sources of Islam, (b) it is derived with explicit attention to the *maqāṣid* and values of Islam, and (c) that the adoption and enactment of the law by society be through *shūrā*. In light of this chapter, those conditions need to be more nuanced, as follows: A law is to be considered Islamic when all three of the following conditions are met: (a) the formulation of the law is rooted in the foundational sources of Islam, with life-oriented, empirical due diligence, (b) it is derived with explicit attention to the *maqāṣid* and values of Islam, and (c) the adoption and enactment of the law by the society is through a process of *shūrā*.

## Chapter Seven

# Conclusion: Toward Our Reformation

Today we face a number of challenges in the Muslim world. The people of some countries are facing a horrible conflict as part of an international power play involving oil. In other parts of the Muslim world, occupation or effective control by unfriendly forces persists. Illiteracy and poverty are particularly rampant in Muslim-majority countries. In other parts, sectarian violence continues; in general, the physical abuse of women is common; though not exclusive to Muslims, 'honor killing' of women still occurs; in the heartland of Islam, women still cannot drive in the name of Islam. Even in 'progressive' Muslim-majority countries, a Muslim spouse can be served a triple (irreversible divorce) message through SMS on a cell phone. In the West, there are many mosques where Muslim women are not welcome.

Many of these issues are matters, which concern the prevailing socio-cultural-political environment. However, the Muslim mind and the present culture are entrapped in the current dysfunctional and stagnant situation, because of the deeply conditioned traditional religious understanding and devotion that exists, made possible by inappro-priately projecting back to textual sources in general and extravagant use of hadiths, sometimes questionable hadiths, in particular for support and evidence.

Firstly, Shariᶜah, as it is commonly used, is a misleading term as so many extraneous attributes like divinity, sacredness and immutability are assigned to it. When, in a reductionist manner, the Shariᶜah is equated with Islamic law society suffers from legalism. Detachment from the spirit, goals (*maqāṣid*), or normative principles of Islam not only involves loss of social dynamism, but also overwhelmingly

burdens the lives of the masses with troublesome literalist and absolutist interpretation. Secondly, the Qur'an is the culmination of all the divinely revealed texts throughout human history. It occupies a central and unrivalled position in Islam. The Prophet himself could not contradict it. Thus, nothing else negating the Qur'an can be used and adduced in support of a doctrine, law or code – a crucial point that is generally acknowledged by all Muslims, but routinely ignored in practice.

Thirdly, the Prophetic legacy, or Sunnah, is also vital to Muslims and the Islamic way of life. The Prophet is identified in the Qur'an as the exemplary model. However, as demonstrated in chapter three, the traditional view of the hadith also indefensibly exaggerates the source, in terms of placing it on a par with the Qur'an, when some measure of divinity is claimed in this regard. Fourthly, the commonly held views about ijmaᶜ are untenable and exaggerated. Not only does no ijmaᶜ exist about the definition of the term itself, there is hardly any aspect of ijmaᶜ about which any consensus arises. Many legal verdicts, for which an ijmaᶜ is advanced, reflect a unique socio-historical context going all the way back to the time of the Prophet and his Companions, even though the particulars or details of any aspect of law may not be universally applicable throughout time.

Fifthly, *qiyās* has become yet another seriously abused tool of Islamic jurisprudence. Any law that is derived through analogical deduction must not be claimed to be divine, thereby requiring Muslims to treat it as sacrosanct. Sixthly, the received corpus of Islamic law does not possess an empirical foundation, and the vital role of research, concerning the pertinent matters required to understand and analyze a problem both before and after the formulation and enactment of a law, is currently absent.

Again, law should only be regarded Islamic when all three of the following conditions are met: (a) The formulation of law must be rooted in the foundational sources of Islam, according to a life-oriented, empirical approach where due diligence is rigorously practiced; (b) it is derived with explicit attention to the *maqāṣid* and values of Islam; and (c) the adoption and enactment of law by the society through a process of *shūrā*.

Seeking constructive transformation is a dynamic and exciting challenge. In pursuit of success both in this life and in the life hereafter,

Islam invites everyone to constantly seek positive change – change that helps improve individuals at all levels, while positively touching the lives of others. Of course, change begins at home; with us in the first instance. Those who appreciate and seek such change in a proactive manner – not reactionary (as happens now) – will not only change themselves, but also, in the process, effect changes in others.