

CONTENTS

FOREWORD	i
INTRODUCTION	iii
PART I: ISLAMIC THOUGHT	1
SOME REMARKS ON THE ISLAMIC AND THE SECULAR PARADIGMS OF KNOWLEDGE	3
Introduction	3
<i>Tawhīd</i>	5
Revelation	5
Purifying Methodology from Negative Elements	7
TOWARD AN ISLAMIC ALTERNATIVE IN THOUGHT AND KNOWLEDGE	9
Introduction	9
The Present State of Thought	9
The Present State of Knowledge	10
The Present State of Muslim Education	11
The Present Civilizational State of the Ummah	12
Toward an Islamic Alternative	13
Toward a Strategy for Knowledge	15
THE RECONSTRUCTION OF THE MUSLIM MIND: THE ISLAMIZATION OF KNOWLEDGE	21
THE ISLAMIZATION OF KNOWLEDGE: YESTERDAY AND TODAY	26
Introduction	26
The Reality and Importance of the Islamization of Knowledge	30
The Six Discourses	35
The Islamization of Knowledge Undertaking	42
THE ISLAMIZATION OF THE METHODOLOGY OF THE BEHAVIORAL SCIENCES	49
The Shari'ah Sciences	55
PART II: ISSUES IN ISLAMIC JURISPRUDENCE	63
THE CRISIS OF THOUGHT AND <i>Ijtihad</i>	65
Introduction	65
What Do We Mean by <i>Ijtihad</i> ?	66
<i>Ijtihad</i> : The Ally of <i>Jihad</i>	66
Right or Wrong, the <i>Mujtahid</i> Is Rewarded	67
The Lexical and Technical Meanings of <i>Ijtihad</i>	68
How Can the Problems of <i>Taqīd</i> and Dependency Be Overcome?	68

TAQLĪD AND THE STAGNATION OF THE MUSLIM MIND	70
The Origins and Beginnings of <i>Taqīd</i>	70
<i>Taqīd</i> and the Ummah's Crisis	71
<i>Taqīd</i> : A Natural (Original) Condition or a Deviation?	71
<i>Taqīd</i> : For Muslims or Non-Muslims?	73
Sources of Knowledge	74
How Did Muslims Sink to the Level of <i>Taqīd</i> ?	76
The Consequences of <i>Taqīd</i>	77
Conclusion	80
TAQLĪD AND IJTIHAD (PART ONE)	82
The Polemics of Ijtihad	82
The Dynamism of Ijtihad in Restructuring Islamic Methodology (<i>al-Minhāj</i>) ..	83
A Panoramic Assessment of Ijtihad's Progression	85
The Traditional Role of the <i>Faqīh</i>	89
Unresolved Issues of Ijtihad	90
TAQLĪD AND IJTIHAD (PART TWO)	97
The Lexical and Technical Meanings of <i>Taqīd</i>	97
The Legal Ruling on <i>Taqīd</i> : The Companions and <i>Taqīd</i>	98
The Imams and <i>Taqīd</i>	100
The Forms of <i>Taqīd</i> as Defined by the <i>Fuqahā'</i>	102
THE CRISIS IN <i>FIQH</i> AND THE METHODOLOGY OF IJTIHAD	108
Introduction	108
The Decline of Ijtihad	110
<i>Fiqh</i> and Intellectual Freedom	112
<i>Fiqh</i> in the Ottoman Empire	114
Significant Features of the Ottoman Period	114
The Crisis of <i>Fiqh</i>	115
A Methodological Perspective: Is the Door of Ijtihad Closed?	120
Conclusion	123
THE ROLE OF ISLAMIC IJTIHAD IN THE REGULATION AND	
CORRECTION OF CAPITAL MARKETS	129
Ijtihad	132
Economics and the Capital Market	138
Conclusion	156
PART III: HUMAN RIGHTS	159
THE TESTIMONY OF WOMEN IN ISLAMIC LAW	161
The Evidence of the Sunnah	170
NATURALIZATION AND THE RIGHTS OF CITIZENS	187
THE RIGHTS OF THE ACCUSED IN ISLAM (PART ONE)	196
Introduction	196
Historical Development of the Judiciary	197
Judicial Organization and Its Sources	201
The Accused	202
Principles That Must Be Considered	205

THE RIGHTS OF THE ACCUSED IN ISLAM (PART TWO)	212
The Right to a Defense	212
The Accused's Seeking Legal Defense from a Lawyer	213
The Accused's Right To Remain Silent and To Be Heard	215
Statements Made under Duress	215
Confessions Obtained by Deceit	220
The Accused's Free Confession and Right to Retract	221
The Accused's Right to Compensation for Mistakes in Adjudication	222
Conclusion	223
PART IV: POLITICAL THOUGHT	227
POLITICAL SCIENCE IN THE LEGACY OF CLASSICAL ISLAMIC LITERATURE	229
Challenges Facing Muslim Scholars	230
Steps along the Way	231
MISSING DIMENSIONS IN CONTEMPORARY ISLAMIC MOVEMENTS	235
Introduction	235
The Contemporary Islamic Discourse: Missing Dimensions	236
<i>Testimony and Responsible Witnessing (236) • Missing Dimensions: A Discovery Procedure (237) • Toward a Comprehensive Awareness (238) • Universal Crisis, Universal Solution (238) • The Tendency To Compromise or Reject: Its Origins (239) • The Need for Methodology (240) • The Acquisition of Power: Is It a Solution? (240) • Constituents of Well-Being in the Past (241) • Wrong Analogy (242)</i>	
The Ummah's Decline: Underlying Causes	242
<i>Secularism vs. Reform (242)</i>	
Toward a Comprehensive View of the Revelation and the World	245
<i>New Logic (245) • Methodological Understanding and the Combined Reading of the Qur'an and the Universe (246) • Impasses of Contemporary Muslim Action (250) • Collective Ijtihad and Collective Action (251) • Going It Alone: The Pitfall of Exclusiveness (252) • The Genesis of Exclusive Thought (255)</i>	
Summary	256
Toward a Resolution of the Crisis	258
<i>Comprehensiveness (258) • The General Approach to Humanity, Time, and Place (259) • Purposefulness (259) • Universality (260) • Obstacles on the Way to Islamic Universality (261) • Islamic Universality vs. Western Universalism (262) • Contemporary Western Civilization: Background and Distinguishing Features (263) • The Logic of Entering into the Peace of Islam (266) • Determinants of the Crisis in the Western Mind (268)</i>	
Course of Action	270
<i>Determinants of the Crisis in the Muslim Mind (271)</i>	
Concluding Remarks	275
AUTHORITY: DIVINE OR QUR'ANIC?	280
INDEX	295