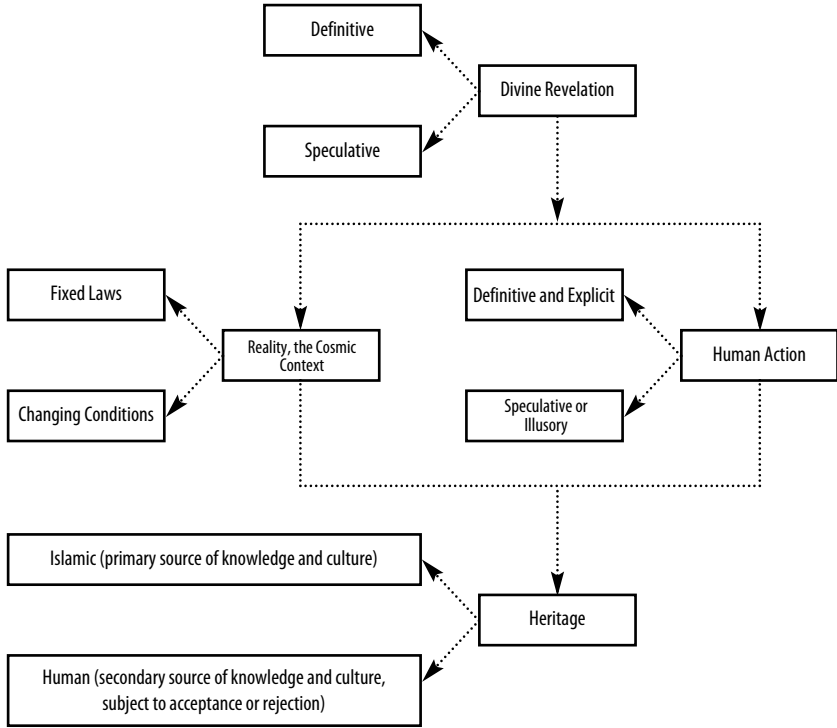
contradiction that Muslim civilization and culture were able to accommodate when they were at their apex and, as a consequence, were strong, cohesive and autonomous. The situation that prevails at the present time calls for greater unification around critical issues, which need to be addressed through a series of clearly defined steps and in light of clearly defined aims. It should be borne in mind that despite the many, varied and even contradictory intellectual, political and religious trends that have emerged in the West since the Renaissance Age, the West has what we might term an ideological ceiling through which none of these trends is allowed to break.

Indeed, such Western standards have become the highest authority for many modern Arab thought trends as well. However, in the context of Arab-Islamic civilization, the highest authority can be none other than the divine revelation. The Islamic revelation, which serves as Muslims' supreme guide in the realms of both doctrine and conduct, is what underlies the unprecedented transition that was witnessed by Arab society during the Islamic era, at which time the Muslim community became the vehicle by means of which new values for ordering worship, material development and social progress were introduced into numerous areas of the world.

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. For while Islam was able in its earlier years to reconcile people's needs for personal freedom with the need to build and preserve state power, one finds that nationalist trends by contrast, give the religious factor secondary importance, while secularist trends, in their zeal to promote 'openness' and 'modernity', relegate religion to the private sphere alone. As for Islamist trends, they give priority to the religious factor while spurning the positive contributions that non-religious factors can make to society by strengthening national unity and providing expertise and knowledge from sources other than religious ones.

This brings us to the model proposed by AbdulHamid AbuSulayman, which aims to accommodate a balanced mix of societal and religious factors. The organizational scheme proposed by AbuSulayman is

illustrated in the diagram below:

```
                      ┌─────────────┐
                      │ Definitive  │◄┄┄┐
                      └─────────────┘    ┊  ┌──────────────────┐
                                         └┄┤ Divine Revelation │
                      ┌─────────────┐    ┄┄└──────────────────┘
                      │ Speculative │◄┄┄┘         ┊
                      └─────────────┘             ┊
                                                  ▼
  ┌─────────────┐          ┌──────────────┐   ┌────────────────────┐        ┌──────────────┐
  │ Fixed Laws  │◄┄┐       │Reality, the  │   │Definitive and      │◄┄┐     │ Human Action │
  └─────────────┘   ┊      │Cosmic Context│   │Explicit            │   ┊     └──────────────┘
                    ├┄┄┤                   ┄┄└────────────────────┘   ├┄┄┤
  ┌──────────────┐  ┊                                                     ┊
  │Changing      │◄┄┘       ┌──────────────────┐                         ┊
  │Conditions    │          │Speculative or    │◄┄┄┄┄┄┄┄┄┄┄┄┄┄┄┄┄┄┄┄┄┄┄┄┄┘
  └──────────────┘          │Illusory          │
                            └──────────────────┘

  ┌──────────────────────────────────────────┐
  │Islamic (primary source of knowledge and   │◄┄┐
  │culture)                                    │   ┊     ┌──────────┐
  └──────────────────────────────────────────┘   ├┄┄┤ Heritage │
                                                        └──────────┘
  ┌──────────────────────────────────────────┐   ┊
  │Human (secondary source of knowledge and    │◄┄┘
  │culture, subject to acceptance or rejection)│
  └──────────────────────────────────────────┘
```

The authoritative sources listed in this diagram are 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.

Although disagreements sometimes arise over how to define what constitutes 'authoritative sources', such disagreements nevertheless assume a shared acceptance of the idea of appealing to an authority, which is generally seen to be centered in the revealed text. There is thus

a critical difference between criticism for the sake of correcting our method or approach, and criticism for the sake of abolishing the source of authority itself. There are those who see the notion of "returning to the source" as more problematic than it is helpful, since this notion is sometimes associated with calls to reject or reverse changes that are actually natural and good, such as those that accompany revolutionary socialist movements and scientific breakthroughs that are written off as expressions of atheism or materialism.

A legitimate, self-authenticating source of authority will be based on three major foundations, namely: (1) revelation, (2) human reason, and (3) the cosmos. Such an authority will be capable of assimilating many types of human effort while fostering balance, moderation and stability. Indeed, many forms of deviance and extremism, including personality cults and the like, result from the absence of the guiding, regulating principles contained in revelation.

The issue of authority and the sources from which we derive it is frequently linked to questions of identity, which tend to arise in the context of defending one's identity in the face of some external threat or challenge. After all, identity consists of the distinguishing features of a culture or civilization and its individual members. 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.

[THEME 2]
Authority and 'Euro-Americentrism'

The western model has set itself up as the universal standard against which all cultural experiments are to be measured, and in relation to which they remain in a state of perpetual dependency, marginalization and inferiority.

Consequently, certain methodological foundations have to be laid from the outset in conceptualizing our own sources of authority in relation to the Other. An example of such a foundation is Ibn Taymiyyah's

rejection of Greek logic and philosophy in favor of Islamic empirical logic. Living during a time when Islamic civilization was collapsing, Ibn Taymiyyah came to the realization that one of the major causes underlying this collapse was a reliance on Aristotelian logic. Ibn Taymiyyah discovered that when he applied the rules of Greek logic, he was led consistently to positions that were squarely opposed to Islamic beliefs. What he concluded was that Aristotelian logic is founded upon a metaphysics and theology that stand in opposition to those of Islam.

The historical experience of conditioned openness between one world civilization and another clearly reflects this discerning approach. Early Muslim civilization was open to numerous other civilizations, yet without merging with any of them. From Indian civilization it derived arithmetic and astronomy without also adopting Indian philosophy; it took certain administrative arrangements from the Persians yet without adopting the Persians' religious doctrines; in like manner, it opened itself to Greek civilization, from which it derived the natural and empirical sciences, yet without adopting Greek theology and myths, and took over the practice of keeping government records from the Romans without also adopting Roman law. Conversely, when Western civilization was in the ascendancy during its Renaissance Age, it adopted the empirical sciences and the foundations of the empirical method from Islamic civilization without accepting Islamic monotheism or its associated values, laws and cosmology; similarly, Western thinkers benefited from Ibn Rushd's commentaries on Aristotle, yet without acknowledging his contributions as a Muslim judge and jurist.

Al-Jabiri offers the suggestion that the West has come to project on Islam everything it fears, which in turn allows for the construction of a more positive identity for itself. For instance, if we look at Orientalism as a discipline, whilst clad in the 'objective', 'neutral' garb of academia, it has the power to 'modify', 'transform' and 'correct' its subject of study, that is, 'the Orient.'

There was a time when Western thinkers appealed to reason and strict deductions. Now, however, the tables appear to have been turned entirely, as power has been transferred to the audiovisual image. All it takes to convey the meaning of 'Islam' to one's audience is to flash an

image of a masked man or veiled woman on the screen, while the image of a Muslim congregation in prayer – standing, bowing, prostrating – is enough to convince viewers of the 'danger' Islam poses to their communities. In this way, according to al-Jabiri, Western public opinion has been taken captive to the images displayed through the audiovisual media.

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.

Hasan Hanafi has observed that those who are dazzled with the West see all of Western philosophy as a kind of 'new creation.' By contrast, he urges, it should be understood that the notion of 'separation of church and state' is a problem that arose in a purely European environment due to the various catastrophes that had befallen Christian society as a result of ecclesiastical abuses of power, and that the legitimate approach to religion and state is to ensure that the state rules in keeping with Islamic law. In Hanafi's view, our increased knowledge should be used to do away with Eurocentrism and restore the proper balance to the relationship between West and East by disposing of the myth that the West represents all of humanity, and by opening the way for non-European peoples to liberate themselves and affirm their own unique and creative contributions to the world.

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 despite his having adopted the Western scientific method and applied it to the Islamic heritage. However, in the face of Arabs' and Muslims' repeated failures to change the West's views of Arabs and Islam, Arkoun wrote:

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. Doesn't our own Scripture say, "...Verily, God does not change men's condition unless they change their inner selves;..." (*Sūrah al-Raʿd*, 13:11)? The Other's view is not, after all, purely based on illusion. Rather, it is governed by a kind of physical mechanism. Hence, so long as we fail to present it with a different concrete reality, their mirror will go on reflecting the same image it always has...

In so saying, Arkoun appears to be justifying his defeat by adopting Western standards as his logical point of departure.

8

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

[THEME I]

The Concept of Universality

THE CLAIM has often been made by Orientalists and others, 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. The verses on which this argument is based include *Sūrah al-Anʿām*, 6:92, in which God tells the Prophet that the Qur'an has been revealed "...that you may warn the foremost of all cities and all who dwell around it..."; *Sūrah al-Zukhruf*, 43:44, "The [Qur'an] is indeed the message, for you [Muhammad] and for your people; and soon shall you [all] be brought to account," and *Sūrah al-Shuʿarā'*, 26:214, "And warn [whomever you canst reach, beginning with] your kinfolk."

If those who make such arguments listened attentively to the Qur'an, however, they would find that it decisively refutes their claims. The Qur'an describes itself in numerous places as a universal revelation, and states clearly that the message of Muhammad is addressed to the entire world, not only to the tribe of Quraysh. Hence, at the earliest

opportunity following the Treaty of Hudaybiyyah in 6 AH/628 CE, the Prophet sent out letters to the rulers of neighboring lands, including Chosroes of Persia, the Byzantine emperor, King Najashi of Abyssinia, and Muqawqis of Egypt, inviting them to accept the Islamic message.

As for the association of this message with the Arabs in particular, Ibn Ashur explained this based on the fact 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. Being closer than other peoples to pristine human nature, the Arabs were well suited to imbibe the moral teachings of Islam. Moreover, given the infrequency of conflicts between the Arabs and surrounding nations – most of their conflicts arising amongst themselves – they were in the best position to take the message of Islam to other communities.

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. This continuity is affirmed in the well-known hadith in which the Prophet likened himself to the final brick that was added to an edifice that had been built prior to his time but had been left incomplete. He stated, "To understand my relationship to the prophets before me, think of a man who built a house. The house he had built was beautiful and complete in every way with the exception of a spot where a brick was missing. People who came into the house would express their surprise, saying, 'Why was this brick left out?' I am that brick; I am the seal of the prophets." *Sūrah Āl ʿImrān*, 3:3-4 likewise affirms the continuity between the message given to Muhammad and that given to the prophets who preceded him, saying, "Step by step has He bestowed upon you from on high this divine writ, setting forth the truth which confirms whatever there still remains [of earlier revelations]: for it is He who has bestowed from on high the Torah and the Gospel aforetime, as a guidance unto mankind, and it is He who has bestowed [upon man] the standard by which to discern the true from the false…"

Taha Jabir Alalwani summed up the universality of the Qur'anic discourse in four major features: (1) completeness, being the final revelation that had been bestowed from on high on the final prophet; (2) absoluteness, as opposed to its being limited to a particular place and time; (3) confirmation of previous messages from God; and (4) authority. The monotheistic dimension of this 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. The cohesion and strength of the Muslim community and its capacity for assimilation and integration are due to the freedom it gives its members in the areas of belief and religious practice, the protection it affords minorities and dissenters, and the honor and dignity it bestows on human beings as a whole. Those who adhere to the doctrine of monotheism have the ability to offer the world something that is missing from virtually all other methods, schools of thought and systems on earth. Hence, 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.

[THEME 2]
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, and the apparent conflict can be resolved by seeing things in terms of degrees and priorities based on existing conditions.

We spoke earlier about the concept of *ummah*, or religious community, as the historical, legal and political framework within which society's problems are to be addressed. Similarly, we discussed the concept of *marjaʿiyyah*, or authoritative point of reference, as the Muslim Ummah's foundation and point of departure, or as its identity and cultural/civilizational particularity. We in addition treated the topic of universality as an expression of the Muslim community's task of communicating or witnessing to the Islamic message. In the view of Umar Ubaid Hasanah (born 1935), the challenge that faces contemporary Muslim thought is that of reconciling the demands of two types of 'universality': the universality that is an inseparable part of both Qur'anic discourse and Islamic culture and civilization, and the universality or 'humanism' being preached by secular circles, and which leads to the dissolution of all particularities. This latter version of universality, also known as 'globalization', seeks to obliterate all cultural and economic expressions and structures that deviate from and, thereby, threaten to undermine the dominant capitalistic worldview and system.

Strategic decision-making prerogatives on the global scene lie most definitively in the hands of the most developed nations, which will continue to exercise their full privileges without waiting for subordinate powers to develop. However, even weaker, less influential nations can contribute to the course of the world if they make good use of the resources at their disposal. How much more, then, should the Muslim community, which has a universal message to share, rise to the challenge of taking on the tasks for which it is so eminently qualified? 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. The basic issue here is not simply one of belonging to a given order or accepting it as a unified entity but, rather, of ensuring the effectiveness of this order's various parts or members; and the issue of effectiveness hinges on the type of participation made available to each subgroup and the roles it is allowed to play in the larger whole.

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. Achieving such an aim is no small task, of course. However, Islam has the capacity to imbue a society with an aura of its own. When it was at its peak, Arab-Islamic culture was a world civilization that was prepared to absorb all the cultures with which it came in contact.

The Muslim community's duty toward itself and others can be conceptualized in terms of pairs of opposites whose dialectical relationship creates equilibrium between them. Examples of such dualities are given in the table on the following page.

At one end of the ideational spectrum we have a "globalism" stripped of any particularity or local point of reference, while at the other we have a "particularism" whose principle concern is to partition and divide into separate, mutually exclusive cultural and religious enclaves. While the first conceptualization promotes a kind of annexation and

subordination to a centralized capitalist authority, the second threatens to destroy the elements that give the Muslim community its unity and strength. Hence, they are both equally perilous.

Islam's comprehensive philosophy	Subcommunities' national identities
A divine command to seek unity	Partition and particularity
An international order	Affirmation of specific identities
Islamic as a non-regional religion	The Muslim world community as an entity with a sense of unique identity
A world civilization and culture open to the assimilation of variety	The heritage of an Arab-Islamic civilization and culture
Global media invasion on the levels of culture and ideology	Renewal, enrichment, defense, protection, particularity, identity

In centuries past, Islam showed itself capable of absorbing, within its geographical and human framework, all types of human civilization and culture and in so doing, it overcame the duality of East and West while at the same time providing a foundation for the understanding that Muhammad was the Seal of the Prophets and that Islam is the final divine message to humanity. Islamic teachings can be highlighted and clarified in different ways depending on the historical and social context. However, the truth and guidance brought through Islam embody higher principles and values with the capacity to unite rather than divide, and to accommodate a wide variety of social and cultural expressions within an overarching monotheistic framework.

Whoever has studied Islamic history will find that what the Muslims sought when entering lands was not worldly gain but, rather, to invite others to embrace a life based on a divine source that gives human existence meaning that cannot be found in material things alone. Given their balanced appreciation of the worldly and the sacred, Muslims were able to establish a new society with a united culture in which

numerous and varied communities were integrated. This integration was only possible because the process by which it came about was one in which these communities themselves played a major part. The culture that the Arabs had brought with them from the Arabian Peninsula was not imposed on the peoples whose lands they entered. Rather, there emerged a new culture to which everyone contributed as supporters of a single cause without the Muslims imposing themselves in such a way that others felt themselves to have been overcome. It was not based on the exploitation and exhaustion of human and natural resources, and was not accompanied by subordination.

So, despite Islam's being 'the seal of the religions', it has nevertheless recognized the religions that preceded it and sought to foster cooperation with them. It was in this spirit that God declared in *Sūrah al-Mā'idah*, 5:3, "...Today have I perfected your religious law for you, and have bestowed upon you the full measure of My blessings, and willed that self-surrender unto Me shall be your religion..." The principle of *tawḥīd*, or the oneness of God, allows us to free ourselves from all the forms of oppression and subjugation exercised by tyrannical forces.

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. No valid objection to either of these concepts may be made based on the need to preserve distinctive local identities, and this for two reasons. The first reason is that neither of these two concepts conflicts with the notions of self-reform and problem-solving, and the second is that if we aim for reform and change in any area of life, no good will come from retreating within ourselves. 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.

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

9

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. So, for example, a culture of tyranny can only emerge from the mindset of a tyrant bent on hegemony. Conversely, a culture of dialogue and cooperation will only emerge from a mentality that has been shaped by the values of communication and altruism. Hence, culture is the fundamental expression of a community's overall character, and the basic condition for the community's survival as a distinctive historical entity.

No Ummah can develop autonomy, inward strength, clear vision, and a fundamental set of norms until it has succeeded in establishing a stable source of authority that is deeply rooted in its historical experience. No community can validly base its activity or its existence – still less a renewal movement – on a source of authority derived from

someone else's history or culture, particularly if the other culture is one by which the community concerned has been enslaved or marginalized.

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 nonviolent opposition, have been able to reestablish 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 pre- serve their cultures, that is, their distinctive ideologies and values and their unique ways of symbolizing reality.

[THEME 2]
*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. Albert Hourani reminds us that in the days of the Young Turk Revolution at the turn of the twentieth century, Turkey was dominated by a secular atmosphere in which the political currents of the day favored the notion of separating the religious sphere from the political. Christian Arabs were quicker than their Muslim counterparts to develop nationalist sentiments and to openly declare their nationalist sympathies. It was likewise Christian Arabs who spearheaded the formation of secret Arab organizations such as the "Secret Beirut Society" in 1885, which was critical of Ottoman rule, at the instigation of some students at the American Protestant College (later the American University in Beirut). This was followed in 1881 by the

formation of another secret organization which dubbed itself the Society for the Preservation of Arab Rights, whose members were drawn from the Arab intelligentsia in Damascus, Beirut, and Tripoli in northern Lebanon, and which called for Christian-Muslim unity within an Arab nationalist framework.

With the spread of globalist Socialist thought in Europe and elsewhere, this trend came in contact with Arab nationalist thought, which adopted Socialism for itself, viewing it as a solution to problems in the Arab world. Unfortunately for the Arabs, however, following the defeat and dissolution of the Ottoman Empire between 1908 and 1922, the Arab countries fell into the hands of two other colonial empires – those of Britain and France – which divided up the Arab world and annexed each Arab sub-region to a colonial power center in Europe.

The emergence of Arab nationalist thought as a distinct intellectual and political movement independent of reformist thought led some to conclude that the creation of a modern state based on a constitutional and legal ethic would not be possible under the aegis of a religious authority or doctrine, and that nationalist policies could develop and thrive within a nationalist state. Given this perspective, it was believed that nationalist consciousness needed to be nurtured as over against religious consciousness. On this theme, influential Arab nationalist thinker Constantin Zureiq (1908-2000) wrote saying, "Our basic problem today is that we have no creed, and without a doctrine it will not be possible for us to subject our individual desires and cravings to an institution founded upon principle."

In the view of Sati al-Husri, as Islam spread given the tolerant nature of the religion, which grants people the freedom not to embrace Islamic doctrine against their will, large portions of the populations of the new territories were Arabized without converting to Islam. The recitation and memorization of the Qur'an also helped to preserve the Arabic language, and protected it from giving way in the face of both political disintegration and intellectual stagnation, and the spread of local dialects.

However, the Arab nationalist movement failed to achieve its goal of uniting the Arab community, and developing the Arab-Muslim community's resources. This suggests that the neglect of the religious

factor and the choice of liberalist, secular, or Socialist models of thought and action caused the Arab nationalist current to retreat into small elite circles that became increasingly isolated and inward as time went by, especially with the growing obsolescence of the flimsy theses of secularism, which had been cut off from the spiritual resources that had once kept Arab society powerful and effective.

Also of relevance here is the notion that all unification experiments must conform to a single western-style pattern, and when this pattern was applied to Arab unification experiments, Arab unity was presented to the regimes and peoples of the region as being based on the assumption that leadership and control would be assigned to a particular geographical center from the start without first going through any sort of trial process, election, or prior consultation.

Similarly, the idea of an 'inspired leader' or 'hero' had the effect of shifting the ideal of unity from the realm of concrete reality to that of mythology. This is at total odds with "the culture of unity" in which revival and advancement are the concern and responsibility of an entire generation. By laying the burden of achieving unity on a single person, we entrench a mindset of dependency, subordination and disregard for material causes and effects. In order to free ourselves from the stultifying myth of " the heroic leader," determined efforts must be made to achieve the highest possible level of cooperation, coordination, complementarity and integration among the various Arab regions.

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. In situations such as these, nationalist currents have lost their creative, pioneering spirit and their zeal for true unity. Instead of their undertaking a critical review of their political experiment, two equally unfortunate tendencies have tended to emerge. The first is the tendency to concentrate power in their own hands to the point where others are excluded from the political process; and the second is to become infatuated with others' theories to the point where they lose sight of their own convictions and perspectives.

It may be for this reason that Khair El-Din Haseeb, Chairman of the

Board of Trustees of the Centre for Arab Unity Studies, has called for a 'new nationalist movement' within the framework of 'a new Arab civilizational enterprise' that avoids all of the aforementioned drawbacks. Similarly, Maan Bashur has suggested that we replace the word 'nationalist' with the word 'unitary,' since the actual goal of the movement is to achieve Arab unity. By using the term 'unitary' rather than 'nationalist,' we may reduce negative reactions on the part of those who see nationalism as a kind of racism or bigotry. At the same time, we help to emphasize the fact that the task of this political current is not to affirm personal or sectarian aims but, rather, to pursue a strategic course toward unity.

Al-Afghani viewed national consciousness (*al-ʿaṣabiyyah*) as necessary for a group's survival and cohesion. He stated:

> What we refer to as fanaticism or bigotry (*al-taʿaṣṣub*) grows out of a sense of tribal identity and cohesion (*al-ʿaṣabiyyah*), derived from the word *ʿaṣabah*, which refers to the men of a clan who protect the clan from harm and defend its rights.

Regarding the Muslim Brotherhood's position on nationalist, Arab and Islamic unity, Hasan al-Banna (1906-1949) offered a clarification that more or less sums up the most important foundations of the nationalist trend. According to al-Banna, it is Muslims' duty to do everything in their power to serve their country and to offer all the good they can to the community of which they are a part. In so doing, however, they should give first priority to near relations and neighbors. This last-stated principle was so important in al-Banna's view, in fact, that he considered it impermissible to distribute one's zakah contributions to anyone located beyond the minimum distance one must travel in order to be permitted to shorten one's prayers unless it was in response to a dire necessity. In al-Banna's view, the more Arabism distances itself from secularism, the closer it is to Islam, and the closer it draws to secularism, the further it is from Islam. In a similar vein, Egyptian jurist Tariq al-Bishri (born 1933) holds that the only way to reconcile secularism with Islam is to disregard certain aspects of their respective definitions and implications.

As for al-Qaradawi, he objects to Arab nationalism because its proponents adhere to essential beliefs that are rejected by Islam. The most serious flaw in Arab nationalism, in al-Qaradawi's view, is the fact that its adherents view it as a 'doctrine' and even go so far as to place higher priority on the Arab nationalist bond than they do on religious bonds. Not only this, but they isolate religion from society and the state, calling for the state to be 'non-religious,' in doing which they fragment the Muslim Ummah.

Islam has given us a historical model for the assimilation and integration of minorities. When the Prophet of Islam heard that some of his followers had repudiated members of the Muslim community such as Bilāl ibn Rabāḥ, who was an Abyssinian, Ṣuhayb Ar-Rūmī, who was of Byzantine origin, and Salmān al-Fārisī ("Salmān 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 on an equal footing with Arabs by blood. So, just as the Ummah broadened to include non-Muslim Arabs, it expanded to include people who were not of Arab descent but who had become 'Arabs' in a cultural sense. This process, based on the principle of what the Qur'an terms 'coming to know one another' (*al-taʿāruf*; cf. *Sūrah al-Ḥujurāt*, 49:13, "O men! Behold, We have created you all out of a male and a female, and have made you into nations and tribes, so that you might come to know one another...") encompassed the inhabitants of Iraq, Persia, the Levant, Egypt and other regions, and involved a willingness to interact and learn from one another within the framework of a unity that neither repudiated nor ignored distinctions among individual members or subgroups.

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. Christians believe in the Trinity, but hate to be asked the question: "How can three be one?" Similarly, secularists insist that secularism is compatible with Islam while at the same time holding to an understanding of secularism that is not compatible with Islam in the least. Just as Christians respond to the question of 'how three can be one?' by offering flimsy, forced explanations, secularists faced with the question of how their beliefs are supported by Islamic teachings are evasive and highly selective in the evidence they cite in favor of their claims.

'Secularism' as term and concept

The English word 'secularism', which has counterparts in various European languages, is derived from the Latin *seculum*, meaning 'age', 'era', 'generation' or 'century.' In the Latin of the Middle Ages, the word *seculum* referred to the earthly realm as opposed to the realm of the Church, or the world of the spirit. The Oxford Dictionary provides numerous definitions of the word 'secular.' According to one such definition, 'secular' refers to that which belongs to the temporal, material, visible world or realm in contradistinction to the eternal, spiritual, and invisible realm.

The French term *läicisme* 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. In the beginning, the term 'secularization' was used to refer to the transfer of church properties to the State, a process which the Church viewed, not surprisingly, as illegal expropriation, but which was defended by French Enlightenment thinkers as necessary and beneficial.

The term appears to have first been used in a broader sense by George Holyoake (1817-1906), who described secularism in neutral terms as the possibility of reforming human beings' condition by material means without any mention of the issue of faith, whether positive or negative. Holyoake did not reject religion; rather, he simply disregarded it, and he established a secularist movement in defense of this perspective. Holyoake's philosophy was later summed up in the principle of 'separation of religion and state', that is, the disentanglement of religious doctrines from the warp and woof of public life, which remains one of the most widely used definitions both East and West.

Over time, the divorce of religion from the public sphere began affecting more and more areas of life. As Western sociologists observed and recorded such changes, they coined a variety of terms to describe them as though they were independent, unrelated developments without realizing that, in fact, what they were observing were different expressions of a single phenomenon. As a consequence, these terms multiplied and ramified, albeit within a common semantic field.

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, assumed the right to appoint or remove kings, ratified laws that served the Church's interests while rejecting those that did not, maintained vast land holdings, kept thousands of serfs while levying onerous taxes and duties; suppressed freedom of expression and creativity; and tolerated the spread of moral dissolution, addiction and perversion among the clergy to the point where historian Will Durant once observed that the military personnel of the day had morals more refined than those of the clergy.

Arab-Islamic societies were affected significantly by such developments, which impacted them through three principle channels: colonialism and the Orientalist and Christian evangelistic institutions that accompanied it; 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 an overwhelming desire in the East to keep pace with Western progress, and in this connection there were three basic orientations: those who called for complete, all-inclusive adoption of the Western model and a break with tradition; those who called for modernization by taking the same steps that had been taken by the West; and those who called for renewal and awakening from within the Arab-Islamic tradition, either through traditional means, or through means that could be suitably borrowed from the West.

Hence, definitions of the word 'secularization' came to differ depending on who was calling for it. The Arabic term ʿilmāniyyah was taken to be derived from the word ʿilm, or knowledge, while others pronounced it ʿalmāniyyah, as being derived from the word ʿālam, or world. 'Positive' concepts such as democracy, rationalism, enlightenment, and freedom also came to be associated with the term 'secularization' as a way of lending it greater legitimacy.

In the Arab world, secularism manifested itself as a materialist, atheistic current with a marked antipathy to religion. In response, Abd al-Wahhab al-Masiri once voiced his preference that the term ʿalmāniyyah be replaced with an expression such as *nazʿ al-qadāsah* (desacralization), which he viewed as more comprehensive and precise. Despite its widespread use, the term ʿalmāniyyah has continued to be a highly ambiguous, confusing term, and this for a number of reasons. For one thing, it was taken from a foreign lexicon and cultural context in which Catholicism, Protestantism, and Orthodoxy each offered a different definition of the term based on its own unique perspective and experience.

According to al-Masiri, when the natural sciences in the West were dissociated from Christian morals, they were divorced from all ethical values and were viewed instead from the perspective of the mathematical, scientific model as consisting of nothing but inert, quantifiable matter devoid of all inward significance. Therefore, as al-Masiri has suggested, it has become less fitting now to speak of global 'socialism', 'capitalism' or 'imperialism' than of a global 'consumerism.'

According to the late Moroccan scholar Idris al-Kittani (1858-1927), secularism as a political system would involve stripping the state of its religious character, closing down religious institutions,

abolishing courts that operate on the basis of Islamic law and replacing them with Western civil laws, abolishing religious instruction, and doing away with the Ministry of Religious Endowments and replacing it with a Directorate of Financial Development based on capitalist banking principles.

Examples of ambiguous secular interpretations

Despite all the difficulties associated with the term 'secularism', we hear calls from politicians and intellectuals alike to reduplicate others' experiments with secularism in various parts of the Islamic world. However, it should be remembered that whereas the West, for the most part, has understood secularism to mean a separation between religious and non-religious authorities which allows each of them to function within its own jurisdiction, some Arab rulers have understood it to mean a war on religion and, rather than having the state stand next to religion, it has been built atop its ruins. This has at times even entailed drying up the sources of religious instruction, including Islamic kindergartens and Qur'anic schools for youngsters. Secularism is portrayed as a model of societal 'liberation' from 'the 'tyranny' of religion and as the path to 'advancement' as it has been perceived in the West. However, this perspective reflects a disregard for the religious and historical reality of the Muslim community, which stands diametrically opposed to the latter's experience on virtually every level.

I here offer two observations that point to the impossibility of carrying out the secularist enterprise in Islamic countries. The first is that the religious oppression of the medieval Church and its representatives is a phenomenon that has no counterpart in Islamic history with one of the principle forms of this being the shunning and persecution of scientists whose writings were seen as challenging official Church doctrine. Islam, by contrast, calls upon us to guarantee and protect human rights and freedoms, including the right to one's own religious, political and academic beliefs and convictions. Islam sets down an authoritative philosophy and moral principles adherence to which makes it possible to establish the fairest, most enduring possible form of legislative organization to govern relations both within the Muslim community, and between the Muslim community and others. Arkoun observes:

Far before Islamic societies did, Christian societies began attempting more lively, tangible historical experiments under the influence of rationalist and materialist modernism. The result was the emergence of a secular spiritual authority that stressed people's ability to achieve meaning and power by means of reason alone. Moreover, the debate that has been sparked by Islam's introduction to modernity is no different from that which was faced by Christianity beginning with the Renaissance (fourteenth and fifteenth centuries CE) and Reformation (sixteenth and seventeenth centuries CE).

The claim has been made that from its earliest beginnings, the Islamic caliphate was a civil, worldly institution whose decisions were made in an arena from which God was absent. God had been replaced on the scene of world events by human beings with their whims and caprices, virtues and vices. Support for this type of claim is found in the fact that the second, third and fourth caliphs were assassinated, and in the struggles and uprisings that took place during the early years of Islam. Such facts should come as no surprise, however, since divine commands must inevitably be translated into human action, and no such translation can take place without abrogation and change. None of the successive states that ruled Muslim lands was ever referred to as "an Islamic state". Rather, they were named after their leaders and founders. They were referred to, for example, as 'the Umayyad Caliphate,' 'the age of Harūn al-Rashīd', 'the Seljuk State', 'the Ottoman Empire', and so on. Hence, as Lebanese philosopher Ali Harb (born 1941) has noted, the various 'Islamic states' that have emerged in the course of history have, like other states, been associated with the realities of this tangible world, not with those of some other realm; with those who took over power, and not with the Islamic law upon which they were supposed to be based.

We might ask here: Was the Islamic revelation sent to human beings who were morally accountable as God's stewards on Earth, or to inhabitants of a realm devoid of all moral accountability or stewardship? Did the revelation come to call people to build, progress, and make choices conducive to righteousness and felicity in this world and the next? Or did it come to strip human beings of the concrete world

they know and cast them into a realm of abstract ideals, monasticism, and isolation?

It should be understood that when the caliphate is described as having been an earthly, civil institution, this is consistent with the law of Islam, which has been given to those who believe in its principles, who will abide by its decisive, non-negotiable commands and universal principles and use the knowledge and understanding at their disposal to interpret and apply its speculative, negotiable aspects, most of which have to do with matters pertaining to managing worldly affairs and societal organization. As for the possibility of people not abiding by this Law to start with, this is another issue altogether. It is meaningless to speak, as one writer has done, of God's being 'absent', since God's law is present just as it has been ever since it was revealed, and will continue to be present. People may interact with the law of Islam positively or negatively, thereby drawing either closer to God or farther away from Him. However, human involvement with God's revelation does not strip it of its divine qualities.

Furthermore, human beings are only asked to do what they are capable of. As we read in *Sūrah al-Taghābun*, 64:16, "Remain ... conscious of God as best you can,..." In the same vein, the Prophet once said, "If I command you to do something, do it to the best of your ability ..." The divine revelation has been bestowed on human beings in order for them to interact with it, not simply in order to exist in the realm of theories, abstractions and empty ideals. As for saying that none of the successive states that ruled Muslim lands in the past were actually Islamic in nature because these states were referred to not as "Islamic" but, rather, were named after their founders, this is like saying that Islam does not require the establishment of a state simply because the word 'state' (*dawlah*) occurs nowhere in the Qur'an, or because the Qur'an contains no explicit command to establish such an entity.

Strangely, this 'new interpretation' of secularism was once rejected out of hand, and even actively resisted, by other secular groups who argued that the Prophet's message and mission were intended to be purely spiritual, with no relevance to politics or public affairs. In this connection Ali Harb asks: What is ijtihad if not a rational exercise with a secularist, enlightened stamp? After all, through the formation of

opinions, analogical reasoning and the drawing of conclusions based on relevant evidence, we reclaim the mind's rightful place and liberate it from slavish adherence to authority of the text. In Harb's view, there should be nothing to prevent us from recognizing ijtihad as an act of enlightened reasoning within the spacious, yet regulated space Islam provides.

Secularist thinker Farag Foda (1946-1992) lamented the fact that with the death of the Prophet, 'the age of Islam came to an end, and the age of Muslims began.' In support of this affirmation, Foda focused selectively on anomalous, rare events on the basis of which he turned the history of Islam into a chronicle of wars, bloodshed, licentiousness and debauchery, his preferred 'authentic' sources being works such as Kamāl al-Dīn al-Dumayrī's *Ḥayāt al-Ḥayawān al-Kubrā*, al-Masʿūdī's *Murūj al-Dhahab*, and Taha Husayn's *Al-Fitnah al-Kubrā*. Foda's works represent some of the most baneful examples of secularist thought, especially in view of his weak grasp of Islamic juristic scholarship, the Qur'anic sciences and Islamic traditions by comparison with his knowledge of the West and its ways. As in the case of many other secularists, his hostility toward Islamic scholarly disciplines is based largely on ignorance.

Secularist thought thus 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. The confusion that marks secularist thought is reflected in the writings of Hichem Djait who, in the course of a single short passage, describes reform as taking place both "through and in religion" and "independently of it." Secularist thinkers are likewise confused about their method, since they are attempting to project a modern, contemporary thought system with its own concepts and terminology onto an old thought system which has no need to be brought into conformity with new concepts and terms but has, rather, the ability to generate its own terminology and to renew existing concepts from within its own ideational framework.

In Ghalioun's view, the problematic nature of secularism has not

been posed before within Arab-Islamic thought because 'religious Islam' had already laid its own foundation for the civil sphere by emphasizing its importance and legislating for it. Furthermore, it is 'religious Islam' itself that has given reason the most prominent role in guiding and shaping Muslim society. This is what ijtihad means, and this is how it was understood by the early Muslims who established the principle of rational reflection on the meanings of the Qur'an. Ghalioun also stresses that since the full implementation of the teachings of Islam as a religion can only be ensured through the establishment of a state, the state thus serves as a natural outgrowth and completion of the Muslim community and the communal spirit to which it gave rise.

In al-Jabiri's view, the question of secularism in the Arab world is a bogus issue, because it expresses needs in terms that are incompatible with those very needs. The need for autonomy within the framework of a single national identity; the need for a democracy that respects minority rights; and the need for a rational approach to politics, are all genuine, objective needs, as well as being reasonable and necessary demands. However, they cease to be reasonable, necessary, or even legitimate when they are given expression by means of a confusing slogan or term such as 'secularism.' Ghalioun notes that the discussion of secularism in Arab-Islamic countries emerged not from an internal social struggle but, rather, from the fact that the notion of socialism had been adopted by a small, largely isolated elite which transformed it into a new 'religion' for a new class of society. At the same time, the socialist ideal became a new tool of social and political oppression which, in the hands of this elite class, was used against the majority of the population. Specifically, it served as an 'ideology of justification' by means of which a blow could be struck to basic freedoms – freedom of belief, freedom of speech, freedom of the press, and freedom of political association – while at the same time making it possible to conceal the absence of these freedoms in day-to-day life.

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. As for criticism of particular applications of the religion that

have proven harmful or unsuccessful, such criticism is mandated by the religion itself. In this connection, Shaykh Muhammad Abduh went so far as to say that separating religion from the state is not only undesirable; it is impossible. The reason for this, stated Abduh, is that the ruler must himself or herself belong to some religion. Each individual is an undivided whole, not two separate entities in contact with one another. The body and the spirit are indivisible, as are their functions. How, then, can we divide the earthly powers that govern these functions? A division of what God has given us into 'religious' and 'non-religious' is misleading and groundless. It is as though someone were to accept the Qur'an's command to "establish prayer..." without also accepting the adjoining command to "distribute the purifying alms (zakah)" in *Sūrah al-Baqarah*, 2:43.

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. The situation was summed up neatly by Ibn Ashur when he said:

> Imam al-Ghazālī lamented the demise of the religious sciences and labored to revive them. Imam al-Ṭurṭūshī (451-521 AH/1059-1127 CE) decried the emergence of unfounded religious innovations and labored to purge the religion of them. As for al-Qāḍī Abū Bakr ibn al-ʿArabī (468-543 AH/1076-1148 CE), he wrote his famous work *Al-ʿAwāṣim min al-Qawāṣim* in defense of the Prophet's Companions and their Successors, while Imam al-Shāṭibī criticized illegitimate religious innovations while calling upon people to cling to their time-tested traditions in his book *Al-Iʿtiṣām* and taking comfort in his life abroad as an aid to remaining steadfast to genuine Islamic practices. We then come to the pivotal role played by Shaykh Ibn Taymiyyah (728-661 AH/1263-1328 CE) and his contemporaries in the reform of Islamic thought, the effects of which emerged in the form of the Wahhabi movement in the late twelfth century AH/eighteenth century CE along with the Salafi movements that came in response to it throughout the Islamic world. This was followed by the call for reform whose motto Jamal al-Din

al-Afghani took from *Sūrah al-Raᶜd*, 13:11: "...Verily, God does not change men's condition unless they change their inner selves..." This principle was echoed by Muhammad Abduh in his statement that rather than measuring Islam by the situation in which they find themselves, Muslims should measure the situation in which they find themselves by Islam.

In what follows, we will be reviewing examples of relevance to the task of Islamic reform. Our survey will begin with Imam al-Ghazālī of the fifth century AH/eleventh CE, after which our focus will shift to other, modern-day figures who were both heirs to the historical reform movements that had preceded them, and witnesses to later developments in the Muslim world community, including the various weaknesses and aberrations that have been brought out by the influence of rationalist, materialist colonialism.

In his book *Iḥyā' ᶜUlūm al-Dīn* (The Revival of the Religious Sciences), al-Ghazālī expounded at length on the developments that followed the end of the rightly guided caliphate. He wrote:

After the first four, rightly guided caliphs were gone, the caliphate was assumed by individuals who were unskilled in the science of jurisprudence and the art of issuing sound juristic rulings. Consequently, these later caliphs were obliged to seek assistance from qualified jurists, and they had such scholars accompany them wherever they went so that they could seek rulings from them on the various cases that were brought before them. At this time, there remained a number of the Companions' Successors who had preserved an untainted understanding of the religion, and who still adhered to the practices established by their pious forebears. When individuals such as these were sought out by those in authority for their juristic expertise, they would flee and turn away, [knowing that they would be pressed into service as mouthpieces for those in power]. Seeing how popular these scholars were with the rulers, others living at that time began applying themselves to the study of Islamic jurisprudence and offering their services to governors and rulers in hopes of finding favor with them. Thus, after having been the pursued, jurists became the pursuers, and after enjoying such status and prestige that they were in a position to turn rulers away, they

found themselves groveling before them, seeking their favor without shame. Excepted, of course, were those religious scholars of each generation who, by God's grace, maintained their integrity and dignity.

In the passage just quoted, al-Ghazālī reduced 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, who carried on the tradition of Islamic reform with a Ghazalian zeal and eloquence. Al-Afghani likened the ailing Muslim community to a body that had once been strong and healthy, only to find itself racked with illness to the point of near disintegration, as though its every member were working at cross purposes with all the others. This weakening and disintegration, according to al-Afghani, began as the ruling caliphs came to be less and less qualified in the Qur'anic and juristic sciences. Instead, they had grown complacent, contenting themselves with the title "Caliph" or "Commander of the Faithful" rather than striving for a deepening understanding of their religion and laboring to derive sound legal rulings based on spiritual principles and the religion's written tradition as the first four caliphs had done. Beginning in the early third century AH/ninth century CE, juristic and theological schools of thought multiplied and ramified to a degree that was unprecedented in any known religious tradition, a phenomenon that coincided with a division in the caliphate. Alongside the Abbasid caliphate in Baghdad there was a Fatimid caliphate in Egypt and an Umayyad caliphate in Andalusia. As these centers of power grew increasingly disjointed, the institution of the caliphate ceased to command the respect and obedience that it once had, and this even before the catastrophe that befell the Islamic realm

with the onslaught to which it was subjected by Genghis Khan (1162-1227), Tamerlane (1336-1405) and their descendents who slaughtered, debased and scattered Muslims far and wide

Al-Afghani stated in *Al-ʿUrwah al-Wuthqā*:

> Even when those with greater knowledge explained what was true and what was false, what was valid and what was invalid, this was not enough to enlighten the general populace, especially given the overall lack of education and the failure to guide people by the unchanging religious principles to which they had been called by the Prophet and his Companions. The study of religion was only being undertaken in the correct manner in specialized circles and on a narrow scale. Hence, Muslims' regression may have been an unavoidable outcome of this situation, which is similar to the one we face today.

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 [Islamic] 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.

We come now to another movement which likewise inherited the historical reformist bent that had preceded it and which had manifested itself in the Salafi reform movement led by Jamal al-Din al-Afghani and Muhammad Abduh. The movement of which we speak, which might be seen as an extension of the one led by al-Afghani and Abduh, is that of the Muslim Brotherhood. The Muslim Brotherhood was founded by Hasan al-Banna (1906-1949) who, in his book *Majmūʿat al-Rasāʾil*, identified the factors underlying what he termed 'the dissolution of the Islamic state and the Islamic people.' Some of the major causes behind this phenomenon, according to al-Banna, were: (1) political and tribal

disagreements; (2) religious and sectarian differences; (3) absorption in worldly comforts; (4) the transfer of power and leadership to non-Arabs, including the Persians, the Mamluks, the Turks and others, none of whom had a proper understanding of Islam; (5) neglect of the practical sciences and a failure to observe the social progress being achieved by other communities; and (6) Muslims allowing themselves to rush to imitate others without regard for whether the practices they were emulating were beneficial or harmful.

To the factors listed by al-Banna, Egyptian scholar Muhammad al-Ghazali (1917-1996) added: (1) misunderstanding of Islam; (2) incorrect priorities; (3) the spread of superstitions in the name of religion; (4) the weakening of Islamic culture, which is what shapes Muslims' thoughts, tastes, and inclinations; (5) Muslims' ignorance of the world, which resulted from the weakening of their culture; (6) the spread of a fatalistic mentality among Muslims; (7) hypocritical traditions in Islamic society; (8) the failure to give women the opportunity to be educated and to participate in society; (9) the waning of Arabic literature; and (10) the politics of money and political corruption. In this connection, al-Ghazali quoted the saying of the Prophet, "When you begin assigning responsibility to those unworthy of it, be prepared for the coming of the Day of Judgment."

Al-Ghazali 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. The 'external' activity, he stated, should be based on the following three foundations: (1) A thorough investigation of the process of cultural advancement and of the achievements made by others, which would give Muslims a clearer sense of who they were addressing in their communication with others and what message they had to offer; (2) a thorough familiarity with the economic, industrial and cultural level of the world around them because, as he put it, "it would be ludicrous for Islam to be represented by backward nations that are looked down upon by others"; and (3) a study of non-Muslim political currents.

As for the 'internal' activity proposed by al-Ghazali, it would consist of efforts within the Muslim community to: (1) combat the intellectual currents that had distanced the Muslim community from the Qur'an and the Sunnah; (2) rebuild the Muslim community's faith based on a study of both the divine revelation and the cosmos with the understanding that the responsible use of natural resources is a formidable economic strength; (3) approach the Qur'an not only as a text to be recited, but as a program of action; (4) educate the Muslim community in sound morals and traditions; and (5) sift mindfully through the Islamic heritage.

The final contemporary model of reform to be examined is that offered by Taha Jabir Alalwani, who approached the task of Islamic reform by identifying areas of dysfunction and imbalance. As he put it:

> The predicament in which the Muslim community finds itself is, in essence, a crisis of thought that lies at the root of all other crises, be they economic, social or political. Such a crisis will have arisen either as a result of confusion in the sources of thought, faulty methods and approaches, or both together.

In keeping with this insight, 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.

Alalwani's writings laid stress on the acuteness of the deterioration and fragmentation that has afflicted the Muslim community in recent times. Prior to this most recent period, Alalwani noted, the Muslim community had not gone in search of alternatives outside the framework of the Islamic identity, and the existing forces of renewal operated in the context of numerous Islamic cultural centers in which no sharp divisions or distinctions were drawn among the various peoples that made up the 'mother' community of Muslims.

The phase in which we find ourselves at present, by contrast, has

witnessed the emergence of a number of disturbing phenomena: the rending of the worldwide Muslim community's civilizational and social fabric, the abandonment of the Islamic "…law and way of life…" (*Sūrah al-Mā'idah*, 5:48) and the adoption of man-made substitutes; a resurgence of racial discrimination between Arabs and non-Arabs within the body of the Muslim community; and the conflicts tearing across the Muslim world.

In a discussion of the historical roots of the current crisis, AbdulHamid AbuSulayman observes that the Muslim community finds itself being ruled by regimes that represent a mélange of Islamic and pre-Islamic ideas and values. Intellectual leadership has been divorced from political leadership, which has resulted in a failure to apply Islamic values to social responsibility and concrete practice, and an ignorant political leadership that lacks the intellectual foundation it needs in order to act on sound principles. In AbuSulayman's view, the crisis faced by the Muslim community is a crisis of thought, not of creed; the Muslim mindset has been taken prisoner to concepts and axioms that tie it to the mistakes and misunderstandings of the past. Until invalid concepts and premises are corrected, Muslims will remain incapable of looking critically and accurately at their beliefs, their circumstances, or their responses to these circumstances.

The causes and effects that have been listed here might be arranged in various ways, with additions here and deletions there, depending on the political, economic, and monetary challenges and circumstances that characterize the specific location or era being examined. Abd al-Rahman al-Kawakibi (1805-1902 CE), for example, identified the root cause of the Muslim community's decline as "political tyranny", which he saw as having infiltrated all spheres of life. He noted a number of overarching phenomena underlying deterioration and collapse which, taken together, reflect the prevailing state of decadence in the Muslim community. These phenomena were grouped by al-Kawakibi under two basic causes: (1) failure to abide by religious laws and principles, and (2) failure to apply scientific laws and principles.

We now turn to the broad outlines of a number of reform movements in the history of the Muslim community.

Ijtihad and Renewal

Reform Movements and Models: Premises and Methods

Most studies that have dealt with reform movements have examined them from a purely historical perspective, that is, by simply chronicling related events and figures rather than observing the overall patterns or principles they illustrate and deducing lessons that can be applied to later situations. Given their importance for ongoing reform efforts, we need far greater numbers of studies belonging to this latter category.

The first reform movement in the history of the Muslim community may have been that initiated by the Umayyad Caliph ʿUmar ibn ʿAbd al-ʿAzīz (sometimes referred to as 'the fifth rightly guided caliph'), whose caliphate lasted from 98-101 AH/717-720 CE. When he became caliph, ʿUmar ibn ʿAbd al-ʿAzīz fell heir to conditions rife with error, corruption, and inept governance. This was a far cry from the situation that had prevailed under the first four caliphs, who had based their practices on those of the Prophet. Faced with conditions such as these, ʿUmar ibn ʿAbd al-ʿAzīz set to work on a number of fronts. As Imad al-Din Khalil has observed, this caliph's policies were based on a set of principles that might be summed up as: (1) place higher priority on guiding people aright than on extracting resources from them (through taxes, for example); (2) invite others to faith; (3) use money in the service of principles; don't violate principles in the service of money; (4) give communal interests priority over individual interests; (5) involve people in decision-making; (6) allow anyone who has been wronged to register a complaint against those who have wronged him, no matter who he or she happens to be; (7) spread knowledge and make it the basis of sound action; (8) avoid bloodshed between yourselves and those who differ with you through dialogue and persuasion.

ʿUmar ibn ʿAbd al-ʿAzīz resisted the temptation to be tyrannical and controlling. He chose his subordinates based on competence, knowledge, faith, and also their acceptability to the Muslim rank-and-file. Similarly, he circumscribed tribal fanaticism, instead stressing the need for unity among all Muslims. He would circulate communiqués among his subordinates urging them to cling to the principle of monotheism in all their affairs and to repudiate all forms of bigotry. One of his mottos

was, "guidance before taxation," a rule he insisted that his subordinates adhere to as well. Once, when his appointed representative in Basra wrote to him expressing his concern that too many people were becoming Muslims because this threatened a reduction in the state's revenue from the *kharāj*, or land tax paid by non-Muslims, ʿUmar wrote back indignantly, saying, "By God, would that everyone in the world became Muslim, even if this meant that you and I had to earn our keep by tilling the land ourselves!" In a similar demonstration of principled behavior, ʿUmar scorned any kind of fiscal irresponsibility, and applied this standard to all without exception. He applied it equally to himself, to his family, to his courtiers, and to everyone under his entire jurisdiction. In keeping with this policy, ʿUmar abolished all taxes that had been levied unfairly on the Muslim community in order to swell the state treasury, instead levying tithes on all non-agricultural workers, and insisting that taxes be collected with the utmost fairness. He also implemented and expanded the distribution of social security to all classes of society: men, women and children, the poor, the disabled, the sick, and travelers, whether they were Muslims or non-Muslims, Arabs or non-Arabs. Another innovative policy carried out by ʿUmar ibn ʿAbd al-ʿAzīz was that of ensuring the mutual exchange of financial assistance between the central government and regional governments such that if any of them suffered a financial deficit, it would be made up by the other. He opened the door to free trade via both land and sea, regulated the collection of zakah and other taxes, implemented a sound agricultural policy, and required his regional representatives to carry out whatever reforms, repairs, land reclamation or building projects were necessary to ensure that everyone's needs were met. By settling disputes with his opponents through dialogue, negotiation and persuasion, he was able to save huge sums of money which previous governments had exhausted in the suppression of internal uprisings and waging external aggression. He put a decisive end to corrupt practices such as embezzlement, which had once drained government coffers, and enforced his strictures on everyone: from himself to the lowliest of tax collectors and everyone in between.

Thanks to reforms such as these, conditions improved so much during the caliphate of ʿUmar ibn ʿAbd al-ʿAzīz that one of his regional

representatives went out looking for poor people to distribute alms to, only to find no one who needed them, so he used the money instead to buy slaves in order to set them free. This and similar incidents gained such wide circulation that Caliph ʿUmar ibn ʿAbd al-ʿAzīz came to be known as the caliph who had "banished poverty from the land."

ʿUmar ibn ʿAbd al-ʿAzīz did a great deal toward solidifying the base of 'knowledge and action', in the words of Imad al-Din Khalil, through the importance he placed on education and the formation of character. It was ʿUmar ibn ʿAbd al-ʿAzīz who issued official instructions for the Prophetic hadiths to be recorded in writing, and it was under his rule that the government commissioned a number of scholars and thinkers to devote themselves full-time to research and writing either on a topic of their own choosing, or one assigned to them by the state. Given his concern to link knowledge with action, ʿUmar viewed any effort that lacked a scholarly basis as incapable of yielding meaningful outcomes. At the same time, he strove throughout his reign to promote the values of justice, freedom and compassion.

ʿUmar ibn ʿAbd al-ʿAzīz thus left a formidable legacy of integrity, reform and innovation. Nevertheless, no sooner had he passed away than the Muslim community's cycle of decline resumed. His successors lacked commitment to the lofty values ʿUmar ibn ʿAbd al-ʿAzīz had cherished, and made no attempt to apply them to the management of life's affairs. Indeed, there is evidence to suggest that he died by poisoning. Prior to his death, ʿUmar ibn ʿAbd al-ʿAzīz had been poised to make a critical decision regarding the system whereby the caliphate was passed down based on heredity. He had conducted negotiations with delegates from the Kharijites, who had put him on the spot over Muʿāwiyah's having passed on the caliphate to the unscrupulous Yazīd. He asked them for a grace period of three days, and before the three days had passed, he was dead.

We now turn to the reform experiment carried out by the Muslim Berber scholar and teacher Ibn Tūmart (473-524 AH/1080-1130 CE). Ibn Tūmart's reform movement was analyzed by Abd al-Majid al-Najjar with a view to identifying the premises, principles, values and methods that contribute to awakening, renewal and successful reform, as well as the factors that underlie regression and failure. Al-Najjar

first set out to identify the personal traits that qualified Ibn Tūmart for his reformist and leadership role, including the ability to interact profoundly with life's varied spheres, respect for freedom of thought, sincerity, dynamism, insightfulness and worldly wisdom, and unyielding determination to change what he deemed intolerable.

In his analysis of the situation in Morocco, Ibn Tūmart concluded that the corruption that had infiltrated various realms had its origins in the ruling Almoravids, their opportunistic hangers-on, and the Mālikī scholars and jurists who worked in cooperation with the Almoravid dynasty. The changes Ibn Tūmart sought to bring about were based on three primary foundations: (1) creed, (2) method and principles, and (3) sociopolitical factors. In addressing these three areas, Ibn Tūmart employed two fundamental techniques, one of them theoretical and inductive, and the other practical and applied.

Ibn Tūmart's program of action consisted of three integrated methods: (1) an educational method based on helping people to perceive that certain actions were wrong and to be avoided, and that others were right and to be engaged in; (2) a political organization in which followers were arranged into different departments that made up four basic organs with distinct functions; (3) a revolutionary, military branch.

Ibn Tūmart's revolt against the Almoravids (*al-murābiṭūn*) led to the rise of the Almohad dynasty (*al-muwaḥḥidūn*), which eventually conquered all of North Africa, including Libya, and Andalusia (Moorish Iberia). The Almohad dynasty is considered by historians to have been one of the greatest Islamic states ever established. Nevertheless, the Almohad experiment was not without its flaws, both methodological and conceptual.

On the political level, the practice of passing on ruling powers based on hereditary succession led to tyranny, with the ruler in power reserving all decisions to himself alone rather than establishing consultative councils. As the Almohad dynasty neared its end, the system of hereditary rule also led to infighting over leadership positions, which further hastened its demise. For although Ibn Tūmart did form experimental consultative councils, this experiment was not based on a clearly worked-out theory and, consequently, yielded no profound awareness of the meaning or importance of consultation.

In the creedal sphere, although Ibn Tūmart had achieved his aim of establishing a strict monotheism and an affirmation of God's transcendence, his teachings did not have a lasting impact, and eventually gave way to the influence of Ashʿarism. In the area of juristic principles and scholarship, the most visible influence of Ibn Tūmart's movement manifested itself via growing interest in mastering, memorizing, explaining and analyzing the basic principles of Qur'anic and hadith study. This phenomenon resulted in the emergence of a juristic movement that sparked a lively debate between the Malikite and Zahirite juristic schools, as well as greater interest in the principles of jurisprudence and *maqāṣid al-sharīʿah* (the higher intents of Islamic law), the latter of which reached its apex in the writings of Imam al-Shāṭibī (720-790 AH/1320-1388 CE).

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 once wrote defiantly:

> Show me a kingdom where ignorance and discord are the rule of the day on all levels of society, and whose rulers, having immersed themselves in vanities and excess, have succumbed to humiliation and subservience, and I will show you a kingdom whose rulers have been removed from their thrones, enslaved by imperialists, and subjected to utter ruin!

Al-Afghani's overall message can be summed up in two main points, one of them internal and the other, external. The internal focal point had to do with the need for mental liberation from stagnation and tradition, while the external focal point was the need for political liberation from the influence of encroaching colonialism and the ability to resist and defeat it through a cultural awakening. However, al-Afghani and his student, Muhammad Abduh, disagreed over how to achieve these aims. This disagreement remained dormant for some time. However, when al-Afghani left Egypt and the leadership was turned over to Muhammad Abduh, the difference between the two men became apparent. For while al-Afghani was a revolutionary,

Abduh was a reformer who believed that the key to societal transformation was gradual change via upbringing and education grounded in reformed religious understanding.

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-ʿUlūm* and the reform of existing institutions such as al-Azhar, the Ministry of Religious Endowments, and Islamic religious courts, among others.

Abduh's message might be summed up in the following points: (1) Liberating thought from the shackles of tradition, and understanding the Islamic religion as it was understood by the early generations of Muslims before disagreements had arisen among them; (2) reforming the uses of the Arabic language in official correspondences, newspapers, and unofficial correspondence among members of the citizenry; and (3) drawing the necessary distinction between the obedience people owe the state, and the justice the state owes its people.

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.

Abduh saw education as central to reform work. Moreover, one of his most principle educational goals was to address the phenomena of self-centeredness and individuals' loss of a sense of shared community, either because of overall ignorance, a failure to understand the true

nature of Islam, or lack of information about the sciences and industries that enable people to take control over their lives in ways that Westerners had been able to do. Abduh thus drew up curricula designed to graduate Muslim evangelists, authors, scientists and researchers, and to make Islam's early heritage relevant to the people of his generation.

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. *Al-ᶜUrwah al-Wuthqā*, a journal founded and published by Afghani and Abduh, promoted a program marked by three particular distinguishing features. The first of these was its commentary on the God-given laws manifested in creation and in human social systems, how they develop and evolve, and their strengths and vulnerabilities. The second feature was its emphasis on the fact that Islam is a religion that promotes happiness and well-being both in this world and in the next. As for the third feature, it is its emphasis on the fact that Muslims' only 'nationality' is their religion; wherever they are, they are brothers and sisters who can be divided by neither ancestry, nor language, nor governments.

This current continued to gather momentum to the point where it was adopted by numerous Muslim thinkers, as a result of which it generated other movements characterized by intellectual, cultural, social and political comprehensiveness.

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, which it introduced to an Arab Muslim populace without any attempt to polish, refine or adapt them. Instead, modern concepts were viewed uncritically without due consideration for their limitations or internal inconsistencies. Consequently, despite the fact that the Salafi school was influential for a period of time, it ultimately failed to bring about the changes that were needed.

[THEME 3]
Evaluating Failed Experiments

The Islamic reform experiments that have been witnessed by the modern era, especially since the late nineteenth and early twentieth centuries, are rightly viewed as heirs to reform efforts from the more distant past. At the same time, these experiments still constitute a valid reference point for ongoing reform efforts having accurately pinpointed many of the ills that afflict the Arab-Islamic world at the present time. Hence, were we to disregard such experiments, we would be passing over a critical period that witnessed profound transformations in the Muslim community's political, social and cultural forms as well as expressions.

The fact that these experiments failed to achieve their goals is no reason not to examine them. On the contrary, it gives us all the more reason to do so. 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. One significant factor underlying their breakdown was a failure to examine the laws of change referred to in *Sūrah al-Raᶜd*, 13:11, "...Verily, God does not change men's condition unless they change their inner selves;..." and in *Sūrah al-Anfāl*, 8:53, "...God would never change the blessings with which He has graced a people unless they change their inner selves:..." As Ursan al-Kilani notes, the principle reflected in these two Qur'anic passages is that change begins on the inner plane, and is then followed by change in the concrete sphere.

It will also be observed that according to these passages, 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. According to al-Kilani, the periods of history in which the Muslim community exhibited strength and resilience were those in which sincere intention was joined with correct thought and action. Based on this observation, al-Kilani listed what he saw as keys to successful reform: (1) faithfulness to Islamic principles; (2)

undertaking a thorough, honest review of failed reform attempts; (3) assigning juristic tasks to noble-minded, wise, enlightened individuals; (4) studying and applying the religion in keeping with a defined methodology; (5) avoiding classism and elitism; (6) joining sincere intention with ability and skill in the mobilization of natural and human resources; (7) working in stages rather than attempting to accomplish too much at once; (8) distributing specialized roles among the appropriate individuals; and (9) translating the theoretical and the abstract into the realm of the practical.

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. Ancient currents of Islamic thought were founded upon rational interpretations that addressed the issues relevant to that day and age. 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, modern technological advances, and the need to avoid groundless innovations, superstitious mentalities, and the deadly complacency that sounded the death knell for previous reform movements.

Nor should we be content to study Islamic law piecemeal; rather, our study should be informed by an awareness of the overarching, universal principles applicable to governmental, social and political systems so that we can offer viable Islamic alternatives capable of solving the problems and challenges facing humanity.

The 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. The failure of previous movements to achieve the desired reforms both internally and in relation to other national, social and religious groups is that their approaches to renewal were not sufficiently inclusive of all educational, economic and social strata within and without the Muslim community. Another aspect of a properly inclusive approach is that it

sets out to reconnect with both spiritual foundations (embodied in the Qur'an and the Sunnah) and material ones (embodied in a solid grasp of the laws and principles of the physical universe).

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. Imagine what harm would come to the Muslim community if the collective duties enjoined by Islam in the political, social and economic spheres were neglected. Two of the most central institutions of Islamic law are that of the caliphate, which links religious precepts to the institution of the state, and the duty to command what is good and prohibit what is bad (*al-amr bi al-maʿrūf wa al-nahī ʿan al-munkar*). Historically, the Muslim community has been given a kind of collective authority to oversee the enforcement of the religion's teachings in numerous areas of life; under modern states, however, the situation has changed.

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.

<p style="text-align:center">[THEME 1]
Constructing a Creedal Framework for Thought and Action</p>

The triliteral root ʿ-q-d from which we derive the Arabic word for creed (ʿaqīdah) bears the sense of tying or knotting. "I knotted the rope" (ʿaqadtu al-ḥabl), one might say. The marriage bond can be referred to as ʿuqdat al-nikāḥ, and the word 'contract' is translated into Arabic as ʿaqd, plural ʿuqūd. 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 and the motive force behind what we do or say to the point where we would even be willing to fight in its defense if necessary.

In keeping with the images of binding and loosing, tying and untying, when faith in Islamic creeds (al-ʿaqāʾid al-islāmiyyah) 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. To make matters worse, knowledge and learning were being undermined by disagreements and fruitless wrangling.

By defining the nature of existence, human beings, and the cosmos, Islamic doctrine or creed served as the idea that created Islamic civilization. However, the civilizational function this creed performs depends on the way Muslims understand and interpret it. If the Muslim community's understanding of its doctrine is distorted, disjointed, or incomplete, this fact is bound to be reflected in the state of their civilization. At the present time, weaknesses in the Muslim community can be said to have arisen out of two principle factors. One of these is the age of decadence during which Islamic thought stagnated and was divorced from daily life. And the second is the intellectual and moral challenge that faces the Muslim community due to its encounters with Western culture and civilization over the last two centuries.

In addition to the failure to provide the Muslim community with the needed doctrinal framework for thought and action, we also have another bane to contend with, one that manifests itself in the method by which the Muslim community draws on its authoritative sources. The texts of the Qur'an and the Prophetic Sunnah differ in terms of both definitiveness and attestation. So, for example, whereas all Qur'anic verses have definitive attestation, some of them convey definitive meanings, while others do not; as for texts from the Sunnah, some of them are definitive in terms of both their meaning and their attestation, while others are merely speculative on the level of meaning, attestation, or both. Consequently, Muslims have arrived at differing understandings of what such texts mean. Moreover, as time passed and Muslim thinkers began to rely on the views of their predecessors rather than engaging creatively with Islamic texts and the situations to which they apply, Islamic thought stagnated. The positions of earlier thinkers went unchallenged and unanalyzed, without regard for the factors and circumstances to which these positions had been a response.

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. As we have noted, the failure to employ Islamic doctrine as a means of providing a framework for both thought and action had led to the emergence of numerous deviations from a correct understanding of Islamic teachings, which in turn has prevented Muslims from taking the required initiatives based on their faith. Many Muslims have fallen prey to the belief that Islamic faith is limited to mental or verbal assent to Islamic creeds rather than extending to action on the basis of these creeds. This, along with laziness and dependency, disregard for the laws of cause and effect, and fatalistic thinking, has had a stultifying effect on the Muslim community's enthusiasm and effectiveness and resulted in an insipid, superficial piety.

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.

Hasan al-Turabi is of the view that apart from limited attempts at renewal that took place in the seventh century CE, innovative textual interpretation ceased with the deaths of the founders of the principle schools of Islamic jurisprudence and their leading students.

[THEME 2]
The Centrist Trend

The Arabic root *w-s-ṭ* 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). The Quraysh tribe used to be described as "the most central of the Arabs with respect to lineage" (*awsaṭ al-ʿarabi nasaban*), meaning that they were of the best lineage. Another, related, usage of this root is found in *Sūrah al-Baqarah*, 2:238, where believers are urged to commit themselves to "guard strictly your (habit of) prayers, specially the Middle Prayer (*al-ṣalāh al-wusṭā*); and stand before God in a devout (frame of mind)" . The same sense of the word is reflected in the hadith according to which "the best of all things are the center-most" (*khayr al-umūri awsaṭuhā*), and in *Sūrah al-Qalam*, 68:28, where the phrase *awsaṭuhum* is rendered in English as "...the most right-minded among them..."

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. Moderation constitutes the ideational and methodological foundation for all Islamic concepts. It is the axis on which the general Islamic system turns. Yet despite this fact, only rarely has reformist thought succeeded in bringing the Muslim community back to this foundational principle.

Shaykh al-Qaradawi has defined moderation as an approach that steers clear of extremes in any direction. In his book, *Al-Thaqāfah al-ʿArabiyyah al-Islāmiyyah bayn al-Aṣālah wa all-Muʿāṣarah* (Arab Culture Between Tradition and Modernity), al-Qaradawi sets out to establish a middle position between overemphasis on either the traditional or the modern. He advocates taking from both tradition and modernity without abandoning either. If we intend to adhere to the

approach followed by the earliest Muslim scholars, this means striving for interpretations appropriate to our own day and age just as they did for theirs. It requires us to use our reason just as they did, and when we issue legal rulings, engage in research, and relate to ourselves and others, to demonstrate awareness of the environment in which we live and the conditions that surround us. Similarly, we should adopt from others whatever ideas, knowledge or practices will be of benefit to us just as they did, and be inventive in our day-to-day affairs just as they were.

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 Qaradawi's view, the 'first Islam' was marked by purity and simplicity in its doctrine, ease and sincerity in its worship, purity and integrity in its morals; creative, innovative interpretation; fruitful action; and balance between a concern for this world and a concern for the afterlife, between reason and emotion.

Al-Qaradawi stresses the need to be familiar with all aspects of life in the present age. To be genuinely modern is to exist consciously side by side with the living, not with the dead, and to deal with reality as it is now, not as it was in the distant past. The only way we can come to know reality is to become familiar with the geographical, historical, social, economic, political, intellectual, and spiritual elements that shape it and determine its direction.

Al-Qaradawi notes that Western culture is so closely associated with modernity that some people mistakenly equate modernity with Westernization. At the same time, al-Qaradawi affirms the need to benefit from everything that is wholesome and good and to invest it not only in the intellectual and theoretical sphere, but in the practical, material sphere as well. As long as something is beneficial, it makes no difference what 'container' it comes in; his only requirement is that we relate to the world around us in a discerning manner that serves the

aims and goals of the Muslim community and violates none of its foundational principles or legal rulings.

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. By contrast, he notes, Islam takes a midway position that falls prey to neither of these extremes. Islam combines stability with flexibility in its teachings and its rulings; it maintains a stable commitment to ends, and flexibility in relation to means; stability in relation to universals, and flexibility in relation to particulars; stability in relation to spiritual and religious matters, and flexibility in relation to material, earthly matters. What endangers Islamic society is for Muslims to attempt to freeze what should be allowed to change and evolve, and to change what should remain as it is. According to Qaradawi, the moderation or centrism that is the hallmark of Islam manifests itself most clearly in the areas of belief and conceptualization, in personal piety and worship, in ethics and rules of etiquette, in legislation and order; in permission and prohibition; in individuality vs. communality.

The method that al-Qaradawi adheres to in issuing legal rulings, writing and teaching is based on the following principles: (1) lenience in relation to peripheral matters and strictness in relation to fundamentals; (2) limiting duties and prohibitions to the minimum; (3) making generous allowance for dispensations (*rukhaṣ*), that is, exceptions to Islamic duties such as being allowed to break one's fast in Ramadan if one is sick or traveling, or to shorten one's obligatory prayers when traveling; (4) avoiding sectarian fanaticism and bigotry; (5) lenience in relation to things that are so widespread that they are virtually impossible to avoid (such as, for example, pictures of scantily clad women in advertisements); (6) addressing people in contemporary language; (7) toeing a middle course that avoids both licentiousness and excessive austerity; and (8) providing sufficient clarification and explanation of one's legal rulings.

As for al-Qaradawi's preferred hermeneutical method, it involves the following steps: (1) interpreting the Qur'an in light of both the Qur'an itself and the Prophetic hadiths; (2) gleaning guidance from the interpretations of the Prophet's Companions and their Successors;

(3) interpreting each text within its cultural and linguistic context; (4) exhibiting awareness of the grammatical rules of the Arabic language, common usage, rhetorical styles and devices, and the like; and (5) avoiding the use of weak and forged hadiths, Jewish folklore, and groundless opinions as a basis for one's interpretations of Qur'anic or hadith texts. Lastly, al-Qaradawi warns against three particular pitfalls: the distortion of texts due to extremist thinking, forgeries falsely attributed to authoritative figures, and incorrect interpretations of the ignorant.

[THEME 3]
Realism and the Jurisprudence of Sound Application

It is not enough simply to understand what a text means. One must also 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 (*istiḥsān*), 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. Instead, they have simply been appended to the four recognized sources of Islamic legal evidence (the Qur'an, the Sunnah, consensus and analogical reasoning), yet without being given the attention they deserve.

The human condition is not necessarily better now than it once was in all areas, including the interpretations that seek to identify the all-encompassing aims and intents of divine revelation. Those who engage in such interpretations may resort to the use of methods that they see as

being 'justified by reality' but which, in fact, may not be permitted by the text. Divine revelation did come to achieve specific purposes. However, some of the texts that show us how to achieve these purposes are definitive, and others speculative. And just as the revelation obliges us to achieve these purposes, it also obliges us to employ the means set forth in the texts before us. The rulings that can be influenced by current circumstances are those that are based on speculative texts. As for those that are based on definitive texts, changing circumstances have no effect on them. In this connection, it bears noting that despite its reliance on stable Islamic principles, and despite its having identified criteria and conditions that are intended to prevent it from falling into the traps of neglect on one hand, and excess on the other, Islamic thought has yet to develop and crystallize ways of understanding and relating to changing circumstances in a dynamic, inclusive manner.

We now turn to the suggestions that have been offered by contemporary Muslim thinkers concerning what we might term a methodology of application, and problems relating thereto. In his book *Fiqh al-Tadayyun* (The Jurisprudence of Piety), al-Najjar presents what we might term a 'jurisprudence of reality' as an important element of the 'jurisprudence of piety' and the 'jurisprudence of application' of the rulings it yields. When speaking of 'reality' here, al-Najjar is referring to all aspects of human life with all of their complex interrelationships, causes and effects. The best way to understand reality is to be involved in it by living side by side with people and getting to know their problems. And when seeking to analyze such problems, we can draw on the findings of the various sciences, from psychology, sociology and economics, to physics, chemistry, astronomy, and the like.

The process of relating to a text consists of the effort one expends thinking about the text on one hand, and about concrete circumstances on the other. One's understanding of the text and how it relates to the circumstances at hand will then yield a particular application.

1. *Basics of the method of understanding*

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. For example, later rulings are to be understood in light of earlier ones, rulings that abrogate earlier rulings are to be understood in light of the rulings they have abrogated; and rulings that are unrestricted in nature are to be understood in light of those that are restricted.

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.

Regarding the rational aspect of understanding a text, al-Najjar notes that the way one approaches a Qur'anic text with a definitive meaning will differ from the way one approaches a text with a speculative meaning. Similarly, the way one approaches a text from the Sunnah will differ from the way one approaches a text from the Qur'an. The text from the Sunnah (the hadith) must be investigated to see whether its attestation is definitive or speculative; once this has been determined, one investigates to see whether its meaning is definitive or speculative.

If the text is speculative in meaning, one's interpretation must meet certain conditions in order to be trustworthy and valid. These conditions include, for example, that: (1) the interpretation must rest on clear evidence; (2) the interpretation must be consistent with the constraints of the language in terms of grammar, syntax, linguistic context, and the like; and (3) the interpretation must not conflict with a definitive text or recognized legal principle. Furthermore, al-Najjar distinguishes between two types of 'rational knowledge'. One of these types is marked by complete, or nearly complete, certainty, while the other is marked by uncertainty. When engaging in the interpretation of Islamic texts, the scholar should depend only on the former type of knowledge. In light of this former type of knowledge, then, the interpreter will be aided in specifying the meaning of the text, and inferring the aim that the text was intended to fulfill. For the entire Islamic religion is based on the higher aims that lend order to all of its duties and directives. These aims, moreover, reflect human interests and needs which, when properly fulfilled, enable people to achieve happiness and well-being.

2. *Basics of the method of application*

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 second principle to which al-Najjar makes reference is referred to as *taḥqīq al-manāṭ*, that is, the act of determining the situations to which a given ruling applies. And the third principle is referred to as *taḥqīq al-ma'āl*, which is the act of determining, as precisely as possible, what the probable outcomes/consequences of applying a given ruling will be.

Basics of the Method of Application		
Individualization	Determining the situations to which the ruling applies (*taḥqīq al-manāṭ*)	Predicting probable outcomes (*taḥqīq al-ma'āl*)

Lastly, it should be pointed out that secularists tend to portray the application of Islamic rulings as being restricted to the realm of law. Furthermore, they portray their legal application as being restricted to the Qur'anically prescribed penalties for specific crimes, as though Islam consisted in nothing but cutting off thieves' hands and flogging adulterers, slanderers and drunkards.

Islam is, in essence, a peaceable creed that enjoins sincere worship, a stringent moral code, good works, and heartfelt labor to prosper the Earth and bring compassion and mercy to humankind. It is a call to virtue and goodness, and to the communal practice of urging one

another to live lives of truth and forbearance and to engage in struggle in the way of God. For this reason, the moderate, centrist current of Islamic thought calls for the application of Islam in its entirety, not simply the application of certain narrow aspects of its teaching as many people imagine. Furthermore, as al-Qaradawi has pointed out, Islamic law cannot be properly applied unless the people applying it believe in its sacredness and carry it out with a spirit of reverence.

Hence, 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.

Glossary of Terms

Ahl al-Ra'y: Rendered here as "the People of Opinion," this term refers to the followers of Imam Abū Ḥanīfah, who derived Islamic legal rulings through the use of reason and discernment, and who only accepted the hadiths that came his way if they passed a set of exacting criteria.

Ijtihād: The effort exerted by a suitably qualified scholar of jurisprudence to derive legal rulings from Islamic sources (the Qur'an, the Hadith, analogical deduction and consensus).

Ijtihād al-Ra'y: Formulation of a personal opinion on a legal question based on reasoning from evidence and consultation with other scholars.

Istiḥsān, or juristic preference: A decision, when faced with a new situation, not to apply the same ruling which has been applied to analogous situations in favor of a ruling more in keeping with the aims of Islamic Law. Juristic preference thus entails giving human interests and the aims and intents of Islamic Law priority over the results of *qiyās*, or analogical reasoning.

Istiṣlāḥ, or reasoning based on unrestricted interests: The practice, based on consideration for an unrestricted interest, of ruling on a case which is not mentioned explicitly in any authoritative Islamic legal text and on which there is no consensus.

Khabar Āḥād (or *khabar al-wāḥid*) or solitary report: *Āḥād*: Linguistically, the term *āḥād* ('solitary') describes a hadith transmitted by only one narrator. Practically speaking, however, the term applies to any hadith which is not *mutawātir*.

Al-Maṣāliḥ al-Mursalah, or unrestricted interests (sometimes referred to as public interests): Interests that are not explicitly identified by any text in the Qur'an or the Sunnah but which are generally agreed upon based on circumstances which arise in human society. Examples of unrestricted interests include the paving of roads, the setting up of administrative offices to address public needs, the use of traffic signals, the construction of sewers and waste disposal facilities, etc.

Glossary of Terms

Mujtahid: An individual qualified to engage in ijtihad.

Mutawātir: An adjective used to describe a report narrated by a group of individuals sufficiently large and disparate that it would be impossible for them to have colluded in falsification.

Qiyās, or analogical deduction: The practice of basing a new legal ruling on a previous ruling concerning a similar, or analogous, case.

Taʿabbudī: Derived from the verbal noun *taʿabbud*, meaning devotion or worship, the adjective *taʿabbudī* describes commands or rulings for which one cannot arrive at an explanation through human reason, and for which there is no known basis or occasion. Examples of such rulings include the number of *rakʿahs* to be performed in this or that ritual prayer, the prescribed punishments for violations such as sexual misconduct and slander, etc.

Taʿlīl: The process of identifying the basis (ʿillah) for a given legal ruling, and/or the situation out of which such a ruling arose.

Tarjīḥ: Weighting, that is, the act of weighing the evidence in favor of and against two incompatible pieces of evidence in order to determine which of them should be adopted over the other.

Tawātur: The report of an event by a group of individuals sufficiently large and disparate that it would be impossible for them to have colluded in falsification.

Uṣūl scholar: A specialist in the principles of Islamic jurisprudence (*uṣūl al-fiqh*).

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 ijtihad. As the centuries wore on however the gates of ijtihad 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 *madhhabs* (schools of thought) and earlier scholarly opinion stagnated, so did the Muslim world. *Ijtihad and Renewal* is an analysis of ijtihad 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. It makes the case that the grafting of solutions rooted in the past onto the complex and unique realities of our own age, in a one-size-fits-all perspective, 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 and slumber we need to revive the practice of ijtihad. Focusing attention on thinking through solutions for ourselves based on our own times and context, using the Qur'an and Sunnah, as well as the wisdom and experience of the past distilled from these, as tools in this endeavor whilst not the only solution, is certainly a viable and powerful one.

Said Shabbar

Dr. Said Shabbar has served as Professor at Cadi Ayyad University, Faculty of Arts and Humanities, Beni-Mellal, Morocco, and also served there as head of the Third Development and Research Unit dealing with Islamic Thought and Interreligious and Intercultural Dialogue, and as head of The Center for Knowledge and Civilization Studies and the Terminology Research Group. He has also been visiting professor at a number of Moroccan and other Arab universities. A member of numerous academic and cultural societies, he has contributed to many seminars and conferences, both national and international, and published articles in both Moroccan and international academic journals and periodicals.

IIIT