Taqlīd and Ijtihad

(Part One)

THE POLEMICS OF IJTIHAD

From the second Islamic century until the present day, the reality, essence, rules, conditions, premises, means, and scope of ijtihad have remained a source of debate engaging some of the Islamic world's greatest theologians, scholars of *uṣūl*, and *fuqahā'*. This debate has also been enriched by proponents of the view that the door of ijtihad was closed and that the fiqh left by the Four Sunnī Imams (viz., Ibn Ḥanbal, Mālik, al-Shāfiʿī, and Abū Ḥanīfah) obviated the need for any further ijtihad, as well as by those who claimed that this door was still open and that the existing fiqh was not sufficient to guide the contemporary Muslim world.

In our own times, attention is focused on the Shariʿah's suitability as an order and a way of life. This new topic of debate, before unknown among Muslims, emerged after the crushing defeats experienced by the Muslim Ummah after the First World War, such as the dismantling of the *khilāfah* and the creation of artificial states ruled by Europe. Many Muslims blamed Islam and its institutions for their defeat, and soon began to emulate their conquerors. Others, however, had a quite different view: The Muslim Ummah experienced these disasters because it had become alienated from the eternal truths of Islam. Thus, what was required was a return to the true Islam, rather than its wholesale rejection in favor of alien institutions and ideologies. One fundamental part of this return would have to be the use of ijtihad, for how else could Muslims incorporate Islamic principles into situations with which they had never had to deal?

Muslims who hold the latter view know that they must meet their opponents in the realm of ideas, for that is where the Ummah's future course will be decided. To be successful, great energy will have to be expended in scholarship and conceptual thinking, in seeking to understand humanity's place in the divine scheme of existence and what is expected of it, and how this knowledge might be applied by Muslims as they struggle to make themselves and their societies conform with the will of Allah. Without a complete civilizational design, by means of which the Ummah may by restored to its former median position and fulfill its role as being a "witness unto nations," it will never regain its former position or even make a new beginning.

Today, the Muslim Ummah is in a deplorable state. No longer can it present itself as having a unique culture, system of values, personality, or anything else that makes a civilization distinct from all others, for large-scale borrowing from the West has undermined and distorted all of its inimitable features. It is now a travesty of its former self, and can only perpetuate itself by producing religious specialists whose academic background is limited to the personal laws of Islam alone.

However, there are some signs that change is in the air. This has taken the form of an attempt at revival (*ṣaḥwah*), which is striving to raise the Ummah's consciousness, outline the features of its character, and bring together its past and present so that it can intelligently chart its future course by studying its cultural personality and civilizational components as reflected in its thought, methodology, sciences, disciplines, aesthetics, and so on.

However, none of this activity will be of any use if the end result is something other than a recognition of the fact that the Ummah's existing crisis of thought can be solved only by restructuring its cultural mold and reordering its priorities. The only way for even the first steps to be taken involves a coming together of those enlightened and capable Muslims who can see what has to be done. Ijtihad is indispensable, for it can be shown historically that the Muslim Ummah only entered its current crisis after ijtihad fell into disuse and was gradually replaced by *taqlīd*.

THE DYNAMISM OF IJTIHAD IN RESTRUCTURING ISLAMIC METHODOLOGY *(AL-MINHĀJ)*

The study of ijtihad and its principles is one of the pillars of the Islamization of Knowledge, and, as such, comes within the framework of studying a distinct Islamic methodology. If applied, this methodology will produce a com-

prehensive and uniquely Islamic understanding of sociological phenomena, their agents, essential elements, and relationships, along with an appreciation of their governing laws and principles. Such a development is now impossible, for the current methodological foundations are all creations of the West and, as a result, inherently hostile toward Islam and its concepts.

What is needed is the erection of an Islamic methodology that can replace its western counterpart. This is no easy undertaking, for it involves establishing a unique framework of knowledge, defining the sources of knowledge and the rules that govern their use, and initiating a critical review of all facets of both the western and the Islamic methodologies so that the suitable elements are retained and the unsuitable ones are either transformed and accepted or rejected outright.

In addition to dealing with characteristics of the western model, which will influence how Muslims deal with the Islamic model, there is an additional problem: the use of western terminology. It is next to impossible to free oneself from the categorizations and concepts upheld by western scholarship, or from their influences, when dealing with studies of any other civilizational model. Thus, most of

> ... the scientific methodologies in the West are incapable of looking at Islam, or Islamic society and its social strata, its economics, its political order. And this is what strips such West-oriented studies of their academic integrity, so that they appear little more than presumptuous deductions based on superficial similarities. This is because it is impossible to understand Islam from the perspective of what Western scholarship presupposes in regard to organized religion. In the same way, it is unrealistic to suppose that the Islamic model of society could be understood through the categories propositioned by the Western model as a result of its own historical experience.[2]

However, Muslims are fortunate in that they do not have to start this undertaking from the beginning, for a great deal of material in the classical Islamic legacy can be used. This same legacy also provides contemporary Muslim scholars with a framework for organizing the rules relevant to the Islamic epistemological sources and delineating the relationships between them. Thus, one may state that the level of scholarship attained by previous Muslim scholars using the methodology developed by the early *mujtahidūn* was extremely mature.[3]

As we consider the Islamization of Knowledge to be one of Islam's higher purposes, as well as a living and civilizational necessity, the need for

ijtihad becomes obvious. Not only is it required for creating an Islamic methodology, but it also plays a pivotal role in a Muslim's daily life as well as in forming a spiritually, mentally, and intellectually balanced Muslim personality that can assume the role of Allah's vicegerent and pursue the Ummah's best interests. Thus its correct exercise, in conformity to the specified conditions, is extremely important.

This illustrates a fundamental difference between the two types of Muslims we see today. One group accepts the viewpoint outlined above, while the other rejects it and calls for the wholesale adoption of western knowledge. This latter group, frequently referred to as "reformers," has yet to acquire an appreciation for the differences between Islam and the West, differences that sometimes reach the point of outright contradiction.[4]

As we noted earlier, the role of ijtihad in freeing the Muslim Ummah from its bondage to the West is primary. Only through ijtihad will Muslims be able to construct a new methodological infrastructure that can replace the current western one and enable Muslim scholars to once again base their knowledge and epistemological paradigms upon Islam's original sources. The degree to which we can accomplish this task is directly related to the amount of success we will have in freeing ourselves of western domination.[5] No efforts will be wasted, for all of them are investments in Islam's future and may eventually solve the apparent contradictions that bedevil us today: traditionalism versus modernism, classical thought versus contemporary thought, the material world versus the afterlife, science versus religion, and others.

Many of the current theories dealing with Islamic thought need definition, perspective, and proper points of departure, for the lack of a proper methodology and a clear overview make them appear to be the result of muddled and opaque thinking. The resulting theories are repeated and restated, discussed again and debated, and, finally, are treated to solutions either imported from abroad or inherited from the past. Thus, nothing gets settled, solved, or agreed upon, which is certainly an intolerable situation. For Muslims, ijtihad provides the way out of this morass.

A PANORAMIC ASSESSMENT
OF IJTIHAD'S PROGRESSION

In this study, we would like to evaluate previous studies and extract what is useful. Also, we would like to discuss ijtihad from being the preserve of the few to one suited to the needs of all qualified scholars and thinkers in the Ummah. Hopefully, this may be the catalyst needed to help the Ummah

break through the barriers blocking its own cultural, scientific, and episte-
mological frameworks and then regain its former position in the world
community.

In classifying previous studies of *taqlīd* and ijtihad, we may say that they
fall into two general categories: specialized *uṣūl* studies and non-specialized
studies.

The first category can be subdivided into two additional categories.
The first one consists of comprehensive works on *uṣūl al-fiqh* in general,
meaning those works dealing with source evidence and how legal rulings
are derived from it, as well as with the status of the *mujtahid* or *muqallid*
who derives such rulings. Regardless of the author's *madhhab* or whether
he/she wrote in the style of a *mutakallim* or a *faqīh*, or in a combination
of both, these works have changed little over the centuries. Nearly every
work contains a book, a chapter, or a subchapter on ijtihad and *taqlīd*. The
topics discussed nearly always include the reality (*ḥaqīqah*) and different
kinds of ijtihad, the ijtihad of the Prophet, whether or not every *mujtahid*
is right, and similar complicated technical matters concerning its principles
and how they are applied to obtain legal rulings.

The second one consists of books written specifically on ijtihad. In clas-
sical times, this kind of study closely resembled the type of studies found in
the first category. The main difference, however, is that where the compre-
hensive *uṣūl al-fiqh* works only treated this subject briefly, these works
explained at length the points that the comprehensive works only summa-
rized, provided instances and examples, and even added such new topics as
"Closing the Door of Ijtihad," "Partial Ijtihad," "Ijtihad within a *Madhhab*."

Nonetheless, the two categories are alike in presenting ijtihad in a purely
descriptive perspective.[6] This makes it a complex, specialized exercise that is
limited and qualified by its means, methods, and conditions.[7] Thus, it is no
longer a creative and contemplative endeavor, but rather a technical one
limited in its methodology and means, as well as restricted in the scope of
its concern. On the other hand, non-specialized studies deal with ijtihad as
an expression of a human intellectual and creative activity seeking to under-
stand humanity, life, the universe, and creation. As such, it views *taqlīd* as a
rigid and negative force.

These non-specialized sources may be described as generalized social
studies, for they deal with matters of concern to the entire Ummah, such as
its mental and intellectual state, the history of its culture and thought, its
inertia and backwardness, and its failure to contribute anything new to the
contemporary world. Thus, this group is clearly distinguished from the for-

mer one by its understanding of ijtihad not in the strict terminological sense, but rather in the wider lexical sense of expending intellectual effort, in the sense of a uniquely creative mental state diametrically opposed to the prevailing intellectual rigidity found among Muslims.

These studies often speak of closing the door of ijtihad and thereby opening the way for *taqlīd*, and then attempt to project this as symptomatic of the entire Ummah's mentality. But they are often surprised by others who claim that this door was never closed and that the final rulings have not been made. At this point in the discussion the larger focus usually gets lost, for participants then begin the endless debate over the exact status of ijtihad, who can or cannot practice it or close the door, and other ancillary matters. Regardless of all of the arguments presented by both sides, regular ijtihad has not been practiced for centuries, despite its very rare use by individual *fuqahā'*, and the Ummah's intellectual and cultural conditions have not been very conducive to its use.

These non-specialized studies may also be further subdivided into two categories: secular and non-secular. The first group consists of works by Muslim secularists, writing in Arabic, that present revival and modernity, in the western sense of those terms, as cures. Many of their arguments come from the European Age of Enlightenment, a time of intense anti-church feeling. Their use of such arguments has caused them to view Islam and Christianity, mosque and church, as well as *faqīh* and cleric, as one and the same. This leads to their further assumption that Muslims need a Renaissance to free themselves from these shackles so that they can follow the Christians down the road of progress, which, of course, includes secularism. They regard ijtihad as tailor-made for this endeavor, for once it has been stripped of its lexical and juridical meanings and made synonymous with one's personal opinions and inclinations, the path of the West can be followed quite easily.

However, those very people who stretched the meaning of ijtihad to the breaking point in order to justify their dream of modernization and westernization now find themselves hard-pressed to conceal the shallowness of their thought or the crisis of their identities. As a result, they have started to use other means and terminologies, both contemporary and classical, to accomplish their goal. Such writings are unmistakable for the kind of symbolism they employ and the folly they espouse.[8]

The second group consists of works by Muslims who believe that the Ummah is passing through a period of intellectual crisis that can only be ended by recovering its pristine character, reforming its inner life, reshaping

its mentality, and building up its individuality. In their opinion, the Ummah reached its present deplorable state only after its members had stopped making relevant and intelligent contributions to its daily life.

This group also eventually comes around to the same discussion engaging the first group of writers, but only after passing through the following steps: the rationalists (*ahl al-ra'ī*) versus the traditionists (*ahl al-ḥadīth*), the codification of fiqh-oriented ijtihad, and the history of the call to end further ijtihad and accept the legal authority of the Four Sunnī Imams or *taqlīd* – a truly barren landmark in the Ummah's intellectual life, as well as the starting point of its present intellectual crisis and cultural decay.

Then the discussion about opening and closing the door of ijtihad begins. Some participants, however, fail to realize that the Ummah's overall intellectual and cultural climate is one matter, while the discussion of ijtihad's lack of movement in one limited field of knowledge (i.e., fiqh) is an entirely different matter. Thus, discussion becomes controversial among those who argue whether ijtihad is still allowed or not.

In my opinion, the majority of those who claim that the door of ijtihad is closed are, in reality, pointing to the fact that the Ummah's intellectual contribution to the social sciences has ended, whereas the second group is saying that the collected corpus of *fiqhī* literature can still address current problems, regardless of whether legal decisions are issued or not. Nonetheless, *fiqhī* questions are essentially questions about details. Thus, if one scholar refuses to or cannot make a legal decision, another one will do so on the basis of earlier fatwas, through the application of basic principles and in consonance with the Shariʿah's higher purposes, or on the basis of analogy (*qiyās*). But this is not the matter of contention. Rather, the crisis is in regard to absolute and unrestricted ijtihad, to open minds, structured thought, and comprehensive vision – all matters without which the Ummah cannot build a viable society or serve as a "witness among nations."

Regardless of its apparent current abeyance, in its strictly legal sense (i.e., ijtihad being the knowledge of juridical source methodology, the rules for deriving legal rulings, and the ways of indicating legal preference) the practice of ijtihad never ended. Even in our own time, fatwas dealing with legal problems are issued. However, this does not balance out the occurrence, from a very early date, of an unhealthy intellectual and psychological state of mind, one that did not come about through a sultan's decree, government legislation, or the lethargy of one or more scholars. On the contrary, this situation is the result of several factors, and as the crisis worsened its ill effects spread to every aspect of life, including the *fiqhī* aspect. As the *muj-*

tahid played an essential role in Islamic civilization and may be regarded as the Muslim version of what the West would call a "Renaissance Man," the Ummah's scrutiny of the role of fiqh and of the *fuqahā'* are perfectly legitimate and understandable.

THE TRADITIONAL ROLE
OF THE *FAQĪH*

Historically, the *fuqahā'* formed a major pillar of Islamic society. Trained as scholars of the Qur'an and the Sunnah so that they could use ijtihad when dealing with religious and temporal problems, such people were the Ummah's fundamental guarantee that its leaders would not lead it astray. In a sense, they were the equivalent of such major contemporary American institutions as the House of Representatives and the Senate, and performed the check and balance function of a federal judiciary system vis-à-vis the government's executive and legislative wings. Moreover, their voice was always a moral force for enjoining good and forbidding evil.

A traditional scholar never waited for someone to come along and "award" him a degree that qualified him to exercise ijtihad. On the contrary, this status was achieved by dint of personal study, travel, instruction, and by keeping the company of the learned. When he judged himself ready, he would choose a pillar in the mosque, face the public, and begin his discourses. His resulting success or failure depended upon his ability to answer the questions of other scholars and his students, use his knowledge and ability in ijtihad, solve new problems, and whether his published works and decisions were accepted or rejected by his peers and society at large. If his views were accepted, what he viewed as correct would gradually become part and parcel of the general public's mentality and psyche, while what he viewed as incorrect would be rejected.

The Role of the Faqīh *in the Judiciary System.* Muslim scholars supervised the judiciary system (*al-qaḍā'*) and protected the Ummah's rights vis-à-vis its rulers. Not only were they entrusted with ensuring that the rulers did not transgress their proper bounds, but they were also expected to force those rulers who did go astray to mend their behavior. Thus, Muslims have always seen scholars as protectors of the Ummah and its rights. And so when it seems that the scholars have stopped fulfilling these functions, thus bringing many problems and disasters upon the Ummah, it is only logical for the average Muslim to blame all of the ensuing misfortunes on them. They do not consider it unreasonable to assume that the scholars' inability to perform

ijtihad lies at the root of the Ummah's current backwardness, lack of contribution to humanity, and muddled methodology.

The Faqīh *as a Social Scientist.* The time has now come for the Ummah to realize that the *faqīh* is essentially another of those social scientists that the Ummah needs so badly. While he cannot replace other social scientists, they cannot replace him. Moreover, the *faqīh's* traditional role can now be undertaken only by institutions that deal with educational, research, public management, supervisory, or moral-advisory matters. Clearly, the Ummah needs such institutions to give order to its life, direct its movements, oversee its policies and directions, and watch over the education and psychological well-being of all Muslims. Life today is so complex that it is entirely unrealistic to expect one *faqīh* to master all of the knowledge needed to deal with it. In reality, academic committees and academies that combine the various disciplines, including the *fiqhī* disciplines, must be established.

UNRESOLVED ISSUES OF IJTIHAD

I have gone through nearly 160 studies, research papers, and articles dealing with *taqlīd* and ijtihad, in addition to numerous chapters dealing with these subjects in books of fiqh, *al-uṣūl*, and the history of Islamic law. Despite this, I have noticed that almost all of these studies follow the same path laid down in the fourth and fifth Islamic centuries by the authors of the classical *uṣūl al-fiqh* compendiums. Moreover, these studies confine themselves to the same issues tackled by classical scholars: the meaning of ijtihad and *taqlīd*, the categories of ijtihad and how they are divided, the relation of ijtihad and *taqlīd* to certain related concepts, the essential conditions for exercising ijtihad, how there are no *mujtahidūn* today, how ijtihad has become fragmented, correct and incorrect ijtihad, and so on. At most, some of these studies may differ in their inclusion of other topics, possibly because of their author's viewpoint or because they include different and varied examples of ijtihad.

Thus, the majority of these studies proceed along nearly the same lines, differing only in unessential matters. For example, one might elaborate on what others merely indicate or arrange the subjects in a different way. In addition, I have noticed that many important subjects have been either entirely ignored or mentioned only in passing. Among the most relevant of these subjects are the following:

a)   *The historical background of ijtihad and* taqlīd. This background is essential for understanding many of the issues related to these two questions,[9] such as the division between intellectual and political authority in

the history of Islam and its positive and negative effects on ijtihad and *taqlīd*; the advent of sects and doctrinal divisions (i.e., the Jabrites, the Qadarites, and the Muʿtazilites) and their positive and negative effects on ijtihad and *taqlīd*; the growth of a Muslim public character incorporating feelings of alienation and a slave mentality due to a distorted understanding of religion, the world, humanity, *shūrā*, authority, the head of state, relations between authority and citizenry, internal strife, the appearance of heretical thought and politics, and the effects of all this on ijtihad and *taqlīd*; and the lack of those institutions necessary for establishing the requisite methodological consciousness, which caused the consequent reliance on individual undertakings.

b) *The connection between ijtihad and the Shariʿah's higher objectives* (maqāṣid al-Sharīʿah). Many of these studies fail to illustrate either the affinity between ijtihad and the *maqāṣid* or the antipathy between *taqlīd* and the *maqāṣid*. The only exceptions have been works dealing exclusively with the question of the *maqāṣid* in an attempt to focus on the essential connection between ijtihad in its general sense and ijtihad as related to the *maqāṣid*.[10]

c) *The effect of multiple trends in ijtihad, how this effects the understanding of the "Oneness of Truth, Reality, and What is Correct," as well as the clarification of the true parameters of the controversy regarding this issue and its important intellectual, psychological, and educational consequences on the Muslim mind.* Moreover, this subject requires minute attention, for it deals with the most important factors leading to the realization of actual multiplicity in ijtihad, clarifying the truth behind differences of opinion (*ikhtilāf*), and distinguishing between two different kinds of *ikhtilāf* (i.e., differences of diversity and differences of contradiction, or, in other words, praiseworthy and permitted differences, and blameworthy and prohibited differences). Likewise, most studies dealing with ijtihad and *taqlīd* do not pay enough attention to the "Oneness of the Truth" and differences among scholars as to exactly what this means and entails. Also missing is any concern for the potentially dangerous effects of not placing this issue in its proper perspective in order to spare the Ummah any damaging negative thinking.

d) *None of these books have presented a realistic and practical solution to the present crisis of ijtihad or dealt with the possibilities of "group" ijti-*had *or establishing research institutions and academic organizations to support such an undertaking.* The absence of any solution has left the

field wide open for those who wish to create and then impose man-made legislation derived from their own understanding, which may or may not include the relevant *fiqhī* literature.

e)   *The issue of* fiqh al-wāqiʿ (*real-world* fiqh), *its contributory factors, and the necessity of linking it with ijtihad has been ignored.* As *fiqh al-aḥkām* (rulings derived from linguistic and lexical studies) was, there-fore, not dealt with in a satisfactory manner, the circumstances sur-rounding the formation of the ruling in question (i.e., the occurrence itself, the time, the place, and the human element) were overlooked. This resulted in many scholars understanding the entire process of ijti-had in only a partial manner. As a result, they placed it under *fiqh al-aḥkām* rather than *fiqh al-wāqiʿ* where it belongs, and did not properly reference the one to whom the judgment would apply (the *maḥkūm ʿalayhi*). Thus, they lost one of the most important elements in the overall process of ijtihad.

f)   *Many of these studies have not gone into the details of* taqlīd *as regards to the individual or explained how ijtihad relates to the individual in question.* Is the relationship completely negative, as the majority of stud-ies would suggest, or is there some scope for a positive role? If so, what would be the nature of that role, not to mention the role itself? Studying such details is part of studying the *maḥkūm ʿalayhi* as an element in the process of ijtihad, for surely the individual is one of its aspects. Moreover, the individual is an invaluable source of information for acquiring a proper understanding of *fiqh al-wāqiʿ* and its constituent elements, not to mention a representation of where the resulting rulings are to be applied. Thus, we can see the importance of regularizing and defining the individual's role vis-à-vis ijtihad.

g)   *The element of continuous self-renewal through meeting and adjusting to changing circumstances based upon rulings conducted within the framework of ijtihad is missing in many of these works.* This might be due to the view of ijtihad as a purely legalistic and legislative function, which severely limits its traditional and intended role. Without this ele-ment, and without a real understanding of the ties that bind the sources of Islamic thought and culture to the dynamics of ijtihad and the reali-ties currently facing it, the Ummah is destined to remain where it is, mired in hopelessness and stagnation.[11]

h)   *The necessity of clarifying concepts.* Ijtihad is one of several fundamen-tal Islamic concepts that Muslims have either misused or misunderstood.

At present, there are essentially two interpretations of the term: It is either a technical and limited *fiqhī* exercise for the qualified few to the exclusion of everybody else, or it is represented by all new thoughts and ideas, regardless of whether their holders are qualified to exercise ijtihad or not.

It seems that neither the strict nor the liberal interpretations of ijtihad have given us this term's true meaning. Also, might there not be other interpretations, such as the one represented by those who believe that the Four Sunnī Imams have already done this duty, thereby obviating it for the Ummah at large? Or what about those who say that the entire *fiqhī* legacy must be discarded and replaced by a new one that is not necessarily based on traditional principles and guidelines, or those who believe that the Ummah's decline is the reason for the gulf that has opened up between it and the reality of Islam? This latter group, while well aware of what needs to be done to restore the Ummah to its former position in the world community, unfortunately does not have the necessary resources and numbers needed for actually changing the course of events. In addition, the Ummah's existing condition is so far removed from the purity of its original sources, and consequently distorted by secularism, westernization, and the process of cultural change, that no one group alone can do the job.

Given all of the above, are there any specific courses of action that will actually contribute to opening the door of ijtihad? Upon reflection, it seems that there are two: considering all of the guidelines, rules, and preconditions for the process of ijtihad, along with its higher purposes (i.e., so entrenching ijtihad in the Muslim mind that it becomes the regulator of the Ummah's every move); and accepting the option advocated by the secularists and non-religious Muslims: fling open the door of ijtihad as wide as possible and then interpret ijtihad in such a way that it can be used to justify the results, regardless of whether the rulings were based on traditional *fiqhī* criteria or not. Currently, it seems that this latter group has the upper hand, for it has found many unqualified people willing to issue the desired rulings. Also, some contemporary *fuqahā'* are more than willing to issue the rulings "requested" by those in authority. Moreover, those *fuqahā'* who have, for whatever reason, chosen to remain aloof and uninvolved have, in effect, left all self-proclaimed scholars free to issue their rulings.

A final factor is the failure of many contemporary *fuqahā'* to provide workable solutions to problems, due to their incomplete understanding of the issues or their inability to fully realize the significance of their premises and

predicates. Thus, many of their rulings seem to be more applicable to an ear-lier age, a development that only discredits the entire endeavor and the peo-ple involved.

Given all of the above, this study will focus on several of the previ-ously ignored issues connected with ijtihad. The study's main goals are to place these issues within the overall context of the ijtihad process, explain why they must be studied, establish their validity and relevance, and define them. By doing this, establishing a contemporary Islamic methodology based on the classical discipline of juridical source methodology and fiqh may proceed apace by using its methodological resources to treat those issues that must be dealt with if the goals are to be realized.

Among these issues are the following:

- Presenting the Islamic theory of knowledge and its most important ele-ments, means, and devices, as well as the role of each.

- Formulating an exact and precise definition of the relationship between revelation (*waḥy*) and reason. This will help Muslims solve many of the problems arising from the relationship of knowledge to religion and of knowledge to practice. It will also help us understand ijtihad from the perspective of reality, experience, and practice.

- Developing an agreed-upon system of argument and dialogue, respect and acceptance for differing opinions and results, and an understanding as to why this is essential if scholars are to guide the Ummah's footsteps aright.

Therefore, this article is presented in the spirit of being the first in a series designed to clarify the source methodology of fiqh and the method-ology of ijtihad for those social scientists who are interested in applying what has been discussed here to the effort to Islamize knowledge in general, and its methodology in particular. Hopefully, this methodology will benefit from the resulting definitions, clarifications, and organization of a discipline so that it can one day stand on a solid methodological foundation. Only if this present dream becomes a reality will Muslim social scientists be able to study social phenomena, with all their attendant diversity and complexity, within an Islamic framework and an epistemological paradigm. Then, they will begin to rebuild Islamic civilization on the basis of its own understand-ing of the social sciences. This deconstruction and subsequent reconstruc-tion must be achieved if the Muslim Ummah is ever to assume its divinely ordained position as a witness to other nations.

NOTES

1. The reference here is to the verse in *Sūrat al-Baqarah*: "Thus We have made of you a median Ummah, that you might be witnesses over all people" (2:143).

2. Munīr Shafiq, *Al-Islām fī Maʿrakah al-Ḥaḍārah*, 12-13. See also Sayf ʿAbd al-Fattāḥ, *Al-Tajdīd al-Siyāsī wa al-Khibrah al-Islāmiyyah*. Ph.D. diss., Cairo University, College of Economics and Political Science, 1987.

3. Shafiq, *Al-Islām,* 36. See also ʿAbd al-ʿAzīz al-Khayt, *Manāhij al-Fuqahā'* (Cairo and Damascus: Dar al-Salam, 1406/1986), 7.

4. For a more detailed discussion, see *Islamization of Knowledge: General Principles and Work Plan* (Herndon, VA: International Institute of Islamic Thought, 1409/1989).

5. For the distinction between praiseworthy and blameworthy differences (*ikhtilāf*), see al-Shāfiʿī, *Al-Risālah,* ed. Aḥmad M. Shākir (Cairo: al-Ḥalabī and Sons, 1940), 560; al-Shāfiʿī, *Jimāʿ al-ʿIlm,* ed. Aḥmad M. Shākir, (Cairo: n.d.); and Ṭāhā J. al-ʿAlwānī, *Adab al-Ikhtilāf fī al-Islām* (Herndon, VA: International Institute of Islamic Thought, 1987).

6. ʿAbd al-Raḥmān al-Maḥallāwī, *Tashīl al-Wuṣūl ilā ʿIlm al-Uṣūl* (Cairo (Muṣṭafā al-Bābī, n.d.), 8-9.

7. See Al-Shaykh al-Murṣafī, *Bughyat al-Muḥtāj* (Cairo: Maktabah al-Azhar, n.d.), no. 1442, 4.

8. Among the stranger instances of ijtihad undertaken by such writers is their transferral of the day and the duty of the *jumʿah* prayer to Sunday in western countries, where Sunday is nearly universally a holiday. Likewise, some of these people have proclaimed that Muslims may now eat pork, for pigs are raised under carefully controlled conditions, whereas during the time of the Prophet they were allowed to run free. Another instance of such "ijtihad " is the opinion that polygamy is allowable only for the guardians of orphans, as they are the only ones mentioned specifically in the verse that legislated polygamy. A further instance is denying that jihad as one of the principles of Islam.

9. Some of the recent studies of ijtihad and *taqlīd* presented tentative discussions of these issues, inasmuch as they at least indicated that they were important. But such indications, though certainly important, did no more than present these issues in a scattered and fragmentary manner. Thus, they were not placed within the framework of an overall scheme for the study of *taqlīd* and ijtihad, or for understanding.

10. *Muwāfaqāt al-Shāṭibī wa Maqāṣid al-Sharīʿah* (by Shaykh Muḥammad al-Ṭāhir ibn al-ʿĀshūr) and *Maqāṣid al-Sharīʿah* (by ʿAllāl al-Fāsī) are two examples of such works. There are several recent dissertations and graduate-level studies on the subject as well, such as *Al-Ahdāf al-ʿĀmmah fī al-Sharīʿah al-Islāmiyyah* (by Dr. Yūsuf al-ʿĀlim), soon to be published by the International Institute of Islamic Thought, and *Naẓarīyāt al-Maqāṣid ʿinda al-Imām al-Shāṭibī* (by Dr.

Aḥmad al-Raʿīsūnī), published in Morocco by the International Institute of Islamic Thought.

11. Among the studies that have dealt with this issue are the following: Muḥammad Muṣṭafā al-Marāghī, *Al-Ijtihād fī al-Islām* (Cairo: al-Maktab al-Fannī li al-Nashr, 1379 AH); Muʾtamar al-Fiqh al-Islāmī, *Al-Ijtihād fī al-Sharīʿah al-Islāmiyyah* (Saudi Arabia: Jāmiʿah al-Imām Ibn Saʿūd al-Islāmiyyah, 1401/1981); Al-Mūsāwī, *Al-Naṣṣ wa al-Ijtihād*, ed. Abū Mujtabā (Beirut: Al-Dār al-Islāmiyyah, 1414 AH); Riḍā al-Ṣadr, *Al-Ijtihād wa al-Taqlīd* (Beirut: Dār al-Kitāb al-Lubnānī, 1976); Muḥammad Ibrāhīm Shaqrah, *Al-Raʾī al-Sadīd fī al-Ijtihād wa al-Taqlīd* (1401/1981); and Aḥmad Ibrāhīm ʿAbbās al-Darāwī, *Naẓarīyat al-Ijtihād fī al-Sharīʿah al-Islāmiyyah* (Jeddah: Dār al-Shurūq, 1403/1979).