

TOWARD *our*  
*Reformation* • FROM  
LEGALISM *to*  
VALUE-ORIENTED  
ISLAMIC LAW *and*  
JURISPRUDENCE



Mohammad Omar Farooq

TOWARD OUR REFORMATION:  
FROM LEGALISM TO VALUE-ORIENTED  
ISLAMIC LAW AND JURISPRUDENCE

This humble work is dedicated to my loving late mother Momtaz Begum  
and my living father Lt. Col. (Rtd.) M. Shamsuzzoha, whose  
affection as well as sacrifice and support for my  
life's pursuits have been most precious.

*"My Lord, have mercy on both of them (my parents),  
as they did care for me when I was little!"*

(QUR'AN: AL-ISRA: 17:24)

# TOWARD OUR REFORMATION

*From Legalism to Value-Oriented  
Islamic Law and Jurisprudence*



Mohammad Omar Farooq



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## ACKNOWLEDGEMENTS

INITIALLY I PREPARED five independent essays covering Shari'ah, Hadith, Ijma<sup>c</sup>, *Qiyas* and the empirical foundation, and shared these with some people close to me. The earlier versions were made available on the internet to which I started receiving unsolicited feedback, mostly positive to highly positive, from both fellow Muslims and non-Muslims. Several friends acted as the catalyst to encourage me to compile the essays into a coherent book, which became a lengthy project in itself. Among those friends are M. Saiful Islam whom I have known for more than 20 years, Dr. Steve Connolly, a Muslim revert and Dr. M. Kabir Hassan. Dr. Hassan has gone out of his way to facilitate publication of this book.

Dr. Connolly enthusiastically volunteered editing assistance, and his tremendous efforts in transforming this work in terms of its correct presentation and formulation of an attractive fluent version, has been most invaluable. For certain chapters, he also provided meaningful critique and enriched this work substantively. I must also acknowledge the valuable editorial assistance rendered by Syed M. Islam who should have been a professional editor, but settled for greater success in other fields. Syeda Ahmad has provided capable help with copyediting.

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I also have to acknowledge my beloved wife, Nahid Nahar, without whose patience and support this work would not have seen the light of day.

May God shower abounding mercy and blessings upon all those whose encouragement, support, input and guidance have made this possible. Of course, sole responsibility for the content rests with me. I seek forgiveness from God for any error in this work and His blessings for anything relevant and worthwhile.

MOHAMMAD OMAR FAROOQ

*August 25, 2009*



## A WORD FROM THE AUTHOR

THIS BOOK GREW out of my life-long effort as a student of Islam. As a Muslim my interest in Islam and my concern for the Muslim world, as well as humanity in general, is only natural. The condition of the Muslim community, of which I am part, greatly agonizes me. With unshakeable faith in Islam and its capacity to guide us in our pursuit of a balanced, wholesome and dynamic life in this world, I have confidence that the Islamic message can help to improve us, place mankind on the path to salvation and serve humanity through its good example.

Such a vision calls for understanding our past, to help us chart a better future. As an independent-minded Muslim with an Abrahamic perspective I have never felt comfortable unquestioningly accepting “laws and codes” in the name of Allah (SWT),\* the bulk of which at the level of detail, excluding a few explicit injunctions and prohibitions, consist in reality of interpretive constructs emanating from fallible humans.

A Muslim believes in the Qur’an as the final Divine guidance and in the Prophetic legacy by way of a comprehensive and dynamic example. Muslims also deeply value the past contributions of their scholars and pious ancestors, a valuation that must be tempered according to a dispassionate critical appraisal informed by the Qur’an, the Prophetic legacy and real-life experience.

Muslims are primarily bound to the Qur’an and the Prophetic legacy; all else should be non-binding. However, our understanding of and connection to the Qur’an, together with the Prophetic legacy, is now completely clouded with the intermediation of the accumulated corpus of knowledge and discourse built up through the ages. The reality of our situation is much worse because the prevalence of legalism rooted in that intermediation has overtaken the Muslim mind and culture.

To reconnect with the Qur’an and the teachings of the Prophet (SAAS)\*\* more directly common Muslims need empowerment to better understand the foundations of Islamic law and jurisprudence. As the Qur’an opened my mind and the Prophetic legacy served as the normative model (*uswatun hasanah*), I could not but re-examine dispassionately the “laws and codes” that are presented to us as “Islamic” or “*shar‘i*.” This book is the outcome of my ongoing study.

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\*(SWT) – *Subhanahu wa Ta‘ala*: May He be praised and may His transcendence be affirmed. Said when referring to God.

\*\* (SAAS) – *Salla Allahu ‘alayhi wa sallam*. May the peace and blessings of God be upon him. Said whenever the name of Prophet Muhammad is mentioned.

## PUBLISHER'S FOREWORD

*Toward Our Reformation: From Legalism to Value-Oriented Islamic Law and Jurisprudence* by Dr. Mohammad Omar Farooq is a delicate and challenging work which engages the reader to think and become familiar with many of the subjects traditionally left to the purview of specialist Muslim scholars, particularly the Shari'ah, Hadith, Ijma' and Qiyas, with a view to discussing the ways in which they are understood and implemented today.

No doubt readers will agree with the author's strong critique of the misapplication and abuse of *hudud* law and Shari'ah rulings in today's society. But where the work may prove difficult reading is his dissection of hadith and in certain cases the flawed use of certain juristic tools in the arsenal of *usul al-fiqh*. Before discussing the content of the work and wherein lies its value, we would like to point out that not all the opinions expressed in this book are those of the publisher.

It is the position of the IIIT that essentially the Shari'ah is the divine law, as stated in the Qur'an and the Sunnah (see verses: 42:13; 45:18; and 59:7), while fiqh is the law derived by *fuqaha'* (jurists) from the Qur'an and the Sunnah using tools of deductive reasoning under the umbrella of the science of *usul al-fiqh*, tools such as *ijma'*, *qiyas*, etc. In terms of being divine we have to distinguish that which is divine from that which has been unwarrantably enlarged by scholars over the centuries. By enlarged is meant substantial expansion by way of copious scholastic views and opinions. Those elements of the Shari'ah comprising *qudsi*, *mutawatir* and truly authentic *ahadith*, can be considered divine. By truly authentic is meant those *ahadith* which do not contradict the Qur'an, do not betray the Prophet's character or message, and of course whose chain of transmission is indisputable and strong. Those comprising (the greater part in fact) of *fiqhi* rulings arrived at via deductive reasoning cannot be considered divine. In point of fact, the great

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*fuqaha'* were careful to note their fallibility and to stress that their rulings were not intended for all time. However, with the passing of centuries, and continued application of dated juristic rulings, the latter became ultimately, and inevitably, entrenched, with both *ijtihad* and the science of *Maqasid al-Shari'ah* ever marginalized as valid tools in the juristic process. So much so that later generations of Muslims came to regard the rulings, albeit of the great *fuqaha'*, as sacred, inviolable, and a divine part of the Shari'ah, giving them a status the *fuqaha'* had never intended.

Furthermore, *we need to be extremely careful using terminology such as divine* and be crystal clear as to what this means in practice and what this refers to. And the author is right to point this out. Traditions of the Prophet cannot be given the undisputed authenticity of the Qur'an. The Qur'an stands unique and alone and not on a par with anything else. The problem occurs with ideas of equivalence, the Shari'ah is divine in the sense we have mentioned, but not divine in the sense of being equivalent to the Qur'an.

We may wonder at the *qudsi, mutawatir* as well as truly authentic *ahadith* of the Prophet not being huge in number. This is precisely the great scope and strength of the Shari'ah, for this conciseness protects against legal and social stultification – in other words the chaining of the present to the past – allowing room for jurists to take account of changing human conditions, categorically the changes of time or circumstance. Of course not all the ills of the Muslim world can be laid at the door of *fiqhi* rulings, or weak inauthentic *ahadith*; the malaise of the Muslim world is far too complex. This would be an oversimplification and is not our contention. Nevertheless, we are confident that most would agree that following in the footsteps of Islam's best intellectual tradition, some housekeeping is in order. Herein lies the value of this work.

According to the author, at the heart of the Muslim predicament lies ignorance and/or lack of commitment to core Islamic values that once profoundly defined Islam and Muslim practice. Hence, what he advocates throughout this work is a return to what is termed a "value-oriented" approach. The author contends that once this is acknowledged and implemented, with blind and petrified imitation of the past

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stopped, the doors to understanding and revival will begin to open, restoring to the Muslim world its dignity, vigor and integrity, as well as allowing Muslims to overcome many of the social and other problems they face today.

It is with this in mind that the author calls for the implementation of the value-oriented approach (taken from the Qur'an and the life of the Prophet Muhammad) in determining Muslim understanding of the Shari'ah and daily life. The Qur'an is the supreme source and the final arbiter. As Prophet Muhammad was the Last Prophet sent by God to all mankind, the author contends that interpretations of both the Qur'an and Hadith are not to be fixated in time and place. Rather, they are to be carefully examined and reinterpreted to give practical guidance to meet the requirements and challenges of a new age, thus taking into account the time-space factor. It is here that the science of *Maqasid al-Shari'ah*, or the higher intents and purposes of Islamic law, comes into its own as the heart and philosophy of Islamic law. At what possibly forms the core of the argument is the belief that with the passage of time what we today consider the Shari'ah is in effect an original, some would say "true," nucleus hidden in a labyrinthine shroud of scholastic views and deductions hindering Muslim development, and that to rely on fraudulent hadith and fallacious implementation of *hudud* law is not only to betray the spirit of the Qur'an and the Prophet's message, but a dangerous exercise. One of the disastrous consequences being blatant abuse of the Muslim populace under cover of implementing a bogus Shari'ah. The author explores many aspects of this abuse and misapplication throughout the work.

This study is being published to widen discourse, invite scholars to respond, and hopefully pave the way for further research. 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 specialized 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

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added only to those Arabic names not considered modern. All emphases (rendered in bold, italics or both) have been added by the author, unless noted otherwise.

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 thirty years have resulted in the publication of more than four hundred titles in English and Arabic, many of which have been translated into several other languages.

We express our thanks and gratitude to the author for his cooperation throughout the various stages of production. The editorial process has been a long and involved one with the author requested to make changes, clarify information, and review suggestions on a number of issues. Not all editorial proposals were taken on board but the editor-author consultative process proved to be an intellectually stimulating one and we hope has benefited the work.

IIIT London Office, *August 2011*

## FOREWORD

*Mohammad Nejatullah Siddiqi\**

IT IS REPORTED THAT ABU SAIED stated that the Prophet, peace be upon him, said: “No one amongst you should belittle himself.” The people said “O Prophet of Allah, why would anyone belittle himself?” He said, “One finds oneself in a situation relating to (the cause of) Allah that demands that he speak out but he does not speak out. Allah the Exalted shall ask him on the Day of Judgment: ‘What prevented you from speaking out in such and such matter?’ He would reply: ‘Fear of people.’ Allah shall say: ‘You were expected to fear no one except Me!’”<sup>1</sup>

Dr. Mohammad Omar Farooq has spoken out. The result, the book before you, may not please some. But if dispassionately read, especially in the perspective of the above hadith, can be quite rewarding. The author is no scholar of Islamic jurisprudence, the subject of this book. He does not pretend to be one. But his concern about many rulings currently pronounced in the name of Islamic law running counter to the objectives of that law, the *Maqasid al-Shari‘ah*, is genuine and widely shared.

Things must change. Pointing out the anomalous rulings and inviting their reconsideration is one step towards that change. Their discussions need not remain confined to experts in traditional fiqh. Many of the issues involved call for expertise outside the domain of the *madrasah*-educated scholars, especially from social scientists like our author. Wider participation should not be frowned upon. In fact, it should be welcomed. There is a tendency, in certain circles, to disqualify all non-Arabic speaking and non-specialist people from such discourse. This is not acceptable. It is quite contrary to our lofty traditions of the past. According to al-Shatibi (d. 1388 CE):

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<sup>1</sup>*Dr. Mohammad Nejatullah Siddiqi is a pioneering Islamic economist and one of the most prolific and important contributors to the field of Islamic economics and finance today.*

*Foreword by M. N. Siddiqi*

When ijthihad relates to inferring from Text, a knowledge of Arabic would be essential. But if the focus is not the purport of the text but a conceptualization of the *masalih* and *mafasid* involved, a knowledge of Arabic may not be essential. Same applies to cases in which the *masalih* and *mafasid* involved are fully recognized by one competent to make ijthihad on the basis of text. An understanding of the objectives of Shariah from (study of) the Shari'ah, in summary as well as in detail, will be sufficient in such cases...

Whosoever has come to understand what are the purposes of giving rulings in Shari'ah and is so advanced in this understanding that he could be regarded as knowing what the objectives of Shari'ah are, (for him) it makes no difference at all if he acquired that knowledge through translations in some of the non-Arab tongues. He and the one who acquired the understanding from Arabic readings are at par.<sup>2</sup>

I quote this eminent authority not as an apology for the author, who does not need one, but to encourage readers actively to participate in the discourse the author seeks to initiate by publishing this book. To me the initiative is what matters, though not to underestimate the substance of his work. You do not have to agree with many of the author's opinions. Nor do I. The message of the book is: think, study the current situation in the light of the objectives of Shari'ah, and speak out.

Some of the chapters make very painful reading indeed. But that is what is out there in reality. The author is only holding a mirror to our face. That is what comes out of a methodology that neglects the *Maqasid al-Shari'ah*, relying exclusively on fiqh rulings given hundreds of years ago in a different social milieu. Some stocktaking is seriously overdue.

Aligarh, 27 June 2007  
mnsiddiqi@hotmail.com

## PREFACE

# *The Prophetic Sunnah: A Methodological Vision*

TAHA JABIR ALALWANI\*

WHEN GOD REVEALED THE QUR'AN to Prophet Muhammad over a period of twenty-three years as a Guide and a straight path, he was commanded to recite the Revelation to people and to teach them to derive wisdom and purification from it. Throughout his life, Prophet Muhammad never once informed people that he had brought them anything other than the knowledge and wisdom contained in the Qur'an. Hence, when 'Ali ibn Abi Talib was once asked concerning the claim of certain people that the Prophet had bestowed on his family knowledge and wisdom beyond that contained in the Qur'an, he responded: "By the One who causes the grain of wheat to burst open and who created living souls, all I know is based on the understanding God gives a man through the Qur'an":

We heard from Ahmad ibn Mani<sup>c</sup>, who heard from Hushaym, who heard from Mutarrif, who heard from al-Sha<sup>c</sup>bi, that Abu Hujayfah said, "I once said to 'Ali, 'O Commander of the Faithful, are you in possession of [sacred] writing that is not in the Book of God?' 'No,' he replied. 'By the One who causes the grain of wheat to burst open and who created living souls, all I know is based on the understanding God gives a man through the Qur'an ....'"<sup>1</sup>

God has affirmed to human beings that the Qur'an is sufficient for their understanding of their faith. The Qur'an contains within it the

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\*Dr. Taha J. Alalwani is a graduate of Al-Azhar University and an internationally known scholar and expert in the fields of Islamic legal theory, jurisprudence (fiqh), and usul al-fiqh. He is also the author of numerous works and a Member of the OIC Islamic Fiqh Academy.



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Prophetic Sunnah, insofar as the Prophet was given the tasks of teaching humanity its signs in order for them to be purified and capable of being faithful to God's covenant, to carry out their duties as God's stewards on earth, and successfully pass through all the trials this earthly life brings their way.

The verses of the Qur'an, the clear Arabic language in which it was revealed and the Arabic language in more general terms, both bear witness to the fact that the Sunnah consists of the practical or applied aspect of the Qur'anic message. Hence, the Qur'an is the theoretical and the Sunnah the practical application. The Qur'an supplied the verbal aspects of the Divine Revelation, while the Prophet then applied and activated these aspects in people's day-to-day lives. As these applications were repeated in a variety of situations they formed precedents, which became part of the culture of the Islamic nation and its way of life. Although the first generation of Muslims is long gone, as is the era of the Companions' leading followers, nevertheless their vision was a clear one, in that they knew themselves to be charged with the task of clinging fast to the Qur'an and adhering both to the Prophet's understanding of the Qur'an and his applications of it in various circumstances. There is a clear and inseparable link between the Qur'an and what later came to be termed the Sunnah. Consequently, the Companions of the Prophet never encountered, either during or after his lifetime, any of the problems that later developed due to the emergence of various sects and schools of thought as well as the differences of opinion that arose among members of the Muslim community explicitly or implicitly.

If the early generations looked to the Sunnah, they did so in order to know how the Messenger of God applied the principle set forth in the Qur'an to the relevant issue. If there existed a saying or report seemingly on the authority of the Prophet which conflicted with the apparent meaning of the Qur'an or its overarching principles, they would not abide by it. Rather, they would abide by what they found in the Qur'an itself and consider the report or saying to have been distorted in some way at some stage of its transmission. Consequently, the scholars of Islam who came after them adopted the same approach their forebears had done. Imam Abu Hanifah, for example, rejected a hadith

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whose chain of transmission he judged to be valid and according to which the Prophet had said, “no woman may marry without the consent of a legal guardian” because it conflicted with the explicit teaching of the Qur’an. As Abu Hanifah explained:

I adhere to the explicit teaching of the Qur’an, which gives a woman the right to grant her own consent in marriage, saying, “And if he divorces her [finally], she shall thereafter not be lawful unto him unless she first takes another man for husband...” (*al-Baqarah* 2:230). Moreover, the Qur’an addresses women’s former husbands with the words, “hinder them not from marrying other men if they have agreed with each other in a fair manner” (*al-Baqarah* 2:232).

Abu Hanifah took these Qur’anic verses as evidence of the permissibility of women to make a decision to marry without any need for a legal guardian. However other schools of jurisprudence which emerged in differing environments and circumstances gave the aforementioned hadith priority over the explicit teaching of the Qur’an to which Abu Hanifah had made reference. Imam al-Shafi‘i states in the introduction to his work, *al-Risalah*, that “no case shall present itself to the adherents of God’s religion but that they will find guidance in the Book of God concerning how to approach it,”<sup>2</sup> either explicitly or implicitly.

The Sunnah enables us to see, through events that took place in the Prophet’s time, the manner in which he applied the Qur’an’s rulings to various life issues. Nevertheless, many people at a later stage ignited a debate whose effects are still being felt today, with the claim that anyone who rejected a hadith with a sound chain of transmission had thereby rejected the entire Sunnah and denied its authority. This is an extreme and exaggerated position which grew out of the dispute that had arisen among Muslims and in response to circumstances which there is insufficient space to detail here. Nevertheless, the founders of all the Islamic schools of jurisprudence refuted this claim reasoning that anyone who rejects a specific hadith based on (a) the invalidity of its chain of transmission (b) the lack of trustworthiness in the report actually resting on the authority of the Messenger of God, and/or (c) discovery of some irregularity or serious flaw in the body or text of

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the hadith, would be correct. Thus, according to these scholars, the rejection of a hadith for any of the aforementioned reasons is the legitimate, undisputed right of all who engage in the process of *ijtihad* (independent reasoning).

ʿUmar ibn ʿAbd al-ʿAziz and his father before him issued instructions for all hadiths attributed either to the Prophet himself or to one of his Companions to be compiled and made available to the people. Their purpose in so doing was to deflect people’s attention from the writings of Muslim scholars of jurisprudence in such a way that they would depend directly on the Sunnah itself as their source of understanding of the Qur’an, in order to be aware that some of the Sunnah consisted of fully documented hadiths that were traceable back to the Prophet, while the rest were attributed to his Companions, who had lived with him. In seeking to compile the *ahadith* neither of these men had intended to make the Sunnah into a text that possesses the authority to abrogate or qualify the Qur’an. Unfortunately, however, this is precisely what a number of later Islamic scholars have done.

When I went to live in the United States, I was surprised to discover that Muslim scholars coming to reside in the West were regrettably bringing with them, to a large degree, all the attendant baggage of the Muslim world’s intellectual, doctrinal, juristic and other assorted problems, passed down through the centuries since the beginning of Islamic history. As a result, the people of the United States and Europe were being presented with an Islam that had been known and understood not in its pristine sense but by feuding dynasties over the course of history, dynasties such as the Umayyads, Abbasids, Talibiyyun (supporters of ʿAli ibn Abi Talib), Alawites and others. And this at a time when many in the West were looking for spiritual direction, searching for guidance to resolve their own myriad of problems, overcome their various crises, and simply have a greater purpose in life. Yet, unfortunately, the version of Islam being presented to them by a large number of Muslim migrants was not one seen through the lens of the Qur’an but rather one that mirrored the Islamic historical situation. This being the case, the indigenous population found itself faced with additional problems and crises, this time imported from an Islamic heritage that through the centuries had been corrupted either by enemy infiltration,

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self-interest, or ignorant groups. Such developments had created a separation between the Muslims and the Qur'an and its teaching, the natural outcome of attempts to subject Qur'anic values and guidance to historical realities, including the prejudices associated with particular dynasties and tribes, traditions and customs, and the abuse and distortion of Islamic jurisprudence and even the reports passed down on the authority of the Prophet and his Companions in order to justify such practices and prejudices. This confused and controverting image of Islam, tainted as it was by various cultural practices and customs in Muslim countries and propagated by half-educated people, complicated the already inherent problems and crises making them worse if anything. Not surprisingly, it was not long before many Westerners who had shown an interest in Islam, turned away from it. As for many of those who did embrace the faith, they found the Islam presented to them one of a confused mix of juristic principles, inconsistencies, divergent and conflicting commentaries and interpretations, hadiths that contradict the Qur'an, and endless scholastic theological debates. Unfortunately, this created confusion and reluctance. Many Western scholars of Islam failed to discern the reasons for this alienation. One particular exception was Dr. Maurice Bucaille who managed to identify a number of them. When Bucaille read the Qur'an, he was able to see that the Revelation was capable of guiding human beings to a higher plane, and he was hard pressed to find a single flaw or inconsistency in it. However, when he began reading the hadith collections, he discovered a problem similar to that faced by Judaism and Christianity. In some of his writing Bucaille discusses these issues listing eight questions that had arisen in his mind upon reading the hadith collections, none of which had arisen when he was reading the Qur'an.

*Toward Our Reformation* raises issues similar to those presented by Maurice Bucaille as well as by many Muslims who have come to Islam from Jewish or Christian backgrounds. Bucaille attempted to pose his questions with the greatest respect and sensitivity, knowing that the issues he was raising are not tolerated by those who insist on attributing the demonstrable infallibility of the Qur'an and the Prophet to traditions handed down by Muslim jurists, and transmitters of hadith. For, those with such mindsets are unable to listen to anything that might

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challenge their viewpoint, supposing as they do that those who raise and try to address certain controversial issues with regard to *ahadith* are in fact denying the entire Sunnah and its authority. What they fail to realize is that this type of inquiry and research is in fact a defense of the Sunnah and its place, a correction of its course, and a re-presentation of it to Muslims who have been influenced by a modern inquiring mind-set and universally recognized intellectual principles.

The Qur'an alone is capable of confronting today's challenges and in providing sound guidance to deal with them. Yet in order to bring people's lives on track, emphasis must be placed on the Prophetic approach to teaching the Qur'an to others.

When they rejected the hadith passed down on the authority of Fatimah bint Qays concerning divorced women's accommodation and alimony rights,<sup>3</sup> neither Imam Abu Hanifah, nor al-Shafi'i, nor 'Umar ibn al-Khattab were rejecting the Sunnah as a whole. Nor were they also rejecting the Sunnah when they rejected the hadith on *al-Diyyat* (blood money).<sup>4</sup>

Abu Hanifah was once asked:

“What is your opinion of those who say that ‘a believer who commits adultery or fornication has removed faith from his mind the way one removes a shirt from his body, though if he repents, faith is restored to him’?<sup>5</sup> Do you doubt the truth of what they say, or do you believe it? For if you believe what they say, you support the view of the Kharijites, whereas if you doubt it, you cast doubt on the Kharijites' views, and in so doing, you fail to apply the principles of fairness you yourself have promoted. If, on the other hand, you declare their statement to be false, they will say that in so doing you disbelieve the words of God's Prophet, since they have passed this statement down through a chain of narrators that goes back to the Prophet himself.”

In response, Abu Hanifah replied:

“I do declare what these people say to be false. In so doing, however, I do not disbelieve the words of the Prophet. Rather, disbelief in the words of the Prophet would entail a man's saying, ‘I declare the words of God's Prophet to be false.’ However, if someone says, ‘I believe in everything

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the Prophet said, and that the Prophet never uttered falsehood or contradicted the Qur'an,' this statement is a statement of belief in the truthfulness of the Prophet and the Qur'an and a declaration that the Prophet could never have said anything that contradicted the Qur'an. For if the Prophet had ever done this or uttered any untruth, God would immediately have chastised him without delay in this world. As God has declared, [']Now if he [whom We have entrusted with it] had dared to attribute some [of his own] sayings unto Us, We would indeed have seized him by his right hand, and would indeed have cut his life-vein, and none of you could have saved him! (*Surah al-Haqqah* 69:44-47)[']. But as a matter of fact, the Prophet of God never said anything at odds with the Book of God, and no one who does so could be a Prophet of God."

What the Kharijites say in fact contradicts the Qur'an, because when God speaks in the Qur'an in *Surah al-Nur* (24:2) about those who commit adultery or fornication, He does not deny that they are believers. Similarly in *Surah al-Nisa'* (4:16) He says: "Punish thus both of the guilty parties..." Those addressed in the two verses are the believing Muslims and not unbelievers.

Hence, rejecting the words of someone who transmits a hadith on the authority of the Prophet because it conflicts with the Qur'an is not a rejection of the Prophet, nor is it a denial of his truthfulness. Rather, it is a denial of the truthfulness of the person/s who transmitted the hadith or recognition of their confusion. Everything the Prophet *truly* said, even if we have not heard it ourselves directly from him, is something we cherish and believe in, and we bear witness that the Prophet of God never commanded anything God had forbidden, nor did he forbid anything that God had allowed, nor did he ever describe anything in any way other than the way in which God Himself had described it:

Whoever pays heed unto the Apostle pays heed unto God ...  
(*Surah al-Nisa'*: 4:80)

The Prophet's life *and truly transmitted sayings* were in complete and utter harmony with God. And this fact should be preserved rather than distorted.



# Introduction

EFFECTIVE users of any product, service, idea or system are presumed to be informed, educated, intelligent and aware, possessing probing minds seeking answers to meaningful and relevant queries. This notion is equally applicable to religions and societies. And just as there exists variation in society's expectation over its informed and educated citizens, so the same variation in expectation extends to religions in terms of their informed, educated and enlightened adherents.

Islam places supreme emphasis on its followers being informed, educated, probing, discerning, and enlightened. Indeed, the Qur'an asserts that true faith is preceded by or based on knowledge and understanding:

He it is Who has sent down to you the Book: In it are verses basic or fundamental (of established meaning); they are the foundation of the Book: others are allegorical. But those in whose hearts is perversity follow the part thereof that is allegorical, seeking discord, and searching for its hidden meanings, but no one knows its hidden meanings except Allah. And those who are firmly grounded in knowledge [*rasikhuna bi al-'ilm*] say: "We believe in the Book; the whole of it is from our Lord:" and none will grasp the Message except men of understanding [*'uli al-albab*].

(*Surah Al-'Imran*, 3:7)

Thus Islam insists that believers exercise their critical faculties and not be senseless adherents. Further, it strongly repudiates those who



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indiscriminately follow in the footsteps of their forefathers, blindly emulating without knowledge or understanding of what they are doing or practicing:

When it is said to them: “Follow what Allah has revealed:” They say: “No! we shall follow the ways of our fathers.” What! even though their fathers Were void of wisdom and guidance? (*Surah al-Baqarah*, 2:170)

... for when they are told, “Come unto that which God has bestowed from on high, and unto the Apostle” – they answer, “Enough for us is that which we found our forefathers believing in and doing.” Why, even though their forefathers knew nothing, and were devoid of all guidance? (*Surah al-Ma'idah*, 5:104)

The teaching of the Prophet is also unambiguous with regard to this, emphasizing the search for knowledge. Indeed, of all the concerns that are regarded as obligatory (*fard* or *wajib*) for Muslims, seeking knowledge and gaining an education is one for which the word *fard* has been specifically employed:

Seeking knowledge/education is incumbent upon every Muslim – *talabu al-ilm faridatun ala kulli Muslim*.<sup>1</sup>

How ironic then that despite the great value placed on intellectual endeavor rates of illiteracy in the Muslim world stand at some of the highest known today. More importantly (general education aside) even fundamental knowledge and understanding of the Islamic faith, which Muslims are supposed to follow, uphold, and invite others to, has become negligible. One of the major reasons for this tragic state of affairs is the failure of common Muslims to develop within themselves a critical mindset, intellectually disciplined to think, reflect, judge, and reason. Even though a Muslim mind engaged in the search for God, the ultimate and only Truth and Reality, is per force an inquiring one, nevertheless the blindly imitative culture that many Muslims have inherited and that our traditional scholars have reinforced, has stultified this sense of inquiry.<sup>2</sup>

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The Qur'an presents an eye-opening example in the form and experience of prophet Ibrahim (Abraham). The first thing of note is that prophethood in and of itself does not exclude asking God probing questions. In fact as the example of prophet Ibrahim indicates, God accepts such inquiries when accompanied by a positive attitude. Thus, in the following verse we see prophet Ibrahim even though he had attained prophethood petitioning God:

Behold! Abraham said: "My Lord [*Rabb*]! *Show me*, how you give life to the dead." He said: "Do you not then believe?" He said: "Yes! but to *satisfy my own understanding*." He said: "Take four birds, tame them to turn to you; put a portion of them on every hill, and call to them; they will come to you (flying) with speed. Then know that God is Exalted in Power, Wise." (*Surah al-Baqarah*, 2:260)

Notably, God not only accepts this type of question to be asked of Him, but in fact assists prophet Ibrahim with the answer. This is the foundation of the Islamic spirit of inquiry: the search for truth and the pursuit of knowledge, understanding, and wisdom. Any genuine investigation of "truth," whatever form it takes, does not begin by taking things for granted, but rather by the effort to learn, understand, and, wherever relevant, verify – this is the very essence of the scientific approach. In this process, occasional doubt is only natural. Unfortunately, there is so much, including exclusive, emphasis on the virtue of conviction (*yaqin*) that for a truth-seeking Muslim mind room for doubt is rarely understood or acknowledged. The word "doubt" is generally considered and treated as something purely negative. However, this is contrary to the teaching of the Prophet Muhammad, the Islamic validity of which is contained in his words:

Allah's Apostle said, "We have more right to be in doubt than Abraham when he said, 'My Lord! Show me how you give life to the dead.' He said, 'Do you not then believe?' He said, 'Yes (I believe) but to satisfy my own understanding' (*Surah al-Baqarah*, 2:260)."<sup>3</sup>

So purposeful inquiry as an aspect of critical thinking is welcome, historically forming an important component of the intellectual

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mindset that was to lead Islamic civilization to its era of tremendous change and development. Blind adherence to others, or the deferring of knowledge and understanding – as a field – to a select, blessed few would have disqualified Islamic civilization from any level of achievement. The scholars, jurists, scientists and philosophers who lived and practiced during this period were not mere imitators but rather, imbued with the Islamic spirit of faith and a sense of awakening, were possessed of inquiring and probing minds, guided by the Qur'an, the Sunnah and real life experience. So we find that although to Imam Malik (d. 795 CE), Imam Shafi'i (d. 820 CE) was his best student and to Imam Shafi'i, Imam Malik was his best teacher, yet Imam Shafi'i did not feel constrained in approaching anew issues extant in the field of law and jurisprudence.

Unfortunately, despite this great legacy and the fact that our noble scholars and jurists did not feel constrained in asking searching questions, as time wore on more scholars began to gradually feel comfortable thinking within the assumed paradigm, further exacerbated by the existence of a limited methodological toolbox re-emphasized over the centuries. Most educated Muslims know that the foundational sources of Islamic law are primarily four in number: the Qur'an, Hadith (prophetic narrations), *Ijma'* (consensus) and *Qiyas* (analogical reasoning). The limitation of the methodological toolbox based on these foundational sources, as they have been traditionally utilized, is explored in this book.

Based on its commitment to justice, rule of law, freedom, human rights, moral values, and strong institutions, as well as other factors, the Islamic civilization led humanity in virtually all areas of human endeavor throughout a long period of history. Then, due to factors both internal as well as external, it began to become decadent. And as it declined, gradually, in a fiercely competitive, contested and even violent environment, western civilization came to dominate. As western forces ruthlessly colonized the Muslim as well as rest of the world, western laws and codes supplanted Islamic legal institutions and frameworks. As the anti-colonial movement became strong Islam once again played a vital role in reviving Muslim identity and aspirations. Unfortunately, this revivalist aspiration was in itself inadequate and

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created a serious gap between the secular and religious segments of Muslim societies on the one hand, and between reformists and traditionalists (those professing orthodoxy) on the other.

Abdulhamid AbuSulayman, former Rector of the International Islamic University, Malaysia and author of several enlightening works, aptly sums up the condition of the Muslim world in his book *Crisis of the Muslim Mind*:

There is general agreement that the Ummah is passing through an extremely difficult stage, one of disintegration and schism, loss of identity, failure of institutions, and inability to extract itself from its present state of bewilderment.<sup>4</sup>

This “state of bewilderment” to which AbuSulayman points is further exacerbated by the revivalist fervor to establish or implement the Shari‘ah over the populace, often misconstrued and misrepresented as Islamic law. Even in countries that are constitutionally not based on religious law, the general culture and social environment is conditioned by the sway of Islamic law over the general Muslim population.

However, it is now widely acknowledged, even by Muslims, that in many areas related to modern challenges, parts of traditional Islamic law are no longer relevant or feasible. For example, dichotomizing the world between *Dar al-Islam* (the abode of Islam) and *Dar al-Kufr* (the abode of disbelief) is no longer tenable in societies with ethnically and religiously diversified populations. Furthermore, the concept of citizenship, which is increasingly accepted even by the traditionalist Islamic establishment, is at odds with many Islamic laws pertaining to minorities, including non-Muslims in an Islamic society. Then there are other traditional Islamic laws – apostasy and triple *talaq* (summary and irreversible oral divorce), for example – that are seriously at variance with not only simply modern times but also in reality, the pristine Islamic values themselves. Many such laws and the legalistic tendencies underlying them have robbed Islam of its liberating spirit:

While it is true that Islam in its pristine form as propagated and practiced by the Prophet and his companions is liberating, it is not true that the

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'Islam' we have today can offer any solutions to the problems of racial, gender, or class discrimination.<sup>5</sup>

As more and more Muslims are becoming better educated and informed about Islam, a sense of self-criticism is growing. After all, self-criticism is vital for any individual's moral and intellectual growth. It is also fundamentally important from the Islamic viewpoint. The pivotal concept of *Tawbah* (repentance) in Islam presupposes a self-critical perspective and attitude:

Those that turn (to Allah) in repentance; that serve Him, and praise Him; that wander in devotion to the cause of Allah: that bow down and prostrate themselves in prayer; that command good and forbid evil; and observe the limit set by Allah; (These do rejoice). So proclaim the glad tidings to the Believers. (*Surah al-Tawbah*, 9:112)

The need for self-criticism has become more compelling as societies, over time, have become imitative of others and, hence, tradition-bound. Muslims are no exception. The Prophet clearly warned his beloved Ummah (community) about this ailment:

Abu Sa'īd Al-Khudri reported Allah's Messenger as saying: "You would tread the same path as was trodden by those before you inch by inch and step by step so much so that if they had entered into the hole of the lizard, you would follow them in this also." We said: "Allah's Messenger, do you mean Jews and Christians (by your words) 'those before you?'" He said: "Who else?"<sup>6</sup>

Thus, most Muslims do what they do and believe what they believe based not on first hand knowledge and the understanding of the two foundational sources, the Qur'an and the Sunnah (or even knowledge of the other two sources, *Ijma'* and *Qiyas*), but based on what they have been exposed to as part of the received heritage and culture. This has become a still bigger problem because, while Islam emphasizes a probing, inquiring and informed mind, the traditional environment emphasizes unquestioning conformity and adherence in general.<sup>7</sup>

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This is not to say that everyone is repeating what has been repeated to them, for there are those Muslims who have nurtured independent-mindedness as an important component of their faith, seeking to give greater value to understanding and appreciation (with an Islamic attitude) rather than rote knowledge. I refer to this as the Ibrahimī mindset (mentioned earlier) and it bears its own fruit. Lest it be misunderstood, I stress that being independent-minded does not mean being disrespectful of the past or the contemporary contributions of scholars. In the attempt to better explore and understand various issues of life – social, economic, cultural, political, legal, theological, scientific, etc. – from the Islamic perspective it has been important to actively engage in interactive cyber-dialogues with academics, intellectuals and professionals. This has led to the conviction that the requisite understanding is not possible without some essential knowledge and appreciation of the foundational sources of Islam. As the call for the re-establishment of the Shari‘ah has become a divisive issue in Muslim societies, coupled with the fact that the Shari‘ah is often misunderstood as Islamic Law, it is imperative that Muslims educate themselves with regards to the foundational sources of Islam to better understand the relevant issues facing them and thereby to better be able to gauge the solution.

Unfortunately, most existing academic works pertinent to the subject are far too lengthy and advanced for the lay Muslim, requiring a degree of prerequisite preparation, which he/she may neither have the time or ability to give. One example is the highly recommended *Principles of Islamic Jurisprudence* by Muhammad Hashim Kamali<sup>8</sup> (a notable contemporary scholar and academic at the International Islamic University, Malaysia). For serious readers, or those with academic interests, it is an excellent work, fairly comprehensive and illuminating. For the general Muslim reader on the other hand it may appear far too advanced or serious, and therefore daunting to read, discouraging them from the attempt. Several other works, such as *Introduction to Shari‘ah and Islamic Jurisprudence*<sup>9</sup> by Mohammad Akram Laldin, lack depth. Muhammad Yusuf Guraya’s *Islamic Jurisprudence in the Modern World* is insightful, yet unduly critically focused on Maliki fiqh without ever acknowledging or explaining its preoccupation with the critique of Maliki fiqh only.<sup>10</sup> Anwar Ahmad Qadri’s *Islamic*

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*Jurisprudence in the Modern World* is another descriptive work.<sup>11</sup> Imran Ahsan Khan Nyazee is a highly reputed contemporary scholar. His *Islamic Jurisprudence (Usul al-Fiqh)* is a contemporary textbook on the subject.<sup>12</sup> Unfortunately, in my opinion it is again more descriptive than analytical, having hardly anything enlightening to offer the student of the field, let alone the general reader. In short, it fails to add any critical insight to the problem of Islamic Jurisprudence and why Islamic law often and generally has become asynchronous with contemporary reality.

Michael Mumisa's *Islamic Law: Theory and Interpretation*<sup>13</sup> is one of the few well-written books containing a substantive critical evaluation of Islamic law and jurisprudence. Thus, it is highly recommended. However, it is not clear whether the work's abrupt framing of the pertinent discourse in terms of Liberation Theology, apparently turning the author into an advocate of Islamic Liberation Theology, has enhanced the work or added confusion to readers' minds. The best contemporary text on Islamic Jurisprudence – in the English language – remains Kamali's, which has been acknowledged by all later scholars. However, its critical, evaluative aspect is meaningful, but not substantive. Almost all other works, except Mumisa's, lack any substantive critical evaluation of the field of Islamic law, and especially ignore many negative aspects or implications. Furthermore, all the works cited above, including that of Kamali and Mumisa, are text-oriented in a literal sense, a serious problem that is explored in Chapter Six.

This book consists of five core chapters. Chapter Two focuses on the Shari'ah and explores issues concerning misconceptions about the term as well as the propensity towards legalism. The latter is explained at length, followed by a discussion on value-orientation and its importance. Chapter Three focuses on Hadith, examining certain vital issues pertaining to the subject, identified and explained with ample illustration, concluding with the documentation of the problems concerning the misuse of Hadith in deriving or formulating laws. Chapter Four deals with the subject of Ijma', where most of the claims concerning it are demonstrated to be unfounded and untenable based on a consistent lack of consensus regarding almost *all* aspects of Ijma' as a source of Islamic jurisprudence. Chapter Five, on *Qiyas*, deals with the many

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conceptual problems and disturbing examples of the misapplication of this tool in Islamic legal promulgation. Thereafter, Chapter Six deals with a pivotal aspect of Islamic law and jurisprudence, namely the fact that Islamic law and jurisprudence lacks an adequate empirical foundation, “empirical” in today’s sense.

This book is the product of independent inquiry in Islamic law and jurisprudence. However, everything presented here is duly and painstakingly documented from the works of pertinent scholars and experts. The work is illustrative of how such an inquiring approach can be applied in a constructive manner. It is a past-enriched perspective that is respectful of what has been accumulated as knowledge and wisdom over the centuries, every bit as much as it aims to be forward-looking in regard to provoking a discourse that hopefully will usher in a better future.

Further, this book is intended to empower ordinary Muslims to better understand the issues and problems affecting them from an Islamic perspective by demonstrating the ways in which they can more effectively link with the Qur’an and the legacy of the Prophet to chart a superior future for the Ummah to better serve humanity. Just as AbuSulayman reminds all such interested parties “nothing will change unless we rectify, before all else, the ways in which we think.”<sup>14</sup> This author humbly contends that the prevailing conditions of the Ummah are not expected to change unless our thoughts and understanding about the foundational sources of Islam also change in the first instance.

The author strongly asserts that if readers, imbued with Islamic spirit, approach this book with an open mind they will be provoked to think and probe further, and thus enrich themselves. One central theme underlying this work is that the essential sources of Islamic guidance are the Qur’an and the legacy of the Prophet. Muslims are to be respectful of and must take into consideration the opinions of our pious and capable ancestors, including their valuable contributions. However, we are not to imitate their thoughts and contributions if in conscientiously understanding, interpreting or practicing Islam in the contemporary era, fresh thoughts and solutions are required; this



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applies as long as we sincerely seek guidance directly from the Qur'an and the legacy of the Prophet – then and only then.

Mohammad Nejatullah Siddiqi, a pioneering Islamic economist, who also kindly wrote the Foreword to this book, aptly articulates the same Islamic ethos, relevant to our contemporary time. After decades of contributing to the field of Islamic economics and finance, he too came to the realization that blind application of classic opinions not relevant to today's world can cause our laws to deviate from the *Maqasid* (higher goals, purposes, objectives, or principles) of Islam. Thus he too has issued a call for a return to the primary sources of Islam, the Qur'an and the prophetic legacy, as well as reconnection to the *Maqasid*, when recalling classic opinions. Despite our personal differences over some key issues concerning Islamic economics and finance, there is much inspiration to be gained by his illuminating discourse on the subject. Particularly impressive has been his invitation to the new generation of Muslims:

... every man and woman must be encouraged to seek guidance directly from the source is the novelty of the situation in which we find ourselves. Nothing similar ever occurred in history. ***We need unfettered exercise of human ingenuity. We need untutored reading of the sacred texts.*** For these two are the only sources of fresh ideas and new guidance suited to meet the challenges of change: the word of God and the human capacity to think, observe, imagine and intuit...Religious mentors who deny these sources to the common man, claiming a monopoly of these sources, commit the gravest of all sins. They have no right to do so. They do not have a divine mandate for appropriating the role of interpreting God. Nor can they justify their claim that they are better equipped for intellection and intuition than other people.<sup>15</sup>

It is with this unfettered, but constructive, Islamic spirit that all respected readers are invited to join in exploring the issues concerning these vital topics; vital because they are affecting not only the Muslim world, but humanity itself, and because the Ummah has been created for humanity, (*Surah al-Nisa'*, 3:110). Readers are urged to reserve judgment until they have completed a dispassionate reading of the book.

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Certain elements will be painful reading no doubt, however it must be emphasized that they are not the result of the author's own imaginings but rather seek to serve as a mirror to the real world in which we as Muslims live and to highlight the challenges to which we must rise. It is the author's earnest hope that this work will not be merely construed as faultfinding or slander because it is written in the spirit of self-criticism. As an active part of this Ummah the author deserves a share in its joy, hope, success and optimism, as much as deserving a portion of its sorrow, grievance, failure and stagnation. No criticism of any individual scholar or group or nation should be taken in isolation to avoid being judgmental. However, specific lapses, weaknesses, or errors of any individual should be approached with the spirit of learning and no one should be evaluated on the basis of their shortcomings without taking into consideration their overall valuable contribution to the field of scholarship as well as through their pious, noble and exemplary life.

Our '*ulama*' and jurists, more often than not, were valiant defenders of the Ummah and its conscience:

[T]he lot of the great ulama, especially those four who founded the schools of legal thought, consisted of torture and exemplary punishment. Imam Abu Hanifah [d. 767 CE] died in prison because he refused to accept a position as a judge in a regime that was not committed to Islam. When Imam Malik [d. 795 CE] opined in favor of the invalidity of *talaq* pronounced under duress, he was beaten so badly that his hand was paralyzed. Likewise, Imam Ahmad ibn Hanbal [d. 855 CE] was forced to undergo a great deal of suffering for his opposition to the political ambitions of those in power. Imam al-Shafi'i [d. 820 CE] was forced to flee from the authorities in Baghdad after he had to take refuge in Egypt, far from the center of power.<sup>16</sup>

The issues raised in this book have not been identified because of their polemical importance. Rather, the real problems and challenges facing the Muslim world – poverty, deprivation, illiteracy, instability, authoritarianism, exploitation, injustice, economic inequality, violence, human rights deviations, women's rights deficiencies, technological and economic backwardness, dependence on the West and so on – do not make for a happy picture. There must be a reason and there

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has to be a solution. Muslims should be familiar with the notion of believers being a mirror to each other. It is expected that the reader will proceed into the following chapters with this spirit in mind:

The Prophet said: “The believer is the believer’s mirror, and the believer is the believer’s brother who guards him against loss and protects him when he is absent.”<sup>17</sup>

Regardless of what the mirror reflects back towards us and toward our reformation (*Islah*), we must always bear in mind the following:

- (a) As human beings, we have enormous potential to change our lives, and the Qur’an emphatically reminds us that we must do our part in initiating change, beginning with ourselves (*Surah al-Ra’ad*, 13:11).
- (b) Equipped with the balanced and wholesome guidance contained in the Qur’an and the legacy of the Prophet, we can overcome any deficiency we have or challenge we face.
- (c) We all should have the desire to make a positive difference to the world in which we live in the spirit of *Islah* (betterment). As the Prophet Shu’aib so caringly addresses his people:

O my people! ... I only desire (your) betterment (*islah*) to the best of my power; and my success (in my task) can only come from Allah. In Him I trust, and to Him I turn. (*Surah Hud*, 11:88)

It is the author's contention that at the heart of the Muslim predicament lies ignorance and/or lack of commitment to core Islamic values, thus what is advocated throughout this work is a return to what is termed a "value-oriented" approach. We further learn that with the passage of time what we today consider to be the Shariah is in effect an original hub enveloped in a labyrinthine shroud of scholastic views and deductions hindering Muslim development, and to rely on fraudulent hadith and fallacious implementation of *hudud* law is not only to betray the spirit of the Qur'an and the Prophet's message, but a disastrous exercise. Consequences being blatant abuse of the Muslim populace under cover of implementing a bogus Shariah. This abuse and misapplication is explored throughout the work.

The book consists of five core chapters. After the introductory first chapter, chapter two focuses on the Shariah and explores issues concerning misconceptions about the term as well as the propensity towards legalism. Chapter three focuses on Hadith, examining certain vital issues pertaining to the subject, concluding with the documentation of the problems concerning the misuse of Hadith in deriving or formulating laws. Chapter four deals with the subject of *ijma*, where most of the claims concerning it are demonstrated to be unfounded and untenable based on a consistent lack of consensus regarding almost all aspects of *ijma* as a source of Islamic jurisprudence. Chapter five, on *qiyas*, deals with the many conceptual problems of the misapplication of this tool in Islamic legal promulgation. Thereafter, chapter six emphasizes that an empirical foundation is critically needed to render balance to Islamic law once again, by balance meaning that text-orientation be duly matched by life-orientation, in today's sense. Clearly the author contends that the prevailing conditions of the Muslim world are not expected to change unless Muslim thought and understanding of the foundational sources of Islam also changes in the first instance.

An excellent work on the main sources of Islamic Law, the Qur'an, Sunnah, *Ijma* and *Qiyas*. The author has discussed many vexing questions pertaining to these sources, their definitions, use and interpretations. He has highlighted the stagnation and literalism in law in the past and the need for value orientation in the future development of Islamic Law. **Shah Abdul Hannan, Former Chairman, Islami Bank Bangladesh; Former Deputy Governor, Bangladesh Bank.**

A refined and sophisticated analytical research work leading finally towards some conclusive remarks about the legal dilemma of the contemporary Muslim world. **Dr. Mohammad Yusuf Siddiq, Department of History & Islamic Civilization, University of Sharjah, United Arab Emirates.**

Neither a work of jurisprudence nor an account of Islamic philosophy or theology the author has, instead, chosen to tackle the momentous task of analyzing the predominant intellectual causes behind the myriad formidable problems afflicting the Muslim community of the present era. **Dr. Steve (Soleiman) Connolly, Senior Lecturer in Organic Chemistry, School of Science & Technology, University of Teesside, UK.**

With clear prose and thoughtful arguments, [the author] leads readers through the [issues] surrounding the faith and its core elements today, then offers persuasive resolutions to them. Moreover, he carefully indicates how older authorities might be read with an eye to the issues of the day. Indeed, his main concern here is to show clearly how Islam can respond positively to the many innovations of this age without losing any of its core appeal. **Professor Charles E. Butterworth, Emeritus Professor of Government and Politics, University of Maryland, USA.**

Some of the chapters make very painful reading indeed. But that is what is out there in reality. The author is only holding a mirror to our face. [The crisis we are facing today] is what comes out of a methodology that neglects the *Maqasid al-Shariah*, relying exclusively on *fiqh* rulings given hundreds of years ago in a different social milieu. Some stocktaking is seriously overdue. **Dr. M.N. Siddiqi, Professor Emeritus, Department of Business Administration, Aligarh Muslim University, India.**

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*Abou Zayd preaching in the Mosque, from 'Al Maqamat' (The Meetings) by Al-Hariri (vellum)*