

We must consider rationality & the principle of Istihsaan (juristic preference to arrive at the most equitable solution) a paramount principle in deducing religious law. This objective is to achieve a just society that would accommodate the rights of all, while paying special attention to the rights of the weak & underprivileged. Unfortunately over time, the principle of Istihsaan came to be sidelined & the doctrine of blind following (Taqlid) of traditional schools of jurisprudence gained ascendancy among Muslims. **Freedom of inquiry and expression** are essential to the practice of ijtiḥād & to the successful reconciliation of Islam & modernity. Reform of Muslim educational systems is absolutely essential.

The following examples illustrate the use of ijtiḥād. Fifteen years after the death of Prophet (p), Caliph Omar ibn-al-Khattab stopped cutting off the hands of thieves because most of them were stealing out of necessity due to hunger, poverty, and drought. While this contradicted a verse from the Quran, he justified his decision by stating that the principles of justice and fairness were supreme. The Prophet (p) proclaimed that “**prescribed penalties are suspended in all cases of doubt.**” This protects and regulates the manner in which punishments are enforced.

Another example is a case in which Imam al-Shafi'i, one of the founders of Islamic jurisprudence, gave a certain legal opinion in Baghdad. One year later he moved to Cairo, and in response to the same question he gave a very different opinion. Someone questioned him, “O Imam, last year in Baghdad you gave a different answer,” and he replied, “That was in Baghdad and this is in Cairo. That was last year and this is now.” When employing ijtiḥād, scholars considered the time, place, norms, and prevailing conditions when they rendered their religious advice & opinions.

Legal reasoning – even the best legal reasoning – is not the solution to our problems. Why are we Muslims still in the situation in which we find ourselves? **Our problems are not going to be solved by having scholars think more deeply.** If we limit change and innovation to only those who have qualifications to reason from the text, we are not going to get anywhere.

Muslim civilization was not built by a set of scholars sitting in a room writing down rules about what was & was not permissible who then instructed people to follow the law. Islamic civilization was built

by people with initiative, imagination & creativity who were interested in constructing creative lives and forging good relationships with others. It was only when these leaders encountered difficulties that they consulted religious scholars.

The institution of ijtiḥād was recognized by all sects of Islam. Its practice was rare. A notable exception being Ibn-i-Taimayya who rose up in revolt against the finality of schools and went back to the original principles in order to make a fresh start. Shah Wali Ullah in the days of the later Mughals was alive to the necessity of ijtiḥād. Syed Jamaluddin Afghani was conscious of the need to **adjust Muslim thought to the realities of the time.**

Iqbal, even more committed, made a serious call to the Muslim people to exercise ijtiḥād, to prize its value. All misinterpretations, all glosses and all beliefs preventing the Ummah from moving forward disturbed Iqbal. He yearned for the Muslims to forge ahead and cast away the glosses put on their faith, for Islam was the Religion of Nature, to be restored to its pristine purity. He called upon the Muslims to act. Action, for Iqbal, was the “highest form of contemplation,” as it was only through action that productive results could be achieved. Indeed for Iqbal action was so important that it needed to be tackled by revolutionary means. **Because of our very narrow vision, our legalistic vision & our authoritarian models of decision making, we are excluding those creative people who can offer us a different vision of the future.**

Ijtiḥād is necessary in many areas, and there are many legal rules which have moved away from the spirit of the Quran, even if they are founded on some fragment of the text. It is time the practice of ijtiḥād was opened and a fresh approach developed to solve the many legal and social problems affecting Muslim societies today. **Blind imitation & stagnation have become the bane of Islamic law.** While changes are taking place in the world around us, we continue to imitate the pre-1258 jurists in the religio-legal field. **We are unable to think afresh & derive inspiration from the Quran.** We keep on quoting only certain imams & medieval authorities who have become more sacrosanct for us than the Quran.

The problems of modern life could be solved only by such vigorous action. The message is a call for jihad – a jihad which endows the Ummah with vitality & urges it to move forward. A vitality generated only through ijtiḥād: Jihad & ijtiḥād linked in derivation, & goal. Let's make **Islam a living intellectual force.**

Makes Islam a living intellectual force

REASON

Islam **not** only acknowledges but views with favour the principle of REASON (ijtiḥād). It is an important means for keeping pace with the changing circumstances. This is the principle of movement in the structure of Islam & Ijtiḥād is the source of life to society, making Islam a living intellectual force.

The process of ijtiḥād (reasoning) has enabled Muslims **to be flexible & to learn** from other cultures & civilizations. Islam teaches that no one owns the truth & that the true believer is always in search of the truth & wisdom; wherever one finds them, they follow. This ongoing search for truth & for the overarching Islamic principle of justice has led Muslims & Muslim scholars to respect one another's opinions, making them willing to **change their own opinions if proven wrong.** Muslim religious scholars used to say, “This is my opinion & I could be wrong. And this is someone else's opinion & they could be right.”

No one had a monopoly on the truth. Is it possible to proclaim the truth of your own faith & at the same time agree that other religions are also paths to salvation? If you're Muslim then you're in an **advantageous** position. God states unequivocally: Verily, those who have attained to faith, as well as **those who follow the Jewish faith, the Christians & the Sabians – all who believe in God** & the Last Day & do righteous deeds – shall have their reward with their Sustainer. No fear need they have & neither shall they grieve. (Quran 2:62)

We are unable to think afresh & derive inspiration from the Quran. We keep on quoting medieval authorities who have become more sacrosanct for us than the Quran. **A false reverence for history & its artificial resurrection constitute no remedy for a people's decay**

Do not follow blindly any information of which you have no direct knowledge. Using your faculties of perception and conception, you must verify it for yourself. In the Court of your Lord, you will be **held accountable** for your hearing, sight, and the **faculty of reasoning**.

The Goal: Releasing all beings from devotion to the created, to make them free to practice devotion to the Creator. Taking them from the injustice of superstition to the justice of Islam. Raising them from the restriction of the physical world, their limited thinking, to the wide horizons of the Quran.

Ijtihad is counted among the pillars of Islam in the same way that jihad is. **Without jihad** there would be **no** Ummah; **without ijtihad** the Ummah would have **no** vitality. Thus both may be considered as essential & continual responsibilities.

Ijtihad was the methodological means that allowed Muslims to confront ignorance, oppression & deviation. In closing the doors to ijtihad, Muslims believed they were solving their legislative problems. In reality, however, all they succeeded in doing was crippling their own intellectual powers. Even so, there has never been a time when the call to revive ijtihad was entirely silenced. "...**We set out in detail the signs for people who will reason & understand**". (30:28).

Without ijtihad, the Muslim mind will never rise to the level envisioned for it by Islam. The Ummah will not take its rightful place in the world. Unless the call to ijtihad becomes a widespread intellectual trend, there is little hope that the Ummah will once more contribute to world civilization, correct its direction, build its own culture, or reform its society. To liberate the Muslim mind, the Ummah needs ijtihad in every aspect of its life. If it is to play its preordained role, it must undertake a new reading of the Quran & the Sunnah, study its past, analyze its present and, by means of these, ensure its future.

The lexical root j-h-d (common to both Jihad and Ijtihad) is defined as the exertion of effort on a matter that requires it. In all of its different applications, the term denotes the expenditure of mental & intellectual effort. Al-Ghazali defined ijtihad as "the expending," of all one is capable of in order to seek knowledge of the Shariah.

Allama Iqbal emphasized: Islam is a dynamic religion, as it makes full allowance for the reinterpretation or reconstruction of its teachings in the changed circumstances and novel conditions of life through the institution of ijtihad. It is indeed, after the Quran & the Hadith, the third source of Islamic law. Iqbal points out that the importance and value of the exercise of one's judgment i.e. The use of one's faculty of reasoning, is expressly recognized by the Quran. "...**God will place defilement upon those who will not use reason**." (10:100)

Repeated exhortations demand use of one's reasoning faculties. We are asked: "Do you not reflect?" "Have you no sense?" Those who do not make use of their reasoning faculty have been called by the Quran: "the deaf and the dumb." Cattle, worse than cattle. The vilest of animals in Allah's sight are the deaf and the dumb, who do not understand.

On the other hand, the learned doctors of Islam who, by the use of their deductive faculties, bring out (istinbat) the hidden meanings of the text of the Quran have been given a position & status next only to the Prophet (p). According to the Quran, revelation as a source of knowledge is higher than reason, and it is through revelation alone that the fundamental principles of Islam are made known to the believers.

But there is also an ample provision, particularly through the institution of ijtihad, for the exercise of one's rational faculties. It is only thus that the learned are to explain the inner meanings of its fundamental teachings and work out their practical ramifications in individual and social life. Islam thus admits of the principles both of "permanence" and "change" and makes full allowance for perpetual readjustments to changing conditions of time, situations, socio-economic problems.

The institution of ijtihad is also expressly recognized & equally emphasized in the Hadith. On being appointed governor of the province of Yemen, Muadh

was asked by the Prophet (p) as to the law by which he would manage the affairs of the people. "By the law of the Quran." The Prophet (p) then asked "But in case you do not find any direction in the Quran?" "Then I will act according to the Sunnah," was the reply. "But if you don't find any direction even in the Sunnah?" the Prophet (p) asked. "**Then I shall exercise my own judgment and act according to it**," was Muadh's reply. The Prophet (p) raised his hands and said: "Praise be to God who guides the messenger of His Messenger as He pleases."

Recalling that after the destruction of Baghdad in the thirteenth century, the ulema tried to preserve the uniformity of social life by adhering to outward appearance, thinking it necessary for preserving the social order, he sadly observes: "But they did not see, and our modern ulema still do not see, that the ultimate fate of a people does not depend so much on organization as on the worth and power of individual man. In an over-organized society, the individual is altogether crushed out of existence. He gains the whole wealth of society around him and loses his own soul. Thus, **a false reverence for past history and its artificial resurrection constitute no remedy for a people's decay**."

There is a way out of the dilemma for those who wish to keep their faith and yet acknowledge the need for reform. Ijtihad for them would have to be applied unfettered by the Usul Fiqh and conform to the Quran's broad principles of justice and fairness or Adl (Justice) and Ihsaan (the doing of that which is beautiful), rather than to the specific manifestations of these principles that may have worked within a particular cultural framework.

Any forward looking ijtihad must of necessity conform to the Quran's overall principles & objectives of **delivering a just society** rather than being excessively preoccupied with their seventh century expressions & manifestations. The Quran, through planting the seeds for reform within the context of its own revelation, showed the path for future reform & progress towards universally recognized human values. Using reason is a necessary condition for humans to attain belief in God.

"Do you not reflect?" The Quran asks over & over

"Have you no sense?"

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